



## NARRATIVE REPORT TO MISEREOR

### 1. Formal detail

**1.1. Name of partner organization:** Community Entrepreneur Development Institute (CENDI)

**1.2. Project title:** Customary Law in Natural Resources Co-governance in Kon Tum province, Vietnam

- **Project number:** 339-004-1013 ZG

**1.3. Reporting period:** 1<sup>st</sup> January 2017 to 30<sup>th</sup> June 2017

#### 1.4. Brief description of report preparation

- People involved in the report preparation: 1) Young activists from MECO-ECOTRA<sup>1</sup> secretariat including Mr. Vang Sin Min (the Hmong indigenous youth activist) and Mr. Dinh Chat (the H're indigenous youth activist) who are involved in carrying out project activities together with other Ka Dong indigenous villagers. Also CENDI field staff provided activity reports reflecting the progress of what has been done and what has not yet been done, views and comments during the implementation from stakeholders' engagement including if there were any difficulties raised, and also ideas and suggestions from villagers and relevant stakeholders. 2) Senior expert (Mr. Le Van Ka), who is involved directly in conducting field-research, facilitating the conflict resolution process (still in-progress), and also currently engaging participants from different villages to undertake field-based simple mapping techniques with emphasis upon customary norms from the villages, and also reflections sessions after each field work and seminar presentation. 3) Other CENDI field staff that have provided activity reports reflecting progress through current mapping and social analysis tools (works in-progress) and including villagers' inputs and suggestions. 4) CENDI project staff involved in independent monitoring with respect to selection of suitable information to analyze and complete this narrative report.
- Sources of information: note taking and stories from the fields, direct input from villagers, seminar presentations, field reports, administrative filing system (official letters, decisions, and notification of project approval, working plans, fieldtrip outlines, pictures, video clips, and records from the field).

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<sup>1</sup> Mekong Community Networking for Ecological Trading (MECO-ECOTRA) is a community-based network and a long-term partner of CENDI.

## 2. Changes in the project setting

### 2.1. Important changes in the project setting

1. On 6<sup>th</sup> January 2017, the Government enacted Decree No. 01/2017/ND-CP amending a number of articles of the few earlier Decrees detailing the implementation of the Land Law. This Decree clarifies a section of the 2013 Land Law, which ***“had previously stated that only organizations could benefit from the allocation of production forests”***. This revised Decree now states that households, individuals, and communities who are living in forest areas can be legally allocated these forest areas as natural forest for production. This is a good move indicating the legislative positive improvement for supporting land allocation and granting land certificates to communities and households.
2. On 12<sup>th</sup> January 2017, the Communist party Secretariat enacted Directive 13-CT/TW on the management, protection and development of forests, which emphasizes: ***“Urgently check, assess and supervise socio-economic plans, projects which impact negatively (on) forest areas and forest quality; build up mechanism for management and supervision of projects relating to the transformation of natural forests into other purposes, including rubber plantation; monitoring and assess effects and impacts of those projects of transformation of natural forests”***. This document reflects the policy makers’ urgent concern over the use and protection of natural forests, and that creates a basis for local communities to further push for claim of their rights to involve in forest management and protection against outside players, who want to get land concessions and exploit forests.
3. Until June 2017, the Ministry of Agriculture and Rural Development (MARD) has granted permission for application of 16 different genetically modified organisms (GMO) corn species in Vietnam. Statistics in March 2017 showed that 1,500 tons of GMO corn seeds had been imported into Vietnam, i.e. equivalence to a seedling on 100,000 hectares<sup>2</sup>. So, GMO becomes an emergent concern of CENDI and our target communities. It is reasonable for CENDI staff to combine land allocation and other training, exchanging activities with the sharing on impacts of GMO and application of herbicide and other poisonous chemicals and help people be alert of the issue.

### 2.2. Important changes within the partner organization

There is a change of cadastral staff in Dak Nen commune, the new one move in during our project implementation, so CENDI field staff needed more time to share our previous activities involvement and to provide practical training for him on bottom-up community approach for his good follow-up.

