Introduction

Land tenure security is internationally considered a precondition to reach sustainable land use in upland farming. Many methodologies are currently being developed and tested in Vietnam with the aim to improve land use planning and subsequent land allocation, in which the participation of the rural population plays an important role. These efforts come at a crucial phase, as the Socialist Republic of Vietnam is in the process of setting up a new cadastral system, redefining use rights for agricultural and forest lands and allocating the land use rights to rural households and different types of organisations. Land allocation in the mountainous areas has proven to be a difficult process in the absence of an adequate infrastructure, qualified staff and efficient cadastral organisations, as well as poor horizontal and vertical coordination. Key issues in need of improvement are:

a. Low quality of maps and land use certificates, in particular for cadastral purposes. Due to the absence of aerial photographs, accurate topographic maps and appropriate equipment, maps have to be made by hand and in the field, requiring a massive input of labour and considerable financial inputs from already scarce human and economic resources. The manual process itself and the transfer to digital formats as currently practised is error-prone and require considerable quality control and post-processing correction efforts.

b. Slow implementation process: The methodologies tested so far have typically been applied on a small scale only. For large scale applications in entire watersheds, and provinces, currently available human and financial resources are generally insufficient. Therefore, it is necessary to explore the possibilities and preconditions (advantages and disadvantages for the use of more advanced equipment and technologies using aerial photography, geographic information systems (GIS) or other computerised means to speed up the process and improve output quality.

Legal and Policy Framework

Over the past decade, government policy has gradually shifted away from a centrally-planned economy with collective land property, and land management towards a more market-oriented system with increased importance of individual households in the management of land resources and reduced state control. The driving force behind these efforts has been the need to increase land productivity and to ensure better land management.

Official Government policy is documented in Laws and Ordinances as the highest form of legal direction in Vietnam. In addition, Decrees are passed by the government to implement laws and ordinances and are often supplemented by more detailed Regulations and Circulars.

Before the first land law was promulgated in January 1988, land had no real owner in Vietnam and land management had no clearly defined legal basis. The formulation of the First land law was therefore a major step to define Vietnam's official land policy (Note 1).

The first land law defined land as the property of the entire people, controlled by the State, and entitled legal land users to own the buildings erected and the fruits of their labour and investments in the land. The land users, including institutions, groups and individuals, thus were given the right to use but not to own the land. Land was to be assigned for long-term employment and land users were obliged to follow government regulations and specific instructions defined in the land use certificates. Among others, the law prohibited to leave agricultural land fallow or uncultivated and to destroy and burn forests.

The first land law introduced a number of important land management components, namely the need to carry out cadastral surveys and to prepare land use plans and land registers. Implementation responsibility for land use planning lay with the Council of Ministers on national level, the People's Committees on provincial and local levels and the various branches of several government agencies on sectoral level. Approval of land use plans was the responsibility of the National Assembly for nation-wide plans, the Council of Misters for provincial plans and the people's committees at the various administrative levels for the plans submitted by
the lower levels. The People’s Committees at district level and village level, assisted by the respective land management offices, were charged to set up land registers, to keep records of transactions and to issue land use certificates.

The First land law also introduced the classification of land into Five categories, namely:

1. Agricultural land
2. Forestry land
3. Land for residential areas
4. Specialised land
5. Unused land.

Definition of land classes was based on the intended use of the land and not on actual use, implying that intended and actual land use would ultimately correspond. Following this logic, land for which the use had not been determined and which had not been allocated accordingly was to be classified as "unused land".

The promulgation of the land law was followed by Decision 10-NQ/TW of the Politburo in April 1988 on the renovation of the agricultural economy, effectively abolishing central subsidies and establishing farming households as independent economic units with individual production and decision making authority. Land was allocated based on household labour force and was redivided every few years to keep up with changes in the number of worker (Note 2).

The first land law and Decision 10 laid the foundation for today’s land administration processes and along with other renovation (“doi moi”) policies and decision, encouraged more productive land use. However, a few years after it was passed, the land law was considered outdated, mainly due to a lack of clear and precise regulations and provisions and the speed of transformation in Vietnamese politics (Note 1).

