

Advocating forestland use rights in Vietnam



Documenting the work of

The Forest Peoples Land Rights Network (LandNet)

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Abstract

This paper documents the opportunities and constraints for the Forest Peoples Land Rights Network (LandNet) in advocating forestland rights, in order to discuss the lessons learned over the previous two decades. Working on the sensitive issue of the struggle over forestland use rights LandNet was able to establish a bottom-up network that includes various stakeholders in this struggle. LandNet is based upon an informal network of motivated forest people established during the work of the three local non-governmental organizations (NGOs) who together form the Livelihood Sovereignty Alliance (LISO). LandNet works on issues about forestland use rights at the grassroots of Vietnamese society.

Based in six provinces, LandNet is focused on the strengthening of the community by organizing capacity-building activities to make forest people aware of their rights and the duties of government. During these activities as workshops, meetings, and exchange visits LandNet helps to make the community aware of their political, legal, and social capabilities. Creating awareness makes the community confident to ask for, and to protect their rights. Also, by including local authorities as members in its network LandNet has the ability to get directly involved in the decision-making process, and is able to influence this process ensuring that the outcomes will benefit the livelihoods of forest people. Furthermore, LandNet can rely on a large external network of friends and advisors that is used to get advice or information. Lastly, LandNet works as an advisory partner for several national government institutions, and maintains good relationships with journalists.

This paper shows two examples of sub-LandNets at the grassroots in Son Kim commune and Hanh Dich commune. Looking at the lessons learned these cases show the importance of a strong community that is aware of the problems in their area, and understands their legal rights and the duties of local authorities. Furthermore, the examples show the importance of a confident community that is willing to speak out during open meetings, and support local authorities representing them in closed meetings. The examples also display the need for LandNet to establish good relationships with local authorities to give them an understanding of the importance of their duties and to ask them to base their decisions upon the law.

In conclusion, to strengthen the network, investments by LandNet in human resources will be of great importance. Firstly, as the sheer volume of work increases, they need more people. Secondly, in advocating against the money-driven opponents in the struggle for forestland use rights LandNet needs support in investing in the legal capacity of the network.

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1. Introducing LandNet

The Forest Peoples Land Rights Network (LandNet) is a civil society **network** that includes various stakeholders in the struggle for forestland, as forest or forest margin dwelling people, non-governmental organizations, mass organizations, researchers, individuals, local authorities, and media, currently operating in six provinces in Vietnam. LandNet works on forestland use rights issues at the grassroots of Vietnamese society, its main objective to lobby for forestland use rights in order to secure the livelihoods of people living in or on the margins of upland forests (henceforth called “forest people”). The growing pressure on natural resources and the increasing amount of stakeholders endangers the capacity of forest people to co-govern their land with their neighbors in ecologically sustainable ways, adding a new dimension to the already complex issue of land rights in the context of Vietnam.

The network is facilitated by the local non-governmental organization (NGO) Culture Identity and Resource Use Management (CIRUM). CIRUM operates with two other NGOs; Consultancy on Development Institute (CODE) and Social Policy Ecology Research Institute (SPERI), whom together form **the Livelihood Sovereignty Alliance (LISO alliance)**, and have over 20 years’ experience working with forestland use rights. LandNet was formerly established in April 2013, but is based upon on a foundation of a **network of the key representatives of forest people and other relevant stakeholders** that the LISO alliance members built from participants in their land allocation and management models during the past two decades. However, the changing complexity of forestland use rights and the increasing amount of illegal encroachments created the need for the bundling of the strengths and experience of LISO with the forest people in the grassroots themselves leading to establishment of LandNet.

Working with a bottom-up approach, LISO invited forest people representatives from their different models to come together to discuss the problems that were going on in their several regions. One of the solutions the forest people came up with was to establish a formal network that would give them the opportunity to exchange experiences and to learn from each other. LandNet was established with a Representative Facilitation Board, Advisory Council and local coordinators from different areas. Within the network LISO Alliance acts as facilitator, supporting LandNet. The forest people themselves acted as coordinators in this process and made plans, and organized meetings in their own areas inviting the farmers who had been involved in LISO models, and farmers who might be interested in LandNet. On a voluntary basis forest people representatives were asked to become part of the various local networks (**sub-LandNet**) that now have about a hundred members in total.

