



NURTURING NATURE  
Livelihood Sovereignty Alliance

# **From Community Forest Land Rights to Livelihood Sovereignty and Wellbeing**

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KNOWLEDGE PUBLISHING HOUSE

# From Community Forest Land Rights to Livelihood Sovereignty and Wellbeing

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## PREFACE

The Livelihood Sovereignty Alliance (LISO) based in Vietnam has a long standing reputation for of supporting inaugurating and developing subsistence livelihood sovereignty, particularly for indigenous ethnic minorities in the Mekong region.

By documenting the facts and livelihood conditions, and supporting and promoting the land rights and forest rights for indigenous ethnic communities, a very fundamental contribution is made to safeguard the natural environment with its unique biodiversity and ecological functions. Not only a local effect but even a regional and global effect can therefore be reached by adopting appropriate reforestation and subsistence improvement technologies like Rainforestation-Farming® and indigenous land use methods in harmony with nature.

The Livelihood Sovereignty Alliance (LISO) is to be congratulated for their efforts to document the facts and challenges of indigenous ethnic communities in their struggle for reaching self-determined livelihood sovereignty. These genuine efforts, and especially the contribution to global climate protection, are supported by NatureLife-International in cooperation with the High Performance Computing Center Stuttgart (HLRS).



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## FOREWORD



*Figure 1: Lao Loum Elder in Xiang Da village, Nam Bak district, Luang Prabang province, Laos worships Nature's Spirit in the traditional Buot Ton May Ritual. Picture by CHESH Lao, 2007.*

The central challenge facing indigenous ethnic minority peoples today is preserving their spiritual beliefs and values that are embedded in their relationship to their traditional lands, and which govern their land use practices. This is particularly challenging today, as these beliefs, values and practices are totally different from those that are being promoted globally by large transnational corporations, international financial organizations and nation-states. But as the devastating environmental, social and political consequences of unbridled capitalist development becomes clear to everyone, the search for an alternative set of values for relating to both humans and nature becoming increasingly urgent. We of the Livelihood Sovereignty Alliance (LISO) believe that the values we need to adopt are those that have been preserved for us by indigenous peoples around the world.

Our own efforts in this regard have, over the last 23 years, been limited mainly to the Mekong region of Southeast Asia. And here, given our understanding that there is an intimate connection between a people's beliefs and values and their relationship to their land, our work has been directed firstly toward ensuring they retains rights to that land; and, because in the Mekong region indigenous ethnic minority land is governed communally, our efforts have been put into securing legalization of communal land title. This publication documents our methodology and our achievements in this regard. Not everywhere, however, has

community land ownership been achieved – individual household ownership is in some cases all that has been allowed by the state; but in all cases, whether the land has been granted for communal or individual household ownership, we have ensured that it is governed according to local customary law. In this way the traditional spiritual beliefs and values associated with the land have been preserved as the fundamental guiding principles governing the land’s use.

As a small organization we are not able to achieve an immediate and total nation-wide transformation of land law - though we have had some success in this area. We aim instead to provide demonstration models of a better mode of land management for achieving greater community wellbeing. Our guiding concept is that of ‘Livelihood Sovereignty’, defined in terms of five fundamental rights: 1) the right to land; 2) the right to practice one’s own religion on one’s land; 3) the right to live according to one’s own cultural values; 4) the right to farm one’s land according to one’s own ecological knowledge; 5) the right to co-govern the land in harmony with neighboring communities. Experience has shown that wherever livelihood sovereignty is achieved, the land will exhibit 5 core characteristics of a viable eco-system: 1) diversity; 2) uniqueness; 3) interaction; 4) adaptability; and 5) sustainability. We believe that any practices that match these Ten Standards of Livelihood Sovereignty and Ecological Viability as a home of all living beings will result in an ethical, harmonious, equitable, just and dignified standard of human, social and economic development.

The achievements documented in this publication are the result of over 23 years of work by seven closely interrelated organizations: Toward Ethnic Women (TEW, 1994); Centre for Human Ecology Studies of Highlands (CHESH, 1999); Center for Indigenous Knowledge Research and Development (CIRD, 2000); Social Policy Ecology Research Institute (SPERI, 2006); Culture Identity and Resources Use Management (CIRUM, 2006); Consultancy on Development Institute (CODE, 2007); Community Entrepreneur Development Institute (CENDI, 2015), along with a network of indigenous key-farmers and traditional spiritual leaders.

Thank you to all the traditional elders of the communities with whom we have worked together over the last 23 years. They are the foundation of all our learning and moving forward. The copyright of this publication belongs to them.

**Tran Thi Lanh, Founder**

# Table of Contents

<b>PREFACE</b> .....	<b>3</b>
<b>ACKNOWLEDGEMENTS</b> .....	<b>4</b>
<b>FOREWORD</b> .....	<b>5</b>
<b>WHY DO WE CARE ABOUT THIS?</b> .....	<b>9</b>
<b>WHAT IS THIS DOCUMENT ABOUT?</b> .....	<b>10</b>
<b>THE ‘SPEAKING NUMBER’ SINCE 1995</b> .....	<b>6</b>
<b>PART 1: CORE PRINCIPLES OF LIVELIHOOD IDENTITY AND LIVELIHOOD SOVEREIGNTY</b> .....	<b>7</b>
Livelihood Identity.....	7
Livelihood Sovereignty.....	8
<b>PART 2: 30 STEPS METHODOLOGY IN CLAIMING FORESTLAND RIGHTS FOR ETHNIC GROUPS</b> .....	<b>10</b>
<b>PART 3: PROCESS TOWARDS LEGALIZATION OF CUSTOMARY LAW ON CO-GOVERNING FORESTLAND FOR THE COMMUNITY PRIOR TO THE CEREMONY OF GRANTING FORESTLAND RIGHT TITLE</b> .....	<b>15</b>
<b>PART 4: THE 11-STEPS PRACTICAL GUIDANCE FOR COMMUNITY BASED FORESTLAND ALLOCATION</b> .....	<b>19</b>
Principles of community-based land and forest allocation.....	20
Steps in community-based land and forest allocation .....	21
<b>PART 5: INTEGRATING CUSTOMARY LAW INTO COMMUNITY BASED FORESTLAND ALLOCATION</b> .....	<b>28</b>
<b>PART 6: THE 22-YEARS RESULTS OF CLAIMING FORESTLAND RIGHTS FOR ETHNIC COMMUNITIES</b> .....	<b>30</b>
Total forestland areas allocated to households 1995-2016 .....	30
Total forestland areas allocated to community organizations 1995-2017 .....	31
<b>PART 7: CASE STUDIES FACILITATE BY LISO</b> .....	<b>36</b>
Case study 1: Recognition of land rights of the Xinh Mun and sustainable natural resources planning in Bo Ngoi village .....	36
Case study 2: Community-based land allocation and forest management in On Oc village, Muong Lum commune, Yen Chau district, Son La province .....	40
Case study 3: Community Customary Law-Based Forestland Allocation in Simacai and Bat Xat districts, Lao Cai province .....	43
Case study 4: Community based Forest Land Allocation case study in Bac Lang commune.....	47
Case study 5: How to regain forest land for Nung minority in Ho Muoi as a model for lobbying..	50
Case study 6: Community based forest and land allocation programme in Dong Thang.....	52
Case study 7: Co-management based protection forest and land allocation case study in Hoa Son .....	54
Case study 8: Community Protection Forest and Land Allocation in Ho Moong commune, Sa Thay District, Kon Tum Province.....	56
Case study 9: Community Forest and Land Allocation Case study in Sin Cheng commune.....	58
Case study 10: Recognition of the rights of the Thai communities and households in Hanh Dich commune, Que Phong district, Nghe An province over their traditional forest land .....	60
Case study 11: Forestland rights and the Truong Son forestry cooperative in Son Kim commune, Huong Son district, Ha Tinh province .....	64

Case study 12: Forestland rights for poverty alleviation in Tuyen Hoa, Minh Hoa and Bo Trach districts, Quang Binh province .....	2
Case study 13: Resources rights of indigenous ethnic groups for sustainable development in the Central Highlands regions .....	68
Case study 14: Counter-mapping for customary forestland rights and community governance .	71
Case study 15: The new 9 villages of red Dzao indigenous ethnic community of Phin Ngan commune, Bat Xat district, Lao Cai province successfully obtained community claims over 192 ha of forests and lands .....	76
Case study 16: 4 villages of H're indigenous ethnic minority communities in Po E commune, Kon Plong district, Kon Tum province .....	82
<b>CONCLUSION .....</b>	<b>86</b>
<b>MAP OF COMMUNITY SPIRIT FORESTLAND FACILITATED BY LISO .....</b>	<b>88</b>
<b>From Community Forest Land Rights to Livelihood Sovereignty and Wellbeing .....</b>	<b>89</b>



## WHY DO WE CARE ABOUT THIS?

**L**and and forest are the vital cultural and livelihood spaces of indigenous ethnic communities in many areas, especially in the uplands. However, issues concerning *access to land and forest (i.e. land rights and forest rights) remain the most critical issues yet to be fully addressed in Vietnam and Lao PDR;*

More importantly, the *spiritual lands and forests of indigenous ethnic communities* play a very essential role in shaping, nurturing and maintaining cultural identity and cultural values and thus stabilizing their daily livelihoods; however, these *have not yet been fully recognized by Vietnam Law (Land Law and Law on Forest Protection and Development);*

The currently *lacking of or not having suitable/enough space and environment*, particularly in Vietnam, for indigenous ethnic communities to practice their culture and livelihoods is one of the key causes that is *leading to the erosion of indigenous minorities' customary laws associated with their community structures and social relationships;*

Up to 2012, *about 65% of all upland indigenous ethnic minority households across Vietnam have not yet been granted forestland titles;*

The governments of Vietnam and Lao PDR have put efforts in addressing forestland rights issues; but the progress made has been rather slow.



*Figure 2: Part of Ban Ke village of the Ma Lieng ethnic minority group in Lam Hoa commune, Tuyen Hoa district, Quang Binh province, Central Vietnam. Picture by CIRDA, 2001.*

## WHAT IS THIS DOCUMENT ABOUT?

The purpose of this document is to describe in detail the core principles of SPERI and the newly born Livelihoods Sovereignty Alliance (hereafter referred as LISO), our methodologies and achievements in working towards claiming rights to livelihoods for indigenous ethnic communities in the contexts of Vietnam and Lao PDR.

It is a timely moment when LISO feels that we need to document and share our unique methodology and principles that continue to succeed where other civil society organization may not been able to pursue further in the areas of land and forest rights.

Over a 22 years' journey, LISO has continued actively to achieve definite results and at the same time enjoy seeing the growth and changes in capacity and confidence of many indigenous ethnic groups who are now able to make their own livelihood decisions after their land and forest rights have been claimed.

We are proud to be able to continue working, after 22 years of working in the context of little socio-political freedom in Vietnam, to wherever and whenever possible, have the great traditional customary values of indigenous ethnic groups incorporated into the law, and gain recognition by the society as well as by Law.



*Figure 3: Villagers and LISO staff discuss sustainable shifting cultivation in the field at Hin Lad Nai village.  
Picture by SPERI, 2011.*

## THE 'SPEAKING NUMBER' SINCE 1995

**62,672.58 hectares of forestland areas were allocated to indigenous ethnic minority households and community organizations in Vietnam and Lao PDR.**

- **44,274.03** hectares of forestland areas were allocated to 8,268 ethnic indigenous minority households in Vietnam and Lao PDR.
- **18,389.55** hectares of forestland areas were allocated to 77 ethnic community organizations in Vietnam and Lao PDR.

*Figure 4: Traditional village leader, Elder Xay Khu Zang in Long Lan shares the traditional community territory legitimized by local government in 2005. Picture by CHESH Lao, 2007.*



## PART 1: CORE PRINCIPLES OF LIVELIHOOD IDENTITY AND LIVELIHOOD SOVEREIGNTY

This part provides our definitions of LISO's core principles of Livelihood Identity and Livelihood Sovereignty. These are the guiding principles shedding light into our daily/yearly works over the 22 years, as to why rights to livelihoods of indigenous ethnic communities matter to us.

The definitions were originated by our Founder after long years of practical experiences and setting up a unique methodology of doing research/studies through learning, engaging and maximizing the voices and identity and wisdom of the many disadvantaged indigenous ethnic groups.

### Livelihood Identity



*Figure 5: Elder Ha Van Tuyen in Pom Om village, Hanh Dich commune, Que Phong district, Nghe An province – Central Northern Vietnam shows the customary law of the Black Thai ethnic in herbal medicinal forest preservation. Picture by SPERI, 2006.*

Working towards claiming rights to livelihoods means we are striving for livelihood identity and livelihood sovereignty. Our Founder learnt that every 'livelihood' has its own 'identity'. 'Livelihood Identity' defines a holistic system of social identity which reflects an interaction of living things within a relationship between humans and nature for maintaining its own

characteristics culturally, socio-civilly, ecologically and economically'. For almost every society, particularly the indigenous ethnic groups, Livelihood and Identity are especially interrelated interactively. And to achieve the five rights of Livelihood Sovereignty for holistic, sustainable, inter-generational development it means that a group can and should sustain their own livelihood, and also preserve their own identity - that which distinguishes them from others. Ethnic Identity of each group depends on the five inter-related rights of Livelihood Sovereignty and Livelihood Identity. The achievement of their Wellbeing and Happiness can only be real if each group can handle independently both their own Livelihood Sovereignty and Livelihood Identity. And we believe that: 'Well-being is your own gift to yourself, from your own values and behavior. If you consciously nurture this gift, at any moment in your life, it will return to you the happiness that is yours. Thereafter, your sovereignty of freedom and creativeness will not desert you'.

### Livelihood Sovereignty



*Figure 6: Black Thai woman in Hanh Dich commune, Que Phong district, Nghe An province, Central North of Vietnam in the traditional Gong dance. Picture by SPERI, 2006.*

**L**ivelihood Sovereignty is defined as 'a holistic ethical alternative solution', which consists of five inter-related rights, including: the right to land, forest

and water (*basic*); The right to maintain one's own religion (*unique*); the right to live according to one's own culture (*practice*); the right to operate according one's own knowledge and decide what to plant, initiate, create and invent on one's own land (*holistic*), and the right to co-manage or co-govern natural resources with neighboring communities and local authorities (*strategic*).

It needs to be exercised daily, voluntarily and legally, at individual, communal, national and international levels in order to consolidate the sharing of the responsibility towards all living things, for today as well as for the generations of tomorrow. With the achievement of Livelihood Sovereignty, all organisms, human and non-human, will be living in harmony with each other, enjoying happiness and wellbeing, in interdependent self-determination'.