After the promulgation of the Fourth Constitution, a new land law was passed in July 1993. While maintaining many provisions of the first land law, the new land law incorporated number of important policy changes:

- The State recognised customary land use rights, granting the right to receive land use certificates (LUC) to all who use land on a stable basis, as certified by people's committees, while acknowledging allocations effected under former regulations and administrations.

- The land user was entitled to exchange, transfer, lease, inherit and mortgage the land use right (“5 rights”)

- The land user was granted the additional rights to receive (a) guidance and assistance from the State in land improvement, (b) benefits from public projects of land protection, (c) benefits from the results of labour and investments and (d) legal protection against violations of the land use rights.

- The land user was given responsibility to protect, improve and manage the land, to fulfil cadastral procedures, pay tax and administrative fees.

- The State stipulated the duration and area limits of land allocation.

- Land was valued for the first time in monetary terms for tax purposes and to determine property values.

These provisions effectively required the state administration to allocate all land to specific owners and, with the granting of the land use certificate (LUC), to transfer responsibility for land management to individual households, groups, organisations and institutions. At the same time, the State was assuming the responsibility to carry out the required land administration procedures and to provide assistance to land users regarding proper land management and protection.

Quite obviously, this new land policy represents a formidable task for all involved government agencies, requiring substantial resources, as well as explanatory regulations and instructions for government officials to ensure a successful policy implementation. For this purpose, the Government promulgated Decree 64/CP on
agricultural land allocation in September 1993 and Decree 02/CP on forest land allocation in January 1994. Decree 64 specified that all agricultural land except land allocated to organisations and land required for public needs shall be allocated to households or individuals for agricultural production. Agricultural land was defined as land intended for planting annual and perennial crops, land including water surface for agriculture production, and hilly, bare and unoccupied land assigned for a cultural production. The decree specified area limits for land being allocated and duration Exits, fixed to 20 years for annual crop land and 50 years for perennial crop land. Land users should receive certificates of the right to use land permanently, issued by The People's Committees (PC) of the Districts, based on proposals by the People's Committees of the communes.

The national forest policy is outlined in the Forestry Sector Review (Note 3) which was initiated as part of the Tropical Forestry Action Program in 1989 - and in the 1991 Forestry Protection and Development Act. It Rims at establishing, maintaining and managing a national forest estate by conducting national surveys and land use planning (LUP) to identify land belonging to the national forest estate and to then classify the land according to forestry purposes. The strategy set national goals for forest coverage, targeting over 70% forest cover in high mountainous areas, 40-50% in low mountain areas and 20-30% in the midlands. In practice this implied, that land was to be assigned to the forest estate that was in fact used for other purposes, namely shifting cultivation and upland agriculture. While the 1988 land law granted ownership to the land to the whole people, the forestry act identified natural forests and forest plantations as State property.

**Institutional Framework**

**People's Council**

According to Vietnamese legislation. The People's Councils at all administrative levels have been vested the powers to decide on measures for management and use of the land, forests and other natural resources in their respective localities. This includes responsibilities to prepare land use plans, to carry out land allocation and to issue LUC as specified the Land Law.

**General Department of Land Administration**

The General Department of Land Administration (GDLA) is responsible for land administration and land classification at national level. The Department of Land Administration (DLA) at provincial level together with the cadastral officers at District and Commune levels is in charge of the administrative execution of cadastral mapping, land registration and issuing of land use certificates. In practice, the DLA is focusing its limited resources on the allocation of lowland agricultural areas and on the establishment of detailed cadastral maps (scale 1:1,000-1:2,000) for these areas.