### 2.3. Important changes within CENDI

There are no personnel changes happened within CENDI.

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<sup>2</sup> Source: <http://nhanong.com.vn/bo-nnptnt-cong-nhan-dac-cach-16-giong-ngo-bien-doi-gen-mi-d-4-6-0-8117.html>

### 3. Implementing the project and achieving its objectives

#### 3.1. Achievement of the project objectives (in this reporting period)

1. The Ka Dong people in the project area have obtained greater confidence, pride and skills to re-sharing their spiritual beliefs, ecological knowledge and customary practices of natural resource management in front of a team of local officials and professional staff.
2. The district communal authorities, technical staff and also the research team members have been obtained much better understanding of the Ka Dong culture, ways of life, their own indigenous knowledge, the way traditional cultivation has been practicing, current social structure, community organization, ritual ceremonies and belief. The group also felt they can understand better the changing process as well as recent challenges being faced by local villagers and communities.
3. There is a great transformation in the attitude of the local authorities and district staff toward better understanding and, hence, respect and admiration of the Ka Dong villagers' knowledge and their capabilities in natural resource management.
4. Legalization i.e. formal recognition of the Ka Dong customary governance of natural resource management has been achieved. This achievement derived from active participation of community members, especially knowledgeable persons in the community, who involve in drafting village regulation on management and use of land, forests, water sources on the basis of their customary law and ecological wisdoms.
5. Re-allocation of village land and forest in accordance to the Ka Dong customary law with on-going information gathering and paper-works has been on-track and informing very regularly with formal authorized agencies at both communal and district levels. And the transformation from the earlier unclear individualized land titles to the alternative community land-title today is progressed with villagers, community leaders and local authorities' supports.
6. These have contributed to preservation of the traditional livelihood identity of the Ka Dong through integrating and interacting with stakeholders such as District Health Clinics, Culture Department, NRM Department, and Vocational Technical Schools.
7. A common understanding of what is defined as sustainable development has been established from the grassroots so that it has a strong base and reflects the five rights of livelihood sovereignty<sup>3</sup>.

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<sup>3</sup> **Livelihood Sovereignty** is 'a holistic ethical alternative solution' which consists of five inter-relative rights: 1) The right to land, forest and water, clean air and natural landscape (basic); 2) The right to maintain one's own religion (unique); 3) The right to live according to one's own way of life and values of happiness and wellbeing within one's own natural environment (practice); 4) The right to operate according to one's own knowledge and decide what to plant, initiate, create and invent on one's own land; (holistic); and 5) The right to co-manage or co-govern natural resources with neighbouring communities and local authorities (strategic).

It needs to be daily exercised, 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

8. Documentation and dissemination (continuous sharing) of information of the case for lobbying for a change of policy on natural resource management are also taking place.

### **3.2. Outputs**

1. The core team consists of traditional leaders, selected young indigenous farmers and communal authorities have completed the traditional mapping describing local names of all 68 mountains in the ten villages of Dak Nen commune. These results created a good set of people-led documentation and people-led tools at a meeting held at Dak Nen communal office. This will allow community representatives to follow community customary rules and norms in managing and using each type of forestland, rice field, local stream and reservoir. This is also a basic step to transform local landscape design, local geographical names, knowledge and customs into a formal mapping system and community regulations in the next steps.
2. Via the field study at 10 villages in Dak Nen commune, MECO-ECOTRA secretariat activists and CENDI field staff identified 35 key persons from the projected Ka Dong ethnic group who will be able to cooperate in the forest land co-management network with the existing 24 members of H're ethnic group from Po E commune. The field study engaged indigenous members from different ethnic groups have promoted and contributed changes in terms of enriching knowledge and exchanges of local customs and practices and self-ethnic-identity pride amongst indigenous ethnic groups (i.e. the Hmong, the Ka Dong and the H're). The field study provided a great opportunity for consolidation of local knowledge and built solidarity amongst ethnic groups of their indigenous customary-based resources management practices.
3. The Ka Dong community representatives are now involved in the research on cultural values, customary law, land and forest surveys. This means that community members, especially elders and young leaders, are now more confident in sharing their ecological knowledge and experiences in natural resources use and management. The participating local authorities and technicians also recognized more clearly the strengths and values of the Ka Dong people, and were willing to support legalization of community customary law on forestland management.
4. Ten sets of village regulations (or community customary law) on forest protection have been discussed and written by the targeted Ka Dong community members and later, certified by the communal and district authorities. These regulations will become legalized and will be applied by the local Ka Dong people in their forestland management and forest protection activities. On the basis of formal recognition,