The increasing pressure on natural resources and the value of forestland make the issues of forestland rights and use politically sensitive. When working on advocacy for forestland, it is therefore important to get the right people involved in the network. For LandNet this means that at the moment building the network is not about quantity, but about quality – ethics, passion and ability. LandNet thus tries to create a strong network including people who are willing and passionate to work for forest land use rights. LandNet wants to build a network of forest people who want to improve and regain forestland, who are knowledgeable over the issues in their regions, who are familiar with the models of forestation of LISO, (who are for community forest land sovereignty) who and most importantly, who are confident to speak out about this. In the case of LandNet this means

that the **members** can also be local authorities who are willing to work for the benefits of the community. LandNet members often have positions of authority in the village and commune.

To make optimum use of the experience of sub-LandNet members, LISO acts as a bridge that combines the local knowledge of the people living in the forest, and their long-term experience on land allocation models and conflict resolution. This bridge between the grassroots and LISO is made by the establishment of a **Taskforce Group**. The Taskforce is action-based and meets in times of crisis at request of the regional sub-LandNets. It is formed (worked) depending on the needs of the sub-LandNet, for instance the need for policy or technical support. The Taskforce is composed of LISO staff, representative board members, and sub-LandNet coordinators from different provinces. This selection depends on the issues and region. The Taskforce makes action-plans based upon field-visits, in close cooperation with the members of sub-LandNet. In these action-plans activities are included that build the legal, political and social skills and knowledge of the community to make them aware of their power, and prepares them to speak out.

2. LandNet's unique methodology

Over the past twenty years LISO worked with models for (re)allocating and maintaining the forestland in a sustainable way, making use of the local knowledge of villagers who have been taking care of the land for years. Working with local knowledge, and nurturing this valuable knowledge fits LandNet's **philosophy** that every individual has the right to access, control and benefit from their forestland resources in a way that is sustainable and in line with their own values, needs, knowledge and customs. In advocating forestland rights, LandNet operates according to a participatory bottom-up approach that perceives the community to be the most important source of action, what is unique in the context of the top-down system of Vietnam.

To make LandNet work in practice, it is important to strengthen the communal authorities in order to consequently strengthen the **communal gate**¹. LISO facilitates several strategic activities to make both local authorities and communities aware of their rights and duties by building the legal, political, and ecological **capacities** of sub-LandNet members to create awareness among the members and to build up their confidence.

One example of an **activity to strengthen the community** at sub-LandNet level is supporting and facilitating Forest Land Allocation Programs (FLAPs) which involves different stakeholders for conflict resolution and land allocation in an equal and transparent basis, organizing **training seminars** to inform LandNet members about relevant national and local land policies. Since these policies are difficult to access and to understand, LISO assists the sub-LandNet members and villagers to get a proper understanding of these; to brief villagers on negotiation strategies, and what their responsibilities are for forest land resources conservation and development after FLAP.

Another example of capacity-building activities is the facilitation of **exchange visits** between sub-LandNets. During these exchange visits LandNet members from one sub-LandNet visit best practice models, how others take care of their forest and protect and use their resources. During these exchange visits, sub-LandNets also exchange experiences and knowledge about policies; on how to speak with authorities, and how to get the community to speak out. Another example of activities that LISO facilitates within LandNet is **meetings to open up dialogue** between different

¹ Communal gate (level) is at the grassroots level and managed/controlled by communal authorities who [control outsiders' access](#) to their land management areas.

stakeholders. The main goal of these different activities is to make forest people confident to speak out and ask for their rights, so they put pressure on local authorities on the district and provincial level.

Another way LandNet strengthens the communal level is by encouraging **local authorities** who are members of sub-LandNet, to play an active role. Local authorities have a duty to provide themselves with information about what is really going on in the community, and to show this evidence to the district or provincial level; representing the community. Local authorities can be mentored by the community with local knowledge, information, and skills so they can improve themselves. Also, because of their political position local authorities are involved in the formal decision-making, and have access to authorities in higher levels as the district and province. LandNet tries to be the **bridge** between the power of the local community and the local authorities, so they together can act as a firm block against other actors in the struggle for forestland.