**Ministry of Agriculture and Rural Development**

Since its creation in December 1995, the Ministry of Agriculture and Rural Development (MARD) combines the responsibilities of the former ministries for forestry, agriculture, food industries and water resources management. Among its 18 departments under the direction of a Minister and seven Vice-Ministers, the Department for Forest Protection (DFP), the Department for Agriculture and Forestry Extension and the Department for Fixed Cultivation, Sedentarisation and New Economic Zones play an important role in the field of LA and LUP in mountainous areas. The Forest Protection units on provincial level and district levels represents the State administration in charge of land use planning and forest land allocation (FLA) in mountainous areas and on forest land. According to the Land Law, these activities are to be carried out in cooperation with the DLA and the PC at the respective levels.

**State Forest Enterprises**

The remaining 400 state forest enterprises (SFE) in Vietnam were, until recently, the official managers of the forests lands, entitled to exploit the forests, process and market wood and reforest or plant new forests. In recent years, the monopoly of the SFEs has been abolished and with it many of their privileges. Today, SFEs are asked to survive in a market economy or to dissolve.

According to the legal framework and current government regulations Decrees No. 12/CP and 01/CP, SFEs are entitled to contract the land assigned to them to households and organisations for protection, replanting and other use on a profit sharing basis. In addition, the program 327 provides SFEs with additional income, either from direct involvement in project implementation of by charging a management fee. As de facto
owners of large forest areas, SFEs have played an important role in forest land use planning in the past and present. Although the stipulations of the land law and other government regulations emphasise the allocation of forest land to households, this can be done only if the respective SFE gives up its claim on the land. In practice, this does not seem to be the case: of the 6 million ha of forest land allocated by the end of 1996, roughly 3/4 (4.5 Million ha) were allocated to state organisations and only 1/6 to households (1 million ha) (Note 4).

SFEs therefore seem to remain major players in management of forest lands in the near future. They can manage forest lands directly or contract households organisations for protection or production activities. If SFEs manage to change their current focus from forest exploitation to forest management they could provide valuable service functions in forest management and protection. Their role could evolve to prepare and implement sustainable forest management concepts for larger forest areas and to co-ordinate and collaborate with local households or user groups contracted to carry out the protection and production activities. Management of funds, marketing of products, provision of extension and protection services are other areas where SFEs have a comparative advantage and could play an important role in the future.

Forest Inventory and Planning Institute

The Forest Inventory and Planning Institute (FIPI) - a subsidiary of MARD with 5 regional branch offices and headquarters in Hanoi - is responsible for the assessment of forestry resources and the preparation of national forest inventories and forest development plans. FIPI has developed national forest classification system based timber volume and crown cover and has experiences and capacities for visual land use interpretation of remote sensing images, digitising of interpretation results and preparation of maps (mostly 1:250,000- 1:100,000 forest type and soil maps based on interpretation of satellite images and aerial photography).

National forest resource Inventories at small scales have been carried out by FIPI on several occasions, the last ones completed in 1991 and 1995 (with 1989 and 1993 data). FIPI offers services related to forest inventories, land use planning, mapping, map digitisation, image interpretation and field checking on a contractual basis and has experience in carrying out small scale as well as detailed resource inventories.

Forest Science Institute

The Forest Science Institute (FSI) is the national institute for forestry research. It's 16 research centres are located in different provinces and carry out research in all forestry related topics. In addition FSI offers services for field research, inventories, mapping and, map digitising.

Other Organisations

Other organisations of importance for LUP/LA and related information and services are the National Institute for Agricultural Planning and Projection which functions as a central agency for agricultural planning and resources assessment, and the General Statistical Office which collects and publishes national statistics on land related data.

Field Implementation

Since the promulgation of the new legal framework on land management, the responsible government agencies have been pursuing the objective to complete the land allocation process for the whole country by the year 2000. According to current regulations, allocation of land with natural forests can be done in two ways:

a. By issuing households or individuals with a LUC based on a management agreement (khe uoc) or

b. By assigning land to a household on the basis of a protection contracts (hop dong) in accordance with Decree 01/CP.

In practice, most natural forests are assigned with protection contracts, essentially paying the user for the services rendered but not entrusting him or her with a LUC and the complete set of land use rights. Land entrusted under protection contracts cannot be used for the extraction of firewood or construction wood
without applying for a permission to the “owner” of the forest. In addition, users are not allowed to build permanent houses on the land and are thus considerably restricted in their traditional use rights. The user obtaining forest land under a protection contract is therefore at a disadvantage in comparison to a user in an area where land allocation has not taken place.

