



Handbook

**Guidance on the development
of land use plans for reallocated land
from agricultural and forestry enterprises**



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PREFACE

After 10 years of implementation of the Resolution No. 28/NQ-TW, dated June 16, 2003 of the 9th Politburo, the ministries, branches, localities and enterprises have actively implemented and achieved important results in reorganization and development of State-owned agricultural and forestry farms. In accordance with Resolution No. 30/NQ-TW, dated March 12, 2014 of the Politburo and Decree No. 118/2014/ND-CP dated December 17, 2014 on further reorganization, renovation and development of the performance of agricultural and forestry enterprises, in recent years the scrutiny, withdrawal and transfer of forestry land that has been inefficiently used from the agricultural and forestry enterprises to the local authorities to reallocate to households and communities that need to use land for production and life improvement, are paid more and more attention.

However, land use and reallocation plans from the agricultural and forestry enterprises to the localities have not been synchronized, and there even lack of consensus on reallocation plans. Most of the recovered forest land areas are being used for different purposes, or the land is far from residential areas or too poor for cultivation; the land records and maps are incomplete, inaccurate and of low use value; many land plots are in dispute; people cannot afford to pay for land and assets on land when being allocated, etc. On the other hand, the localities have yet to set up procedures and guidelines for the specific implementation of land reallocation from the agricultural and forestry enterprises that could comply with the law, take into consideration the legitimate rights and aspirations of the people, and to be in line with the principles of good land governance, transparency, and people's participation. In addition, local authorities and other concerned parties lack of the skills for giving consultation to and promoting people's participation, especially to disadvantaged groups, in the process of land reallocation from the agricultural and forestry enterprises; People lack knowledge of their rights and obligations, of land policies and have no opportunity to participate in the process of reviewing and developing solutions to issues on land from agricultural and forestry enterprises.

The project ***"Enhancing sustainable access of ethnic minority communities, especially women and the poor, to forestland and forests through a transparent and participatory process of reallocation of land from State Forest Enterprises in Hoa Binh Province"*** implemented by the Research Center for Initiatives of Community Development (RIC) from March 2017 to August 2018 with funding from the Swiss Agency for Development and Cooperation (SDC) through the Mekong Region Land Governance (MRLG) Project, has generated a number of results that have contributed to the reallocation of land from local agricultural and forestry enterprises to the localities. The project has assisted the local authorities and the people in developing pilot land use plans for reallocated land from agricultural and forestry enterprises and establishing the procedures for developing land reallocation plans derived from agricultural and forestry enterprises. Based on the results and lessons learned from the implementation of the project, ***"Handbook on guidance in the development of land use plans for land areas derived from agricultural and forestry enterprises"*** was compiled as a reference material to provide useful and easy-to-use tools for local authorities and people to use in the development of land use plans for land areas derived from agricultural and forestry enterprises, ensuring the compliance with laws, accountability, transparency, efficiency and people's participation.

We would like to express our sincere thanks to the MRLG project, the Department of Natural Resources and Environment of Hoa Binh Province, the authorities, the people in the project areas and the experts who have given consultation to, commented and co-operated with the project in recent time.

This is a pilot product, so there will definitely be some shortcomings. We look forward to receiving feedback from you so that the Handbook can be finalized to create a premise for the practical application in other localities.



Le Van Hai - Director of RIC

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COMMUNE LAND USE PLAN (SAMPLE FORMAT)



2. Assurance of responsibility and accountability: To clearly define the roles, functions and tasks of each party involved in the process of development of land use plans: the authorities, sectoral departments, mass organizations and beneficiaries.

3. Assurance of openness and transparency: The information relating to reallocated land shall be publicly, fully and accurately announced before, during and after the process of developing the land use plans. Issues of concern to the people are fully addressed.

1. Compliance with the provisions of laws: The development of land use plans must comply with the provisions of the Land Law 2013, and other regulations on the local forestland management and use.

