

Equity Case Study Brief #2:



Participation and Decision Making for Improving Forest Allocation Processes

Loc My Village, Viet Nam

Equity Dimension: Procedural

Primary Equity Element: Participation and decision making

Secondary Equity Elements: Tenure and resource rights; governance and regulations

THE EQUITY CHALLENGE

This is a positive equity case in community-based forest governance, focusing on increased participation by the community, and on securing rights and tenure, brought about by the lack of tenure and resource rights for the individual households.

BACKGROUND

Loc My village is located in Nam Dong district, Thua Thien Hue province, Viet Nam, in the buffer zone of Bach Ma National Park (BMNP), an area reserved for biodiversity conservation since 15 July, 1991.

The community from Loc My was initially not permitted to use the forest in the BMNP although they had settled and benefited from forest resources since 1975 via farming and plantation. Due to shortages of forest lands available for livelihoods, Village 3, Huong Loc Commune People's Committee (CPC) and Nam Dong District People's Committee (DPC) approached the Provincial People's Committee (PPC) of Thua Thien Hue and the Management Board of BMNP to request the return of forest lands with no conservation value to the local community. In 2004, the community was allocated more land and formally given the right to manage their community forests. With the land allocated to the community, they needed to determine how the land could be allocated equitably. As local people had limited experience and capacity to manage their community forest and participate in the decision making process, assistance was needed to help the community manage their forest in a sustainable way and enable them to participate meaningfully in forest management.

The management, allocation and use of forests and forest resources in Loc My Village involved three main groups of stakeholders. First, from the local government side, Huong Loc Commune People's Committee (CPC) is the lowest administrative level within the jurisdiction of the forest governance structure in Viet Nam, are directly responsible for state management of local forests. It is represented by an officer who manages rural development, agriculture, forestry and fisheries activities, and supported by a field forest ranger, acting as a forest law enforcement officer at the commune level. Other related government agencies include the District People's Committee (DPC) and district Forest Protection Department (FPD). Nam Dong DPC is at higher administrative level of the CPC, having direct authority on the CPC. The DPC also has authority to issue certificates of forest use rights. District Forest Protection Department (FPD) is the main agency responsible for the implementation of land allocation.

Second, villagers are engaged in forest governance either as community members or household representatives. They participate via the Community Forest Management Board (CFMB), which includes community members elected by household representatives. The CFMB consists of one head, one vice-head, one secretary and five forest protection teams (FPT). Key functions of the Board include making scheduled patrols, keeping records of all encounters and related events, reporting to the CPC and liaising with other concerned bodies. Also, importantly, the CFMB takes charge of monitoring benefits sharing and resolving conflicts among community members.

Third, civil society organizations (CSOs) such as the Center for Rural Development (CRD) play an important role in strengthening effective participation and the decision making process through training and awareness raising activities.

WHAT NEEDED TO BE DONE TO ADDRESS EQUITY ISSUES?

Land allocation was the priority to ensure equity in this case, focusing on considering the needs and concerns of the community. Also, it was important to build capacity of the local community to enable them to participate in forest management, including the implementation of the forest allocation plan.

In terms of land allocation, the CPC established an inclusive mechanism, bringing input from the local communities on the allocation criteria as well as how the forest land would be managed. Huong Loc CPC also provided villagers with opportunities to contribute to decisions about how forest allocation would be implemented. Many communities eagerly took part in the process and provided more inputs from relevant stakeholders. As a result, land use right certificates were awarded in 2011 to 29 eligible households for a total of 173 hectares of natural production forests with secured tenure rights for 50 years. However, with limitations in experience and capacity, they were not able to fully take part in the decision making and implementation process.

Regarding the enhancement of grassroots engagement, CSOs played a crucial role in providing technical and capacity building support to enhance the engagement of local people in the decision making and governance processes in collaboration with the local authorities. These training courses helped enhance awareness and provide basic legal knowledge for commune officers and some key community members in order to help them fulfill their roles, rights and responsibilities to the communities as forest managers. As a result, they were able to apply what they learned in the discussion and negotiation process with local authorities and share with their communities.

WHAT HAPPENED AND HOW DID IT HAPPEN?

In 2004, following the national guidelines, specifically the 2003 Law on Land and 2004 Law on Forest Protection and Development, Thua Thien Hue Provincial People's Committee issued the official letter No. 57/TB to return 1,044 hectares of BMNP to Huong Loc Commune. A significant area of forests with no conservation was intended for community-based forest protection and improvement of local community's livelihoods. Since 2009, the Huong Loc CPC started sharing information about the forest allocation policy and established a steering committee and working group on natural forests allocation. The steering committee included the commune forestry officer, field forest ranger, land officer, representatives from the Fatherland Front Committee, Farmer Union, Women Union, Youth Union, Veterans Association and heads of villages.