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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'. (Tran Thi Lanh, Founder).

these regulations do not only take effect within each village, but also apply to outsiders who may be involved in the community forestland activities.

### **3.3. Other effects of implemented activities**

#### **3.3.1. To get the project approved and project profile completed**

1. A profile of the CENDI legal entity and organization was completed, which consists of its Operation permission, Science-Technology Registration, legal stamp, organizational structure, personnel profile, and establishment of the headquarter office. The website of CENDI is now officially accessed at <http://cendiglobal.org/>
2. Project Contract and Grant Approval Notice were translated into Vietnamese with suitable language for CENDI partners, including the Asian Research Association of Vietnam (SEARAV) and community representatives to discuss, understand and approve.
3. CENDI obtained official approval of Contract 339-004-1013 ZG via Decision No. 62-2016/QD-TWH dated 29<sup>th</sup> November 2016, which was signed by the Chairperson of the Central Standing Committee of the Asian Research Association of Vietnam (SEARAV).
4. On the basis of Memorandum of Understanding (MoU) between CENDI and Kon Plong district People's Committee (DPC) on the implementation of Project 339-004-1013 ZG in Dak Nen commune, the DPC has enacted Decision No 1137/QD-UBND dated 6<sup>th</sup> December 2016 regarding establishment of the taskforce for land and forest allocation for village communities in Dak Nen commune.

#### **3.3.2. A group of project implementing members was established, which includes key-farmers who have experiences in previous projects, communal and district professional officers, experts and project coordinator.**

#### **3.3.3. The group members implementing the project have completed their job descriptions. The group members have facilitated village meetings and discussed with representatives from 528 households in the 10 villages to set up detailed 3-month, 6-month and yearly plans. This indicates that villagers have understood and support the project activities, especially forestland co-management and protection of forests. However, because of the changes in the Dak Nen communal cadastral personnel, the land allocation team had to spend more time to help the new comer to understand the project context and get familiar with the teamwork.**

#### **3.3.4. A field study has been conducted in order to get insight understanding of local Ka Dong ecological knowledge, customary laws in natural resource management and forest protection. The working team consists of one Dak Nen communal officer, 4 MECO-ECOTRA secretariat activists, and 3 CENDI/ LISO<sup>4</sup> staff. The team worked with elders, village leaders and key persons at 10 villages to survey and draws their traditional village boundaries and community forests. They studied Ka Dong cultivation experiences, livelihood, and income sources, their customary law on land use, forest protection, village history, community social structure, and belief and ritual ceremonies.**

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<sup>4</sup> Livelihood Sovereignty (LISO) is a network of local NGOs, of which CENDI is a member.