PRINCIPLES FOR DEVELOPING LAND USE PLANS

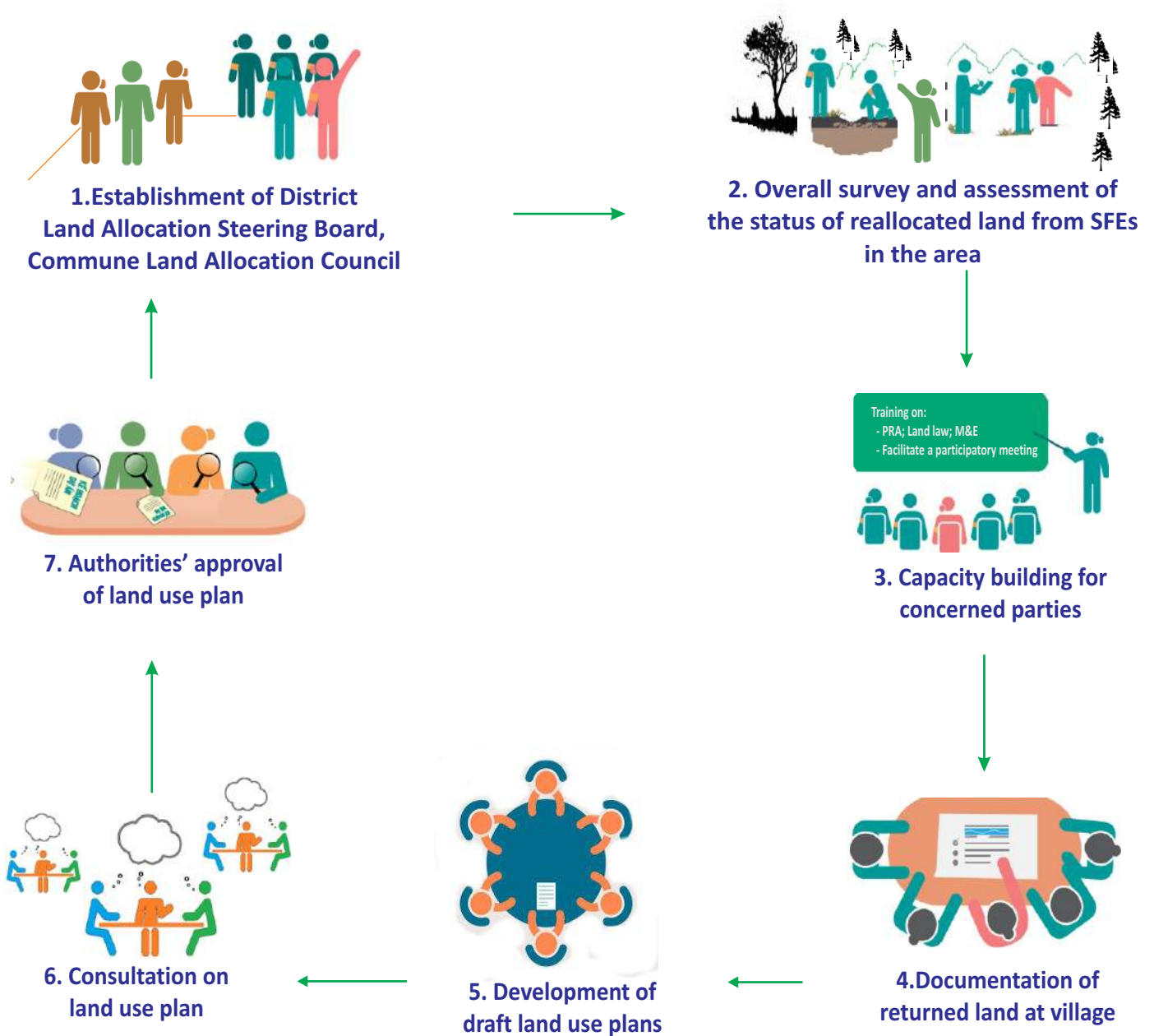
5. The process of developing the land use plans requires the participation of the authorities, sectoral departments, experts and beneficiaries, especially disadvantaged groups such as the poor, women, ethnic minorities.

Concerned parties' participation is a key factor to ensure that land use plans are developed in accordance with the provisions of law, the policy of the locality, ensuring the public openness, transparency and meeting the needs of people.

4. Assurance of effective use: To ensure that the land is reallocated to the right people who are in need of land, and make use of the land efficiently with the priority given to land use for public purposes in order to ensure the common interests of the community and to reallocate land for the disadvantaged groups (the poor, ethnic minorities, policy beneficiary families ...) to develop their livelihoods.

PART I:

PARTICIPATORY PROCESS OF DEVELOPING LAND USE PLANS FOR LAND AREAS FROM AGRICULTURAL AND FORESTRY ENTERPRISES



STEP 1:

ESTABLISHMENT OF DISTRICT LAND ALLOCATION STEERING BOARD AND COMMUNE LAND ALLOCATION COUNCIL FOR DEVELOPING LAND USE PLANS



Project introduction workshop in Da Bac District, Hoa Binh Province

METHOD: To organize 01 meeting to establish a District Land Allocation Steering Board and Commune Land Allocation Council

- **Participants:** Representatives of authorities at all levels and representatives of the people
- **Meeting objectives:** To provide information to help the concerned parties understand the context, current status and regulations, guidelines and policies related to the use of land reallocated to the locality from the forestry enterprises.
- **Meeting process:**
 - Representatives of local authorities present the state of reallocated land from the forestry enterprises, policies on management and use of the reallocated land area.
 - The representatives will elect the members of the District Land Allocation Steering Board and Commune Land Allocation Council
 - The Heads of the District Land Allocation Steering Board and Commune Land Allocation Council shall assign tasks to the members
 - The members of the District Land Allocation Steering Board and Commune Land Allocation Council shall jointly work on the action plans

In this step, the people participate to get information on the status of the reallocated land, the related guidelines, policies for implementation and monitoring.

District Land Allocation Steering Board

- Members:**
- Leader of the District People's Committee (Head),
 - Department of Natural Resources and Environment (Deputy Head),
 - Forest Ranger Unit,
 - Department of Agriculture and Rural Development,
 - Land Registration Office,
 - District Fatherland Front,
 - District Farmers Association
 - District Women's Union,
 - Leader of Commune People's Committee and Commune Cadastral Officers with the reallocated land.
- Missions:**
- Technical advising in the process of developing the plans and supporting district/commune consultation meetings,
 - Consultation, Appraisal and Approval of the commune land use plans

Commune Land Allocation Council

- Members:**
- Leader of Commune People's Committee (Head),
 - Cadastral Officers,
 - Commune forest rangers,
 - Office staff,
 - Fatherland Front,
 - Women's Union,
 - Farmers Association,
 - Head of the village with the land reallocated
- Missions:**
- Review of the land status;
 - Consultation with local people;
 - Synthesis and development of commune land use plans.

After their establishment, the District Land Allocation Steering Board and Commune Land Allocation Council undertake a review of the organizations/associations that are currently operating in the community (referred to as community organizations) to mobilize these organizations to participate in the process of developing land use plans.