*Biological Human Ecology*

**Tran Thi Lanh**

## PART 2: 30 STEPS METHODOLOGY IN CLAIMING FORESTLAND RIGHTS FOR ETHNIC GROUPS



*Figure 7: Hmong villagers in Lung Sui commune, Simacai district, Lao Cai province, northern Vietnam with local technicians and SPERI staffs in forest land measurement. Picture by SPERI, 2011.*

Following the core principles, this part provides an overall guideline to the 30 unique steps for claiming land and forest rights in which LISO has attempted to engage local people, maximizing their knowledge, wisdom and experiences, as well as other actors, in a joint process of resolving forest and land issues and minimizing conflicts. These 30 unique steps are synthesized from our 20 years of experience in working on forestland allocation programs since 1995. Detailed practical guidance for community-based forestland allocation shortened to 11 steps, with required activities and outputs, is also provided (*see Part 4*). The seven-step methodology of CIRUM for resolving conflicts and allocating forestland (FLAP) should also be acknowledged, but its key contents are reflected in the shortened eleven steps provided in Part 4.

**STEP 1:** Conduct research, together with local people, on the reality, causes and consequences of landlessness, and find ways for the local people to retrieve land and forest which has been occupied by outside actors.

**STEP 2:** Facilitate briefings and training of key persons and traditional leaders to improve their capacity to negotiate with local authorities and land occupiers.

**STEP 3:** Provide training for key-farmers on laws and sub-laws relating to forest land rights, pointing out errors and shortcomings in the current bureaucratic process.

**STEP 4:** Facilitate community-based planning for negotiations, focusing on the role of customary laws, and informing land and forest occupiers of the environmental, social, cultural, moral and religious outcomes and consequences of the process of land and forest grabbing.

**STEP 5:** Seek consent from land occupiers and local authorities via processes of direct negotiation and criticism.



*Figure 8: Black Thai man in Hanh Dich commune, Que Phong district, Nghe An province, Central north of Vietnam participates in community based forestland allocation. Picture by SPERI, 2013.*

**STEP 6:** Organize study tours, sharing experiences of methods of community-based land and forest allocation and customary law-based conflict resolution, as illustrated by successful pilot models in Vietnam and Lao PDR since 1995.

**STEP 7:** Facilitate the selection of key-farmers, village elders and youths to represent the community, cooperating with professional land and forest technicians and local authorities to participate in training courses and discussions on overlapping land boundaries and conflict.

**STEP 8:** Establish an advisory board for land and forest allocation, which involves traditional leaders, key-farmers, representatives of local authorities and professional technicians.



**STEP 9:** Support this advisory board to work closely with the community to set up regulations, scheduling plans and solutions to the land and forest border overlapping, occupation and conflicts.

**STEP 10:** Establish a district-level leading board for land and forest allocation, which involves traditional leaders and key-farmers, to create opportunities for mutual learning and understanding between formal and traditional systems.

**STEP 11:** Support a taskforce for land and forest allocation in the field, which includes members of the advisory board and the district leading board. This taskforce helps to set up regulations, which correspond to both statutory and customary requirements, aiming at retrieving community traditional land and forests in a peaceful and amenable manner.

**STEP 12:** Organize meeting between local people, experienced key-farmers from successful pilot models of land conflict resolution, and occupiers of land and forest.

**STEP 13:** Facilitate a taskforce for land and forest allocation to work with local people (who are selected as household representatives) to survey the land, identifying errors in the maps and borders between households, communities and enterprises caused by overlapping occupation.

**STEP 14:** Organize training workshops for local people to share evidence of overlapping occupation of community land, traditional sacred forests, watershed forests, herbal forests, and clan forests, and to share experiences from successful pilot models, and find solutions.



*Figure 9: Black Thai women in Hanh Dich commune, Que Phong district, Nghe An province, Central north of Vietnam measure the forest volume. Picture by SPERI, 2013.*

**STEP 15:** Organize practical training to assess the capacity of different types of forests on the basis of local knowledge, people's participation and suitable technology. This step is done before the official measurement and other land allocation procedures.

**STEP 16:** Inform the district chairperson of the reality of land management, overlapping and land occupation.

**STEP 17:** Set up an action plan for the taskforce in the field for lobbying local authorities to make decisions on the allocation of the land affected by overlapping and occupation.

**STEP 18:** Organize training workshops for local people to discuss their rights and obligations in using land and forest allocated by the local authorities.

**STEP 19:** Set up detailed action plans, procedures, land use plan, for forest management in the field, together with local people, representatives of local authorities and technicians.

**STEP 20:** Set up a new set of maps describing borders, land use, and forest management after completing legal procedures and technical, official works.



*Figure 10: Village and community forest of Nung ethnic in Ban Me commune, Simacai district, Lao Cai province, Northern Vietnam. Picture by SPERI, 2014.*

**STEP 21:** Organize a training workshop for the entire community to help them understand legal decisions, community rights and obligations in the implementation of a land use plan and the governance of different types of forests.

**STEP 22:** Facilitate discussion among community members on community regulations for the implementation and supervision of land use plans and forest management. This regulation is made on the basis of consent among the entire community and the surrounding communities.

**STEP 23:** Submit a draft of community regulations to the communal authority for monitoring before sending to the district authorities for approval.

**STEP 24:** Document the whole process of land and forest allocation and distribute this among households, communities, and relevant functional offices at district and communal levels.

**STEP 25:** Process data on land zoning, land use planning, forest management, land rights, and forest co-management rights, to register and establish archives at the relevant functional offices at district and communal levels.

**STEP 26:** Organize a ceremony for granting land certificates and rights to the co-management of forest to households, individuals and community.

**STEP 27:** Support and advice the community management board to set up sign boards with diagrams and regulations on land use and forest co-management, and to clarify border landmarks.

**STEP 28:** Organize workshops at regional and national levels to share the methodological steps for land and forest allocation. Participants in the workshops should consist of local people, local authorities, the media, policy makers, community development organizations, functional technical agencies, and relevant neighboring enterprises and companies.

**STEP 29:** Review and compile records of discussions and analysis from the workshops to arrive at recommendations to send to members of the National Assembly and policy makers dealing with drafting land law. Recommendations are simultaneously updated and posted on SPERI website.

**STEP 30:** Document research and policy analyses of land use and co-management of forests, and socio-economic, environmental, cultural, religious, and political impact indicators, in which land use rights and co-management of forests are the underpinning strategy aimed at strengthening people's confidence, self-determination and securing their livelihoods on their own land and forests.

Integrate documentation of policy analysis of land use plan and co-management of forests into rural development policies, so as to continue lobbying for the land and forest rights of the indigenous ethnic communities in Mekong region.

### PART 3: PROCESS TOWARDS LEGALIZATION OF CUSTOMARY LAW ON CO-GOVERNING FORESTLAND FOR THE COMMUNITY PRIOR TO THE CEREMONY OF GRANTING FORESTLAND RIGHT TITLE



*Figure 11: Black Thai elder and community leaders write Thai scripts of the regulation in herbal medicine forest preservation in Pom Om village, Hanh Dich commune, Que Phong district, Nghe An province, Central north of Vietnam. Picture by SPERI, 2006.*

**F**ollowing the earlier 30 unique steps toward claiming forestland rights for ethnic groups in order to obtain the consent from State authorities (government and relevant agencies) with regards to forestland rights for ethnic communities, the following steps are compulsory for LISO colleagues to follow:

**Step 1:** The customary law-based community regulation (based on the logics of the values of the community) must have the signatures (or finger-prints) of all the households right after the final community meeting and consensus session, witnessed by the village head, party secretary, representatives from the veteran's union, forest protection group, farmers' union, women's union, and youth union, and any leaders from the traditional self-help groups in the community. This is important because co-governance of land and forest, as public asset, should be the responsibility of everyone in the village and society (from the political perspectives of LISO Alliance);

**Step 2:** The village head, on behalf of the entire community, submits a formal letter accompanied by the customary law regulations to the Communal People's Committee. The letter must also be addressed to: 1) the Communal Land Department; 2) the Communal Resources and Environment Department, if any;

3) any representatives from the communal unions, associations or groups; 4) the communal Women's Union; 5) the communal Veterans' Union; 6) the communal Farmers' Union; 7) the Communal Peoples Committee; 8) the communal People's Council; and 9) the Party Secretary of the commune;

**Step 3:** After 15 days from submission, if the village head has not received any response from the Communal People's Committee, the village head needs to send a 2nd letter to remind the Communal People's Committee and relevant offices. The same letter associated with the customary law regulation should be sent to all the same addresses (mentioned in step 2);

**Step 4:** If there has been no response after 15 days, the village head must submit the same letter associated with the customary law regulation to district authority level;



*Figure 12: The Hmong in Si Ma Cai (Lao Cai) to exchange experiences with Black Thai in Hanh Dich commune, Que Phong district, Nghe An province, Vietnam in customary law based regulation in community forest land management. Picture by SPERI, 2006.*

**Step 5:** In case of receiving feedback, i.e. agreement from the Communal People's Committee, this should include: 1) Written approval of the Standing Committee of the Communist Party; 2) agreed Resolution of the Communal People's Council; and 3) Decision issued by the Communal People's Committee allowing the execution of customary law regulation. With respect to the 30 steps methodology above, LISO colleagues should further the commitments to continue working with village leaders to strengthen the following skills:

Skill in filing system with priorities and orders of necessary documents prior to stapling them into customary law regulation;

Skill in understanding orders and the importance of various documents prior to issuing the regulation if they benefitted traditional self-help groups and community interest groups;

Skill in applying regulations into daily life; facilitating shared responsibility and promoting the rights of each community member;

And when there is emergency, skill in knowing how to deal with cases through promoting joint responsibility in governing the resources.

**Step 6:** The document (customary law regulations) should include:

Administrative Land map of the communal border, Land map of the village border showing exactly the areas that would be granted forestland rights title (printed in A4 size);

Article 160. Religious Land - Land Law 2013. This article was exclusive of 15 million people who are ethnic minorities who belief in nature worships;

Article 29. Law on Forest Protection and Development 2004;

Decree 163 on Land use rights certificate;

Legal Map of land and forest allocation (printed in A4 size);

Forestland rights title (or Red book) (copy with notary authority);

Written approval of the Standing Committee of the Communist Party (copy with notary authority), and its letter sent to the Communal People's Council (communal parliamentarian) requesting to issue resolution (copy with notary authority);

Agreed Resolution of the Communal People's Council to allow the execution of customary law regulations (copy with notary authority);

Decision issued by the Communal People's Committee allowing the execution of customary law regulations (copy with notary authority), signed and stamped by the Communal People's Committee;

The minutes, with signatures (or finger-prints) of all the households at the final community meeting and consensus session witnessed by the village head, party secretary, and other representatives from the community agreeing to implement the customary law regulation;

All documents gathering and stapled with hard, high quality stapler and sent to all addresses mentioned in Step 2 of this Part, and also to all households in the village who share the title over forestland rights.

**Step 7:** Sign boards are constructed and placed at the village borders showing the community maps and regulations signed by village authorities (sign boards may be hand made by the community using recycled material or natural materials from the forest).

**Step 8:** Community and LISO colleagues submit a plan for a ceremony to celebrate the community receiving forestland rights title, with witnesses from authority and relevant offices. Media and neighboring villages and communes should also be invited to co-participating so as to share the good news and raise awareness of wider society.

**Step 9:** Neighboring villages should be informed and a copy of the customary law regulation should be distributed to them for sharing, re-training and/or workshop. One copy should be saved at 1) CAKE (electronic version); 2) 2 hard copies should be saved at the LISO library and Archive of SPERI.



## PART 4: THE 11-STEPS PRACTICAL GUIDANCE FOR COMMUNITY BASED FORESTLAND ALLOCATION

Following the overall 30 unique steps, this part provides 11 steps practical guidance for community-based forestland allocation process. From the LISO perspective, Community-based forestland allocation is a process which engages thoroughly and actively the participation of community members in studying, assessing, planning and managing the community resources, including: local land and forest landscape conditions, the current natural geographical setting and issues, local customary law and land-uses knowledge, fitting current and future needs for cultural spaces and livelihood needs into the community-based land and forest uses planning. This process not only invites active participation of community members, but also must respect and ensure community decisions with regards to their resources, resources mapping and resources planning for temporal and strategic uses.

Traditional leaders (including village elders, clan leaders, clan heads, prestigious members, village heads and any key-persons in the community) play very important parts in the community-based land and forest allocation process, particularly during conflict settlements and resolutions.



Figure 13: Healer, Luong Cao Dung and Community Herbal Medicine Preservation in Hanh Dich commune, Que Phong district, Nghe An province, Central North of Vietnam. Picture by TEW, 2005.

## Principles of community-based land and forest allocation

1. The process must respect the customary law of the community and integrate customary law and statutory law on land and forest resources governance;
2. Local people and community are the key actors and key decision-makers on their land and forest resources during the allocation process;
3. The process must engage to the most full, responsible, and voluntary involvement and participation of all community members (husband and wife, old and young, interest-groups and community associations) before, during and after the land and forest allocation;
4. The process must invite full participation of relevant actors (neighborhood land holders, land users, Department of Natural Resources, Department of Agriculture and Forestry, forest protectors/rangers, Office of Land Registration, People's Committees at all levels) together with the traditional leaders before, during and after the land and forest allocation;

*Figure 14: Healers from different ethnic groups in Vietnam joined the field survey of herbal plants in Can Ho community herbal preservation forest in Simacai district, Lao Cai province, Northern Vietnam.  
Picture by SPERI, 2007.*



5. The process must establish the transparent disclosure of information, regular checks and monitoring, and also the setting up of accountable mechanisms for addressing conflicts and / or overlaps before, during and after the land and forest allocation.

## Steps in community-based land and forest allocation

### Step 1: Conduct a feasibility study

<i>Activities</i>	<i>Outputs</i>
<ul style="list-style-type: none"> <li>• Conduct a feasibility study</li> </ul>	<ul style="list-style-type: none"> <li>• Documentation of clearly-defined locations and types of lands and forests in the area;</li> <li>• Documentation that clearly identifies stakeholders who currently manage various land and forest types;</li> <li>• Documentation outlining the needs of the community and local authorities in reference to land and forest resource allocation;</li> <li>• Information on current Land Reserve area(s), land uses planning;</li> <li>• Documentation identifying key stakeholders from the community and local authority to approach and work with;</li> <li>• An analysis of opportunities and risks;</li> <li>• Report that summarizes all above information and concluding with the chance(s) to undertake further actions.</li> </ul>

### Step 2: Use relevant findings and results from feasibility study to work with local authorities for MoUs.

<i>Activities</i>	<i>Outputs</i>
<ul style="list-style-type: none"> <li>• Organize meetings with local authorities;</li> </ul>	<ul style="list-style-type: none"> <li>• A discussion to share findings and results from the feasibility study with the local community and authorities;</li> <li>• Approval from local authorities and a letter from village and communal levels expressing interest to work on these issues;</li> <li>• MOUs signed by parties together with relevant legal documents.</li> </ul>

### Step 3: Research in-depth customary law, local ecological knowledge and cultural norms of the community in the management, use and conservation of land and forest resources.