- 3.3.5. A seminar held on 1<sup>st</sup> March 2017 has been organized at Dak Nen communal office with participation of 40 community representatives, 5 communal officers, one district officer, 4 young activists and 5 staff from CENDI/ LISO. Key-persons from 10 villages will present their current land use situation, local names on village mapping, village transect, and traditional customs relating to land and forest management.
- 3.3.6. 49 of 51 households who got land right certificates in 2005 agreed to return the certificates and forestland to the community. Only two households have not yet returned certificates to community because they had moved to live in other villages in the neighboring Quang Ngai province. Village leaders of the village from where the two households stayed had made an attempt to contact the two households but not yet heard any replies. Despite the two households moved away, the village meeting held by villagers decided that the forestland would continue to be returned to the community and the two households will still enjoy access to the community forestland area.
- 3.3.7. Community leaders and members of 10 villages in Dak Nen commune completed their own sets of village regulations (or community customary law) on forestland management and protection. These village regulations have been sent to authorities for review, recognize and certified by communal and district authorities.
- 3.3.8. Seven Ka Dong ethnic people from Dak Nen commune attended a workshop on Interdependence of Rainforest Farming and Role of Indigenous Knowledge organized at the Farmers Field School Human Ecology Practical Area (HEPA), Ha Tinh province. After the workshop, the participants went home, shared their understanding with other villagers and concerned stakeholders of the values of indigenous knowledge, promotion and importance of native species for forest development, and the impacts of GMO and hybrid species.
- 3.3.9. The project held a training workshop on the law on land, law on forest protection and development and the way to combine/integrate customary law and statutory law in order to also raise local people's awareness of their land and forest rights and responsibilities and importance of co-management of forests.
- 3.3.10. Practical trainings on using GPS was first introduced to all villages representatives organized in April 2017 and recently have been second organized from 5-7 July 2017 for specifically people of the three villages of Tu Thôn, Tu Ngú, and Tu Rét. The participants applied techniques in identifying village borders, setting up village ecological transect maps and analyzing their natural potential. They completed description of the overall situation of 1,000 ha of forest, which will become a good basis for the future procedure of land re-allocation to the community. During this process, participants identified the incorrect forestry land classification<sup>5</sup> that had formally been carried out for the individual land titles in 2005. Therefore, the target community and CENDI staff decided to have more time to work with the communal and district technicians to differentiate and sort residential land and rotational cultivation areas out of the forestry land areas and correct the cadastral profile.

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<sup>5</sup> Incorrect classification is that, some forestry land areas include residential land and rotational cultivation land areas.

- 3.3.11. Organized three seminars at CENDI office for the research team to present results of the field studies and get comments from experts and other CENDI staff in order to complete their field activity report and research, find possible solutions, and also prepare for the coming activities.
- 3.3.12. Two videos released through provincial and district media channels and also outreached/presented to all LISO Alliance.

#### **3.4. Additional effects and risks**

During our work with the community, the communal officers and district technicians, we found out that the previous mapping and cadastral profile did not only contain incorrect classification of forestry land, but also inappropriate identification of land areas and borderlines of the land that have been allocated to 51 individuals in 2005. This existence is resulted from a quick survey without careful on-site measurement carried out by the previous land allocation program. Therefore, everyone see the need to encourage involvement of community members in a thorough survey, measurement of land and identify forest situation in this project coming activities.

In terms of facilities and equipment, due to working in remote areas such as Dak Nen commune, one CENDI field staff recently faced difficulty in using his own old laptop to work on the mapping tasks, in both the technical and social analysis parts. Laptops as non-functioning would jeopardize collection and analysis of data. And hence, CENDI would like to approach funding bodies, including MISEREOR, for funds to replace the laptops please.

#### **3.5. Self-evaluation**

Although there were some existence or difficulties in the starting point of the project (such as incorrect land measurement and forestry land classification in the previous cadastral mapping and profile, or the change of communal cadastral staff), the project activities have been implemented in accordance with the plan and process defined in the funding application. Through initial activities, CENDI has built up a good relationship with target communities, communal and district officers. We can see the local partners' trust via their active participation in the project activities. This is a firm foundation for the targeted community, CENDI staff, expert and members of the Young Indigenous Ethnic Leadership Development network (YIELDS) to cooperate and continuously carry out further activities in the coming time.

The critical basis of thorough research (in-depth knowledge) of the Ka Dong cultural values, promoting local ecological knowledge and customary law on land management and forest protection is a key emphasis of all project activities. From our observation, this process creates good opportunities for villagers to presenting and sharing their wisdoms in a confident way, while the involved local authorities and technicians could recognize and showed more respect for local knowledge and values.

