

# FAUNA & FLORA INTERNATIONAL

## REDD+ POLICY BRIEF

#001

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# LESSONS LEARNED FROM FORESTLAND ALLOCATION AND LAND TENURE ARRANGEMENTS

## Key Lessons Learned

-  **#1** Current land tenure arrangements in Vietnam may not represent a solid basis for sustainable REDD+, PFES and other SFM project/programmes; there is a requirement for localized, context specific rearrangement of tenure as a part of project design.
-  **#3** Different site conditions require different types of land use rights. In particular, communities managing traditional forestland should receive a community Red Book instead of Red Books to individual households in order to achieve genuine and long-lasting 'sustainable forest management' and associated poverty reduction.
-  **#2** Forestland allocation should form part of a comprehensive land tenure reorganisation process, rather than singular actions.
-  **#4** Forestland allocation has to be an integral part of any sustainable forest management strategy, including REDD+, at the project, sub-national (jurisdictional) or national level.

## Introduction

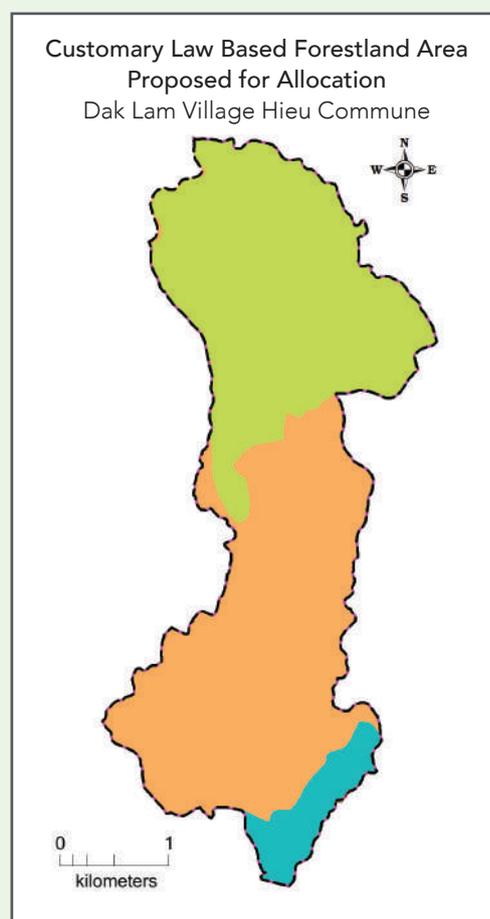
During the last decades, great efforts have been made with regard to a ‘socialization process’ of Vietnam’s forestry sector. This resulted in the devolution of forest management, through forestland allocation (FLA), and integrated programmes aimed at forest conservation and poverty alleviation. These efforts have successfully contributed to the development of smallholder plantations and some livelihood improvement. However, not all efforts in this regard have been effective. Contracting forest protection to households and communities, for example, as part of Programmes 327, 661 and 30a, has in many instances lead to ongoing (or worsening) forest degradation, fragmentation, or complete deforestation. As such, the core question this policy brief seeks to address is: **Where to go next in the devolution process of forest management in Vietnam, to avoid such negative consequences?**

Within the context of climate change mitigation, and State and international forest governance programmes and initiatives, such as PFES, REDD+ and FLEGT, policy innovations need to take international requirements and standards into account. The REDD+ project in Kon Tum has demonstrated that the process of forestland allocation has increased awareness among the local, ethnic minority (forest dependent) communities about the importance of secure forest tenure as well as opportunities for protection. While the forestland allocation process to local communities is still in its implementation phase, initial agreements on land tenure between local communities, State Forest Organizations and local authorities have already been made. Other positive impacts of the REDD+ project in Kon Tum include: controlled timber harvesting for local consumption; community-based forest patrolling activities; and biodiversity and carbon monitoring. Despite unclear REDD+ revenues, local communities, through community forest management boards, decided to engage in these REDD+ activities, primarily because of the new sense of awareness as a result of project activities. Based on experiences and lessons learned, from community forestry initiatives, like the Kon Tum REDD+ pilot, new policy directions and implementation have been identified - to improve the devolution and socialization of forest management in Vietnam.