Community organizations

- Members:**
- Members of the mass organizations at the village level - Fatherland Front Working Committee, Youth Union Branch, Women's Union Branch, Farmers Union Branch, etc.
 - Village elders, village chiefs, Commune Party Secretary cum Chief of the Fatherland Front Working Committee, respectable persons and beneficiaries
- Missions:**
- Participation in mapping,
 - Determination of land boundaries in the field,
 - Meetings for community consultation to develop village land use plans.





Group discussion for developing action plans in Da Bac District, Hoa Binh Province

1. The District Land Allocation Steering Board and Commune Land Allocation Council should be established immediately upon the commencement of the process of formulating land use plans.

2. Members to the District Land Allocation Steering Board and Commune Land Allocation Council can be adjusted to suit the reality in each locality.

NOTES

4. There should be a decision on the establishment of District Land Allocation Steering Board and Commune Land Allocation Council issued by the district People's Committee.

3. To select the members to join the board, develop and unify the functions, tasks and action plans, a meeting should be organized with the participation of all concerned parties (district, commune, community).



Documentation of returned land in Bai village, Cao Son commune, Da Bac district

STEP 2:

OVERALL SURVEY AND ASSESSMENT OF THE STATUS OF LAND REALLOCATED FROM AGRICULTURAL AND FORESTRY ENTERPRISES IN THE AREA



Field survey of returned land area in Bai village, Cao Son commune, Da Bac district

METHOD:

Organize 01 commune meeting and 01 village meeting to collect necessary information.

Organization of the survey meeting at the commune:

- Members:**
- District Land Allocation Steering Board
 - Commune Land Allocation Council
- Contents:**
- Review of legal documents related to the redistribution of land area reallocated from the agricultural and forestry enterprises in the localities (Decision on the land allocation from the province to the district, the land hand-over minutes of the forestry enterprises and other concerned parties with the commune, cadastral maps, land use planning, etc.)
 - Review of the land area reallocated from the agricultural and forestry enterprises (characteristics of reallocated land area, users and purposes of use, issues to be resolved such as disputes, overlaps, boundary deviations, etc.)
 - Policies of the commune in the use of reallocated land from the agricultural and forestry enterprises
 - Advantages, difficulties and suggestions of the localities in land use

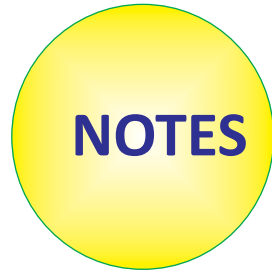


Organization of the survey meeting at the commune:

- Thành phần:**
- District Land Allocation Steering Board
 - Commune Land allocation Council
 - Community organizations
 - Village elders/chiefs, well-respected persons, and households in order to understand the history of land use and other informationc
- Contents:**
- Review of the returned land area (characteristics of the land area, land users, purposes of use, issues to be resolved such as disputes, overlaps, boundary deviations, etc.)
 - Advantages, difficulties and suggestions of the localities in land use

In this step, the people directly participate in meetings to provide relevant information.

1. To mobilize the active participation of the District Office of Natural Resources and Environment, the Forest Ranger Unit, the commune cadastral officials and village chiefs/community organization representatives to ensure information quality.



2. To mobilize the participation of all households in the hamlet (both using and not using land) to obtain comprehensive information on the history of the land plots.

3. To mobilize the participation of village elders, village chiefs and well- respected persons in order to obtain information on the history of the use of land plots



Survey meeting in Cao Son commune, Da Bac district

STEP 3:

CAPACITY DEVELOPMENT TRAINING FOR MEMBERS OF THE DISTRICT LAND ALLOCATION STEERING BOARD, COMMUNE LAND ALLOCATION COUNCIL AND COMMUNITY ORGANIZATIONS



Group discussion in PRA training course for members of community organizations

To organize training courses for capacity development on the following topics:

1. Skills for meeting facilitation:

- **Participants:** Members of the District Land Allocation Steering Board, and Commune Land Allocation Council
- **Training objectives:** Members can facilitate a participatory meeting for consultation on issues related to land
- **Contents:** Knowledge and skills to facilitate a participatory meeting; program development and facilitation on dialogue/consultation meeting on land issues for the people.

2. PRA tools for land documentation:

- **Participants:** members of community organizations, commune cadastral officers, village chiefs
- **Training objectives:** concerned parties can apply a participatory rural assessment tool to prepare reallocated land records of each village
- **Contents:** 1) KIP technique; 2) Crop seasonal calendar; 3) Calendar of Events; 4) Determination of land boundaries; 5) Sectioning; 6) Preferences ratings; 7) Pair comparison; 8) Problem tree; 9) Venn diagram; 10) Strengths, weaknesses, opportunities, threats..

3. Land law:

- **Participants:** members of the District Land Allocation Steering Board, Commune Land Allocation Council, and community organizations
- **Training objectives:** To provide knowledge on land law, in general, and laws related to land of forestry enterprises, in particular, in order to develop land use plans in accordance with government policies and to provide consultations to people in meetings
- **Contents:** Changes to the Land Law in 2013 compared to the Land Law in 2003; Regulations related to reallocated land from forestry enterprises in the Land Law; Process of developing the reallocated land use plans (prepared by Hoa Binh Provincial Department of Natural Resources and Environment)).