**National Programs**

Since the promulgation of Decision 327 in September 1992, roughly 3 trillion VND (230 million US$) have been invested into the largest national forestry promotion program to date. The program provided considerable funds for the plantation and protection of forest lands, establishment of fruit orchards and industrial crops, but also for infrastructure improvement and land allocation activities. In projects implemented under the program, households were to receive land against LUC or contracts for protection depending on the amount of land available and the capacity of the household to use the land. For land allocated against a protection fee, 30,000-50,000 VND per ha were to be paid on an annual basis.

By the end of 1996, 1.6 million ha of forest had been leased to households under protection contracts and 0.7 million ha afforested under projects carried out within the 327 program. In addition, 0.1 million hectare were planted in perennial cash crops and fruit trees and temporary job opportunities were created for 0.5 million households. The implementation of this large-scale program was, however, not without difficulties. In a report by the MARD (Note 5) the following shortcomings were emphasised:

- Plantation areas were not selected to cover the most crucial watershed areas, due to a lack of detailed planning at provincial levels and the absence of detailed maps identifying the areas considered as very crucial, crucial and less crucial protection areas;

- Projects were scattered geographically;

- Plantation costs per ha were set uniformly throughout the country without taking into account local cost variations in inputs, transportation and site conditions. This led to a selection of easily accessible sites and low cost tree varieties, neglecting essential protection objectives;

- Studies on the protection requirements of individual plots were inadequate or lacking, leading to the use of tree species that are easily produced. Given the accelerated pace of implementation, 327 projects had to use whatever species were available;

- In the absence of proper site identification, investments tended to share the available budgets evenly among participating households, resulting in scattered plot installations and a tendency to favour less sloping areas for tree plantations;

- Lack of preparatory studies and know-how during the planning process;

- Lack of comprehensive planning concepts integrating protection and production needs for whole areas, e.g. watersheds.

As a result of these shortcomings, the 327 program was revised in 1995 following decision 556 issued by the Prime Minister. According to the new regulations, projects carried out within the program have to focus on protection forest in the most crucial areas of watersheds, with 70% of the investments reserved for new forest plantation, regeneration and protection. In addition, a number of quality criteria now have to be respected during project implementation.

The 327 program was followed recently by another, even more ambitious forestry program, the so-called 5 million ha program. This program aims at establishing 2 million ha of protective forests and 3 million ha of production forests in the period 1998-2010. If the objectives of this program were fulfilled, Vietnam would reach the same degree of forest cover by the end of the next decade as it had at independence. In contrast to the 327 program, the 5 million ha program has made no provisions for land use planning and land allocation to be carried out under the program, apparently assuming that this will be accomplished independently nationwide by the year 2000.

The 5 million ha program assumes that the land required for plantations will be found among the so-called unused lands and barren hills. Since these lands are actually used by local populations involved in shifting cultivation and upland agriculture, the implementation of the program will result in considerable pressure on these traditional land use systems. Under this new program land use planning could play an important role in
identifying areas potentially available on the local level for plantation, regeneration and reforestation.

International Programs

In addition to national efforts, an important number of ODA-supported programs have been involved in activities related to land allocation and land use. The experiences and approaches of national and international projects currently involved in participatory land use planning and forest land allocation and their working methodologies were presented and discussed in depth during a national workshop which was held in Hanoi from December 4-6, 1997 (Note 6). The workshop assembled representatives from all major national and international programs, projects and agencies currently engaged in land use planning and land allocation in Vietnam.

The experience acquired in different locations and under varying frame conditions with regard to common elements can help solve the issues related to land use planning and land allocation (LUP/LA) and can help answer the pressing question, if differences in the natural, social and institutional environment require substantially different implementation approaches or if a common core methodology can be applied all over the country.