## Current land tenure arrangements and REDD+

Current land tenure arrangements in Vietnam are not a solid basis for sustainable REDD+, PFES and other SFM project/programmes. There is a clear need for robust, localized, and context specific rearrangement of tenure as a part of the project design.

The project site, overlapping entirely with the administrative (jurisdictional) area of Hieu Commune, has a size of 20,519.4 ha in total, of which 18,411.1 ha is forestland (88.3%). In terms of land tenure, Thach Nham Forest Protection Management Board (FPMB), Mang La Forest Enterprise (SFE) and Hieu commune authority manage 1,899.2 ha (of which 1,814.3 ha is forestland), 13,294.5 ha (12,516.9 ha forestland) and 4,511.3 ha (3,323.8 ha forestland) respectively. The forests in the commune were classified as protection forest (watersheds) and production forests (managed by state-run forestry companies). In Vi Chrinh Village, belonging to Hieu, 808 ha of forestland has been allocated to the community through a community Red Book. These



land-use arrangements are a result of Decision 01/2008/QD-UB of Kon Tum Provincial People's Committee and in line with National policies on forest-use planning. However, it would appear that current land-use arrangements do not yet represent enabling conditions for the implementation of REDD+ or PFES, because the aforementioned programmes, lacking restructuring of land tenure arrangements, have failed to achieve the hoped-for forest protection and poverty alleviation objectives (as enshrined in the various Decisions or Programmes). The REDD+ Project in Kon Tum reveals that if potential land use conflicts are not dealt with properly they have the ability to undermine the success of any forestry project. Under the ongoing forestland allocation process in Hieu, 7 of the total 11 communities have been eligible to receive forestland, being formerly managed by the commune authority. These forests are, however, heavily degraded due to over-exploitation for local consumption and conversion into agriculture, underpinned by a lack of formal management and protection. The forests have remained a common pool resource, governed very loosely with few, if any, incentives or disincentives related to sustainable use.

FFI's research (in Hieu Commune) shows that local communities have traditionally managed and maintained a forest area much larger than the planned area for allocation. Traditional communities' forestland is now not only being managed by the commune authority, but also by State Forest Organizations. Traditional forestland consisted of different areas for specific purposes, such as watershed protection, timber harvesting, NTFPs and firewood collection, animal grazing, and residential areas. Timber harvesting was rotational among different forest blocks near populated areas and the fallow periods were long enough to allow for regeneration. However, forest blocks, being formally managed by the commune, have been significantly degraded and some timber species are now extremely rare; forcing local people to harvest timber in forest blocks in more remote areas. This process could jeopardize the customary forest management arrangements of the local communities, if it has not done so already. Besides timber extraction, local communities are increasingly converting forestland, far from populated areas and managed by State Forest Organizations, into agriculture (illegally). On the other hand, sacred forests, where local people bury their dead, have always been well protected.

The local context shows that there are many potential conflicts to be solved regarding traditional versus formal boundaries, tenure and management regimes. If these challenges are not dealt with properly, they could pose threats and challenges to PFES, REDD+ and FLEGT interventions.

## **Forestland allocation**

Forestland allocation (FLA) should not be approached in terms of singular actions. Instead, FLA should be placed within a comprehensive land tenure rearrangement process, tailored to specific local needs and conditions. An important consideration of REDD+ is that it often requires comprehensive land tenure reorganization, including the clarification of tenure/rights and/or FLA.

Simply allocating ad-hoc 'blocks' of forestland to communities, or the commune, is not going to be sufficient to achieve more sustainable resource use or conservation of forests/ecosystem services. There is profound need to improve forest governance in the commune / area to underpin the FLA and future management. In the Kon Tum REDD+ project, the forestland allocation scheme was fully participatory and based on mutual respect. It included all stakeholders, including 11 local communities, Mang La state forest enterprise (SFE), Thach Nham protection forest management board (PFMB), various authorities on different levels, and leading decision makers within the province and ministries. Within this process, FFI took the role of an independent facilitator.