4. Monitoring and develop monitoring plans:

- **Participants:** members of the District Land Allocation Steering Board, Commune Land Allocation Council, and community organizations
- **Training objectives:** To acquire the contents and tools to monitor the process of developing land use plans; to monitor activities so that the project can achieve the expected results and make recommendations for the project to be more successful.
- **Contents:** The concept of monitoring, tools, guidelines for monitoring planning and tool practice



Group discussion in skills for meeting facilitation



The review and assessment of the reallocated land area in Bai village

STEP 4:

DOCUMENTATION OF RETURNED LAND AT VILLAGE LEVEL



The people identifying the land boundaries among the households'

Step 4 is used to collect detailed information on the status of reallocated land from the agricultural and forestry enterprises in the villages/hamlets as the basis for developing the commune land use plans. The land measurement to serve for issuing land use right certificates to households will be done after the commune land use plan is approved. This step consists of two contents:

1. Preparation of the records of reallocated land from the agricultural and forestry enterprises in the villages/hamlets;
2. Determination of the boundaries of the reallocated land area from the agricultural and forestry enterprises and boundaries among households in the field.

Documentation of returned land at village level

METHOD: Representatives of the Commune Land Allocation Councils and community organizations organize meetings in the villages to:

1. Determine the origin, boundaries and land use rights of land plots reallocated from the forestry enterprises;
2. Draw and make the actual map of the reallocated land from the forestry enterprises to the villages;
3. Determine the boundaries of the land plots reallocated from the forestry enterprises of the households;
4. Scoring of options using land allocation criteria to propose to the Commune People's Committee to develop the land use plans.

For effective meetings, the PRA tools described below should be applied in the record preparation process:

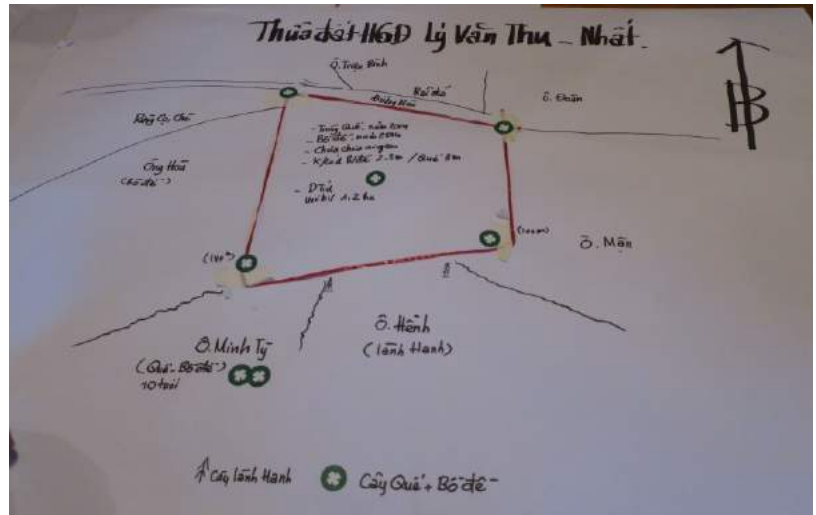
Tool	Purpose/Meaning of the tool	Results should be achieved
1. History of the events and the reallocated land from the SFEs to the villages	To collect information on important timelines (the time the agricultural and forestry enterprises return the land...) to understand the current status of the cultivation land and the reallocated land from the agricultural and forestry enterprises to the villages	Important information to understand the general status of farm land and reallocated land from the agricultural and forestry enterprises to the villages.
2. To draw the village/hamlet maps, identify the boundaries of the reallocated land from the agricultural and forestry enterprises to the villages	To draw up a map of the land plot, the name of the households, and basic information about the land plot, the list of adjacent households and specific landmarks to determine the boundaries among the households. This map is the basis for future field measurements.	<ul style="list-style-type: none"> • Map of the reallocated land area from the SFEs; • List of households currently cultivating on land area reallocated from the SFEs; • The map identifies the location of land plots used by households on the reallocated land from the SFEs.
3. To prioritize the criteria for land allocation	<ul style="list-style-type: none"> • To list the criteria for developing land use plans such as: To allocate land to all the villagers; to allocate land to poor, near poor households, policy beneficiary households; to allocate land to households without/lack of forest land; to allocate land to people who are cultivating on the reallocated land, etc. • People score the options according to criteria such as: Big number of beneficiaries, Easy to implement, Effective land use, etc ... 	<ul style="list-style-type: none"> • The highest- scored option will be selected to be proposed to the Commune People's Committee.

At the end of the meetings, representatives of the Commune Land Allocation Council and community organizations will assign tasks to villagers in preparation for surveying and determining the reallocated land boundaries in the field.

Determination of the boundaries of the land area reallocated from the agricultural and forestry enterprises and the boundaries of the land plots

With the reallocated land area being cultivated:

- To divide into small groups, each group of 3 to 5 representatives of households with adjacent cultivation land to define boundaries among households (boundaries), to prepare and sign the boundary confirmation records among households.



To make household's plot land map



Survey in Son Phu village, Cao Son commune, Da Bac district

With the reallocated land area not being cultivated:

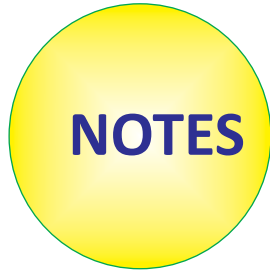
- To select 5-7 villagers with knowledge of the land area to be surveyed, together with the commune cadastral officials, representatives of community organizations, etc., to go to the field for determining land boundaries and mapping



Map of returned land from the SFEs in Suoi Chuong area, Tu Ly commune, Da Bac district

1. For the meeting for preparing the records of the reallocated land from the agricultural and forestry enterprises to the villages/hamlets to be at best performance and efficiency, **before the meeting**, the meeting organizer should:

- Together with the village chiefs, representatives of community organizations, etc., prepare the history of the events and history of the land area reallocated from the agricultural and forestry enterprises to the villages/hamlets on large papers;
- Request the cadastral officials and village chiefs to assist in the preparation of the map of the reallocated land area from the agricultural and forestry enterprises;
- Make a list of the households currently cultivating in the reallocated land area from agricultural and forestry enterprises and ensure that the households are informed and participate in the meetings.