LISO's experience over twenty years has proved that to be most effective a double network strategy is needed - not only building a strong grassroots network but also an extra network that includes several higher administrative levels. Therefore, LISO also uses a large **external network of personal friends and advisors ("friends network")** to get advice and information. Their role within LandNet can be hidden due to the sensitivity of the subject, and they help LandNet on a voluntary base. These friends are ethical progressive senior officials, maybe former colleagues of the LISO staff, some currently working for the Vietnamese government or mass movements. Although these friends are not members of LandNet, they share the same mind-set and are passionate about the issues LandNet is working on. This external network is used by the Taskforce to get **information and advice**, since these friends have access to information that would otherwise not be available for LandNet and to **get advice**, for instance by policy or scientific analyses. To make sure the information gathered from this external network is correct, LandNet uses plural informants to reconfirm the information.

Having grassroot experiences also giving LISO the opportunity of working with **national level authorities as a full partner**, for instance by organizing a workshop (and signing a MoU) with Committee on Ethnic Minorities Affairs (CEMA), and working together with Ministry for Agriculture and Rural Development (MARD) as a respected advisor. With its long-time experience on forestland allocation models at the grassroots, LISO can equip policy makers with necessary knowledge about the real situation in remote forest areas in Vietnam and involve them in research and field monitoring and evaluation trips. These partnerships show the success of LISO's strategy and give them access to advocate forestland use rights for forest people at the highest level. This strategy is also used for building relationships with **the media**, for instance by including them in LandNet, and inviting them to attend taskforce-meetings.

3. Examples from the grassroots

3.1 Sub-LandNet in Son Kim commune: foundation of the network

The following two cases show examples of LandNet's organization and methodology at the grassroots level. The **Sub-LandNet in Son Kim commune, Huong Son district (Ha Tinh province)**, started as a grassroots network during the implementation of the forestland allocation program by the NGO Towards Ethnic Women (TEW)² in 2002. This program had been preceded by five years of

² TeW is the predecessor of CIRUM and SPERI; NGO partners in LISO Alliance.

negotiations between the State Forest Enterprise (SFE) and the community of Son Kim. Before the negotiations the forestland was managed by the SFE, who had logged the land.

Getting worried about the deteriorating condition of the forest, the villagers in Son Kim commune started to ask the communal and district authorities for forestland use rights (a Red Book). Becoming aware of the situation with help of the projects of TEW, the community in Son Kim started to speak out their needs. Since forestland rights are sensitive issues, simply going on the streets to protest was not an option for the villagers. Instead, they had to use the channels that exist in the system. They started to continuously ask for land at different People's Council Meetings with different levels by claiming that the land under management of the SFE had become barren, a failure of management by the SFE, and that they themselves could take better care of the land. They had long-time experience of doing this.

Using their collective power the community made the local authorities aware of their duty to help them by representing them in formal meetings on higher administrative levels. The Son Kim Communal People Committee and the District People's Committee (DPC) leaders acknowledged this and understood the worries of the community as they relied on the forest for their daily incomes. Having access to the provincial authorities the DPC leader started to ask them to reallocate the land from the SFE to the community in Son Kim. At the same time, the leader of the Commune People's Committee (CPC) and the leader of the DPC started to help to mobilize the community, by assisting them to organize different meetings and write proposals, and sending these to higher authorities showing the evidence of the needs of the community, and asking them to reallocate the land to the community.

With the strong support of the Chairman of District People Committee (DPC), and especially communal leaders in negotiations with SFE, they succeeded in getting the land re-allocated. With the informal permission of the provincial authorities, and most importantly the support of the community, the leader of the DPC issued two Red Books³ to each household; one for the household itself, and one to contribute to the community for forest protection. Nowadays the communities still hold these Red Books. One of the communities called "Thon Khe 5" has become a well-known model for forest protection. This model has involved LandNet members from the beginning. These members in Son Kim include village leaders, mass movement leaders, commune and village party leaders, and policemen. Together with the community they protect the forest by doing routine checks in the forest, and cultivating crops in a sustainable way.