A comparison of the methodologies presented during the workshop and additional discussion and research showed that there are a large number of common elements in the currently applied LUP/LA methodologies. This can be attributed to the fact that participatory land use planning and land allocation approaches were introduced quite recently in Vietnam. Experiences made in the first instances were carefully observed before being modified and replicated by other projects and in other locations so that currently applied methodologies include appropriate participatory concepts and follow largely similar approaches. For these reasons, it suffices to present a few key methodologies, which stand out for their official character, degree of dissemination or high level of participatory elements.

Land Use Planning and Land Allocation Methodologies

Land allocation concerns all classes of land as identified in the land law. Thus there is principally no need for specific land allocation methodologies for agricultural and forest lands. The Forestry Protection and Development Act as well as Decree 02/CP (1994), however, attach responsibility for forest land use planning and land allocation to the forestry administration while other legal stipulations, namely Decrees 12/CP and 34/CP (1994), refer the responsibility for land use planning, cadastral surveys and land administration to the Department of Land Administration. This leads in practice to competing efforts in land allocation by different line agencies. Since all activities related to LUP/LA are, however, to be conducted under the responsibility of the People's Committees, it is within the authority and responsibility of the PC to co-ordinate and homogenise ongoing LUP/LA activities within the areas assigned to them.

Agricultural Land Allocation

For the above mentioned reasons, no detailed guidelines for agricultural land allocation exist. The legal framework is set by the Decree 64/CP (1994), including the following regulations:

- Agricultural land is allocated to households and individuals for stable and long-term use;
- Agricultural land allocated includes land for annual and perennial crops and aquaculture;
- Land user must use land for its purpose, protect, improve and use the land safely and abide the legislation on land;
- Land user shall be issued a certificate of the right to Use land permanently, issued by the PC of the rural districts, district towns and provincial cities, based on proposal by PC of urban and rural communes, commune towns;
- Duration of LA is 20 years for annual crops and aquaculture, 50 years for perennial crops;
- Area limits for allocated land are: 3 ha of annual crops per HH in the provinces of the Mekong Delta, 2 ha in other provinces; 10 ha of perennial crops in the Delta communes, 30 ha in other areas; limits for
unoccupied, bare and reclaimed land are decided by the PC of the provinces;

- Land is allocated to persons residing permanently in the locality or serving the army;

- Land can also be allocated to people living in another locality in collaboration with the respective PC of the locality in question, in order to calculate and control the amount of allocated land.

It is noteworthy that no stipulations are made with regard to ensuring equitable access to land, nor is there a mention of procedures to be applied during the land allocation process, or documents that have to be prepared.

**Recommendations of the National Workshop on Land Use Planning and Forest Land Allocation**

As a result of the national workshop on participatory land use planning and forest land allocation, the following principles, steps and recommendations for LUP and LA were presented *(Note 7)*:

### Basic Principles for Land Use Planning and Forest Land Allocation (FLA)

- Flexibility to be adaptable to the diversity of local conditions;

- Integration into the framework of land use plans from higher levels;

- Land use planning should precede forest land allocation;

- Simplicity to allow implementation by local level staff;

- Land use planning should be considered as land use orientation at commune level.

### Steps in Land Use Planning - FLA

1. Collection of information and secondary data.

2. Definition of the present land use situation.

3. Assessment of land capability (land potential).

4. Preparation of the land use plan and proposed land use maps.

5. Submission of the proposed land use plan to commune and district People's Committees for approval.

6. FLA according to the 1994 guidelines by the Ministry of Forestry.


Other recommendations made by the working group were:

- Main outputs of the LUP process are present land use maps and proposed land use maps;

- LUP should be carried out at the commune level, not at the village level;

- Mapping scales should be 1:10,000 for smaller communes and 1:25,000 for larger communes;

- Establishment of a multidisciplinary/ multi- institutional working group to carry out LUP-FLA;

- Need for capacity strengthening at local levels;

- Need for better collaboration between government agents, stronger leadership and classification of roles and responsibilities.
Ministry of Forestry Guidelines for Forest Land Allocation

