Introduction

Land belongs to all the people, under the management of the government. In the sphere of forestry planning, the government allocates land and forest to organisations, families and individuals to use over the long term with the aim of guaranteeing that all forest land is truly managed. At the same time, this guarantees that the forest sector will recover and contribute to the new doi moi economy. Through each stage of economic development, farming households in the mountainous region will enjoy security.

Implementing this government policy, the People’s Committee of Tien Yen district has guided the Tien Yen forestry district in coordination with the relevant offices of the district, including the cadastral office, economic office and forest protection service to carry out the land use planning and forest land allocation to households with the participation of the people.

Phong Du Commune is also fortunate to have the assistance of an Italian Government project. This assistance is divided into two stages:

Stage 1 is called "Project to support the Tropical Forest Action Plan" or GCP/INT/540/ITA, which started in 1994. The main goal of this stage is to operate a pilot project and gain experience for the second stage in Tien Yen and other districts. LUP and FLA are one of four pilot activities in this stage.

Stage 2 began in 4/1995 and is called "Increasing national capacity to implement Vietnam Tropical Forest Action Plan", or GCP/VIE/020/ITA. Implementation is not only in Tien Yen, Quang Ninh but also in 3 other districts of Thua Thien-Hue, Binh Phuoc and Gia Lai. For Tien Yen, in the second stage, LUP and FLA is the first activity, beginning from 20/7/1996.

The main difference between the Stage 2 and Stage 1 is that all activities have the participation of the local people and district offices. The district, with the participation of the local people, had the assistance of the National Project about methodology and training the technical staff of the district. However, it is necessary to emphasise that this is an experimental project in terms of methodology, organisation, and participation, and the hope is to draw experience from it to increase the capacity of the localities to shoulder the task of implementing local forestry projects. Now, after more than one year of LUP and FLA in Phong Du commune the foundation is complete. This report describes the methodology, achievements and obstacles, and sets forth recommendations.

The contents include the following parts:

- Socio-economic situation and natural conditions
1. Socio-economic situation and natural conditions in Phong Du Commune

1.1 Location

Phong Du is a commune of Tien Yen district, Quang Ninh province, bordering on Vo Ngai commune - Binh Lieu on the North, Yen Than commune to the south, Dai Duc commune to the east and Ha Lau commune to the West. The centre of the commune is Than Po hamlet, also the seat of the commune People’s Committee, 10km away from the district capital.

The terrain is generally hilly, with a number of narrow valleys and streams. The highest peak is 689m at Tai Voong Leng. Average slope is from 20 to 30 degrees on the mountainside and 13 to 15 degrees on the hillside.

Climate: Phong Du lies in the tropical storm region, with two clear seasons. The hot and humid season is from March to October, and the dry cold season is from November to February. Average temperature is 21 to 23 degrees centigrade, and the hottest months are June and July. The average high is 25 to 26 degrees centigrade, the highest is 32 degrees. The average low is 5 to 7 degrees with average yearly rainfall of 2,400mm.

1.2 Situation of transportation and irrigation

The provincial road, which runs along the commune to Binh Lieu for 19km, has been improved and is regularly maintained. In the rainy seasons the Tien Yen river and Khe San flood constantly and transportation is blocked. Means of transport here are quite convenient; every day interprovince and interdistrict cars to carry goods or passengers pass by and there are a lot of passenger motorcycles.

Roads into the mountain villages are very difficult. They were built essentially as logging roads or opened by the army long ago and not maintained. In particular there are some mountain villages that cross the Tien Yen river like Cao Lam, Na Ca and Na Lin.

As for irrigation, most of the forest land of the commune runs along the sides of the Yen Tien river, so the land is high and inclines a little to the east; in the dry season there is usually not enough water for agriculture. At present there are a few new small irrigation and drainage projects such as the Stage I project which has helped to repair dams and irrigation trenches in Khe Xoong.

1.3 Available resources

There is no longer much natural forest left in the commune, only around 2% of the total commune area. Land without forest occupies about 80.5%, of which 23.6% is bamboo, thatch grass, etc. (for details see the section on land use and forest resources).