<i>Activities</i>	<i>Outputs</i>
<ul style="list-style-type: none"> <li>• Conduct field-based research and invite local community members to participate;</li> <li>• Organize focus group discussions inviting voices from varied community groups;</li> <li>• Organize different meetings with community members for consultation and crosschecking of information.</li> </ul>	<ul style="list-style-type: none"> <li>• An in-depth research report on customary law, local ecological knowledge and cultural norms of the community in the management, use and conservation of land and forest resources;</li> <li>• A lay-out of resources mapping and resources planning from the villagers' views.</li> </ul>

**Step 4: Prepare all the paper work for further bureaucratic processes (legal decision, integration of customary law, human and financial resources).**

- District level: set up a Steering Committee on Land and Forest allocation; a Technical Working Group on Land and Forest allocation;
- Communal level: set up a Council on Land and Forest Allocation; an expert group on Land and Forest Allocation and disputes settlements (experts include all the traditional leaders and or key representatives of community members);
- Draft a holistic Land and Forest Resources Use Plan.

**Step 5: Strengthening capacity and awareness for local community and local authorities.**

<i>Activities</i>	<i>Outputs</i>
<ul style="list-style-type: none"> <li>• Organize workshops in preparation for implementing community based and customary law-based Land and Forest allocation and management process.</li> </ul>	<ul style="list-style-type: none"> <li>• All stakeholders obtain a good clear understanding of the approach towards implementing community-based and customary law-based forestland allocation and management, especially the key stakeholders such as provincial, district and communal officials;</li> <li>• Clearly identify roles of each stakeholder in the community based and customary law based forestland allocation process;</li> </ul>

	<ul style="list-style-type: none"> <li>• Results and findings from the above in-depth research on customary law, local ecological knowledge and cultural norms of the community in forestland use and management presented to and shared among stakeholders;</li> <li>• A proposal on how to integrate customary law and statutory law for governing forestland resources;</li> <li>• A detailed plan for implementation of community based forestland allocation process (identifying participants and responsibilities);</li> <li>• Minutes and reports from meetings distributed with request for stakeholders to sign.</li> </ul>
<ul style="list-style-type: none"> <li>• Conduct legal training (based on updated and relevant policy documents) including: Land Law, Circular 38, Circular 07, Decree 23, Circular 17, and any relevant local policies).</li> </ul>	<ul style="list-style-type: none"> <li>• Local community and villagers have a good clear understanding of their rights and responsibilities on forestland use and management and protection;</li> <li>• Leaflets or handbooks (short and easy to understand) describing the key contents and issues relevant for villagers and local community on rights and responsibilities of forestland use, management and protection.</li> </ul>
<ul style="list-style-type: none"> <li>• Conduct a training on forest resources evaluation/assessment for the local community</li> </ul>	<ul style="list-style-type: none"> <li>• Local community and key persons with good understanding, knowledge and skills in evaluating, assessing their forest and land resources.</li> </ul>
<ul style="list-style-type: none"> <li>• Organize field trips for different stakeholders (e.g. farmers, traditional leaders, local authority, and specialized officials).</li> </ul>	<ul style="list-style-type: none"> <li>• Stakeholders share an environment to observe, and talk and discuss issues with the expectation of developing views and attitude supportive of the allocation process, including conflicts/overlapping conflict settlements.</li> </ul>

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**Step 6: Evaluate and monitor the status of land and forest uses and conflicts settlements/resolutions.**

<i>Activities</i>	<i>Outputs</i>
<ul style="list-style-type: none"> <li>• Evaluate current status of land uses;</li> <li>• Evaluate current status of forest uses, different types of forests, forest users/managers; boundaries of different land holders/forest users/managers in the communal unit/villages, households, and area that is expected to conduct the LAP program;</li> <li>• Identify clearly the boundaries (exact, precise) of the different land and forest types.</li> </ul>	<ul style="list-style-type: none"> <li>• Map of current land uses from community views and perceptions;</li> <li>• Report indicating locations, area size and boundary; attached with that map of current land uses;</li> <li>• Map of land holders and forest users (currently using the land and forest);</li> <li>• Identify and resolve all the overlapping<sup>1</sup> on the base of integrating between the 2 maps (local community and local authority);</li> <li>• Attach all relevant documents (minutes, meetings) with all signatures from parties/actors;</li> <li>• Document recording all the lessons learnt from resources conflict settlements/resolutions.</li> </ul>
<ul style="list-style-type: none"> <li>• Evaluate forest resources.</li> </ul>	<ul style="list-style-type: none"> <li>• Report on forest status including a map of current forest status, completed Annex 09 (Joint Circular 07);</li> <li>• Report on Ethno-botany (forest timber/woody species).</li> </ul>

### **Step 7: Planning and options in land and forest uses plan.**

<i>Activities</i>	<i>Outputs</i>
<ul style="list-style-type: none"> <li>• An expert group on Land and Forest allocation and disputes settlements draft Planning and options in land and forest uses plan based upon inputs gathered from community members;</li> </ul>	<ul style="list-style-type: none"> <li>• Draft Planning and options in land and forest uses (e.g. an area for Land reserve, an area for Agro-forestry production. The area allocated for communal uses prioritizing the disadvantaged vulnerable groups first). This draft</li> </ul>

<sup>1</sup> Resolving disputes and overlapping must be a thorough and throughout the entire land and forest process.

<ul style="list-style-type: none"> <li>• The Planning and options in land and forest uses must utilize these sources: district land use planning; lay-out of resources mapping (and lay-out of resources planning) from the villagers' views/perceptions; and map of current land uses from community views and perceptions;</li> <li>• Organize community meetings to discuss about that draft Planning and options in land and forest uses plan (including also utilization of result and findings from the Ethno-botany (forest woody species) and a planned option/implementation of FLA.</li> </ul>	<p>must be attached with map;</p> <ul style="list-style-type: none"> <li>• Final option of land and forest allocation process and procedure to be approved by local community members;</li> <li>• All options must be approved<sup>2</sup> by communal peoples council;</li> <li>• All above results to be approved and signed by district peoples committee;</li> <li>• All minutes and meetings be signed by parties including villagers, village representatives and communes;</li> <li>• Unit of forest patrolling team established (attached by Decision of communal authority).</li> </ul>
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**Step 8: Gather local rules, regulations, customary law in management and protection of land and forest.**

<i>Activities</i>	<i>Outputs</i>
<ul style="list-style-type: none"> <li>• An expert group on Land and Forest allocation and dispute settlements and a forest patrolling team consult with community members (especially the key persons) to discuss and draft the local rules and customary law in land and forest uses and management.</li> <li>• Organize community meetings to gain consensus and pass the local rules. Depending upon</li> </ul>	<ul style="list-style-type: none"> <li>• Produce documentation outlining local rules and customary law in land and forest uses and management, which also integrates<sup>3</sup> statutory law to be approved.</li> </ul>

<sup>2</sup> All the areas that have not yet been allocated land and forest must be approved and signed by the Communal Peoples Council.

<sup>3</sup> Results of Ethno-botany study and research.

context, may be invite other stakeholders to join and learn;

- Organize meetings at communal level by communal peoples council for all sectors to learn and gain consensus;
- Have the local rules approved by functional offices at district level.

**Step 9: Complete LFA records, filings and issuance of Land/Forest use rights certificates.**

<i>Activities</i>	<i>Outputs</i>
<ul style="list-style-type: none"> <li>• A Technical Working Group on Land and Forest Allocation complete all the LFA records, filings and also Map of LFA with reference to legal consistency;</li> </ul>	<ul style="list-style-type: none"> <li>• Production of public minutes on the LFA files/records;</li> </ul>
<ul style="list-style-type: none"> <li>• A Council on Land and Forest Allocation publish all the LFA files and also Map of LFA for all community members;</li> </ul>	<ul style="list-style-type: none"> <li>• Completion and submission of all the LFA records/filings and Map of LFA for approval;</li> </ul>
<ul style="list-style-type: none"> <li>• A Technical Working Group on Land and Forest Allocation undertake second check of all the files (records, minutes, reports and maps); correct any final issues/mistakes;</li> </ul>	<ul style="list-style-type: none"> <li>• Approval decisions of district authorities on land and forest allocation.</li> </ul>
<ul style="list-style-type: none"> <li>• The Communal Peoples Committee submits all the records to all levels and relevant sectors for approval.</li> </ul>	



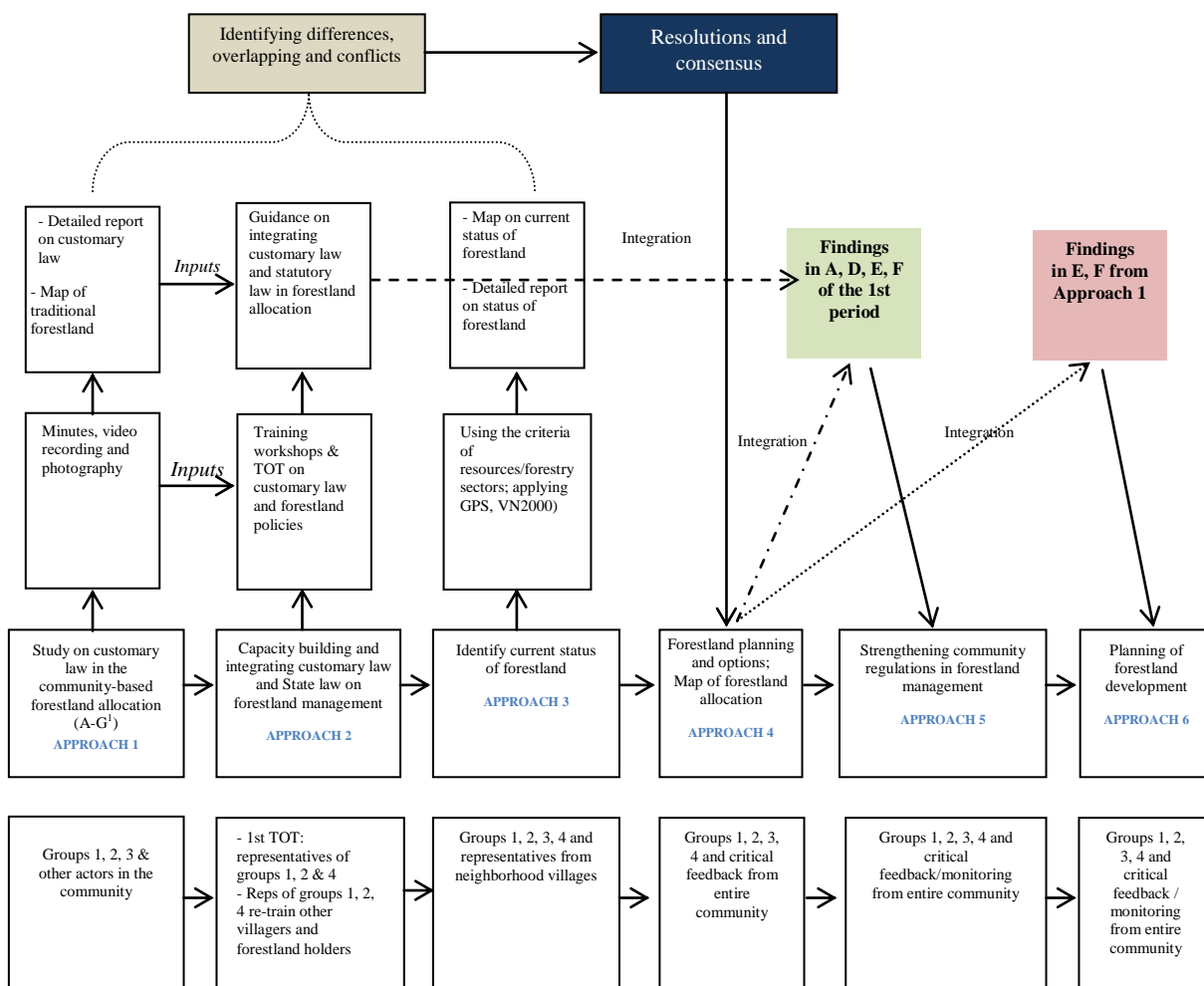
### Step 10: Allocating and receiving land and forest at the field.

<i>Activities</i>	<i>Outputs</i>
<ul style="list-style-type: none"><li>Organize field works amongst the forest/land holders, users, neighbors/managers to clear the boundaries, signify landmarks by land markers.</li></ul>	<ul style="list-style-type: none"><li>Minutes on allocation and receipt of land and forest at the field to be signed and approved by villagers, local members and neighborhoods;</li><li>Completion of a system of land markers.</li></ul>

### Step 11: Organize a ceremony to hand Land Use Rights certificates to land holders and final review/lessons learnt.

<i>Activities</i>	<i>Outputs</i>
<ul style="list-style-type: none"><li>Organize a ceremony to hand LUR certificates to all land holders;</li><li>Finish all land markers and a system of wooden boards to signify local rules/customary law on land and forest management of the community.</li></ul>	<ul style="list-style-type: none"><li>All land holders, community members received forestland use rights certificates;</li><li>Completion of all land markers and wooden boards signifying local rules/customary law on forestland management of the community;</li><li>Leaflets on local rules in forestland use and management distributed to all landholders.</li></ul>
<ul style="list-style-type: none"><li>Hand the database (hard copies, soft copies and video) to all related actors/stakeholders.</li></ul>	<ul style="list-style-type: none"><li>A complete database.</li></ul>

## PART 5: INTEGRATING CUSTOMARY LAW INTO COMMUNITY BASED FORESTLAND ALLOCATION



### **Important notes:**

(1) *Contents must be studied for customary law in the community-based forestland allocation, including:*

A: Community perceptions of how they value land and forest;

B: Various types of community ownerships of land and forest (from perspectives to practical indications)

C: Community planning of land and forest resources use and management (from perspectives to practical indications)

D: Community customary institution on managing land and forest resources

E: Community uses - protection - development of land and forest resources

F: Benefits distribution from land and forest resources

G: Advantages and disadvantages/conflicts over land and forest resources

**(2) *Participating actors in the community-based forestland allocation***

Group 1: Group who governs, gives advice and overall monitors the allocation process including traditional elders, clan leaders, spiritual leaders, herbalists, and village leaders.

Group 2: Different interest groups in the community who practice using and managing land and forest (group leader and vice leader, head of groups/association/union, or interest-groups).

Group 3: Land holders, forest users, forest managers, clan heads, community representative board, forest management board, or any other users/managers e.g. management board of protection forest.

Group 4: Technical team, consultation group, communal land council, and staff of LISO alliance.