In August 1994, the Ministry of Forestry organised a national conference to present its “Guidelines on the method of land allocation over the entire area of a commune”. These guidelines were subsequently considered as the basis for the implementation of forest land allocation activities in all provinces. The methodology presented in the guidelines was based on the experiences drawn from SIDA financed pilot activities, carried out in Tu Ne and Pa Co-Hang Communes in Hoa Binh Province in 1993 and 1994 (“Tu Ne Method”). Although primarily intended for forest land allocation, the guidelines concern agricultural land allocation likewise, at least in the upland areas where no clear separation between forest land and agricultural land can be maintained.

The main worksteps of this methodology and summaries of their specific contents are presented in the following table. More detail and instructions on the methodology are given in (Note 8):

Table 1: Work Steps in Forest Land Allocation

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Establishment of District FLA Steering Committee and Work Team</td>
</tr>
<tr>
<td>2.</td>
<td>Information and data collection</td>
</tr>
<tr>
<td>3.</td>
<td>Proposed land use planning and plan for FLA</td>
</tr>
<tr>
<td>4.</td>
<td>Meetings with village (or co-operative) members</td>
</tr>
<tr>
<td>5.</td>
<td>FLA on the field</td>
</tr>
<tr>
<td>6.</td>
<td>Desk work</td>
</tr>
</tbody>
</table>

FAO/MARD Methodology

The Methodology for PLUP and FLA developed in the project GCP/VIE/020/ITA “Country Capacity Strengthening for NFAP Implementation in Vietnam” is also based on the “Tu Ne Method” and represents an example of further refinement of the methodology. The elements of this methodology are documented in detail in (Note 9). Land use planning is carried out at three levels: commune, village and household, with planning detail increasing from commune to household level.

The Commune land use map is prepared at a scale of 1:25,000 for larger communes or 1:10,000 for communes smaller than 25,000 ha and contains:

- Socio-economic data, needs, aspirations and know-how of commune populations;
- Topographic map data, boundaries, land tenure;
- Present land use and vegetation cover;
- Site conditions and potential/capability.

The village level land use plan is prepared in more detail, usually at a scale of 1:5,000 and is the result of much direct and intensive participation of the concerned population and more intensive field work. The normal sequence of activities to be carried out in the FLA process is as follows:

1. Organise a training session on participatory FLA
2. Prepare a plan of operations for the FLA process
3. Organise commune and village meetings
4. Assist households in completing application forms for forest land
5. Prepare FLA scheme
6. Present FLA scheme in village meeting
7. Delineate and measure allocated parcels in the field
8. Prepare land use plan for allocate parcels
9. Prepare cadastral map
10. Prepare cadastral register
11. Obtain official approval for the FLA scheme
12. Issue LTC.

To assist the implementation of the practical implementation steps, a series of briefing notes and field guides has been prepared.

The methodology emphasises the need to ensure equitable access to forest land and resources for all segments of the population during the FLA process and the need to give special consideration to ethnic minorities and women. Negative socioeconomic impacts have to be avoided and national priorities need to be harmonised with the needs of the local populations. The process of FLA should be linked to community development, and therefore needs to be multi-sectoral and not merely forestry oriented.

**SFDP Methodology**

The German-assisted Social Forestry Development Project (SFDP) Song Da has been actively involved in participatory land use planning (PLUP) and land allocation since 1995. The methodology adopted by SFDP follows to a large extent the ministerial guidelines mentioned above, summarised in the following steps:

1. Preparation: establishing of a steering committee on District level, and of an implementation-working group on commune level; compilation of basic information and secondary data.
2. Village meeting for discussion and explanation of the land allocation process.
3. Mapping of present land use and village/commune boundaries.
4. Preparation of the land use plan during village meeting.
5. Allocation of land on the field.
6. Administrative procedures for approval of LUP/LA results and issuing of LUC.