Changes in forest resources:

Before 1992, the whole forestry area of Phong Du commune was managed by the state-owned forestry enterprise. This enterprise organised and implemented production. Forest resources, mainly natural forest, were exploited every year according to the plan of the Tien Yen forestry enterprise. There was also additional haphazard exploitation by the army, by individuals, etc.; the spread of clearing for cultivation and for gardens by some minority peoples led to considerable decrease in natural forest area. In 1992, Phong Du commune had no remaining IIIA2 forest (forest sufficient for exploitation), and only 389.1ha of IIIA1 forest (poor forest).
After 1993, when 4 villages were allocated land under Stage I, the forestry enterprise planned to the area to manage according to Project 327 and they put it into effective production. The forest was considerably deteriorated, with many barren areas; the forest enterprise gradually began planting trees (like acacia, eucalyptus, etc.). Part of the land managed by the commune was allocated for the people’s use. The forest now had an actual owner, and could be put into effective production, especially to protect it and prevent and put out fires.

After the April meeting called by the district People’s Committee, the Tien Yen forest enterprise created a second plan to only manage 1,697ha, leaving the rest for the commune to manage. This area is mainly barren hill and mountain tops, allocated to households for production, plus some poor forest and bamboo that villages keep as communal forest, with hedges constructed for protection and common use of the village.

1.4- Situation of land use management

Administrative division of commune forest land use management is as follows: for years, the forest enterprise managed 3,266.1ha. But after the 4/1997 conference called by the Phong Du people’s committee, the forest enterprise allocated land to the commune, and only managed 1,697ha according to Project 327.

The majority of households had themselves occupied for production 224.2ha of the forest enterprise land.

The remaining area directly managed by the commune People’s Committee is 5,107.2ha.

1.5-Ethnic groups, population, labour

Phong Du includes 16 villages:

<table>
<thead>
<tr>
<th>Ethnic group</th>
<th># of households</th>
<th>Population</th>
<th>Labourers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tay</td>
<td>181</td>
<td>1057</td>
<td>446</td>
</tr>
<tr>
<td>Thanh Phan</td>
<td>114</td>
<td>689</td>
<td>290</td>
</tr>
<tr>
<td>Thanh Y</td>
<td>112</td>
<td>876</td>
<td>366</td>
</tr>
<tr>
<td>San Chi</td>
<td>68</td>
<td>438</td>
<td>184</td>
</tr>
<tr>
<td>Kinh</td>
<td>5</td>
<td>26</td>
<td>11</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>480</strong></td>
<td><strong>3086</strong></td>
<td><strong>1300</strong></td>
</tr>
</tbody>
</table>

There are 5 ethnic groups in the commune as follows:
In the commune’s 16 mountain villages there are 7 Tay villages, 3 Thanh Y villages and 2 San Chi villages. The Dao people are seen as the most backward compared with the others in the commune, the main reason being that they live far away in the mountains and have limited contact with other peoples. Many persons (mostly women) cannot speak, or speak little, of the Kinh language. The rate of population increase is an average of 3.9%.

1.6-Results of LUP and FLA in Stage I:

In 1992 LUP was implemented throughout the commune and FLA in four villages: Khe Xoong, Na Lin, Ban Do, Hop Thanh. Households are now managing use, and some are restoring forest, some are planting fruit trees. In general the management and preservation is better than with the households that have not yet been allocated land.

2 Method of implementing LUP

2.1-Organization

The district People’s Committee decided to establish a LUP/FLA working group. The composition of the working group includes cadre requisitioned from offices including: Cadastral service, Economic office, Finance - Planning, the forestry enterprise, the forest protection department, and the Phong Du commune People’s Committee. The National Project has directly provided training for the working group about the methodology of LUP in specific applications. The working group includes 14 people, with special assistance from the survey and design enterprise cadre of Quang Ninh Province. They along with the working group were trained and gained professional experience, and arrived at the project site ready to implement LUP/FLA.

2.2-FLA Methodology

1 Make a detailed plan: Before carrying out FLA with the participation of the people, the working group made a detailed plan to submit to the National Project. After receiving approval we began implementation. However in the process of implementation, due to the weather and storms, the work of LUP/FLA at Phong Du commune was slower than initially planned.