Based on initial case studies on the weaknesses of current land use arrangements, consultation exercises should look at all aspects of forest management. This includes land use conflicts and formal versus customary forestland boundaries. Important questions include: How should forestland be properly demarcated among the 11 local communities, the SFE and the PFMB, to make REDD+ work at the landscape level? How to minimize land conflicts between local communities and State Forest Organizations, among communities, within communities, and among households? How to minimize any conflicts in land use for agriculture, resettlement and carbon conservation purposes?

FPI's approach in Hieu Commune was designed with the aforementioned questions in mind. Round table discussions at community, commune and province levels offered local people the opportunity to interact with decision makers. This participation included raising their voice on key issues like: the importance of conventional practices and forest-based livelihoods; potential land conflicts between local communities and State Forest Organizations (Table 1); the status of deforestation and forest degradation and its causes; expectations and aspirations on forestland use rights; and sustainable forest management scenarios etc. A system based on customary forestland arrangements and a rearrangement of the forest boundaries was established, collaboratively – and was seen as a 'win-win' solution in terms of achieving cost-effective forest protection and livelihood improvements (Box 1). The proposal also ensures that the relevant stakeholders are eligible to receive the benefits of REDD+ in the future.

**Table 1. NRM conflict scenarios and conflict resolution**

Categories of potential conflicts on natural resources	Performance	Tools and methods for resolution during implementation
Households/communities vs state organizations, regarding customary forest boundaries	Households illegally encroach State Forest Organizations' managed forests for cultivation, timber harvesting, NTFPs collection, etc.	Village sketch maps and field boundaries surveys. Consultation meetings on land tenure rearrangements at various levels.
Among communities	Households enter neighbouring villages' forests for cultivation, timber harvesting, NTFPs collection and hunting.	Enhancing local people's understanding of community boundaries. Village map, land boundary negotiation and boundary demarcation. Village forest regulations.
Between households and the community	Households encroach on the community's forests for cultivation.	Land use planning. Forest patrol. Village forest regulations.
	Households return to previous slash and burn area for cultivation.	Land use planning. Forest patrol. Village forest regulations.
	Households enter the community's forests for illegal timber harvesting, NTFPs collection and hunting.	Forest management plan. Village forest regulations. Forest patrol. Timber harvesting and monitoring guidelines.
Carbon conservation vs other land uses (opportunity costs)	Re-cultivating on fallow land vs forestland aimed for restoration. Degraded forestland converted into agriculture vs forestland aimed for restoration.	Demonstration of incentives/benefits Land use planning. Village forest regulations. Forest patrol.

### **Box 1: Example results of establishing land use rights as a result of the FFI facilitated forestland allocation (tenure change)**

- In November 2014, Dak Lieu villagers were stopped from entering forests of the neighbouring Vi Chrinh village for NTFP collection in accordance with the approved community forest protection and development regulations.
- In December 2014, a number of Dak Lom villagers who had collected firewood from the neighbouring Dak Lieu village's forests, were physically expelled by Dak Lieu CFMB.
- In 2014, the first year of REDD+ implementation, 13 cases of forest clearance for farming were prevented and the perpetrators punished. As a result of this, the deforested area stood at only 4.4 ha.
- In 2014, of the 31 households who have requested timber for housing, 16 households (52%) had applied for it through their Community Forest Management Boards. Previously, there was no application and the forest was viewed as a common pool resource
- In 2014, there were 7 attempted forest (law) violations which were prevented by the CFMBs, forest rangers and commune authorities, and the perpetrators were subsequently punished.

## **Types of land use rights**

Different site conditions require different types of land use rights. Particularly, communities managing traditional forestland should receive a community Red Book instead of Red Books to individual households in order to attain sustainable forest management and development.