## PART 6: THE 22-YEARS RESULTS OF CLAIMING FORESTLAND RIGHTS FOR ETHNIC COMMUNITIES

### Total forestland areas allocated to households 1995-2016

Districts/Provinces	Ethnic groups	Total areas of forestland allocation (ha)
Bac Ha, Muong Khuong, Than Uyen, Si Ma Cai districts, Lao Cai province	Hmong	3,023.1
Phieng Khoai and Muong Lum commune, Yen Chau district, Son La province	Hmong, Xinh Mun	3,697.5
Nghia Hoa commune, Chu Pah district, Gia Lai province	Gia Rai, Mo Nong	300.0
Hanh Dich commune, Que Phong district, Nghe An province	Thai	3,300.0
Son Kim I commune, Huong Son district, Ha Tinh province	Kinh	3,613.7
Tuyen Hoa, Minh Hoa, Bo Trach districts of Quang Binh province	Ma Lieng, Sach, and Kinh	16,304.8
Luang Prabang district of Luang Prabang province, Lao PDR	Hmong	8,449.2
Ho Muoi village, Minh Son commune, Huu Lung district, Lang Son province	Nung	37.8
Trai Da village, Hoa Son commune, Huu Lung district, Lang Son province	Nung, Tay, Cao Lan and San Chi	453.62
6 villages of Dong Thang commune, Dinh Lap district, Lang Son province	Tay, Dzao, San Chi	1,571.4
11 villages of Bac Lang commune, Dinh Lap district, Lang Son province	Dzao, Tay, San Chi	3,168.82
8 villages of Lung Sui commune, Si Ma Cai district, Lao Cai province (update)	Hmong	192.5
Ban Me commune, Si Ma Cai district, Lao Cai province (new)	Hmong	96.34
Sin Cheng commune, Si Ma Cai district, Lao Cai province (new)	Hmong	65.25
<b>Total</b> <b><u>Total number of households: 8,268 households</u></b>		<b>44,274.03 ha</b> <b>(by 24 October 2016)</b>

## Total forestland areas allocated to community organizations 1995-2017

No.	Organizations	Types of forests	Area (Ha)
I	<b>Lam Hoa commune and Chau Hoa commune, Tuyen Hoa district, Quang Binh province - Vietnam</b>		
1	Women Union (allocated 26 ha but temporarily without Red Book during 1997-1998-2000, not consider in the total data)	Watershed forest	
2	Youth Union (allocated 38 ha but temporarily without Red Book during 1997-1998-2000, not consider in the total data)	Protected forest	
3	Ban Cao community forest land, Lam Hoa commune	Community forest	223.12
4	Ban Ke community forest land, Lam Hoa commune	Community forest	461.35
5	Ban Chuoi community forest land, Lam Hoa commune	Community forest	62.74
6	Community forests of Thon Uyen Phong, Chau Hoa commune	Community forest	52.51
7	Community forests of Thon Kinh Chau, Chau Hoa commune	Community forest	34.24
II	<b>Hanh Dich commune, Que Phong district, Nghe An province - Vietnam</b>		
8	Youth Union in Chieng village	Protected forest	20
9	Women Union in Chieng village	Protected forest	18
10	Farmer's Association in Chieng village	Protected forest	15
11	Veterans' Association in Chieng village	Protected forest	17
12	Herbal medicine group in Pa Kim village	Spiritual / Herbal medicine forest	7
13	Women Union in Pa Kim village	Protected forest	21
14	Farmer's Association in Pa Kim village	Protected forest	19
15	Women Union in Chan village	Protected forest	9
16	Farmers' Association in Chan village	Protected forest	11

No.	Organizations	Types of forests	Area (Ha)
17	Women Union in Pa Co village	Protected forest	17
18	Farmer's Union in Pa Co village	Protected forest	13
19	Traditional herbal medicine group in Pom Om	Spiritual / Herbal medicine forest	19
20	Women Union in Pom Om village	Protected forest	22
21	Farmers' Association in Pom Om village	Protected forest	19
22	Women Union in Khom village	Protected forest	14
23	Traditional herbal medicine group in Cham Put village	Spiritual / Herbal medicine forest	13
24	Women Union in Cham Put village	Protected forest	16
25	Women Union in Mut village	Protected forest	6
26	Women Union in Cong village	Protected forest	9
27	Women Union in Na Xai village	Protected forest	8
28	Border Army 519	Protected forest	20
29	Pom Om village	Spiritual forest, herbal medicine forest, protected/watershed forest, productive forest	426.5
30	Chieng village	Productive forest	56.4
31	Khom village	Productive forest	12.8
32	Pa Co village	Productive forest	23.1
33	Pa Co village, Hanh Dich commune, Que Phong district, Nghe An province (new)		39.72
34	Pa Kim village	Productive forest	94.8
III	<b><i>Dong Van commune, Que Phong district, Nghe An province - Vietnam</i></b>		
35	Na Chao village	Productive forest	217.5
36	Pang village	Productive forest	6
37	Tuc village	Productive forest	61.9
III	<b><i>Si Ma Cai district, Lao Cai province - Vietnam</i></b>		
38	Traditional herbal medicine group in Sin Cheng commune	'Nao Long' spiritual / herbal forest	30.78
39	4 community forestlands for Sin Cheng commune	4 villages of Sin Cheng commune	18.46
40	Community forests for groups in Ban Me commune		13.33

<b>No.</b>	<b>Organizations</b>	<b>Types of forests</b>	<b>Area (Ha)</b>
41	Herbal medicine group in Can Ho commune	'Nao Long' spiritual / herbal forest	5
42	4 Community forests in Lung Sui commune	'Nao Long' spiritual/herbal forest	7.23
IV	<b><i>Bat Xat district, Lao Cai province - Vietnam</i></b>		
43	Community forests for groups in Sai Duan village, in Phin Ngan commune, Bat Xat district	Community forests	127.69
44	Community forests for groups in Sung Hoang village, in Phin Ngan commune, Bat Xat district	Community forests	16
45	Community forests for groups in Sung Bang village, in Phin Ngan commune, Bat Xat district (update and new)	Community forests	64.26
46	Community forests for groups in Van Ho village, in Phin Ngan commune, Bat Xat district (update and new)	Community forests	5.02
47	9 community forests for 09 villages in Phin Ngan commune, Bat Xat district, Lao Cai province (update and new)	Community forests	192
IV	<b><i>Luang Prabang province, Lao PDR</i></b>		
48	Long Lan community	Spiritual forest, herbal medicine forest, protected/watershed forest, productive forest	8,234
49	Traditional herbal medicine group in Long Long Lan village, Luang Prabang district	'Nao Long' spiritual / herbal forest	47
50	Traditional herbal medicine group in Xieng Da village, Nam Bac district	'Nao Long' spiritual / herbal forest	59
51	Traditional herbal medicine group in Nam Kha village, Nam Bac district	'Nao Long' spiritual / herbal forest	10
52	Community forest of Densavang	Spiritual forest, herbal	1,005

No.	Organizations	Types of forests	Area (Ha)
	village	medicine forest, protected/watershed forest, productive forest	
53	Community forest of Phonsavat village	Spiritual forest, herbal medicine forest, protected/watershed forest, productive forest	815
54	Community forest of Nasamphan village	Spiritual forest, herbal medicine forest, protected/watershed forest, productive forest	400
V	<b><i>Central Highlands area of Vietnam</i></b>		
55	Violak village, Po E commune, Kon Plong district, Kon Tum province		56.7
56	Ka Bay village, Ho Moong commune, Sa Thay district		30.8
57	Dak Yo, Dak Vok, and Ko Tu villages, Ho Moong commune, Sa Thay district, Kon Tum		55.4
VI	<b><i>Huu Lung district, Lang Son province</i></b>		
58	Community forest in Ho Muoi village, Minh Son commune		21.8
59	Community forest, Trai Da village, Hoa Son commune		89.43
VII	<b><i>Dinh Lap district, Lang Son province</i></b>		
60	Community forests of 6 villages of Dong Thang commune		2,024.25
61	Community forests for 09 villages (women, herbal, veteran, farmers, youths) in Bac Lang commune, Dinh Lap district	Community forests	2,077.52
VIII	<b><i>Kon Plong district, Kon Tum province</i></b>		
62	Violak village Po E commune, Kon Plong district,	H're sacred community forests	174.6



<b>No.</b>	<b>Organizations</b>	<b>Types of forests</b>	<b>Area (Ha)</b>
	Kon Tum province (new)		
63	Vi Klâng 2 village, Po E commune, Kon Plong district, Kon Tum province (new)	H're sacred community forests	215.3
64	Vi Koa village, Po E commune, Kon Plong district, Kon Tum province (new)	H're sacred community forests	155.2
65	Vi Po E 2 village, Po E commune, Kon Plong district, Kon Tum province (new)	H're sacred community forests	77.1
IX	<b><i>Huong Son district, Ha Tinh province</i></b>		
66	Forests of the Human Ecology Practice Area, Center for Human Ecology Studies of the Highlands (updated)	Watershed forests	285
	<b>Total</b>		<b>18,389.55</b>
	<b>Total communities = 77 communities</b>		<b>(by 18 March 2017)</b>

## PART 7: CASE STUDIES FACILITATE BY LISO

### Case study 1: Recognition of land rights of the Xinh Mun and sustainable natural resources planning in Bo Ngoi village

**B**o Ngoi is one of the eight villages of the Xinh Mun ethnic minority located in Phieng Khoai commune, Yen Chau district, Son La province. Like other Xinh Mun communities in the Northwestern region of Vietnam, villagers in Bo Ngoi village had their life-practices primarily based on hunting and gathering of forest products, despite that the forest resources have been rapidly degraded due to the reclamation policy that mobilized the low-land farmers to migrate to upland areas to do businesses, and also the national development projects such as the Hoa Binh Hydro-electric Dam clearing areas of forests to make way for development projects.



*Figure 15: Elder Dong, Xinh Mun ethnic in Bo Ngoi village, Phieng Khoai commune, Yen Chau district, Son La province, Vietnam and her grandkid taking care of seedlings. Picture by TEW, 1997.*

The Xinh Mun minority community was resettled into the Bo Ngoi valley in 1985. Due to focusing merely on the technical aspect of how to displace people from the mountain down to low-land, and ignorance of the traditional farming practices of the Xinh Mun people, the sedentary program was not effective. Additionally, being unfamiliar with lowland cultivation within the cramped land size, after

nearly 10 years up to 1995, the Xinh Mun villagers in Bo Ngoi were still living in poverty and deadlock. Although the group was identified as one of the first ethnic groups to settle in the Northwestern region, the Xinh Mun in general, and specifically Bo Ngoi villagers were still regarded by the Kinh (Vietnamese ethnic majority) as a 'small ethnic group' referred to by the discriminatory name 'Puoc' people (literally meaning, illiterate and backward).

After two-year resettlement, two thirds of the Bo Ngoi valley (approximately 30 ha) that had been assigned to Xinh Mun resettled families, were further illegally encroached upon by the Kinh (Vietnamese ethnic majority) who migrated from Hai Duong province. The main cause of this was the resettlement program that did not carefully make a detailed plan of land use for the entire valley. More seriously, there were those Xinh Mun families who were resettled that were not granted certificates of land use rights. As a consequence, many Xinh Mun villagers in Bo Ngoi village had to rely on the gathering of forest products in order to exchange with outsiders for subsistence needs. In the traditional social structure of the Xinh Mun community, women often played a central role. However, during the resettlement period, their role changed and their voices were not considered. In the legal framework at the time, women were not recognized i.e. their names were not placed equally with their husbands in the land use rights certificates.

Facing the above challenges, Towards Ethnic Women - TEW (the former organization later merged into SPERI) put efforts into working with the local community to lobby local government to reclaim the areas that were encroached upon and requested local authorities to recognize the claims and the rights of Xinh Mun villagers over natural resources (land and forest) in the Bo Ngoi valley as well as recognizing the names of women in the certificates of land use rights. The effort on recognition of women's name to be placed equally as men's names in the land rights certificates was an initiative that, at the time, was not even yet in the legal framework.

As a result, the land area encroached on (30 ha) by the Kinh (Vietnamese ethnic majority) were returned to the Xinh Mun community. The Xinh Mun families were now granted with certificates of land use rights including the recognition of women and men's names as equal in the titles of the certificates. In addition, the Bo Ngoi valley was re-planned in accordance with the Xinh Mun traditional farming practices and land uses planning, whereby every family has had access to rice field, home garden and also forest. In addition, the Bo Ngoi community was also allocated the community forest land in order to practice the Xinh Mun's

traditions of collective customary governance. The autonomy of the Xinh Mun community, especially the women in their community governance, natural resources management, and production organization and management in the household economy were then significantly improved.

The above successes in claiming and recognizing resource rights in Bo Ngoi village were later extended to other 7 villages of the Xinh Mun community in Phieng Khoai commune, Yen Chau district. Moreover, paragraph 3, Article 48 of the Land Law 1993 was later amended/revised by the Congress November 26, 2003 officially recognizing that the names of the wife and the husband be put in equally in the certificate of land use rights. This case study was financially supported by IWDA, Australia.

## Case study 2: Community-based land allocation and forest management in On Oc village, Muong Lum commune, Yen Chau district, Son La province

On Oc is one of the nine villages in Muong Lum commune, Yen Chau district, Son La province. Currently, there are 87 households of which 85 households (457 people) are of the Hmong ethnic group. Like other ethnic groups such as the Thai, Muong, Dzao, Kho Mu, La Ha, Xinh Mun, Khang, Lao and Tay in Son La province, the traditional practice of the Hmong people in On Oc relies largely on dry farming with the main crops such as corn, rice and livestock (cattle, pigs) as well as collection of forest products for daily needs.



*Figure 16: Hmong woman in On Oc village, Muong Lum commune, Yen Chau district, Son La province, Vietnam preparing flex for weaving.  
Picture by TEW, 1997.*

Prior to 2002, forest land in the On Oc area was very much open access. Management of the forests was much dependent on the top-down plans from Program 327 (i.e. Re-greening 5 million hectares of barren hills/degraded land). At this time, areas of natural forests there were already severely degraded in

terms of their size and quality, particularly exhausted by exploitation of some rare species such as Bách Xanh (*Calocedrus macrolepis*), Nghiến (*Burretiodendron tonkinense*) and Đinh Hương (*Syzygium aromaticum*).



*Figure 17: Hmong woman in Son La province, northern Vietnam weaving traditional cloths.  
Picture by SPERI, 2008.*

From 2001-2002, TEW collaborated with Son La Provincial Department of Forest Protection and Yen Chau district functional agencies to implement forestland allocation in On Oc village, Muong Lum commune. This was the first pilot model in Son La province in community based forestland allocation. The total allocated area was 1,207.45 hectares of mainly natural protected and production forests. Three main user-groups in the village were granted community forest land titles such as the On Oc community, a group of 10 families including 3 clans (Vu, Thao and Vang), and the 3 village socio-political associations; individual households forest land titles were also given to 21 households.

