

30 steps in confirming land and forestland rights for ethnic indigenous groups in Vietnam and Laos

- Effective governance and co-governance of land and forest is a social responsibility and political, economic and cultural rights of each citizen. From the pre-market economy of 1990s to the post-centralized economy of 2010s, the entire-people ownership of land and forest has been challenged by a crisis of trust, unstable livelihoods and inequality of land rights and obligations. Public land and forest is likely monetized and transferred into private property. This phenomenon becomes an obstacle against the nation's socialist orientation, in which people and public properties (land and forest) serve as a unique national nutrition and resources. The followings are the 30 approaching steps in resolutions for land and forest allocation carried out by SPERI since 1995.

STEP 1. Together with people to research on reality, causes and consequences of landless and find out solutions for local people to retrieve land and forest which has been occupied by outside actors.

STEP 2. To facilitate key persons and traditional leaders to improve their analysing capacity and coordination skills to negotiate with local authorities and land occupiers, such as companies and state-owned forestry and agricultural enterprises.

STEP 3. To facilitate and provide training courses on laws and sub-laws to key-farmers: 1) Decrees, Decisions, Circulars, Guidelines, Annexes; 2) Types of enterprises; 3) Mappings of current situation and land use planning; 4) Mappings of social-economic development plans; 5) Point out inadequacy, deliberate and inadvertent errors, bureaucracy and shortage of transparency in land management and land use plan causing overlapping and disproportionate occupation of land.

STEP 4. To facilitate organization of negotiations with community participation and the role of customary laws and to encourage land and forest occupiers to involve in analysis and identify environmental, social, cultural, moral and religious outcomes and consequences caused by the process of land and forest grabs.

STEP 5. To seek for consent of land occupiers and local authorities via process of direct negotiation and criticism.

STEP 6. To organize study tours and sharing experiences on methods of community-based land and forest allocation and customary law-based conflict resolution, which is illustrated by successful pilot models in Vietnam and Laos since 1995.

STEP 7. To facilitate community to select key-farmers, village elders and youths to cooperate with professional technicians of land and forest and local authorities to involve in training courses and discussions on land overlapping and conflicts in the pilot models since 1995.

STEP 8. To facilitate to set up an advisory board for land and forest allocation which involves traditional leaders, key-farmers, representatives of local authorities and professional technicians.

STEP 9. Support the advisory board for land and forest allocation to work closely with community to set up regulations, scheduling plan and solutions to the land and forest overlapping, occupation and conflicts.

STEP 10. To facilitate to establish a district-level leading board for land and forest allocation which involves traditional leaders and key-farmers, so as to create opportunities for mutual learning and understanding between formal and traditional systems.

STEP 11. To support and facilitate a taskforce for land and forest allocation at the field which includes members of the advisory board and the district leading board. This taskforce helps to set up regulation which corresponds to both statutory and customary requirements aiming at retrieving community traditional land and forests in a peaceful and amenable manner.

STEP 12. To organize meeting between local people, the experienced key-farmers coming from successful pilot models of land conflict resolution, and occupiers of land and forest.

STEP 13. To facilitate the taskforce for land and forest allocation to work with local people (who is selected as household representatives) to do survey at the field, to check and identify errors on the maps and borders between households, communities and enterprises caused by land overlapping and occupation since 1995.

STEP 14. To organize training workshop for local people to share and present reality and mapping of land overlapping and occupation over community land, traditional sacred forests, watershed forests, herbal forests, clan forests, to share experiences from successful pilot models, and to find out solutions.

STEP 15. To organize practical training in combination with an inventory on the capacity of different types of forests on the basis of the local knowledge and people's participation and suitable technology. This step is done before the official measurement and other land allocation procedures.

STEP 16. To discuss with district chairperson on the reality of land management, overlapping and land occupation.

STEP 17. To set up action plan for the taskforce for land allocation at the field aiming at lobbying local authorities to decide on the allocation of the land which is affected by overlapping and occupation.

STEP 18. To organize training workshop for local people to discuss on their rights and obligations upon the allocated land and forest decided by the local authorities.

STEP 19. Together with local people, representatives of local authorities and technicians to set up detailed action plans, procedures, land use plan, and forest management at the field.

STEP 20. To set up new set of maps reflecting borders, land use, forest management after completing legal procedures and technical, official works.

STEP 21. To organize training workshop for the entire community members to help them understand legal decisions, community rights and obligations in management of land use plan and governance of different types of forests.

STEP 22. To organize discussion among community members on community regulation on management and supervision of land use plan and forest management. This regulation is made on the basis of consent among the entire community members and the surrounding communities.

STEP 23. To submit the draft of community regulation to communal authority for monitoring before sending to district authority for approval.

STEP 24. To take note of the whole process of land and forest allocation and complete a proceedings for sharing among households, communities, and relevant functional offices at district and communal levels.

STEP 25. To do processing of data on land zoning, land use plan, forest management, land rights and forest co-management rights, to register and establish archives at the relevant functional offices at district and communal levels.

STEP 26. To organize a ceremony for granting land certificates and co-management of forest to households, individuals and community.

STEP 27. To support and facilitate community management board to set up guiding sign boards, diagrams and regulations on land use and forest co-management, and to clarify bordering landmarks.

STEP 28. To organize workshops at regional and national level to share approaches and methodological steps in land and forest allocation. Participants to the workshops consist of local people, local authorities, the media, policy makers, community development organizations, functional technical agencies, and relevant neighbouring enterprises and companies.

STEP 29. To review and synchronize discussion and analysis from workshops to figure out and send recommendations to members of the National Assembly and policy makers dealing with drafting land law. Recommendations are simultaneously updated and posted on SPERI website, so as to share and find possible application to the communities of similar challenges and interests.

STEP 30. To make documentation of researches, policy analysis of land use and co-management of forests, of socio-economic, environmental, cultural, religious, political impact indicators, in which land use rights and co-management of forests are underpinning strategy aiming at people's confidence, self-determination and secured livelihoods on their own land and forests. To integrate documentation of policy analysis of land use plan and co-management of forests into rural development policies within the current mainstream of industrialization and modernization, so as to keep lobbying for the land and forest rights of the ethnic indigenous communities in Mekong region.

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