In terms of the legal framework, the current land law and law on forest protection and development stipulate different types of allocation and land use rights based on the type of beneficiary i.e. individuals, households, communities, and State and private organizations. This has resulted in various forest management arrangements: individual/household based forest management, community forest management, co-management and State forest management.

The devolution of forest management over the last two decades has resulted in several successful forest management arrangements. This includes national parks or reserves directly managed by state organizations such as national parks or forest management boards, at the provincial level. The allocation of bare and degraded forestland to individuals and households to support smallholder plantations, such as Acacia plantations, has been extensively and often successfully developed across the country. These actions have improved local livelihoods in many instances. However, this arrangement is more likely to succeed if it is carried out in areas near Kinh majority populated areas, where private land tenure is predominant and smallholders have better access to markets. The market economy is one factor that appears to stimulate land owners to invest in their forest plantation for development and restoration. Acacia smallholders have been steadily growing in central coastal provinces and the Central Highlands (near markets).

Where forestland is traditionally managed by subsistence communities, local people often have a strong sense of communal land tenure. Where natural forests which have different geographical conditions (i.e. distance is far from population area) and quality (i.e. rich, medium and poor), and are under different threats on deforestation and degradation (i.e. incentives for forest protection are different), it would be difficult and illogical to allocate (forest) to individuals and households, and almost impossible to do this equitably. It would also be very difficult technically, to

carry out household level forest management planning (zoning and potentially sustainable timber harvesting for local consumption) where small areas (and especially if low quality) of forestland area being allocated. It is therefore recommended to allocate forestland (natural forests) to the whole community, instead of individual households. This provides a context for community forestry development, as a tool for sustainable forest management and REDD+. Models built by GIZ, GFA, JICA, Helvetas and FFI, have demonstrated that local people have actively and successfully participated in community forestry initiatives (some examples below).

## **Integrating FLA into SFM**

In term of approach, forestland allocation should be an integral part of any sustainable forest management strategy or master plan, including REDD+ at all levels or scales.

In practice, allocation of forestland itself, especially natural forests, would not automatically lead to sustainable forest management. Similar to agricultural land allocation, where the short term income from crops may lead land owners to follow an unsustainable livelihood strategy, the short term benefits that can be realized from logging high value timber, poaching wildlife or clearing natural forests for agriculture or tree plantations may lead to similar, unsustainable outcomes. Some land allocation schemes in Central Highlands have failed, due to a lack of technical, financial and legal support and/or governance frameworks. In contrast, forestland allocation, if placed within a holistic and inclusive scheme, such as REDD+, community forest management, forest governance improvement or livelihood improvement with sustainable incentives, is more likely to be effective and sustainable, as follows:

- **In Huong Hiep commune, Quang Tri**, local households are not participating in community forestry or other schemes based on forestland allocation. However, each village in the commune owns several sacred forests which do not only have a high biodiversity, but are also well protected by customary institutions, such as the village patriarch and village elders. CFM and REDD+ could incorporate these traditional arrangements to create a more robust institutional and legal framework with which to achieve the full range of co-benefits associated with SFM
- **In Thuong Nhat commune, Thua Thien – Hue**, Bach Ma National Park created benefit sharing mechanisms to stimulate local communities to participate in forest patrolling and monitoring in exchange for NTFP collection and harvesting in the national park. Besides that, the communities received a community forestland Red Book, for buffer zone areas. The villagers did not get any financial rewards for patrolling their forests. However, they stated that they did it because they saw it as an investment for their children and future generations. REDD+ should incentivize (or 'reward') those communities for their efforts, within performance-based schemes, not only through financial incentives, but also through co-benefits, such as NTFP collection or sustainable timber harvesting.
- **In the REDD+ pilot in Hieu Commune, Kon Tum**, forestland allocation is regarded as an initial step of Community Forest Management and the overall REDD+ approach. Right after allocation, local communities have been engaged in sustainable forest management through community forest management / land-use planning (LUP), village forest regulations, institutional development, capacity building and theory of change (project design). As a result, deforestation and forest degradation in the commune have significantly been reduced.