## **4. Conclusions**

### **4.1. Overall assessment of achievement of objectives**

Active participation of local Ka Dong people, especially community representatives, elders and communal officers has brought about not only people's improved capacity, skills and pride, but also changes in perception of the involved communal and district officials on the Ka Dong people's wisdoms and their role in development. The officials recognized effects of bottom-up approach, which can associate villagers' ecological knowledge and voices into community development activities as well as correct identification of land area and borderline in the land allocation process in particular.

During the work with local people and communal authorities, CENDI staff have recognized that our effort of completing confirmation of community land right on 1,000 hectares is still not sufficient according to people's wish and land potential in the Dak Nen commune. There are still remaining 700 hectares of land under the individual land titles and 3,600 hectares under the temporary management of communal authority that need more support from MISEREOR and our further effort after the completion of this 2017 project.

### **4.2. Lessons learned within the project**

1. It is highly efficient to involve MECO-ECOTRA secretariat activists in studying local ecological knowledge and exchanging cultural values with a new target community. Because the activists are indigenous ethnic people, and they have experiences of project activities in their own communities, it is easy for them to relate, share and inspire a new target community. In comparison to new graduates who come from cities or lowland areas, young indigenous activists found it easier to overcome language barriers, to behave properly in a cultural sensitive manner and to avoid taboos while working with a new target indigenous community. Involving the mentioned activists is a good opportunity to connect youths from different cultural identities and localities to act for empowerment of young leaders, and simultaneously promote Agro Ecological Farming in Community Forest and Land Use Planning Strategy in Mekong region.
2. It is a good idea to bring people of different cultural backgrounds and professional expertise to study such a new target community as the Ka Dong. On the other hand, offering opportunities for the local Ka Dong key-persons to visit ecological farming models (such as Farmers Field School HEPA) and exchange ideas with ecological farmers from other regions would be an important experience for them to recognize values of their own indigenous knowledge clearly. Via observation at the exchanging events, we found a good cooperation and mutual help among the group of people with such diversified backgrounds.

### **4.3. Action plan for coming 6 months (July-December 2017)**

1. Undertake mapping on the basis of traditional villages<sup>6</sup> within the current formal villages of Tu Thôn, Tu Ngú, and Tu Rét; in-depth research on cultural values, customary law on the basis of those traditional villages in order to gain insights specific to the identity of each traditional community.
2. Lobby district authorities to recognize land area and borderline of the traditional (informal) villages instead of the formal ones and agree to re-allocate land and grant land right certificate on the basis of the traditional villages.
3. Research to gain insight into the process of adopting new species or GMO together with pesticide and herbicide in the locality and find suitable ways to raise awareness and convince people to restrict and stopping these harmful species/practices and poisonous chemicals.
4. Disseminate the approved regulations to all community members, surrounding communities and related groups to create favorable conditions for enforcement of the village regulations and further networking actions for effective co-management of resources.

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<sup>6</sup> In Dak Nen commune, one current formal village consists of a few traditional villages. The traditional villages have been merged into one formal village, and now become sub-villages or informal villages within the new mergence.

**Annex:**

**Annex 1: Pictures reflecting project activities**



Surveying village land and forests



Studying and collecting local rice seeds



Villagers agree to get community land allocated instead of forestland title granted to household



A woman representing her family to sign agreement to transfer household forestland title to community