2. While executing the meeting for preparing the records:

- To guide people how to determine the boundaries of land plots that the households are using on the reallocated land (use strings and tape to determine the boundaries, directions, symbols used, etc.);
- If the area of reallocated land from the agricultural and forestry enterprises is distributed scatteringly, the participants in the meeting shall be divided into groups corresponding to the number of areas where the land is reallocated for drawing and determining the boundaries of the land plot in the map;
- For villages/hamlets with large numbers of households, when selecting land use plans, they should be divided into small groups to score the options.

3. When the organization determines the land boundary on the field:

- To bring the cadastral maps relating to the division of reallocated land from the agricultural and forestry companies; the maps drawn by people in the meetings for preparing records for comparison and evaluation of the accuracy level for timely adjustment
- If the boundaries or size of land area cannot be identified, the forest rangers in charge in the commune should be invited to identify the exact boundaries and areas for the development of the land use plans;



Khảo sát thực địa vẽ sơ đồ thửa đất của từng hộ gia đình tại các xóm

STEP 5:

DEVELOPMENT OF LAND USE PLANS



- The Commune Land Allocation Council organizes meetings to develop the commune land use plans

- The Commune Land Allocation Council synthesizes the information from the status records of reallocated land from the agricultural and forestry enterprises to the villages/hamlets and develops draft commune land use plans



People in Cao Son commune draw a map of the returned land from the SFEs



Cadastral Officers of Cao Son Commune consulted the people

- In this step, the commune cadastral officials should be mobilized to actively participate and consult with the commune People's Committee leaders.

STEP 6:

CONSULTATION ON LAND USE PLANS



Members of community organizations participating in developing land use plans



Consultation on land use plans in the district

Consultation at village level

- **Members:** Representatives of DONRE, District Land Allocation Steering Board, Commune Land Allocation Council, officials, community organizations and villagers.
- **Contents and progress of the consultation meeting:**
 - ✓ Cadastral official presents objectives of the consultation meeting
 - ✓ Head of village presents status and how the returned land used (area, households who being cultivated in the reallocated land, disputes (if any).....) in big sheet paper and maps
 - ✓ Cadastral official presents draft of commune land use plan
 - ✓ Cadastral official consults the villagers, finds common consensus on draft of land use plan, summarizes comments and
 - ✓ After finalizing, consultation at commune organized.



Consultation with people of Cao Son commune, Da Bac district

Consultation at commune level

- **Members:** Representatives of DONRE, District Land Allocation Steering Board, Commune Land Allocation Council, commune government staffs and all villages which developed land use plan
- **Contents and Progress of the consultation meeting:**
 - ✓ Present objectives of the meeting
 - ✓ Present land use plan (status, reallocation land criteria, land use plan)
 - ✓ Consult the participants (authorities, local people, relevant stakeholders)
 - ✓ Find common consensus and develop action plan to finalize the land use plan
 - ✓ After finalizing. consultation at district level organized.

Consultation at district level

- **Members:** Representatives of DONRE, District Land Allocation Steering Board, Commune Land Allocation Council, commune government staffs and all villages which developed land use plan
- **Contents and progress of the consultation meeting:**
 - ✓ District Land Allocation Steering Board present objectives of the meeting
 - ✓ Present land use plan of commune 1
 - ✓ Questions and Answers, comment for the plan (format of the plan, content...)
 - ✓ Present land use plan of commune 2
 - ✓ Questions and Answers, comment for the plan (format of the plan, content...)
 - ✓
 - ✓ Agree on the plan and the next deadline to finalize the plan and transfer it to the Department of Natural Resources and Environment for appraisal before submitting to the People's Committee for approval.



Consultation land use plan at Da Bac district

NOTES

1. At the village/hamlet consultation meeting: villagers discuss the land use plans of their villages/hamlets, the participating consultants are to ensure that the land use plans developed by the people comply with the planning and the provisions of law.

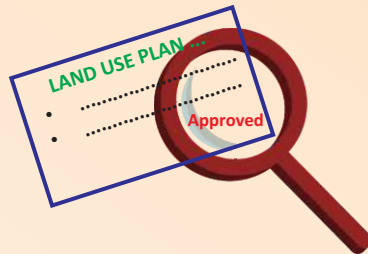
2. After each consultation meeting, the minutes must be recorded with the acknowledgement/signature of concerned parties so as to easily monitor the work to be done and ensure the progress of the plan development..



Field survey in Da Bac district

STEP 7:

THE DISTRICT AUTHORITY APPROVES THE COMMUNE LAND USE PLANS



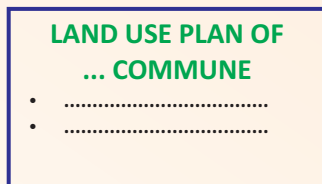
DISTRICT PEOPLE'S COMMITTEE

3 | Approval

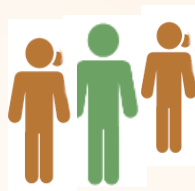


DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

2 | Appraisal



1 | Submission to



COMMUNE PEOPLE'S COMMITTEE



PART II: **SOME EXPERIENCES IN THE PROCESS OF LAND USE PLAN DEVELOPMENT**



To ensure the compliance of the land use plans with the provisions of the law

Mr. X.V.V. - a resident in Son Phu village said that before RIC implemented the project, Cao Son Commune People's Committee had issued a resolution on the reallocated land use in the village: the local authorities planned to put 3 ha of reallocated land for constructing the cemetery for the village, and the remaining area would be leased to households at reasonable prices, the proceeds of the land lease will be distributed to the village's fund.