After allocation, the On Oc community has set rules and plans to strictly protect and regenerate two thirds of the hills, villagers were thus committed to only access the foothills for cultivation. With customary voluntary self-management mechanisms through unwritten rules of the village, most of the natural forests, notably rare woods have been regenerated and are growing well.

Since 2009, the above user groups in On Oc village have received money from the Payment of Forest Ecological Services (PFES). On average, one family could receive about 3.5 million VND per year from PFES, while the community receives about 170 million VND. One part of this payment is spent for the forest protection/patrolling team (about 30%), the remainder is used for public

investments such as growing more trees, building drinking water system and kindergarten.

Forest land allocation for families, groups of families and community in On Oc village have since become the practical and also methodological basis for the entire Son La province to study and expand to other locations in the province.

Accordingly, families and community have become the first priority groups in the forest land allocation policy implementation in Son La province, making up the highest proportion i.e. 83.21% up to 31/12/2013 of recipients of forest land rights.

During the period before 2003, the provision of forest land rights to communities has not yet gained recognition by statutory law. The community has just only recently been asserted as a legal entity for forest land management since the update/revision of the Law on Land in 2003 and the Law on Forest Protection and Development in 2004. The allocation of forest land to groups of families and clans are currently still being considered by the government via a draft regulation on forest co-management, co-use and co-benefits. This case study was financially supported by ICCO, the Netherlands.

### Case study 3: Community Customary Law-Based Forestland Allocation in Simacai and Bat Xat districts, Lao Cai province

After years of working with indigenous ethnic minorities in Lao Cai, SPERI's expertise was recognized as they came together with Lao Cai provincial authorities to assist them in Community Customary Law-Based Forestland Allocation (CLFLA). Out of this collaboration SPERI developed a manual now being used for CLFLA across the province and by the province for the Payment for Forest Environmental Services (PFES) - a first in Vietnam.



*Figure 18: Hmong people and local technician measuring forest trees in Lung Sui commune, Simacai district, Lao Cai province. Picture by SPERI, 2011.*

Lao Cai is one of the remote mountainous provinces located in the Northwestern region of Vietnam, with the most distinctive cultural and ecological diversity. The province is home to 25 different indigenous ethnic groups, accounting for 64% of the population. The long-established traditions, practices and livelihoods of these



indigenous ethnic minorities have always been closely attached to the forest and land.

For forest living ethnic minorities the forest and land are not only essential for agricultural production, for the gathering of forest fruits and other non-timber forest products, but, more importantly have great cultural and spiritual significance. They see the forests as nurturing and protecting their spiritual life, ensuring the cohesion of their families, clans and the community as a whole.



*Figure 19: Hmong woman with her kid in the Can Cau market, Simacai district, Lao Cai province, Vietnam. Picture by SPERI, 2009.*

Over many years working and researching in Lao Cai we found that each indigenous minority community had established sacred forest areas. For the Nung, 'Dong Chu' and 'Dong Hau' forest, for the Thu Lao, 'Tang Dang May' forest and for the Hmong the 'Nao Long' forest. These sacred forests areas are a place for indigenous ethnic minorities to express their devotion and reverence towards the Forest Spirits that have given them the source of life. In arable land areas villagers have also set up altar-tables to worship the Land Spirit named 'Thu Ty' (both in Hmong and Nung languages), or 'Tang Thu Ty' (Thu Lao language). At these altars they pray for protection of their lives, crops, animals, peace and happiness.

Although the community forests areas are relatively small and scattered, they have often provided not only basic needs such as food, firewood, medicine, and other resources but also maintained water sources for agriculture, raising fish and rice growing. Community forests are important recreational areas for local people, and provide a safe space to store indigenous wisdom and local ecological knowledge. Within the community forests, there are also special places for the practice of traditional culture such as the community ritual ceremony that makes a sacred connection between the villagers and their Natural Spirits.

A serious problem for ethnic minorities however is that these traditional community forest land areas are not yet recognized or valued by Statutory Law and as a consequence local communities have not been granted the rights over these areas. Not only that, most of the community forest land is under the control of Protection Forest Management Boards and Special-used Forest Management Boards.

In addition, many households in the region have not yet been granted any rights to use forest land. Without land, ethnic minorities cannot organize or plan their livelihoods or culture. Another serious issue is the overlapping of forest land areas that have been allocated causing boundary disputes between land users and managers. To add to the confusion there are glaring policy inconsistencies between the Natural Resources and the Environment Ministry (MoNRE) and Forestry/Agriculture and Rural Development Ministry, allowing loopholes for forest destruction, and limiting equality of access to forests and forest services for indigenous ethnic minorities.

From 2011-2013, the Social Policy Ecology Research Institute (SPERI) in collaboration with Lao Cai Provincial Department of Forestry (PDF), Simacai District People's Committee and other relevant functional offices (e.g. Office of Natural Resources and the Environment, and Office of Forests/Forestry) conducted research and implemented a pilot model on forest allocation. This model was associated with forestland allocation on the basis of respecting community customary law and engaged the participation of local villagers and community elders through the Joint Circular 07/TTLT/2011/MARD-MoNRE for Hmong families and communities in 8 villages of Lung Sui commune, Simacai district, Lao Cai province.

The cooperation program included: i) reviewing all the land boundaries, land users, and types of forest and forestland in the pilot communities in order to plan

for present and future local socio-cultural-economic needs; ii) setting up a set of criteria and approaches to resolving overlapping boundaries of forestland management areas in villages; iii) planning methods of forestland allocation for different users; iv) implementing forest allocation associated with forestland allotment for villages as well as making a manual for community based forest land allocation in the context of Simacai in particular and Lao Cai in general; and v) strengthening the customary laws of communities via setting up community customary law-based regulations in forestland management after allocation.

The results from this are that six communities obtained 82.2 hectares of the 'Nao Long' and 'Thu Ty' spirit forest land. 224 households in 8 villages were also granted the rights to use over 284 hectares of productive forestland. The manual on CLFLA which outlines best practices from the pilot model in Lung Sui commune was summarized and published by the Lao Cai PDF jointly with SPERI. This manual has now been used extensively in forest land allocation across the province. Importantly, the Lung Sui commune pilot has become the first model that Lao Cai province used to implement the PFES at family and community level for the first time ever in Vietnam. Currently, the CLFLA is expanding in some other locations of Lao Cai province such as Ban Me in Simacai district, and Phin Ngan commune in Bat Xat district. This case study was financially supported by NPA, Norway.

## Case study 4: Community based Forest Land Allocation case study in Bac Lang commune



*Figure 20: Dzao and Nung ethnic women with CIRUM staffs identifying herbal plants in the community forest. Picture by CIRUM, 2005.*

**I**n 2005 CIRUM began work in Bac Lang Commune, Dinh Lap District (the poorest District of Lang Son Province), where the local Dzao and Tay ethnic minorities were facing very serious issues. Conflicts over land were numerous, overlapping boundaries common and there was a highly unequal land area distribution. Some households were using more than 100 hectares whilst others had only one hectare or less, or even no land at all. The commune authorities were constantly deluged with complaint letters from villagers on forest land issues which they dutifully passed on to the District, but little action had been taken.

Two years later after CIRUM's intervention, every household had been allocated land, inequality had greatly diminished, with nearly every household having 20-30 ha, and a large portion of forest had been reserved for protection and use by the community.

Before CIRUM could help in allocation, we had to solve the myriad of conflicts. Some early conflicts were a result of a 1960's resettlement program, which had moved Dzao people down from their former mountain homes to lowland areas occupied by Tay people. The Dzao weren't given enough land and, in any case, didn't know how to grow wet rice. Conflicts arose between the Tay and Dzao and were still continuing many years later.

Another early cause of conflicts were the outdated '364' administrative maps used to demarcate commune and state forest enterprise (SFE) boundaries. These maps were made at the time of the chaos of collectivization, not based on any surveys but made after a visit to the commune office 50 years ago. A typical

example of a conflict caused by a map in Bac Lang was the case of Khe Pha village, where the 364 map showed the entire village, cultivation land and forest land within the boundaries of the land owned by the SFE. Other conflicts were related to the earlier 'Green Book' land management process or SFE contracts. In 2005 the chairman of Bac Lang commune challenged CIRUM to resolve the Khe Pha problem as well as many other land conflicts, as during his lifetime he said he had seen no change.

Beginning at the end of the year, CIRUM resolved to take up the challenge, using our 'seven steps' methodology for resolving conflicts and allocating forest land (FLAP).

The years of conflict and inaction from local government meant that CIRUM had a difficult task, as villagers were jaded from endless discussion and initially very reticent to take part. Nevertheless we persisted, in some villages having as many as 20 formal meetings, as well as countless informal meetings and discussions. Key to our methodology is the full participation of all stakeholders, including government and SFE and the establishment of a land council or consultant group. We usually take representatives of the District and the SFE with the local people to compare reality with the 364 Map.

The land council or land consultant group (LCG) is set up at communal level with different stakeholders: communal leaders, mass organizations (fatherland front, farmers association, women's and youth unions) women's leaders, and elders or village leaders from the particular village being assessed. The LCG is the main decision making body throughout the process.

We contracted the Forest Inventory and Planning Institute, FIPI to assist in survey and mapping. The FLAP is based on land law 163, which allows allocation of forest land to individuals, households and organizations with a maximum 30 ha of forest land allocated per household for 50 years use.

For CIRUM a highlight of the Bac Lang process was solving nearly all (39 of 42) of the conflicts identified by using customary law and with the involvement of village elders. This enabled the requirements of statutory law to be met, as well as customary law. An example of this was when land was handed over from one household to another, sealed with a feast.

We were particularly happy with the dramatic increase in *community allocation* in Bac Lang with 2,047 of a total of 5,246 hectares allocated to the community. This kind of allocation can potentially address possible problems in the strategy of 'private-household allocation', which run counter to community, and communal traditions in resource access, control and re-allocation.

We have learnt a lot from this FLAP process. FLAP takes time, resources, patience and passion. We estimate an average of a year and a half per commune to carry our necessary research, build trust and resolve conflicts. Once conflicts have been resolved and mapping agreed, then the formalities of allocation can go ahead.

Those working in FLAP need to understand community development approaches, participatory research methodologies and the importance of understanding local culture. It is essential to ensure participation of all stakeholders and to have a good understanding of the history of land and forest law and relevant government programs. Our research found that one research effort pre-FLAP is insufficient, and that research during the process has to continue. We often found that the findings from initial research are too superficial, or even incorrect.

Today, villagers in Bac Lang appear satisfied with how land has been allocated, and complaint letters to the commune authorities on this issue are no longer received. The forest is regenerating and incomes have increased. People planted acacia on bare soil and in poor forest, and this has improved water retention, increasing rice production in lower areas. (For an evaluation of process see the evaluation by Jun Borrás.). This case study was financially supported by ICCO, the Netherlands.

## Case study 5: How to regain forest land for Nung minority in Ho Muoi as a model for lobbying

In 2010 CIRUM began work in Ho Muoi village, Minh Son Commune, Huu Lung District, Lang Son Province with the local Nung and Tay ethnic minorities. At the time, almost all land in the commune was occupied by the SFE, and all the primary forests had been turned to bare hills or *eucalyptus* mono-plantations by them. There were a number of simmering disputes because as usual, the SFE had been awarded all the land cultivated traditionally by ethnic minorities living there.



Figure 21: Nung woman in Ho Muoi commune harvest non-timber forest products in the agro-forestry garden after forestland allocation. Picture by CIRUM, 2010.

We were interested in working in Ho Muoi, as the Nung Hua clan had been living there for as long as anyone could remember, sustainably managing the forest. They didn't have a red book for this forest however, and many households were very poor, with on average only 0.3 ha of production land per household on which they survived. To regain their land, however, the SFE would have to give up some under its control.

There had been many complaints from local people over a long time to communal authorities but nothing had changed. The district also felt powerless because two of the SFEs were under provincial control, and a Ministry of Rural Development vocational forestry school was also occupying large tracts of land. Huu Lung was becoming known for conflicts between local people and SFE, with the stories occasionally reaching the national media.

Historically, there was a small protection forest area (Xoong protected forest) supposedly protecting water supplies, but that had been badly degraded by the SFE who had replanted the area with moisture sucking *eucalyptus* leaving the province to re-classify the area as production forest.

Our FLAP was successful. 38 ha were returned to 43 households and 22 ha were returned to the community to manage as watershed protection forest.

The highlight of the action was our success in building a firm consensus community-commune people's committee-district people's committee-NGO for the future management of land in the area, and the use of exchange visits to our models to build capacity and confidence. The models at HEPA and Son Kim commune in Huong Son district of Ha Tinh province were used to show provincial authorities and other district authorities on the progressive approach of the Huong Son district authority, the possibilities of regeneration, and how to regain land from a SFE.

Remaining primary forest is being used as a wildling regeneration source for bare and degraded forest, and local regulations and protection are working well. The forest is growing and regenerating well. This case study was financially co-supported by ICCO, the Netherlands; CARE International in Vietnam; BftW Germany; and McKnight Foundation.



## Case study 6: Community based forest and land allocation programme in Dong Thang

In 2010 CIRUM began work in Dong Thang Commune, Dinh Lap District Lang Son Province with local Dzao and Tay and San Chi ethnic minorities. This is a remote, thinly populated commune of 5,450 hectares, nearly all classified as forest land.



*Figure 22: Women in Dong Thang commune make a plan for forest land allocation and use of the title forestland. Picture by CIRUM, 2010.*

There were particular challenges here. The province had awarded the Think Loc Company with 1,627 hectares, including 1,073 of good ‘protection’ forest, the remaining being production land, mainly grazing, cultivation and some plantations. The company had been clearly failing to protect the good forest and not ‘enriching’ the degraded areas as it had proposed. Essentially their continued holding of this land after 24 months with no action meant they were in breach of the red book agreement.

To make matters worse, the company had been given 500 ha of local peoples’ farmland by the province who, using inaccurate maps, apparently didn’t realize the conflicts they had created.

Our FLAP ran from 2010 - 2012 following MARD and MONRE’s inter-circular 07/2011. After two years’ work, 284 household red books were issued covering 921 ha of production forest land. Communal red books were issued covering

2,024 ha of protection forest, including forest regarded as sacred by the ethnic minorities of the area.

For CIRUM a highlight of Dong Thang has been post FLAP sustainable management. Local people and authorities agreed regulations to protect the forest, and CIRUM and the commune authorities worked together to set up the herbal healers group to protect valuable species and the forest environment in which they live. People in this area will need to remain vigilant, however, and to be supported in challenging illegal logging or harvesting of non-timber forest products (NTFPs).

The existence of the company in the area remains a challenge. Despite continued complaints from local people in the commune, provincial and district authorities are not moving on the issue. Communal authorities have limited capacity to either speak out or take action. We recommend continued support for commune and local leaders to lobby to solve the Thinh Loc problem. We suggest exchange programs, training on policy and land law and management skills, followed by further training on meeting and memo skills. This case study was financially co-supported by CARE International in Vietnam; BftW Germany; and McKnight Foundation.