A villager performing traditional music instrument at a community meeting

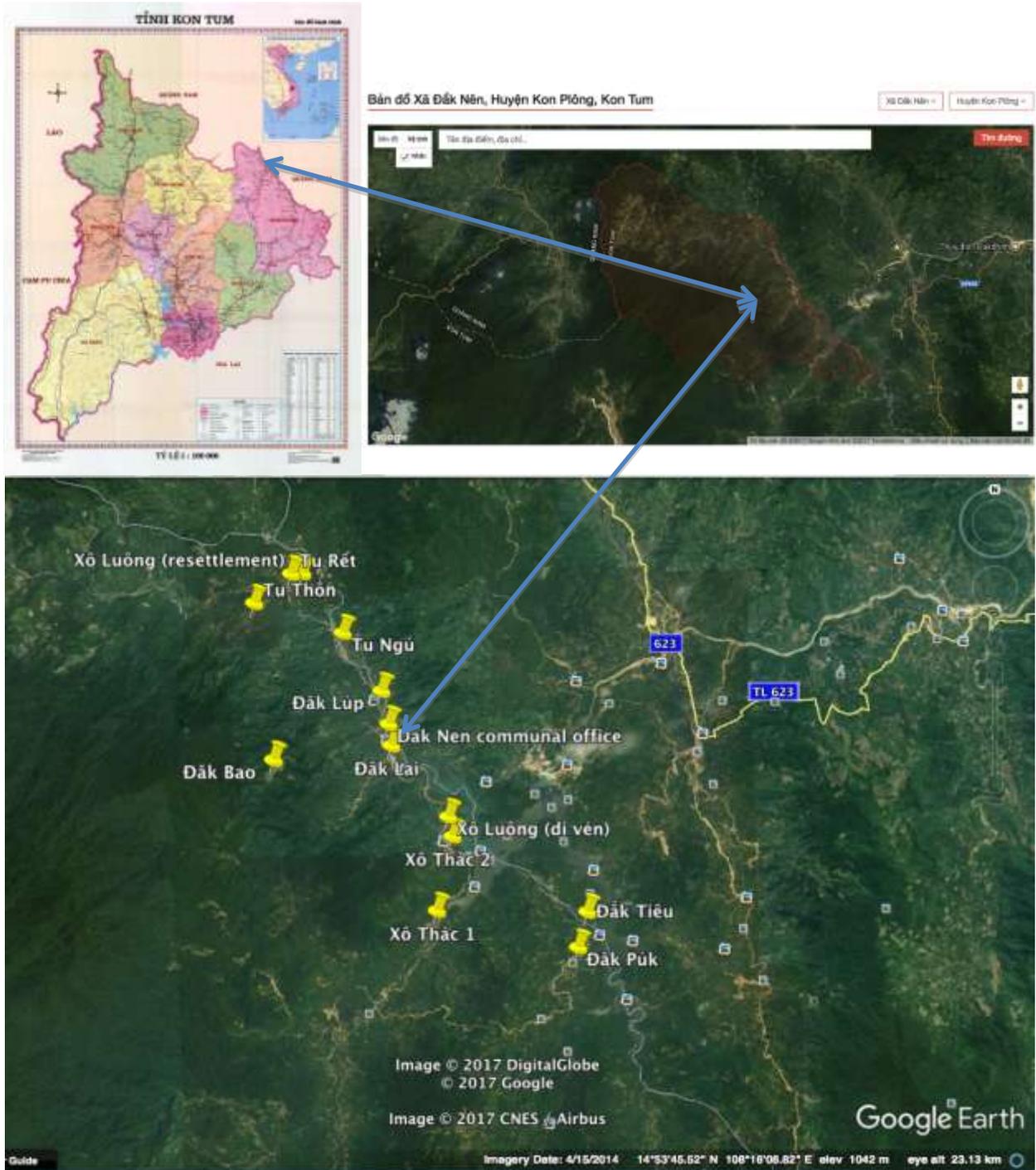


Villagers practicing ritual ceremony in the forest

**Annex 2: Demographic figures of Dak Nen commune, November 2016**

#	Village	No. of households	Persons	Women
1	Đắk Tiêu	56	241	102
2	Đắk Bút	59	237	114
3	Xô Thác	58	261	137
4	Làng Vương	46	151	84
5	Xô Luông	52	201	95
6	Đắk Lai	54	233	104
7	Đắk Lúp	56	240	116
8	Tu Ngủ	26	110	49
9	Tu Rét	76	345	145
10	Tu Thôn	45	188	86
<b>Total</b>	<b>10 villages</b>	<b>528</b>	<b>2,207</b>	<b>1,032</b>

Annex 3: Map and Google Earth image of Dak Nen commune (updated 15 April 2014)



Source: Google Earth and  
<http://stnmt.kontum.gov.vn/index.php?name=Albums&op=viewcat&catid=5>  
<http://www.diachibotui.com/ban-do/kon-tum.html?dId=376&wId=6643>