In October 2017, during consultation meetings to develop village and commune land use plans with the participation of district leaders and experts from the Department of Natural Resources and Environment of Hoa Binh Province, Cao Son Commune People's Committee was advised that according to the Land Law 2013, the Commune People's Committees or the village were not a competent authority to lease the land, the commune could only manage and lease 5% of available land under its management; Only the District People's Committee is competent to lease land; the procedures for land lease were very complex; the budget from the land lease shall contribute to the district budget and not to the hamlet's fund.

Being advised by experts, along with the companionship, listening and understanding of the aspirations of the people in Son Phu Village, Cao Son commune authorities decided to adjust the land use plans of the commune from leasing land to allocating land for each household according to the criteria discussed by villagers in the village.

"After the consultation meetings with people in the village, we have the opportunity to listen and understand the aspirations of the people. We clearly see that the participation of the people in the development of land use plans not only meets their aspirations but also harmonizes the interests of the concerned parties. The opportunity to consult with experts helps us understand better in complying with the provisions of the Land Law. The commune authorities have decided to change the People's Council's resolution to change from land lease to land allocation for people" - Mr. X. V. X

- Cadastral Officer of Cao Son Commune



People in Son Phu village preparing land records

With the demand for land use for the public work (village cemetery), people in the village completely agreed with the plan, but did not know the where to locate this public work. Again, the representatives of the commune authorities, village chiefs and villagers together discussed and found suitable location for planning this facility..

“The biggest problem we faced when planning land for the village cemetery was to persuade the households in the planning area to donate land. At the project consultation meeting held in the village, although it was agreed that the land area of households that is planned for the cemetery would be compensated by other areas, the implementation was still be difficult because some households was not satisfied with the compensated land area. Together with some well-respected individuals in the village, we came to each household in the planning area to persuade them. We had to come to some households several times. Fortunately, all three households that had land in the planning area finally agreed ... ” - Mr. X.V.V. - The Chief of Son Phu village.



Field survey in Son Phu village

After 10 months of implementing the project, the plan of using 26.7ha of reallocated land in Son Phu village was completed, meeting the aspirations of the people and comply with the provisions of law and local policies.

To ensure land use rights for households, especially those who are disadvantaged, and at the same time to acknowledge the land reclamation work of the households as well as the history of land use during the development process of the land use plans

In 2014, the forest enterprise returned 95.44 ha of production forest land in 02 areas: En Tang area of 79 ha and Suoi Lao area of 16.44 ha.

En Tang area has been issued of red books for 65 households so the land use plans will be developed for Suoi Lao area with an area of 16.44ha.

2.53 ha of land in Suoi Lao area is used as residential land; 13.1ha of cultivated land and 0.7ha of fertile land with perennial crops not harvested belonging to the forestry enterprise; the remaining land area is poor in arable rocky soil.

The Suoi Lao area has 16 households, of which 7 households are cultivating on the area of production forest land reallocated from the forestry enterprise, the other 8 households are cultivating on 11.3ha of land under the forestry enterprise' management (in fact, the forestry enterprise is not capable of managing this land so it has been left uncultivated for a long time).

"The biggest difficulty in the Suoi Lao area is that the entire reallocated land area has been used and there is also an area for planting perennials belonging to the forestry enterprises. The households who have not had land want to be allocated with some land, and the households are already cultivating on the land do not welcome the re-shuffling of land ... " - Mr. B.V.X, Vice Chairman of Cao Son Commune.

Many consultative meetings between the commune authorities and the people and representatives of the Hoa Binh Province's Department of Natural Resources and Environment were facilitated to find a solution to this problem.



People in the Suoi Lao area consulted on developing the land use plans with the representatives from Hoa Binh DONRE and commune cadastral officials

After discussing publicly, people in the Suoi Lao area and Cao Son commune authorities agreed on the land use plans for each household, as follows:

- ✓ 2.53 ha will be converted the land use purpose into residential land and certificates of land use rights are issued to the people
- ✓ 13,1ha is allocated intactly to 07 households that are currently cultivating. These households are acknowledged by the community to be those who have reclaimed, preserved and protected the land on which they are currently cultivating
- ✓ 0,7ha of fertile land which is currently the nursery of the forestry enterprise is allocated to Ms. T.T.L household - a single poor household without farmland. The household will start the cultivation after the forestry enterprise has harvested the plantation. *"Today was the happiest day of my life; it was the first time I was given land. I will have land to grow trees. My life and my children's lives will be easier,"* Ms. T.T.L said in a consultative meeting at Giang village.

The remaining 8 households in the Suoi Lao area have yet to be allocated land, but in fact they are still cultivating on the land area that are ineffectively managed by the forestry enterprise; however, their land use rights are still very uncertain and not guaranteed.

Again, the experts and local authorities continue to work on finding the most suitable solution. Being advised and supported by the experts, the Cao Son Commune People's Committee prepared dossiers proposing the forestry enterprise to return 11.3ha of ineffectively- managed land to the people of Suoi Lao area. These dossiers have been transferred to the District People's Committee for submission to Provincial People's Committee.