2 Collect all relevant information: The documents collected include:

- Documents and maps made from stage 1
- Planning data from 114 households in stage 1
- Complete documents, maps and diagrams of the PRA implementation in the district
- Official documents from the province and district related to LUP/FLA:
  - Decision 234 of the Quang Ninh People’s Committee on FLA
  - The process and methodology of FLA of the Agricultural office and PTNT of Quang Ninh
  - Forest protection management map of Tien Yen district
  - Project 327 planning map of the Tien Yen forestry enterprise
  - Map of the Quang Ninh forestry branch
  - Administrative divisions map of the commune from the district People’s Committee
  - Commune general land register
- Commune 1/10,000 topographical map and village 1/5,000 village map supplied by the National Project
- Information on village divisions from village leaders

3 Complete the map: The map lacked much information such as rivers, streams, inhabited areas, schools, commune People’s Committee, village and quarter divisions, etc. Therefore the map needed to be amended as the basis for making maps for land use planning.

Method:

Going out to survey and add the missing details mentioned above, define places still lacking and discuss the
borders. Participation in this work was mainly by the chairman of the commune People’s Committee and village leaders, who with the working group defined divisions between villages, the commune and the forest enterprise. The borders between the forest enterprise and commune were based on forest enterprise planning map and data from 1993 that were reviewed and approved by the provincial People’s Committee. For data on plots and land belonging to the forest enterprise, the working group used the forest enterprise map to discuss with the commune People’s Committee and forest enterprise specialists to go out to the areas and demarcate borders. The final map was corrected and improved through this process of discussion. This involved the participation of 12 persons, mainly to go to each site.

4 Define land use rights, land encroachment

Phong Du commune has the following forms of land use rights:

- commune managed
- forest enterprise managed
- land allocated to families (mainly in Khe Xoong, Na Lin, Ban Do, Hop Thanh)

This work was carried out by going to each village with a village representative who knows about village land use, and drawing the plots with land use rights and occupied land within the village limits. Then, the head of household showed the working group clearly his land area, from which the working group drew a basic map. This was shown to the villagers for discussion. The amended draft and final map showed the borders between those using and occupying land. Disputed areas and borders were also settled in a timely manner.

5 Create an amended land use map: Phong Du commune’s 1/10,000 land use map was made during Stage I; however, now things have changed and it was necessary to update the map accordingly. Method: with the Stage I map, the working group went to each area to record changes in land use of more than .5ha. There have been changes in land use since 1992.

- Between Stage land the present, on IC land, one family changed to planting cinnamon.
- Some IIA land, through clearing for gardens, has become IB.

This work was accomplished with the participation of 24 persons. The results, current land use in Phong Du commune, is shown in Table 2.

6: Complete new map and evaluate potential land use:

a/ Complete new map:

The Stage I 1/10,000 map of the commune does not include villages. This map was created with 5 measures: slope, thickness of earth, wetness of earth, type of earth and type of rock. These are detailed as follows:

- Terrain: peaks and narrow valleys
- Slope 0-30, 3-70, 7-150, 15-250 and up
- Thickness: 50cm, 50-100cm and 100cm
- Wetness: dry, saturated, wet
- Type: 5 types as in Stage I

After gathering the 5 elements the land was mapped. The form of the land has been defined and area calculated for Phong Du commune and for each village. Then a map of potential land was made to show people what land they could cultivate or not cultivate. There was active participation in this.

b/ Evaluate potential land use:

After creating the map, the working group made a list of all the land in each village and the production activities of that village, so that the people could discuss easily. Evaluations were carried out with wealthy, poor and average households according to PRA. The potential of each form of land for production was rated from one to five points as follows:

1. Very poor
2. Poor
3. Average
4. High
5. Very high

This activity involved the participation of 36 persons.

7 *Make a new LUP map*:

Land use planning can be divided into four steps:

**Step 1:** Carry out general planning or commune land use orientation. The basis for this plan is:

- Forest land use orientation of the district to define agricultural land in the commune, guarantee food security, have 2 crop rice, 1 crop rice, etc.,
- Based on the 1/25,000 map for management and preservation the forest of the forest protection department, define 3 types of forest and forest land orientation of the commune, such as forest planting regions, forest regeneration regions, etc.
- Forest enterprise planning map of Project 327 to define the land of the forest enterprise.
- Current land use map.
- Region of proposed land allocation.