As a result of practical implementation experiences, the project modified the ministerial guidelines in several aspects, in particular:

- The LUP/LA process is carried out primarily on village level, since villages have a manageable size and a clear social hierarchy; village level plans can then be aggregated to produce commune plans;
- LUP/LA is carried out in unison for all kinds of land and not separately for agricultural and forest lands;
- Local languages and local names in discussions and negotiations;
- The local cadastral agent is actively involved during the entire process;
- Identification of land plots is carried out by the villagers themselves in the presence of government officials.
Land and forest management issues are addressed during the planning and land allocation process; forest land allocation to forest protection groups is encouraged;

Training and capacity strengthening of local government agents with regard to all tasks involved is considered an integral part of the process.

According to SFDP's strategy, PRA exercises mark the starting point of the LUP/LA process, aiming to get a better understanding of the local conditions, problems and potentials. The PRA exercises carried out include the preparation of simple present land use maps, village transacts and a 3-D village model made from available materials which are used for LUP purposes. A typical PRA exercise involves a small group of about 4 District officials and is carried out over a period of 2-4 days. The results of the PRA are documented in a report, while the LUP/LA activities lead to the preparation of a set of maps: (1) Present land use map, (2) Future land use map, (3) Land allocation map.

It is noteworthy to mention that the SFDP uses the LUP/LA process as entry gate to the identification of measures encouraging sustainable land use practices and improving the living conditions in the targeted villages. For this purpose, the results of PRA, PLUP and LA are analysed and transformed into programs of activities to be carried out in the villages, ranging from forestry protection and management activities to agricultural demonstration trials and training courses for farmers. These activities are listed as an annual village development plan (VDP). The VDPs are then aggregated at communal and District level, and serve as a basis for SFDP's annual plans of operations.

### Issues related to LUP/LA

Security of tenure i.e. long term land use rights can be considered a prerequisite for improving the incentives to invest in land improvements and conservation. While allocation of agricultural land and issuance of land tenure rights in the form of "red book certificates" (RBC) can be considered reasonably rapid, the allocation and issuance of RBC for forest lands has been hampered by a variety of factors. The main problems and issues can be summarised as follows:

- Current land classification is not based on present land use but on the purpose for which the land should be used according to government policy. This creates a conflict with current land use practices of rural populations in mountainous areas where upland areas on sloping land and mountain plateaux have long been used for agricultural purposes. Officially, these lands are considered and classified - depending on their current status - as degraded forests, forest land without forests, barren lands or unused lands. The failure to recognise traditional land use systems in land classification and land use planning disadvantages traditional land users and creates potential conflicts during the land allocation process.

- Classification of forests as special-use, protection and production forests, and subsequent subdivision of protection forests into very crucial, crucial and less crucial ones does not relate well to the management requirements for each forest class and no clear criteria and standards for the application of the classification system seem to be applied during the land use planning process.

- Land use planning has traditionally been a top-down planning exercise, with national targets being set for land allocation, forest protection etc. which were subsequently translated into targets at lower levels. Since national targets are based on national surveys at small scales and on national strategies and priorities rather than on actual implementation capacities, they risk to be overly ambitious with resulting pressure on the local levels to implement more than can be managed. This results in rushed preparation and poor quality of implemented activities.

- A top-down, centralised land use planning approach is In conflict with the efforts to carry out a balanced assessment of the claims of all stakeholders with vested interests in using the land. Combined with the failure to classify land under shifting cultivation as agricultural lands, this leads to the State's claim to a large proportions of the mountainous areas as forest land, despite the fact that many of these areas were part of forest based agricultural production systems.

- Lack of institutional integration and co-ordination combined with commercial interests results in insufficient information exchange and distribution of available geographic data which could speed up the LUP/LA process and increase the quality of the associated documents.
Current practices favouring FLA under Protection contracts, disadvantage the users by restricting their land use rights and traditional rights to use forest products. Contracting households for the protection of forests against payment of an annual fee of VND 50,000 per ha is neither economically interesting for farmers nor financially sustainable for the State (Note 10).