"Although there is only more than 16 ha of land, but many meetings needed to be organized to find the solution. But I think this is the only way to ensure the public openness and transparency of land use plans, to reach the consent of the people and to avoid violating the provisions of law." - Mr. L.V.H - Chief of Giang Village, Cao Son Commune said



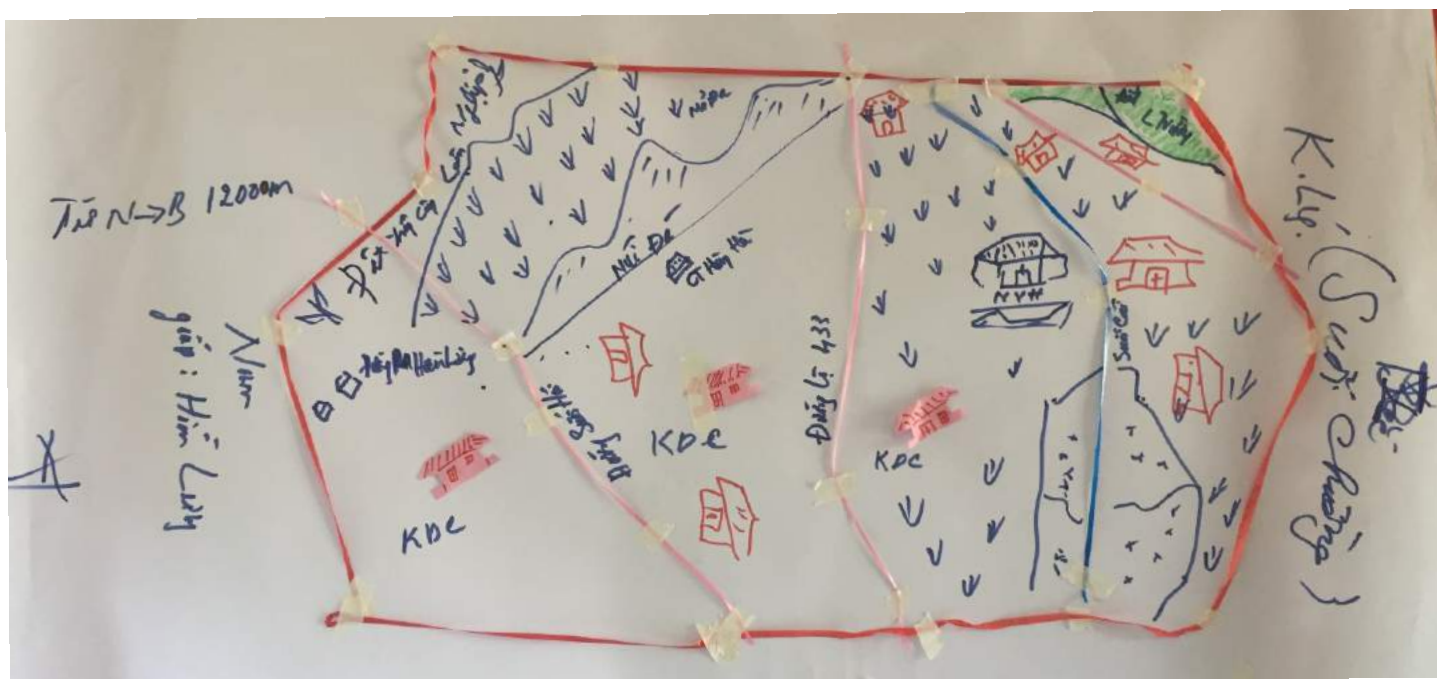
The map of the land area reallocated to Suoi Lao area by the forestry enterprises

People themselves drive the process of developing land use plans in their village, ensuring transparency and publicity in all activities

"In 2014, we knew that the forest enterprise had returned a land area at Suoi Chuong, but we did not know how much or where the boundaries were. People talked about this land but never found the People's Committee informed about the allocation of land to the people.

By May 2017, we were invited to participate in meetings held by RIC to survey the land situation and develop a land use plan, we just known the returned land area of our village was 52 ha of which 32 ha was natural forest land will be converted into protective forest, 20 ha is barren land, far from residential area and not being cultivated will be distributed to the people.

Initially, in the survey meetings, people said that the returned land had to distribute equally to all the households in the village. However, 20 ha only can be divided. How could we share it with everyone?



Map of returned land in Suoi Chuong, Huong Ly commune, Da Bac district

By the experts, we have built the criteria for allocation of land to households in order of priority:

(1) Allocate to households with real needs of land - 6 months after being allocated land, if not cultivated, they will be handed over to other households; (2) Allocate to landless households and lack of productive land - these households had to send their application to the village head to submit their suggestions to the commune people's committee for developing the plan.

At the initial survey, people in the village suggested that the land had to be divided equally for all households, but in fact, only 36 households actually needed land had application.

We again held a meeting with these 36 households to review whether the registration of households met the criteria and whether there were any households that did not have real needs. We also include other criteria such as priority for poor households, near-poor households, etc., to continue reviewing the number of households proposing to be allocated land. However, all 36 households had the same income and lacked productive land, so after the meeting, we agreed to allocate land to all 36 households



The Cadastral officials of Tu Ly commune and villagers conducted field survey on the land area reallocated from the forestry enterprises

There was a list of households who were to be allocated with land but it took nearly 1 week to determine the boundaries on the field. There was no equipment to measure the area of the plots, so we use the 5m pole to measure each plot. The plots in flatland would be smaller in size than the plots in sloping land and are more difficult to cultivate. After the field measurements, we held a meeting with 36 households, publicizing the diagram and information of 36 land plots, numbering each plot and organizing draws for each household to choose their plot.