This founding example of a sub-LandNet in Son Kim commune proves the importance of awareness-raising and the mobilization of the community in using the strength of the communal gate, and how the community can make use of their collective power without using 'noisy' advocacy. Furthermore, it shows the importance of strong and active authorities who are, as leaders should be, aware of their duties and the rights of the community they represent. Including these authorities in the network provides an opportunity to get access to meetings and to influence the decision-making, since it gives access to lobby on higher levels of the administrative system. Nowadays the sub-LandNet case of Son Kim serves as a good practice for other sub-LandNets. Members of the sub-LandNet in Son Kim are regularly involved in the Taskforce, or help in organizing capacity-building activities, as exchange visits where they share their experiences and expertise from the last years.

³ At that time (2002) Land Law did not allow to issue two red books to household (only one).

3.2 Sub-LandNet in Hanh Dich commune: community action against illegal encroachments

With the growing amount of stakeholders in the struggle over forestland, including practices of land grabbing, the allocation and maintaining of forestland becomes more complex. One case LandNet is currently working on, and appears to have had success is **in Hanh Dich commune, Que Phong district (Nghe An province)**. It is an example of an initial allocation success and especially the importance of a strong and active network after the allocation process. The community obtained Red Books providing them with land use and management rights, and gave them in theory security of income, livelihoods, and customary practices. But this feeling of security was of short duration. Shortly after the issuance of the Red Books the Que Phong Rubber Enterprise encroached the forestland and planted rubber trees. After discovering the encroachment, the villagers, led by the members of sub-LandNet in Que Phong, being aware of the illegality of the actions of the Rubber Enterprise, reacted by using the formalized process of organizing a meeting in which minutes were prepared and later sent to the Hanh Dich Commune People's Committee (CPC) and Que Phong District People's Committee (DPC). In a reaction on these minutes the Rubber Enterprise received an Official Decision stating that they immediately should stop their encroaching activities, should take the planted rubber trees out of community land, and give the forest land back.

However, the Rubber Enterprise, who in the meanwhile had been rolling over surrounding communities and taking their land ignored this decision and continued its encroachment. Again, LandNet members informed the village leaders and they reacted according to procedure by asking the chairman of the Hanh Dich CPC to talk to the Rubber Enterprise. Consequently a new meeting was coordinated and facilitated by LandNet, during which the villagers wrote new minutes. The villagers stated that the Rubber Enterprise should stop its encroachment; that it should move all the planted rubber trees out of the community land; and, when the Rubber Enterprise would not have taken out all the planted rubber trees, the villagers would do it themselves.

To finish the problems with the Rubber Enterprise sub-LandNet organized a workshop that was attended by various stakeholders, as the representative of the Rubber Enterprise, the head of the Natural Resource Management Office, and the leaders of Hanh Dich commune and the communities. Although admitting the illegality of its actions during this meeting the Rubber Enterprise did not withdraw from the encroached area afterwards.

Up to the present the Rubber Enterprise has not compensated the community, nor removed its trees as requested to do so. Nevertheless, Que Phong DPC has hardened its stance in relation to the company, recently issued its third letter on the subject. In a well-reasoned and important response to a demand by Nghe An Rubber Company (who owns Que Phong rubber company) to hand over the land, the District Peoples Committee told the company that their actions were illegal for six reasons. Firstly, there was no land use planning approval for rubber in this area; the company did not have the necessary Land Lease Contract anywhere in the District which it must have before planting rubber; it did not have the necessary decision for forest use conversion which needs to be issued by the Province; no Environmental Impact Evaluation had yet been done, which is required before any investment of this kind; the company needed to pay any necessary taxes and fees to government which they have not done, and planting rubber in this area would be illegal anyway because it is sacred forest protecting water supplies, full of herbal medicinal plants used by ethnic minorities and cannot be cut down. Whilst they were reading this letter, LandNet could almost visibly see the villagers' confidence growing. This is a good development for sub-LandNet as the DPC's letter

offers both an explanation why rubber companies cannot continue in this way, and sets a precedent for others to follow. It can be used to support and encourage others to take action. Also, encouraged by this support, the community decided to take action themselves, taking back possession of their land by re-installing boundary markers, and planting indigenous species to restore the forest. They will also plant corn for the short term to protect the land and stifle the growth of the rubber.