### **Key achievements in the piloting of FLA/REDD+ in Hieu Commune:**

- o FLA was achieved; and is a crucial part of REDD+ and the Community Forestry Management scheme;

- o A participatory land use planning approach to forestland allocation was successfully applied, built on FPIC principles;
- o Initial agreement on forestland boundaries established by local communities, SFE, Watershed management board and provincial/district decision makers;
- o Active participation of local people in REDD+ activities, including forest patrols and monitoring;
- o Significant reduction in rates of deforestation and forest degradation have already resulted from FLA and improved local forest governance.

***Key message: Forestland allocation is not a single or simple action and should instead form part of a comprehensive land tenure reorganisation scheme.***

Potential land use and tenure conflicts are challenges for any sustainable natural resources management projects/ programmes like REDD+, FLEGT and PFES; involving various stakeholders, local communities, State and private forest organizations at a landscape level. Therefore, a comprehensive scheme for land tenure rearrangement will likely be more beneficial (for the affected, forest dependent communities) and successful in the long term, than a singular, one-off forestland allocation project for one or a cluster of villages. The FLA/REDD+ should cover the entire commune, the lowest administrative unit, as both a driver for commune level forest governance improvements and as the template for sub-national implementation, at the district and provincial levels, under a 'jurisdictional nested REDD+' (JNR) model, for the country.

The scheme should be a fully participatory, with a mutually respectful consultation process with involvement of relevant local stakeholders including local communities, state forest organizations and civil society organizations, especially leading decision makers. Independent consultancy providers can take a facilitation role, and provide technical and knowledge support, especially to local communities throughout the process. The consultation exercise should look at all aspects of forest management, focussing on land use conflicts and statutory versus customary forest land tenure.

## **Conclusion and policy recommendations**

The success of forestland allocation is not measured in how many hectares of forestland are allocated or how many land use rights certificates are issued. Instead, successful FLA is measured in reduced conflicts over land/tenure and a reduction in deforestation rates. Therefore, at policy level, it is recommended that:

1) Forestland allocation should be an integral part of land tenure reorganisation, applicable to the commune level (at the minimum) but also replicable, scalable and nestable, at sub-national and national scales, as part of a landscape approach (i.e. to REDD+ implementation). It must be mutually respected by all actors and include a highly participatory consultation process involving all relevant stakeholders i.e. local communities, state forest organizations, local authorities and civil society organizations, under a bottom-up approach.

2) Provincial implementation guidelines for forestland allocation should be developed, including monitoring tools focused on controlling potential land conflicts according to the Circular No 38/2007/TT-BNN by Ministry of Agriculture and Rural Development. Such guidelines should cover different types of allocation, according to local context, although community-level FLA should be the norm. Cost-norms and budgeting guidance should be developed in terms of financial management. Expenditure for allocation of forestland to a group of households and entire community would certainly be simpler and cheaper than the manner of allocation to individuals or households, thus making allocation of forestland (to an entire community) a viable and attractive policy tool for local planners and authorities.

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## Our vision

A sustainable future for the planet, where biodiversity is effectively conserved by the people who live closest to it, supported by the global community.

## Our mission

To act to conserve threatened species and ecosystems worldwide, choosing solutions that are sustainable, based on sound science and take into account human needs.

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## Background and Disclaimer

FFI have developed five policy briefs that analyse experiences and present lessons learnt and from implementing their Community Carbon Pools REDD+ pilot project in Kon Tum province, and from other sub-national REDD+ initiatives in Vietnam. The 5 REDD+ briefings are on:

- Forest land allocation (FLA) and tenure
- FPIC based community consultation
- REDD+ piloting, scaling up and nesting within national implementation
- Beyond carbon: REDD+ as innovative finance within sustainable landscapes
- Carbon accounting: Measuring forest cover and change

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