*Method of implementation:*

- Gather the above information.
- Analyse the information.
- Draw the proposed plan.
- Meet with commune leaders, agriculture, cadastral, forestry cadres, forest enterprise to discuss and supplement the proposal.

**Step 2:** Village level planning

- Village LUP is based upon:
  - General planning map of the commune.
  - Analysing information collected from each household.
  - Newest land use map from the village level.
  - Map and evaluation from the village level.
  - Land divisions between the forest enterprise and villages.

*Implementation:*

- Analyse the above information.
- Draw a map of proposed LUP for the village level.

Meet with the people to discuss their opinions on the plan. Compare with the proposed LUP commune map and adjust accordingly. This is a harmonious method from top to bottom to avoid any imposition.

**Step 3:** Commune level LUP.

- Collect village LUP maps into a commune LUP map.
- Scale these map from 1/5,000 to 1/10,000 (to cover the entire commune).

**Step 4:** Improving.

Analyse by comparing the general plan for the commune in Stage I with the proposed LUP map from Step 3. Make corrections to prefect the LUP map.

- Meet a final time to approve the commune LUP map.
- Revise the FLA proposal and submit for approval.

This involved the participation of 40 persons. The LUP results are shown in Table 3.
3 Method of implementing FLA

3.1. Legal basis

- Based on the working group’s project and FLA plan in Phong Du commune on 28/12/1996 as approved by the Tien Yen district People’s Committee.
- Based on Decree 02/CP of the Prime Minister on FLA on 15/11/1994.
- Based on Circular 06/KL on 18/6/995 guiding implementation of Decree 02/CP.
- Based on the FLA policy of the provincial People’s Committee number 234 QD/UB on 19/5/1990.
- Based on the results of LUP in Phong Du commune.

The working group carried out LUP/FLA in Phong Du commune from project GCP/020/ITA of FAO/Italy. Tien Yen received assistance from National Project specialists implementing FLA in Phong Du commune.

3.2. Steps of land allocation with participatory methodology

2.1 Training in participatory methodology: The National Project provided technical guidance in Ban Cai. The participants included the working group, commune People’s Committee, and 12 village heads.

2.2 Preparations for FLA at the village level by the working group and the 12 village heads.

2.3 First village meeting: Popularising the interests and responsibilities of those receiving land, presenting the proposed plan for FLA, and amending and perfecting the FLA project.

2.4 Second village meeting: Official announcement of the FLA project: distribute land application forms and guide households in completing them.

2.5 Collect household land application forms: use all the completed forms to estimate the area and position of the plots to be allocated.

2.6 Third village meeting: Plots to be allocated to each household and the day of allocation are announced.

2.7 Allocate outside land: The working group, with the commune people’s committee and the commune land office, will allocate outside land. Households show the borders of their plots and the working group places markers, and creates a business plan for each plot.

2.8 Working Group creates map of the results of FLA for each household, calculating land areas.

2.9 Fourth village meeting: Announce the results of FLA

2.10 Solve any difficulties between households, if they arise.

2.11 Complete FLA documentation for the commune. This includes:

- Forest land applications.
- Forest land allocation Decision of the district People’s Committee.
- Table of forest resources allocated.
- Report of land allocation (forest allocation).
- FLA map of households (1/5,000).
- FLA map for commune (1/10,000).
- Land use rights certificate (red book).

2.12 Submit FLA documentation to district People’s Committee for approval.

- Throughout the allocation process use follow these principles:
Allocate according to the village: based on the administrative divisions of each village unified in the LUP.
- Villages use their land to provide land to households, so that every household has a plot with stable, guaranteed borders.
- Land already occupied and cultivated for a long time is allocated to the present exploiter.
- Allocate land to those who live nearby.
- Allocate the land immediately: households receive land immediately for convenience of production and preservation. Minimum area is 5,000 sqm.
- Only allocate and complete procedures for undisputed areas. Do not allocate disputed areas.
- Operate on the principles of unity, stability and fairness.
- Duration of allocation: 50 years, according to point B, article 6 of Decree 02-CP, 15/1/1994.