LandNet continues to support community leaders by various methods, for instance by organizing an exchange visit during which the members of LandNet in Hanh Dich commune visited the members of sub-LandNet in Son Kim commune. During this visit the LandNet members exchanged knowledge to make the sub-LandNet in Hanh Dich more confident. Sub-LandNet members in Son Kim explained to the sub-LandNet in Hanh Dich how they were taking care of the land, how they managed the protection of the land, but also how they worked with local authorities and outsiders who might be encroaching their community land.



Picture 1. And 2. Exchange visit between Son Kim commune and Hanh Dich commune.

Fitting LandNet's methodology of strengthening the community, this example shows the importance of information exchange on communal level between sub-LandNets. The main objective of these exchange visits is to strengthen forest people, village leaders, and local authorities, and inspire them to continue mobilizing their community to advocate against the illegal encroachments of the Rubber Enterprise. Furthermore, these activities build the confidence of the local authorities, by making them aware of their duties, with the added intention of them being able to influence higher authorities during closed official meetings.

4. Lessons learnt: strengths and constraints

Despite the hierarchical structure of the Vietnamese political and administrative system, there are **opportunities** for LandNet to make use of spaces to lobby for the forestland use rights for forest people. *Activities on the grassroots*

Working with a bottom-up approach and believing in the power of the community, LandNet invests in the development of legal, political, and social skills and knowledge (capacities) at the grassroots level by starting pilot FLAP models, organizing practical workshops, meetings, and exchange visits between sub-LandNets for sharing and lessons learnt. Focusing on the power of the community and the encouragement of villagers to speak

out for their own rights empowers the community to put pressure on their representative local authorities.

- *Evidence based upon the long experience of LISO*

Building the foundation for LandNet, LISO can depend on the lessons learned from their long experience over the past two decades. Having developed a strong vision on best practice models for land allocation and conflict resolution LandNet continues this by working with the community itself. These models make LISO a well-appreciated partner by local authorities who ask for help during the facilitation of allocation programs, and give LandNet the opportunity to expand its network in more areas.

- *Friends network*

In gathering evidence, information, and advice LandNet uses an external network of personal friends including trusted former colleagues and acquaintances who share LISO's philosophy and ethics. The information and advice is passed to the Taskforce and on to sub-LandNets, reaching the grassroots level and providing them with stronger knowledge of the case, what providing the sub-LandNets with a more powerful position during and post forestland allocation.

- *Partnerships with authorities on national and local level*

Having advisors in higher levels of the political structure provides LandNet the opportunity to use their connections to engage in collaborations with national government institutions as CEMA and MARD and research institutions. LandNet presents itself as an assisting partner in the facilitation of forestland allocation programs. By working as an advisor for the government, LandNet creates opportunities to get permission to work in more areas, and to enlarge its network.

On the grassroots level LandNet tries to include influential local authority members who have one foot in the community and one foot in LandNet. Including these authorities in the network LandNet creates access to otherwise closed meetings, and the opportunity to directly lobby for the forestland use rights of forest people at commune and district level.

- *Connection with media*

By working closely with several journalists, and with LISO having their own media expert and media unit, LandNet tries to present its work on forestland allocation to the larger public. The media can also be used as a warning to opponent stakeholders during local conflicts over forestland.

Given the sensitivity of issues about land use rights LandNet has to operate very subtly. Even the use of the word 'network' is in some political contexts in Vietnam not possible. Therefore LandNet has to face the following **constraints**:

- *Wide advocacy*

Some civil society networks or social movements are able to advocate very publically. In the context of Vietnam and especially the issue of land use rights this is not considered to be a possibility by LandNet. It can be argued that by working subtly LandNet loses the chance to reach a bigger audience. Instead of wide advocacy LandNet has to choose careful lobbying,

especially on the higher political levels, by developing informal and formal relationships with officials.

- *Media*

Although having strong relations with several journalists and having its own media unit, LandNet has to be careful when deciding how and when exactly to use them, and what message to bring. In very sensitive cases media is considered to be a final solution, since the effect that the message has is uncontrollable and might in worse-case scenarios harm the people at the grassroots, or sour relations with local authorities.