I felt the joy of the people when drawing to receive their land plot, everyone was happy and satisfied with the public and transparent discussion method. In the whole process, the people were the ones to decide, plan and implement.”

The story is written in the words of Mr. X.T.H - Huong Ly village - Tu Ly commune

PART III: APPENDIX

COMMUNE LAND USE PLANS
(SAMPLE FORM)



**SYNTHESIS REPORT ON THE DETAIL LAND USE PLANS
FOR THE REALLOCATED LAND FROM THE FORESTRY ENTERPRISES TO
THE LOCALITY**

COMMUNE

Date...

**LAND USE PLAN
DEVELOPMENT AGENCY**
(Signature, seal)

Date...

**LAND USE PLAN
APPRAISING AGENCY**
(Signature, seal)

..., Date ...

A - BACKGROUND

I. NATURAL CONDITIONS, RESOURCES AND ENVIRONMENTAL LANDSCAPES

1. Natural conditions.
 - 1.1. Geographical location:
 - 1.2. Topography:
 - 1.3. Climate:
 - 1.4. Hygrology:
2. Resources:
 - 2.1. Land resources:
 - 2.2. Other type of resources:
3. Environmental state:

II. STATUS OF SOCIO - ECONOMIC DEVELOPMENT

1. Economic growth:
2. Economic restructuring:
3. Development situation of economic sectors:
 - 3.1. Agricultural economic sector:
 - 3.2. Industrial economic sector:
 - 3.3. Service economic sector:
4. Population, labor, employment and income:
5. Status of urban and rural residential areas development
6. Analysis and assessment of the current status of technical and social infrastructure development:
 - 6.1. Transport (railway, road, waterway, aviation):
 - 6.2. Irrigation (dykes, reservoirs, canals, key works):
 - 6.3. Education - Training:
 - 6.4. Healthcare:
 - 6.5. Culture:
 - 6.6. Sports:
 - 6.7. Energy:
 - 6.8. Post and Telecommunications:
7. Defense and Security:

III. LAND MANAGEMENT STATUS

Analysis and assessment of the implementation of the State management of land according to the contents specified in Clause 22 of the Land Law 2013.

II. CURRENT STATUS OF LAND USE

1. Analysis of current status of land use.

(Attached with statistical forms on the commune land area):

- *Form 01/TKĐĐ - Statistics of land area;*

- *Form 02/TKĐĐ - Statistics of agricultural land area;*

- *Form 03/TKĐĐ - Statistics of non-agricultural land area..*

- *Separate statistics of the farm land area reallocated to the localities (according to the Form 01/TKĐĐ)..*

2. Assessment of the economic, social and environmental efficiency of land use; the rationality of land use; the shortcomings in land use:

2.1. Structure of land use;

2.2. The suitability of each type of land against the requirements of socio-economic development;

2.3. Practice of land use, level of potential land use of the localities, conflicts in land use; the investment in capital, materials, science and technology, etc., in land use in the localities;

2.4. Land use efficiency;

2.5. Impacts on the land environment during land use process;

2.6. Main issues in land use, main causes, solutions, experiences on land use, etc.

IV. CHANGE IN LAND USE

Analysis of trends, natural rules and causes of changes in land types.

V. ASSESSMENT OF LAND POTENTIAL

1. Determination and selection of criteria for assessing land potential suitable to each type of land and land use purpose.

2. Assessment of land potential by land type and land use purpose (in terms of area, location of allocation).

3. Overview of local land potential.

B - DETAILED LAND USE PLAN

I. ORIENTATION FOR LONG-TERM LAND USE

1. Legal basis:
2. Overview of the directions and long-term socio-economic development objectives:
3. Views on land use for the next 20 or so years:
4. Orientation of land use according to types of land users:

II. DEVELOPMENT OF LAND USE PLANNING PLANS

1. Socio-economic development targets in the plan development period:
2. Orientations and objectives of land use in the plan development period:
 - 2.1. Synthesis and forecast of land use demands in the plan development period:
 - 2.2. The ability to meet the quantity and quality of land for land use demands:
3. Targets in land use plan development:
 - 3.1. Land use targets for allocated land to the commune in the Land use plans for reallocated land from the forestry enterprises to the locality, but must be compatible with the socio-economic situation at the commune level:
 - 3.2. Land use demands of organizations, households and individuals at the commune level:
3. Synthesis of land use demands, balancing and determining land use targets for branches and sectors in the commune land use plans:
4. Determination of the areas of land for purpose conversion specified at Points a, b, c, d and e of Clause 1, Article 57 of the Land Law in the commune land use plans:
5. Determination of the scale, location of works, projects, the location and area of land use areas for the purposes specified in Article 46 of Decree No. 43/2014/ND-CP dated May 15, 2014 of the Government, including:
 - a) Construction of public works:
 - b) Land allocation and lease to households and individuals in localities without land or lack of productive land:
 - c) Land allocation or lease to current land users if the land users need and use the land in accordance with the local land use planning:
6. Expected revenue from land allocation and land lease:

III. SELECTION OF LAND USE PLANNING OPTIONS

Justification for selecting a rational land use planning option based on the analysis of the economic, social and environmental efficiency of each land use planning option.

IV. MEASURES AND SOLUTIONS FOR IMPLEMENTATION

C - CONCLUSION AND RECOMMENDATIONS

D - APPENDIX AND MAPS

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HANDBOOK

GUIDANCE ON THE DEVELOPMENT OF LAND USE PLANS FOR REALLOCATED LAND FROM AGRICULTURAL AND FORESTRY ENTERPRISES

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