- In the allocation process: people’s participation plays an extremely important role; each village meets together to debate and agree on the plot of each household. The working group accepts responsibility to complete the legal procedures. The work of defining and marking borders is for the households to determine among themselves.

3.3 Results of FLA

Based on the commune LUP and FLA, with the people’s agreement and district’s approval, the working group carried out the above steps of allocation. The land allocation, was democratic, open and free, and went relatively smoothly. All households requesting land received it without trouble. The results are shown in the following table.

Through the data on results of FLA we can see that:

- Total area of FLA in Phong Du commune is 1,638.25ha.
  of which: Barren land 275.9ha
  Regenerated forest 7752.5ha
  Natural forest 502.3ha
  Planted forest 107 ha

- The total number of households receiving land is 376.
- The area for planned reforestation is 275.9ha.

4 Obstacles encountered

1. The LUP/FLA process is participatory, meaning that it must guarantee the active participation of everyone in the commune and villages; those wishing to take part and receive benefit from the results. But in actuality all steps of LUP/FLA must mobilise the people’s efforts (that is, people’s participation), but without compensation. This is very difficult for the working group.

2. The way of life of the ethnic groups makes organising eight meetings and carrying out LUP/FLA very difficult. Thus, one should reduce to six shorter meetings.

3. Languages and dialects are not common to all participants.

4. Some aspects are rather complex, such as classifying land. A way should be found to simplify the classification system so that the people can understand easily, otherwise this document will not be easily understood by the people.

5. Each village has rather a lot of LUP maps, so there should only be 3 types:
Current land use map
Map of occupied land
LUP map

These are the maps serving the forest land allocation.

6. In the allocation, the greatest difficulty is that the people live and apportion land unequally compared with the available forest land. Some village have very little land compared with the number of households. For example: in Tanh Po and Hua Cau, there are many people but very little land, therefore the allocation took a lot of time, with households only receiving 0.1h, so the division between households was extremely complicated. Some other villages have a lot of land compared with the number of households, such as Van May, Na Ca and Khe San.

7. Over a very long time, the people have cleared land for gardens, planted forest according to their ability and needs, without planning or orientation. Therefore, now some households have up to four scattered patches of forest. This is also a very difficult problem for allocation.

8. The people demand that FLA be as fair as agricultural land allocation, with guaranteed area per capita. Therefore the division of land for each household is not simple.

5 Recommendations:

LUP/FLA guaranteed a high degree of accuracy. We believe this method will be applied effectively in other places needed careful planning, with intense production, with capital and qualified technical cadre. However, in remote areas, there is not yet the ability to invest in planning, so this method is difficult to implement. Therefore it should be amended to be applied over a larger area.

After this experience we strongly recommend the following improvements:

LUP

At the village level:

- Only organise 3 meetings and shorten their contents, concentrating on discussion of land use in each area of the village according to the direction of the district cadre.
- Combine 3 types of maps: basic map, current land use map, and map of occupied land into one map called the map of current types of land. Replace the map of locations with a preliminary land evaluation done by the people.

At the commune level: Only create one map of results: the LUP map, in the basis of each village LUP map.

FLA:

Rely on national and provincial legal documents on FLA. These are unified regulations throughout the province, complying with Decree 02/CP, 15/1/1994 on FLA.

- The number of meetings should be reduced to 3 and shortened.

Labour and Finance

- The locality contributes the daily labour of specialised cadres.
- The project supplies technical expenses.
  
  - Regarding the 4 villages allocated land in FAI, we propose the National Project supply organising expenses and supply land use certificates (red book) to households as in other villages.
6 Conclusion

LUP/FLA was implemented by the district working group, with assistance and training in methodology from the National Project and with technical assistance from the Quang Ninh forest industry cadre, with the participation of the people.

The district took the initiative in implementation with the assistance of the National Project. We wish to affirm once more that this is a completely new methodology, without imposition from top to bottom and with people’s participation in every step, based on orientation and analysis by district specialists. This method is completely suitable to the demands of the Government at present, but in practise there are many obstacles as presented above.