- *Although the law is paramount in Vietnam, in many cases it does not rule*

Another constraint for LandNet is the legal system in Vietnam that makes it hard to take legal steps against illegalities of opponent actors. LandNet believes that going through a legal or civil process would be the last resort as it is considered to be 'noisy' advocacy that may harm important relations with local authorities, or more seriously on national level. Believing in a careful lobby approach, LandNet puts more value into the cooperation with the grassroots and local authorities and tries to use its experience and connections to solve the problems outside of the courtroom.

- *Method of growing LandNet*

When looking at the method of growing LandNet the found constraints are three-fold: first of all LandNet relies on authorities to get permission to work in areas. Expanding the network might thus be proceeded by long negotiations to get permission to work. This might have a negative influence on the amount of models LandNet can develop, and the amount of evidence of good practices it can gather. Secondly, the carefully made choices of how to become a member and being trusted, as being invited through contacts and allocation programs implies that network at grassroots level will grow in quality, but possibly not greatly in quantity. Thirdly, within the organization of LandNet itself the limited human resources form another constraint in their advocacy of forestland use rights. Working with a very small staff the LISO Alliance has not the capacity to work on every case as much as they would want to do, or to document and gather evidence as thoroughly as they are capable of.

Recommendations

With the changing policies of the Vietnamese government to establish a market-driven economy it appears that private companies have become the more privileged stakeholders in the struggle for forestland rights. To overcome the constraints in the **future**, in which it is expected that the companies will become more and more powerful, **the strengthening of LandNet with professionals in legal aid** is of large importance. Also the enlargement of human resources will provide LandNet with the opportunity to work in more areas, and to reach a bigger public. Lastly, LandNet might need to include stakeholders from the provincial level in the network, to cover all the different layers of the Vietnamese political system.

The following **recommendations** can be made that could serve as point for discussion among the network:

- Continuing the documentation of evidence of good practices;
- Continuing investing in relationship with government officials and progressive friends;
- Invest in legal support and human resources;

- With the expanding amount of private companies, try to invest in researching these companies; invest in wider research on other conflicts with regards to companies;
- Discuss the importance of lawful action; does the Hanh Dich case show that just a Red Book is not enough to protect the land, but that direct actions also need to be taken

References

Social Policy Ecology Research (SPERI) 2012. *SPERI Lobby Strategy*. Hanoi, Vietnam.

Culture Identity and Resources Use and Management (CIRUM). 2011. *Background information Southern Voices: capacity building and network support*. Hanoi, Vietnam.

Culture Identity and Resources Use and Management (CIRUM). 2011. *Explaining the network and coalition*. Hanoi, Vietnam.

Culture Identity and Resources Use and Management (CIRUM). 2012. *CIRUM Lobby strategy*. Hanoi, Vietnam.

Culture Identity and Resources Use and Management (CIRUM). 2012. *Overview and summary of forestland conflicts*. Hanoi, Vietnam.

Culture Identity and Resources Use and Management (CIRUM). 2014. *CIRUM Progress Report 2013: Natural Resource Management*. Hanoi, Vietnam.

Sikor, T. 1998. "Forest policy reform in Vietnam: from state to household forestry". In *Stewards of Vietnam's upland forests*, M. Poffenberger. Berkeley, Berkeley University Press.

The Forest Peoples Land Rights Network (LandNet). 2013. *Community action forces Que Phong Enterprise off illegally encroached Thai ethnic minority forest land*. Hanoi, Vietnam.

The Forest Peoples Land Rights Network (LandNet). 2013. *LandNet Diagram*. Hanoi, Vietnam.

The Forest Peoples Land Rights Network (LandNet). 2013. *Land Law Revision 2013*. Hanoi, Vietnam.

The Forest Peoples Land Rights Network (LandNet). 2013. *Network building*. Hanoi, Vietnam.

The Forest Peoples Land Rights Network (LandNet). 2013. *Stakeholders analysis*. Hanoi, Vietnam.

The Forest Peoples Land Rights Network (LandNet). 2013. *What is LandNet?* Hanoi, Vietnam