## Case study 7: Co-management based protection forest and land allocation case study in Hoa Son

In 2012 CIRUM began work in Hoa Son Commune, Huu Lung District, Lang Son Province with the local Nung, Tay, Cao Lan and San Chi ethnic minorities. At that time there had been no land allocation processes, and the district was becoming known for conflict over forestland.



Figure 23: Forestland of Hoa Son commune, Huu Lung district, Lang Son province. Picture by CIRUM, 2012.

We saw the degradation of the Khuon Pinh protection forest area as particularly problematic. The protected area was vital in conserving water to supply one of the biggest reservoirs in Lang Son province, used for irrigating rice paddies. Unfortunately, the SFE together with local people had been cutting natural forest and replacing it with *eucalyptus*. Tuan Nguyet company (a sister company of Dong Thang's Think Loc company) had also been paying local villagers to hand over their cultivation plots located in the protected forest. This is curious, as it is illegal to buy and sell protection forest land, and because the local people selling land do not have any official land use rights, so they are simply handing over areas they use illegally.

Working closely with the district authorities, CIRUM carried out a FLAP allocating 453 hectares of forestland to households and 89 hectares to the community for management. CIRUM also successfully lobbied the district to issue an official letter to Hoa Son commune banning further planting of *eucalyptus* in the protection area. Hoa Son Commune Peoples' Committee has regulated a forest protection group to manage and protect the forest from outside intrusion and damage from grazing animals.

A highlight for us is the consensus achieved between the DPC, CPC and CIRUM on re-forestation in the protection area with native species. This will start in 2015 with replanting from community nurseries in Land-Net members production forest land and at the same time in communal protection forest areas within the protected area.

An ongoing challenge is the relative attractiveness of the destructive *eucalyptus* as an income-generating source compared to the more ecological *acacia*. This case study was financially co-supported by ICCO, the Netherlands; and CARE International in Vietnam.

## Case study 8: Community Protection Forest and Land Allocation in Ho Moong commune, Sa Thay District, Kon Tum Province, Central Highlands

In 2013 CIRUM completed a pilot community FLAP of 31 hectares in Ka Bay village, Ho Moong Commune, Sa Thay District, Kon Tum Province with the local Gia Rai ethnic minority. We followed this in 2014 with a community FLAP of 55 hectares for another three villages in the commune, Dak Vok, Dak Yo and Ko Tu. In the four villages, 826 households with 2,960 people have benefitted from this FLAP.



*Figure 24: Elders and villagers in Ho Moong commune reading 'red book' of the community forestland. Picture by CIRUM, 2013.*

All the villages are resettlement villages constructed to house villagers displaced by the Plei Krong hydropower scheme in 2005. For the first three years after they were moved they lived on the small amount of compensation they had received and rice provided by the government. In their previous homes, they were really indigenous people, living on ancestral lands. In the resettlement villages, they are surrounded by government communal land, managed by the Commune Peoples Committee (CPC) with only a tiny piece of land for their house.

As the resettlement scheme failed to provide any land for cultivation, villagers had been forced to clear commune forest land surrounding the water sources that

supply their villages, badly damaging the quality and amount of water available to the villages.

Realizing their problems the leader of the CPC worked with villagers to set up a local Land Net and declare a protected area around the water sources. Although officially classified as 'production forest' by government, the people have declared these areas as protected areas. To cement these protected areas officially however requires red books to be issued by the district authorities, so the local Land Net requested CIRUM to assist.

There is much work still to be done, as the people are still hungry and lacking land. This case study was financially co-supported by BftW Germany; McKnight Foundation and CARE International in Vietnam.

## Case study 9: Community Forest and Land Allocation Case study in Sin Cheng commune

In 2014 CIRUM started work in 9 villages in Sin Cheng Commune, Simacai District, Lao Cai Province. The population of the commune is nearly 4,000, mostly H'Mong ethnic minority, with Nung, Thu Lao, and Tay making up the rest. The commune covers nearly 2000 hectares, 750 of which is classified as forest land, 380 ha as protected forest.



*Figure 25: The spirit tree in Sin Cheng commune, Simacai district, Lao Cai province, Northern Vietnam. Picture by CIRUM, 2014.*

Sin Cheng is a very poor commune. No red books have been issued to households or communities here and people are left to scratch a living from very small plots. Land used by farmers has become degraded with the use of chemicals and is performing badly with poor yields. There is a growing fuel and heating wood crisis. The lion's share of land belongs to the Protection Forest Management Board (PFMB). Around a decade ago, the province, needing at least 5,000 ha to establish a PFMB, and to receive the benefits that go with it, 'paper-mapped' large areas including those being used by communities for gardening and agriculture, as plantations, or even where they were living.

Nevertheless, people may continue as they did before - because they have to survive. Many are hungry, growing food on tiny plots, or indeed have no land at all. A growing issue here is that many have planted trees for timber on land now owned by the PFMB. As the trees mature, naturally people wish to harvest their

timber, but are not allowed to do so. Conflicts are erupting and will grow as the people are hungry and desperate.

Our FLAP process in Sin Cheng is nearing its conclusion. Our present mapping has found 31 ha of very good 'sacred' forest being preserved by communities and 190 ha of household land being used by 250 households. These areas are in the final stages of approval for the issuing of red books.

On the positive side we see that the District Peoples Committee has realized the scale of the problem they are facing, and the need to reclassify land in order to help the landless and hungry.

In addition, contrary to many people's beliefs, the local people have shown they understand the value of preserving the forest and that it is important to leave forest to protect water and soil. Most urgently there needs to be a proper mapping of boundaries and land use together and a reclassification allowing farmers to protect forest and gain payments for this protection. This case study was financially supported by BftW Germany and McKnight Foundation.



## Case study 10: Recognition of the rights of the Thai communities and households in Hanh Dich commune, Que Phong district, Nghe An province over their traditional forest land

Hanh Dich is one of 14 communes in the mountainous regions of Que Phong district, Nghe An province. This commune has a total land area of approximately 18,026.24 hectares, in which forestland accounts for 89.7% (16,182.56 hectares).



*Figure 26: Black Thai elders, villagers and women in Pom Om village, Hanh Dich commune, Que Phong district, Nghe An province, Central northern Vietnam. Picture by SPERI, 2013.*

The total population of Hanh Dich commune is 3,377 people across 748 households, most of whom are Tai (Thai) ethnic minority people residing in 11 villages. These include: Chieng, Pa Kim, Cham, Pa Co, Pom Om, Khom, Cham Put, Mut, Coong, Na Sai and Hua Muong. For many generations the forest and forestland have had meaningful values to the culture and life-practices of the Tai

(Thai) people. Their livelihood has mainly come from growing wet rice and harvesting non-timber forest products.

Over the past decade, the forest and land in Que Phong district, particularly in Hanh Dich, have undergone many ups and downs, and so have the lives of the Tai people living there. According to the Tai tradition, land and forest in certain areas are owned and governed by the 'Tao' spirit (i.e. as a Landlord). Households own properties on agricultural land but these lands are largely self-claimed land. The communities have common forestland areas to serve the collective cultural practices such as ceremonies, funerals and worshipping the nature's spirits.

Since 1954, forest and land have been asserted to be owned by the State (i.e. as phrased and defined in the Constitution and Land Law - 'the People's Ownership') and the State is only a representative body to facilitate its management. Under this plan, the State has set up administrative mechanisms through the formation of Cooperatives and State Forestry Enterprises (SFEs) and Management Boards (MBs). "Although, since the 90s, the State has begun a policy of allocating/contracting forestland under which people and communities are eligible for recognition of the rights for forest and land use, a large area of forestland in Que Phong district is still managed by state organizations such as MBs, SFEs and Voluntary Youth Division 7."

In 2003, Towards Ethnic Women (TEW) coordinated with local governments to implement a pilot project on community based forest land allocation to Tai (Thai) families in Hanh Dich under Degree 163/1999/ND-CP. Accordingly, 360 families, and 16 village organizations (e.g. Farmer's and Women Unions, Youth and Veteran Associations and Healers' Groups) in 10 villages have been temporarily allocated a total forest land area of 3,360 hectares. This initiative was exceptionally pioneering given that it was the first time that forest land had been allocated to local communities via village organizations, despite the fact that, at the time, the community was not recognized by law as a legal forest land entity.

During the period from 2011 to 2013, SPERI, LISO and local governments have conducted a pilot project on forest allocation associated with forestland allotment for Tai communities in Hanh Dich affected by Joint Circular 07/2011/TTLT/MARD-MoNRE. Accordingly, the 5 communities including Chieng, Pa Kim, Pa Co, Pom Om and Khom have obtained their rights to use 613.66 hectares of the traditional forestland.

Most recently, according to Decision No. 340/QĐ-People's Committee of Nghe An Province dated January 24, 2013, almost all of the forestland in Que Phong district (90,741.1 hectares) was declared to be reallocated to the Pu Hoat Nature Reserve. This planned Nature Reserve would take over the entire forestland that has been allocated to families and communities in Que Phong district. Additionally, an expansion of rubber plantations in Que Phong district has been conducted by the Nghe An Equity Investment for Rubber Development in accordance with Decision 4081/QĐ issued by Nghe An provincial People's Committee dated 13/9/2013. This certain encroachment of rubber plants onto community forestland areas has already begun to create another critical challenge not only for family and community forest land, but also of livelihood security of the local people. Given these challenges, SPERI and LISO are continuing their effort and engagement to support key farmers and Land Net to approach and negotiate with local governments and companies to secure the forest and land of the Tai (Thai) people as livelihood sovereignty resources. This case study was initially financially supported by Partner, Canada and later NPA, Norway.

## Case study 11: Forestland rights and the Truong Son forestry cooperative in Son Kim commune, Huong Son district, Ha Tinh province

**S**on Kim is a mountainous commune, in the Northwest part of Huong Son district, Ha Tinh province. The commune is mainly home to ethnic Kinh (Vietnamese) people and some Lao residents.



*Figure 27: Forest land of Son Kim I commune, Huong Son district, Ha Tinh province, Central Vietnam. Picture by TEW, 2003.*

As mountain dwellers, the livelihood of these people in Son Kim relies mainly on land and forest. However, in the period before 2000, despite residing in a quite large land area - about 43,255.48 hectares - Son Kim dwellers faced a heavy shortage of productive land. It is estimated that each person only had access to about 0.62 hectares including farmland, forest land and residential land. Households in the commune had not been granted certificates of forestland use right either.

Meanwhile, State organizations located in the region were allocated with a significantly large area of forest and forestland. These resources were allocated mainly for exploitation, commercial purposes, and/or tight control of State-based resources management scheme such as the Huong Son Forestry and Services Limited Company (27,617.1 hectares), Vu Quang Nature Reserve (78,140 hectares), Military Economic Cooperation Division 4 (1,960 hectares) and Tay Son Tea Factory (970 hectares). These were legitimate uses, according to the Vietnamese legal framework, in terms of national regulation of land and forest resources through a system of State Agro-Forestry Enterprises since 1945, and followed the Decree No. 02/1994/CP on the allocation of forestland to households, individuals and organizations. As a consequence, people in Son Kim were faced with poverty, with 30% of the population worked as couriers for smugglers in the

Cau Treo international border gate. Forest resources have been quickly depleted due to overexploitation by the above organizations, and through illegal logging.

In 2001, Towards Ethnic Women - TEW (an organization which has since merged into SPERI) collaborated with local community and local government to implement a pilot project on "Capacity empowerment for the Son Kim commune in management and use of natural resources" which focused on allocating forest land use rights to households in accordance with Decree 163/1999/CP. As a result, 874 households were granted with use rights over 3,613.74 hectares of forest and forestland.

After the allotment, 59 families in Son Kim 1 commune have further voluntarily collaborated to establish the Truong Son Forestry Cooperative, which collectively manages 1,161.44 hectares of forest and forestland. The entire area consists of shares from family members who have adjacent forestlands and jointly manage the entire property together. This cooperative area is also divided into two main ecological and economic productive zones. Two thirds of the forest and forestland uphill are strictly managed. The remained foothill is assigned to member families for developing agro-forestry farms. These farms act as the "live green belts" to protect the entire forest area uphill of the Cooperative.

The Truong Son Forestry Cooperative has operated effectively to date, and provides a model for best practices for many communities in Ha Tinh, and other provinces like Lang Son and Quang Binh, to replicate. Currently, the Cooperative is an on-site study space for students and researchers from the Farmer's Field School Human Ecology Practice Area, facilitated by SPERI. This case study was financially supported by ICCO, the Netherlands.

## Case study 12: Forestland rights for poverty alleviation in Tuyen Hoa, Minh Hoa and Bo Trach districts, Quang Binh province

Tuyen Hoa, Minh Hoa and Bo Trach districts of Quang Binh province are the traditional lands of many indigenous ethnic groups such as the Sach, Ruc, Ma Lieng, Nguon, May, Arem, Macong and Kinh. Villages of these groups are scattered mostly along the Truong Son mountain range, along the border area between Vietnam and Lao PDR. These include the Dan Hoa, Thuong Hoa, and Hoa Son communes of Minh Hoa district; Lam Hoa commune of Tuyen Hoa district and Tan Trach and Thuong Trach communes of Bo Trach district. Their livelihoods and traditional cultural practices mainly depend upon forest and land. In particular, groups like the Ma Lieng and Ruc people still regularly follow traditional practices in hunting and gathering.



*Figure 28: Key farmers in Quang Binh province with CIRDP staffs planning for forest land allocation and land use in post land right. Picture by CIRUM, 2000.*

Quang Binh is a province known for enduring most extreme natural disasters. In addition, the destructive interventions of the American War, such as spreading of Agent Orange, have had many consequences for the lives and daily activities of people in the province.

As is the case in many locations across the country, most forest and forestland resources in the aforementioned districts have been managed by State Forestry Enterprises for a long time, often through subsidized government programs like Program 327 - Greening the Barren Land. However, many local people, individual

families and ethnic minority households have not yet been allocated forest land for Agro-Forestry production or had land rights claims resolved. Additionally, due to mismanagement and unregulated timber extraction that has rapidly occurred from 1980-2000, the forests under the management of State Forestry Enterprises have been seriously depleted.

Since 1997, Towards Ethnic Women (TEW) and, later, its independent branch organization, the 'Center for Indigenous Knowledge Research and Development' (CIRD) collaborated with local partners to implement pilot projects in poverty alleviation and community development. Its first priority was to secure forest land rights for households, particularly indigenous ethnic minorities' households in 13 communes of Tuyen Hoa, Minh Hoa and Bo Trach district, Quang Binh province.