Conclusions

Summarising the strong and weak elements of LUP/LA, it can be said that the national policy of active promotion of LA to households and other economic Organisation has the potential to (a) improve land management, while (b) giving local populations better land use rights, access to resources and economic opportunities and (c) ensuring the protection of sensitive areas.

It is, however, at present unclear in how far these objectives can be achieved, given the weaknesses of the institutional framework, the lack of adequate funding for LUP/LA activities and the focus on quantity rather than quality during implementation.

National programs like 327/556 and the new 5 million hectare program set very ambitious targets for physical reforestation measures, while paying little attention to the fact that the lands to be used for reforestation are at the same time lands that households in the mountainous areas are using for agricultural production. These national program are designed with a national strategy in mind but without paying sufficient attention to the reality in the field. This indicates that the national land use planning framework is still essentially following a top-down orientation. As a result, local level government agents and land users are confronted with the need to accommodate policy-driven programs like 327 and the 5 million hectares program instead of being given support according to the needs identified during the local level LUP/LA process. The priority that is currently given to policy-driven national programs risks to absorb most of the available capacities to prepare and implement this programs and their components while leaving little room for land user practices beyond mainstream forest plantations and regeneration.

The national programs still attach little importance to the preparation of an adequate planning framework and institutional strengthening of involved government agencies prior to Implementation, poor implementation results and the inability to disburse the allocated funds properly can be expected, as was the case during the implementation of the 327 program. Since such a waste of resources and efforts is highly undesirable, more importance should be attached to local level planning. Implementation programs should be build upon the results derived from the LUP/LA exercises, so that farmers can be sure to receive the support they demand for improved land management and which corresponds to the local conditions.

Another aspect to be considered is the fact that only a small proportion of land with forests is actually allocated to households, and that the economic incentives attached to forest protection contracts are too low for most farmers. If the farmer receives a protection fee of 50,000 VND/ha but not a share in the value of the forest products, he is not encouraged to undertake measures to increase the productivity of the forest but is more likely to act like a forest guardian. Besides, it is beyond the State's capacity to apply current protection arrangements over the total area of forests in need of protection. Since the State has remained by far the most important forest land owner in areas where forest land allocation was completed, it seems unlikely that important changes with regard to management of existing forests can be expected in the near and mid-term future.

It has to be concluded that the LUP/LA process in Vietnam - if continued in a similar fashion as today - will not yield the results expected. Given the current constraints, land use and land allocation records will either become quickly obsolete or will require substantial investments to improve the quality and update the contents.

Recommendations

Based on the above-mentioned findings the following recommendations to improve the LUP/LA process are proposed:

1. Consider LUP/LA a long-term process requiring a stronger commitment to ensure that land use and land allocation records are kept up-to-date and according to acceptable quality standards.
2. Reduce policy-driven national programs in favour of needs-oriented programs designed at local levels.

3. Create awareness among decision and policy makers to review national and local priorities in favour of institutional strengthening, improved local level LUP/LA and needs-oriented implementation programs.

4. Review current LA guidelines and methodologies and develop a standard LUP/LA guideline to be followed by all institutions involved. The guidelines should be flexible in its approach but provide detailed procedures to be followed from preparation of the field work to the final approval of LUC, clarify roles and responsibilities of all actors involved in the process at all levels, define the criteria to be applied during the land classification and LUP process and describe the products to be elaborated (maps, lists, tables, certificates) as well as the quality standards to be applied.

5. Introduce more efficient mapping and surveying techniques at field level to speed up the LUP/LA process, improve quality and reduce cost.

6. Develop training modules covering all elements of the LUP/LA guidelines as well as improved mapping and surveying techniques, making use of training modules already developed by FPD, GDLA, FAO, SFDP and others;

7. Train LUP/LA trainers and combine systematic quality control during LUP/LA process with on the job training for government agents at all concerned levels.

8. Make better use of international and national projects and programs to co-ordinate and harmonise efforts to implement the recommendations.

Notes


10. If the total area of 8 million ha of protection forests were to be managed under the same conditions, the total annual cost of VND 400 billion (US$ 30 million) would by far exceed current budget capacities.