From 1998 to 2001, with the support and advice of TEW, local governments have implemented pilot projects on granting forest land rights to households and community organizations in Ngu Hoa and Lam Hoa commune (Tuyen Hoa district), Hoa Phuc commune (Minh Hoa district) and Xuan Trach commune (Bo Trach district).

The approach of the project was to focus on studies and respect the ethnic identity and cultural value of the customary law and local indigenous knowledge of local communities in the forest land survey, mapping, land use planning, and especially resolving land conflicts by respecting and encouraging the voices and experiences of Village Elders Council. Land use planning was conducted in accordance with the specific local landscape patterns, local cultural conditions and economic status of each community.

As a result, 413 households and 13 community organizations of youth, women, farmers and veterans in 21/22 villages were granted with the rights to use and manage over 5,350 hectares of agricultural and forest land. Land and forest rights are the foundation for establishing and developing a wide range of Interest Groups (gardening, animal husbandry, savings and credit) at the village, commune, inter-communal and district levels. These initiatives were derived from TEW/CIRD working with and learning from the grassroots level. These Interest Group activities and ways of working have contributed significantly to help local families escape from poverty and improve their living conditions, while the forest and land resources have been managed and used much more efficiently.

## **The Interest Groups in forest management and development in Cao Quang commune.**

As with many other locations in Quang Binh province, 90% of the forest land (over 10,750 hectares) of Cao Quang commune, Tuyen Hoa district was managed by Cao Quang Forestry Enterprise, a subsidiary of the Northern Quang Binh Industrial Forestry Company. During this time, the people in the commune depended upon land and forest resources as a major source of their livelihood. To ensure livelihood, with almost no other choices, the people in the commune had to encroach on and exploit the forest and land within the Enterprise area, resulting in social conflicts, land disputes and thus a continuous decline of available forest resources.

In 2008, after eight years of support and lobbying of TEW/CIRD with local governments, the People's Committee of Quang Binh province officially withdrew 10,750.26 ha of forest land from the Cao Quang Forestry Enterprise to reallocate to 531 households in Cao Quang commune.

To support each other in management of the forest land, households who were allocated adjoining forest-land voluntarily organized themselves into 18 groups with similar interests, namely interest groups in forest land management and development. The initiation of these interest groups was considered to be a most incredible and wonderful grassroots initiative. As of 2012, these interest groups have planted acacia trees on more than 933 hectares of barren land, which has contributed to an increase of forest cover from 75% in 2005 to 90% in 2012. This planted forest area has also been harvested and contributes to improving economic income for families, with about 31 million VND per hectare. This initiative has now expanded to other localities inside and outside Quang Binh province. This case study was financially supported by ICCO, the Netherlands.



### Case study 13: Resources rights of indigenous ethnic groups for sustainable development in the Central Highlands regions

The Central Highlands region is the native habitat of numerous indigenous ethnic groups such as Gia Rai, Ede, Ba Na, Xo Dang, Co Ho, M'nong, Ra Glai, Gia Trieng, Ma, Chu Ru, Brau and Ro Mam communities. In the perception of these groups, 'forest' is viewed equally to 'land and their home'. The same view is applied to land. Forest and land are the two things owned by 'Buon' or 'Lang', meaning the entire community or village ownership. Forest and land are governed only by the supervision of 'Yang' i.e. as the Sky God and each ethnic community's customary law governance system, often headed by the village Elder's Council. A village would only be formed when it owns four types of resources, including: residential land, rotated cultivation land, community usage forest and sacred forests.



*Figure 29: Gia Rai woman in Ka Bay village, Ho Moong commune, Sa Thay district, Kon Tum province. Picture by SPERI 2013.*

In the decades after 1975, various development policies for the Central Highlands were undergone, for instance: expansion of commercial crops, establishment of State Agro-forestry Enterprises, mobilization of Northern Vietnam lowland

farmers to migrate upland for building new economic zones, and thus reclamation of forest for commercial farming. Following on, national larger-scale 'development' programs on economic development such as building hydro-power dams, hydroelectric power, and extractive mining have caused significantly changes to natural resources landscapes, demographic movement, and culture and livelihoods changes. Many of the changes have also been very detrimental to the indigenous ethnic groups in the Region.

Millions of hectares of natural forests and forestland have been converted into commercial plantations in the period from 1995 to 2012. Living and cultural spaces of the indigenous ethnic groups have been shrunken. In many places, the sacred forests - which are the most essential core value-linkages between their lives and the nature surrounding them, where indigenous ethnic groups often and annually organize ritual ceremonies to worship Nature's spirits, especially 'Yang' (the Sky God) - have virtually disappeared (CODE 2014).

The Central Highlands has the largest areas of forest and forestland, which also has the highest proportion of indigenous ethnic minorities nationally. Nevertheless, the speed and rate of forest-land allocation needed urgently to allocate forest-land to households and ethnic communities are shown to be the slowest and lowest. By the end of 2012, the entire Central Highlands Region has only had 11,353 households (1.5%) assigned to use and or manage about 71.7 thousand ha of forest land, 2.55% of the total forest and forestland area in the Region. In addition, allocation and recognition of forest land to be distributed to local communities has only been taking place since 2010. As a result, only 51/2460 villages (2.1%) were allocated with an area of about 26.1 thousand ha of forest land (equivalent to only 0.96%) (CODE 2014).

From the mid- 1990s until now, the LISO Alliance has implemented applied researches as well as community development projects, especially targeting the resource rights of indigenous ethnic communities to land and forest resources. In 1997-1998, TEW (the former organization merged into SPERI) supported local authorities and local communities to conduct a pilot on forest land allocation for Gia Rai and M'ngong households in Nghia Hoa commune, Chu Pah district, Gia Lai province, with a total area of more than 300 ha. Later on, the Consultancy on Development Institute (CODE, a lobbying/advocacy unit/department under SPERI grown up to become an independent institute) has conducted a series of policy researches and consultancies on resettlement projects largely on impacts

from hydropower dams and bauxite mining on sustainable development for the Central Highlands Region.

In 2013, CIRUM in collaboration with the Kon Tum Science and Technology Association, Sa Thay District People's Committee and relevant functional agencies and local community conducted a pilot on forest allocation associated with forestland allotment for the Gia Rai community in Ka Bay village, Ho Moong commune in accordance with the Joint Circular 07/MARD-MoNRE (2011).

As a result, the Gia Rai indigenous ethnic community in Ka Bay village has been granted forest land use rights title/certificate to manage 30.8 ha of forestland including 22.8 ha of protected forest and 8 ha of spirit/sacred forest. This effort brought about the assertion/recognition of the exclusive rights of the Gia Rai ethnic people in Ka Bay to their traditional domain, but more importantly ensured the continuity of having access to their livelihoods needs and cultural spiritual identity spaces within the resettled area.

Although this pilot was implemented on a small scale, it is the first initiative in Kon Tum province with regards to granting/recognizing the forestland access, use, and management rights to local communities, especially indigenous ethnic group(s). This initiative was started and built from the efforts and lessons learned from other pilot projects undertaken by LISO regarding forestland allocation to local ethnic communities.

Currently, with further facilitation by LISO, the model of forest allocation associated with forestland allotment for local communities has already been taken up and expanded by local governments and local communities to be replicated in other localities in Sa Thay and Kon Plong districts, Kon Tum province. This case study was financially co-supported by BftW Germany; McKnight Foundation and CARE International in Vietnam.

## Case study 14: Counter-mapping for customary forestland rights and community governance

Long Lan village is located in the 'Phu Sung' watershed area, 40 km Northeast of Luang Prabang City, Luang Prabang Province, Lao PDR. The village is home to 73 households (524 people) of the White Hmong. They consist of six different clans: Zang, Ly, Tho, Mua, Ho and Vang.



*Figure 30: Hmong villagers in community participatory forest land allocation in Long Lan village, Luang Prabang province, Laos. Picture by CHESH Lao, 2005.*

Long Lan village has been studied recently as an area with the richest and most beautiful natural forests remaining in the Luang Prabang province. This is largely thanks to the ongoing collective efforts of the Hmong community and their great capacity for strong leadership, customary law governance, local ecological knowledge and notably realized recognition of the official/legal system for community governance of Long Lan traditional forest land. This has also been achieved partly due to the longstanding participatory rights-based approaches that CHESH-Lao (one of the former organizations merged into SPERI) has used together with the Long Lan villagers and co-facilitated to ensure its implementation from 1999 until now.

Like many other upland-dwelling indigenous ethnic minorities in the Northern Lao PDR, the livelihood practices of the Hmong people in Long Lan area have primarily depended upon forest and land resources; in some areas they have used slash-burn cultivation, and in the past, have grown opium as a cash crop and raised cattle. However, in the year 2000, the Lao government issued a policy to ban slash-burn cultivation and stop opium growing. This policy ban presented Long Lan villagers with an emerging challenge of how to quickly respond and find

an alternative means of food production and cash income. Additional challenges came through pressures upon their forest and land resources largely demanded from external interests. This included illegal encroachment behavior of others coming into Long Lan to search for commercial opportunities from the land and the forest. In certain cases there were agents from neighboring villages also arriving.

### ***Customary-based land and forest allocation***

From 2002-2005, the CHESH Lao office supported and worked together with Long Lan village to conduct forest and land allocation with considerations to maximize their community customary law and their local ecological knowledge. During the entire process, Long Lan villagers were the main decision makers in determining the land use boundaries and conflict resolution. The provincial and district officials only provided certain technical services for transferring the received data onto maps and calculating the size of the various planned areas.

The process also integrated and embraced the mutual adaptation of customary and statutory laws, scientific and traditional spiritual values, and also technical and local knowledge, in order to complete a land and forest allocation plan, which aimed at forest conservation but also development. This plan was accepted by state and different village sectors i.e. women, youth, etc. and also those from the surrounding 12 villages.

As a result, this customary-based forest and land allocation plan in Long Lan fit the villagers' many essential spiritual and practical perceptions, and practices of local land use were standardized into categories of state forestry law. An area totaling 8,534 ha was legally allocated to Long Lan village. The statutory categories were retained, and at the same time, certain parts were adapted to fit with the customary and local practices, thereby producing a different set of boundaries which would further support the spiritual practices and practical needs of the Long Lan people. The entire area included 5,034 ha of forest land, divided into 1,137 ha of preserved forest, 2,888 ha of protected forest, and 1,099 ha of production forest. There were also 3,399 ha of agricultural land allocated to families, including 1,812 ha for cultivation and 1,587 ha for livestock raising.

These lessons from Long Lan village were later applied to neighboring villages in the 'Phu Sung' watershed area. During from 2010-2013, with the financial support of BftW, Germany and under the facilitation and support of CHESH Lao

with a similar approach i.e. customary-based land and forest allocation, communities of the Khmu, Hmong, and Lao Lum ethnic minority groups in the Densavang, Phonsavat and Nasamphan villages were granted titles for over 2,200 ha of their traditional domains.

### ***Legalization of customary law for the Hmong in Long Lan***

This was the first time, happened in 2005, in Lao PDR that forest land use regulations produced by a village based on their own customary law were certified by District authorities. The careful step-by-step, negotiating and inclusive processes were particularly essential for obtaining the agreement and consensus of both the authorities and the 12 surrounding villages. The most difficult step was obtaining the District authorities' initial approval for customary regulations of the communities, as in many instances customary rules differed from what were prescribed in the statutory law. Under the law, for example, people are free to cultivate any type of crop on production land, but under the Long Lan regulations the type of crops they could cultivate were often needed to be clearly defined. According to the state law, land should also not be left fallow for a long time; yet, for Long Lan community, regulations would allow land to be left rested for a sufficient time to regain its fertility and energy (from Long Lan villagers viewpoints).

### ***The 'No Song' traditional institution and customary law network on forest protection in the 'Phu Sung' watershed area***

Substantial challenges to the conservation of the Long Lan forest still remain, particularly from private companies which often want to grab forest land for the purpose of cash crop plantations (i.e. coffee and rubber) and also from surrounding villages whose own forest land has already been degraded and, in some cases, who are short of land for cultivation. As their needs for firewood and housing construction increase, and as many areas of agricultural land are converted to expanding rubber plantations, these nearby villages are pressured to move deeper into the forest areas of Long Lan to search for land for cultivation.

The first solution of Long Lan village to these pressures was to organize a traditional 'No Song' ceremony in 2009. This was a unique Hmong ritual/collective strength/community vow ceremony where representatives of Hmong society in a particular area assemble to discuss and decide adjustments to their customary laws governing cultural identity, community governance, and

natural resource management. 'No Song' means 'community sharing food and commitment'. The Long Lan 'No Song' ceremony constituted a revival of this custom after 30 years of abeyance. It attracted an attendance of Hmong from all 25 villages in the Luang Prabang district, government officials, academics, intellectuals, and media alike - possibly even including Hmong identities from several countries like Thailand and Vietnam. It was a way of establishing the social and political status of Long Lan customary law as the governing instrument of forest protection in Long Lan.

The second solution to address pressures upon Long Lan forest resources was the creation of several models of sustainable sloping land agriculture (such as ecological vegetable growing, herbal medicine and traditional handicraft revival) in order to improve living conditions, increase income and reduce pressure on the forests. In this respect, Long Lan has been especially effective and stands out as a model of economic innovation for surrounding villages to learn from, especially for growing ecological vegetables under forest canopy.

The third solution is that Long Lan has initiated the creation of a customary law network amongst the 12 villages in the 'Phu Sung' watershed area for forest management only. Forest management teams were then set up to regularly patrol and protect the forest. Long Lan village, and later the space at Long Lan farmer field school, is also being developed as a live forum for policy makers, government authorities, development workers, researchers and media interested in the connection and observation of a real model of integration between cultural, tradition and sustainable natural resource management.

### ***Long Lan Community Based Farmer Field School***

In 2012, under the guidance and support of SPERI, Long Lan continued work in further establishing a Farmer Field School - A Regional Model for Sustainable Community Co-Management of Natural Resources. The school will combine the Long Lan model of community resilience with the appropriate application of low-impact, high-yield sustainable production based on tropical forest farming principles. The school will act as the focus for the creation and expansion of a self-sustaining, resilient, community-led (i.e. facilitated by Community Elders, Key Farmers and Youth Leaders) and inter-community network. This case study was initially financially supported by ICCO, the Netherlands for the Customary-based land and forest allocation, and Legalization of customary law for the Hmong in Long Lan, and also customary-law networking on forest protection for entire 'Phu

Sung' watershed area; and later CCFD, France for the supports of Long Lan Community Based Farmer Field School



## Case study 15: The new 9 villages of red Dzao indigenous ethnic community of Phin Ngan commune, Bat Xat district, Lao Cai province successfully obtained community claims over 192 ha of forests and lands

During the year 2015, with supports financially by SCCF, France, CENDI, together with local partners such as provincial, district and communal authorities as well as villagers from 9 villages of Phin Ngan commune, namely Sung Vui village, Sung Vanh village, Lo Suoi Tung village, Trung Lieng village, Lao Vang village, Khu Tru village, Trung Ho village, Lao Sang village, and Tui Man village, and also other Alliance members, had successfully obtained community claims over 192 ha of forests and lands for 9 villages in 27 plots altogether.



*Figure 31: Dzao people in Phin Ngan commune, Bat Xat district, Lao Cai province in the meeting for preparing a plan of community forest land allocation. Picture by CENDI, 2015.*

### ***Process of implementation***

Through months of collaborative preparations and intensive ground-based, field-based activities, and studies with local villagers and stakeholders, such as: (1) A first survey on community forestland conducted in March 2015, (2) Field identification of Community forest in Tui Man village undertaken in March 2015, and (3) Discussion organized at the Phin Ngan communal office in March

2015, there followed a series of other field works engaging and respecting local villagers' voices and knowledge on how they understand and perceive the land and forests resources according the red Dzaio view, such as (4) Villagers presented community forestland plots on their drawn map organized in May 2015, and (5) Women and men in the villages drew maps of their community forestlands, also organized in May 2015. After these, the findings were then presented. Results of the study of local customary forestland use and mapping on the same May 2015 were used to inform local officials of the necessity and importance of recognizing traditional villagers' knowledge in the formal mapping system. Field-studies of customary regulations for community forestland management continued to be undertaken for a month or more. Practical training for many villagers on using GPS was also conducted during June 2015; and then villagers and technical taskforce joined in the same field survey in June 2015 to cross-check and agree upon a common understanding of how they can map their resources meeting up with both customary and statutory values and aspects.

During October 2015, meetings were organized with the participation of villages' representatives to review land measuring and demarcation in the field to correct maps. While in the earlier month leading up to the end of October, meetings and discussions involving representatives from villages of Sai Duan, Sung Bang, Sung Hoang and Van Ho were also organized to discuss the draft of the Red Dzaio community regulations over forests and land resources management. In other villages, such as Trung Ho and Sung Vanh and Lao Vang villages, meetings were also organized to share and obtain final inputs and consensus from all villagers for their community regulations on the and management their community lands and forests.

The process took a while before the meeting to grant land and forests community certificates to all the 9 community representatives was finally organized at Phin Ngan communal office on March 2016. Nine villages were present at the Communal Office House and received their 9 community forests and lands titles.

### ***Changes during the implementation process***

**B**y the end of June, before completing field surveys of community forestland demarcation and measuring the area, it was estimated that there was 245 hectares available for allocation. However, after checking in the field, it turned out that some areas belonged to households and some other areas were overlapping with the area of the Bat Xat district Management Board of Forest

Protection (MBFP). That is why the final area available for granting land-use right certificates to the 9 target communities was counted up to 191.9 hectares. That means, in reality, there was not available the land resources as were initially estimated, so the final allocated land was smaller in area than was expected. In this process, CENDI staff tried to contact the MBFP, however, this agency refused to release their land area or share some of it with the communities. Some community members know this situation, and they said that they would urge authorities to allocate forestland to them in the coming time given the reality that it is cumbersome for them to deal with applying for community land rights by themselves.



*Figure 32: Officials of Bat Xat district, Phin Ngan commune People's Committees, CENDI staffs and Lao Cai Department of Forestry Department in the workshop on community forestland allocation.  
Picture by CENDI, 2015.*

Regarding the time frame, local authorities and villagers need a longer time than planned to ensure greater participation of different stakeholders in the land allocation process. In comparison to the land allocation carried out in the Phin Ngan commune in 2014, there is a change in the local agency in main charge and coordination of the land allocation process. The role is transferred from provincial department of Forestry to the district department of Natural Resources and Environment (DNRE). This is a necessary change to ensure decentralization and create more chances for lower levels to practice coordination of land allocation. However, during the implementation process, the DNRE and other district agencies were assigned with a lot of other formal work, such as the survey of the current situation of forest resources. The communal and

village levels were involved in that work at the same time in addition to the implementation of other government programs, such as New Rural Development or village road building. That is why CENDI has to, based on reality, suggest that SCCF, France approve the longer time for implementation of the project, until the end of March 2016. The budget line keeps the same as was initially estimated.



*Figure 33: Village meeting for customary law based regulation in forest land management in Phin Ngan commune, Bat Xat district, Lao Cai province. Picture by CENDI, 2015.*

In this process, CENDI worked in cooperation with LISO alliance partners, including SPERI, CIRUM, and CODE, to facilitate and organize two workshops in Lao Cai province and Kon Tum province. These forums responded to the government's on-going process of monitoring and evaluation of the implementation of the Land Law and the Law on Forest Protection and Development (LFPD). According to the National Assembly schedule, this activity is in preparation for the drafting, discussing, revising and enacting of the LFPD during 2016-2017. All those workshops focused on forestland rights for ethnic minority people, reality, overlapping, and recommendations for solutions to ensure people's rights. Land rights are connected with livelihood and cultural practices and the preservation of the ethnic communities. The mentioned forums created good chances for local representatives or target beneficiaries to raise their voices to policy makers and the media in order to identify what is going on in reality and what should be done according to local initiatives.

## *Adjustment*

Community and CENDI have tried to contact the district Management Board of Protection Forest (MBPF) in order to get more land allocated to the community; however we know that it would take a very long time to fulfil a lot of procedures in order to get more land for the community that is currently under management of the MBPF. Within this project time frame and budget as well we cannot solve these problems. That is why finally we agreed with the available total area of 191.9 hectares for 27 plots that could be feasibly allocated to communities in 2015. At the same time, CENDI staff recognized that management ability, or community regulation is another factor, which is also important for community rights over forestland. So CENDI, instead of continuing to focus on lobbying for more land, turned to setting up and implementing community regulation on land use and forest protection. Though land allocation was carried out in the 9 planned villages, setting up community regulation was carried out in all 13 villages of Phin Ngan commune, including the 9 villages with land allocated in 2015 and 4 other villages who already had community land allocated in 2014.

## *Story of local names*

It is not simple for many development practitioners to answer the question of how to help local people to feel at ease working with technicians and authorities if they do not share the same language. Specifically in the case of Phin Ngan commune, this difficulty emerged during the setting up and conducting of land allocation activities in the field and setting up customary-based community regulation.

In the formal system, location of land plots is often codified into numbers and some associated letters. It can be easy for specialized cadastral officers to recognize land plots on the profile and mapping system, but difficult for others, especially local people with little formal education. Knowing this reality, CENDI started the land allocation programme with a study of how local Dao ethnic people manage land and protect forest traditionally. Elders, women, youths and knowledgeable people represented the villagers to discuss and draw their traditional land areas and give names to every community forestland plot. They told myths, related stories and explanations for the names of every land plot. Base on the study results and maps drawn by local people, CENDI staff persuaded local officials and technicians of the land allocation taskforce to use that system, with the local name on the maps. The reason was that, by using local names, every

side, especially local people, would very easily recognize the land plots whenever they communicated or planned to survey a certain plot of community forestland. So, the officials and technicians saw the benefits in this and agreed with the suggestion. In reality, everyone felt comfortable to use the people's map with local names while conducting the survey of community forestland in the field.

Working with CENDI staff and the technician team, local representatives confidently talked about stories explaining characteristics of the community land. This is really an exchanging and learning process, not just one way from technicians to villagers, but also the other way around. One forest protector who is involved in the land allocation taskforce said that it is helpful for him to talk with local people and get information on the diversity of species and density of timber when he is dealing with describing forest situation. This is a trustable source of data in addition to the technician's measurement samples and forestry profile in his office. This case study was financially supported by SCCF, France.

## Case study 16: 4 villages of H're indigenous ethnic minority communities in Po E commune, Kon Plong district, Kon Tum province



*Figure 34: Spirit Forest Land of H're ethnic in Violak village, Po E commune, Kon Plong district, Kon Tum province, Central Highlands, Vietnam. Picture by CENDI, 2015.*

**D**uring the years 2015 and 2016, with supports financially by SCCF, France and NPA, Norway, CENDI, together with CODE and SPERI and local partners such as provincial and district and communal authorities, as well as villagers from 4 villages of Po E commune, namely Violak village, Vi Koa village, Vi Po E 2 village and Vi Klang 2 village had successfully obtained community claims for a total over 622.2 ha of forests and lands for 4 villages.

Building on the experiences gained from working with the red Dzaio group in Phin Ngan village of Bat Xat district in Lao Cai and the H're village of Violak village in 2015, the project began by giving total freedom to village traditional leaders to explain their own indigenous system of knowledge and belief in nature spirits. The elders were then asked to demonstrate their wisdom and norms for governing and managing their natural resources and were given the opportunity to map their own land according to their own land-use categories and spiritual names. They were then asked to formulate their own solutions, strategies and initiatives for overcoming the problems caused by unwanted government interventions into their system of land management. The key concern was the wishes of 20 householders from Vi Po E 2 village and 21 householders from Vi Koa village to have their individualized rights to community land returned to their two communities to be co-manage according to their customary law.

The next step, rather than immediately seek land rights, was to first gain legalization of the village customary law so that when land right titles were given they would be given on the basis of those laws. This was a reversal of the previous method of land allocation applied by CENDI in Phin Ngan in 2015 where land was first allocated and then customary law legalized, and it was found to have some important positive impacts. In the first place, the new methodology brought the H're discourse on land management in these two village directly to the consciousness of the local authorities, causing them to change their views of indigenous ethnic minorities, from one of 'backwardness' in need of guidance from the more 'advanced' Kinh, to one of respect and support for local customary law.

Further methodological innovation was to utilize key-farmers from Violak village as speakers, trainers and facilitators of H're people in Vi Koa and Vi Po E and Vi Klang 2 villages. The effect of this was to build confidence, strengthen solidarity between the villages, and enliven their determination to preserve their culture of living harmoniously with nature. When H're people had other H're speak to them it built trust between the villages and confidence in their own culture, and when they saw H're people sitting alongside local authority staff and officials from Hanoi and speaking out about their own beliefs and values they felt proud of themselves and gained confidence to themselves speak out at these meetings.

There was also a change of attitude on the part of the local authority staff and other outsiders who attended the meetings. The effect was that the local authority had complete confidence in the ability of H're people to manage the



natural environment effectively according their own local knowledge and customary law thereby facilitating the easy transfer of land titles to the communities.



*Figure 35: H're villagers in Violak village, Po E commune, Kon Plong district, Kon tum province, Central Highlands of Vietnam measuring the forest quantity  
Picture by CENDI, 2015.*

A thorough and complete process of trainings, both field based training and in-class training, empowering key villagers, including the younger generations, on knowledge and skills such as GPS, identification of mother trees, and sacred trees for documentation and conservation purposes to guide younger H're generations to be proud of their local knowledge and local valuable tree species were also undertaken.

The process of better realizing the rights of young H're villagers and farmers network is becoming clearer for all of these young H're villagers. Continued focusing on strengthen their capacity is critical, particularly for better realization of the value of land and forests locally, and enforcement of their community rules to defend their own villages, identity and sovereignty. Continuing to facilitate and strengthening 24 key farmer's and villagers' capacity, and villages' networking in

terms of co-management efforts is in-line with the strategy of addressing the current situation of rapid deforestation happening in the Central Highland region (particularly since April up to mid July 2016). In Dak Nong province, Dak Glei district of Kon Tum province, and Bao Lam district of Lam Dong province reports about deforestation have been made through media as well as official reports. In order to protect the remained forests in the Po E commune, of Kon Plong district, this strategy of strengthening co-management across villages will become even more significant. This case study area has been financially supported by SCCF, France and NPA, Norway.

# CONCLUSION

## **From Land Rights to Eco-farming**

Given the primary importance of access to traditional lands for all other aspects of Livelihood Sovereignty, LISO has, in the past, focused their efforts mainly upon securing for indigenous ethnic minority communities title to their community forestry and land, and as reported in this publication, over the last 23 years LISO has facilitated the allocation of over 62,000 ha of land to almost 10,000 families in more than 70 communities in Vietnam and Lao PDR. In addition, in several provinces of Vietnam, local authorities have adopted the LISO approach and methodology to land allocation with the result that the overall impact of LISO's work in land allocation has been even greater.

Once communities have gained rights to their community forestry and land, however, efforts then need to be put into preserving that right and ensuring that the communities concerned can cultivate and manage their community forestry and land according to their own harmonious wisdom. In this respect, the work of LISO is now focused upon facilitating traditional cultivation and customary law-based Land Use Planning, and the promotion of Eco-farming on their legal community forest and land. Furthermore, we define and apply Ecological Farming according to the traditional cultivation methods of the indigenous communities and their own understanding and valuing of Nature's dignity, and the *five fundamental characteristics of an ecosystem*, namely 1) Diversity; 2) Uniqueness; 3) Interaction; 4) Adaptability; and 5) Sustainability. These characteristics constitute the basic foundation for the life, endurance and diversity of all living things.

Eco-farming has its origin in the cultures, practices and worldviews of the indigenous peoples of the Mekong region and can still be found in remote areas where ethnic minorities living deep in the forests have been less impacted by a so-called "modern civilized " society. They are communities that have not lost their identity to the false promises of new technologies and the market economy, and have maintained their own livelihood sovereignty, defined in terms of five fundamental rights to their livelihood identity: 1) the right to an ecosystem (basic); 2) the right to nurture the ecosystem (unique); 3) the right to practice wisdom and experience on their ecosystem (practical); 4) the right to self-reliance and self-determination in their ecosystem (holistic); and 5) the right to co-nurture their ecosystem with neighbors (strategic) (Tran thi Lanh 2007).

Hopefully, in nurturing the wisdom and customs of indigenous peoples' in their harmonious being-with-nature, we can through these 16 case studies, contribute not only to indigenous wellbeing, but also bringing all humans, especially those of the modern developed world, from the consciousness of controlling and destroying nature to that of following and nurturing nature, and relearning how to live in harmony with Nature, such as indigenous people all over the world have been doing for hundreds of years. In other words, modern civilization, if it is to survive, must to return to the ways of our indigenous people in valuing their egalitarian relations with nature and each other, ecologically, culturally, communally and economically.

**Tran Thi Lanh - Founder**

## MAP OF COMMUNITY SPIRIT FORESTLAND FACILITATED BY LISO



**C**ommunity spirit forestland is space in which villagers practice and maintain their religious values toward natural spirits via traditional rituals. This land has been recognized over many generations as owned by the whole community and its management and protection is closely associated with the traditional practices and ideologies of the community, the roles of elderly and prestigious people and clan heads who voluntarily implement its management.

In addition to its spiritual purpose, this forestland provides resources to ensure the livelihood of households in the community for living, cultivating, housing, firewood, herbal medicines and food. In the minds of villagers these community forestland areas have always belonged to them and were transferred to them by their previous generations. Yet local communities still lack of rights under the law to manage and use these forestland areas.



# From Community Forest Land Rights to Livelihood Sovereignty and Wellbeing

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