To widely engage villagers in the decision making process, Huong Loc CPC organized many meetings. Through such meetings, the community was provided with information on the community members' rights and obligations. The CPC further consulted with the community representatives on the forest allocation scheme, implementation plan and the mechanism for forest allocation. Two criteria for households to be granted forest were also introduced, discussed, consulted and decided between Huong Loc CPC and local communities: (1) for households with 2 or more laborers; and (2) to households that had not been allocated any forests. After understanding why the CPC proposed these two criteria, local people came to an agreement and final decision.

After the meetings, eligible and interested households submitted their applications to village management board and then to the CPC. Based on the applications, the CPC made a registration list of eligible households for receiving forest land. The list was then publicly posted in CPC's office and a village meeting house for any comments and to get consensus of the entire community within 15 days from the date of notice. Finally, the commune forest allocation committee endorsed this registration list and submitted it to DPC for subsequent forest allocation procedures. Successful applicants then became involved in the process of demarcating boundaries of their potential forest land. They appointed five representatives, who were familiar with the terrain of their forest and able to write, read and participate in a forest quality assessment working group in order to define the boundary of forest plots, landmarks and identify native species.

Nam Dong district FPD and CPC provided technical support to the selected households to develop a five-year community forest management plan, based on indigenous knowledge, local concerns and expectations. Levels of participation increased as local people directly involved in the process of developing a management plan based on their own understandings and needs. This group of households was, however, still not the final decision maker of this plan because remained in a government format with a top-down approach. After submitting the five-year community forest management plan to the district government, DPC signed a decision no 1031/QD-UBND dated 13 December 2010 on approving the community forest management plan of community in Loc My Village, Huong Loc commune, Nam Dong District, Thua Thien Hue province.

In July 2011, Nam Dong DPC issued a certificate of forest use rights for a group of 34 households, officially authorized them to manage 173 hectares of natural production forests with secured tenure rights for 50 years. The right to make decisions relating to their forests was entirely in the community's hands. The group elected a Community Forest Management Board (CFMB) and Huong Loc CPC issued the decision No. 34/QD-UBND dated 17/08/2011 on recognizing the election results, and formally established the CFMB. This was the first time that a decision making process on forest management were fully decentralized to a group of forest users as a community.

Regarding capacity enhancement for active community engagement, CRD offered technical support to assist the community through the project (2011-2013) on "Improvement of community natural forest management in the Nam Dong District, Thua Thien Hue Province". With technical, financial and facilitation support from CRD, all households successfully enhanced their capacities to plan, organize and implement necessary activities for the protection, development and use of their newly allocated forests.

WHAT LED TO SUCCESS?

There were three factors showcasing approaches which promote equity in forest management. First, meaningful engagement of the people in forest management activities had an important role in working towards sustainable forest management. With enhanced sense of involvement and ownership, community members feel encouraged to willingly contribute their time and resources in implementing community forestry. Furthermore, local people have been empowered to exercise and defend their tenure rights. Active participation also ensured transparency and minimized conflicts among forest users.

Second, the allocation of forests to community was enabled by a strengthened legal framework and governmental support, particularly the 2003 Law on Land recognizing local communities as land users, and the 2004 Law on Forest Protection and Development recognizing local communities as forest users who are entitled to forests and forests

allocation. Significant changes under the LFPD 2004 were realized both at national and local levels, with several programs on natural forests allocation to households, groups of households, and local communities.

Third, it is also important to mention the support from CSOs such as CRD for community capacity building. Technical, financial and facilitation support from CRD helped all households to successfully enhance their capacity to plan, organize and implement necessary activities for protection, development and use of their newly allocated forests.

WHAT WERE THE LONG-TERM RESULTS?

With forest user rights ensured for 50 years, along with the formation of the CFMB, operational regulations, a cost-benefit sharing mechanism and enhanced capacity of the community, the community was able to manage and protect the allocated forest by themselves.

In order to ensure participation in decision making, a monthly meeting is mandated and fixed on the 15th of every month. Attending monthly meetings is obligatory. Failing to participate results in penalties for every group member. Main discussions are recorded in meeting minutes.

Monitoring and grievance mechanisms were developed by the group to ensure transparency and resolve conflicts. Accordingly, cost and labor contributions of each member and team are simultaneously recorded and checked by the management board, heads of teams and every group member. Financial reports are also shared in the regular meetings. As such, every member is updated and can monitor financial transactions. In case of disagreements, disputes and/or conflicts, the issues are discussed and resolved in the regular group meetings. If the management board and group fail to resolve the issue, these issues are taken to the village head or higher levels such as local authority and technical agencies according to grassroots democracy mechanism in Viet Nam.

WHAT WERE THE EQUITY LESSONS LEARNED?

There are four key lessons from this case which highlight key measures to ensure inclusion and sustainable forest management. First, the forest user rights to community are considered the top priority. Giving and securing forest user rights to community is not a destination, but the first step to mobilize communities to fully participate in effective community-based forest governance.

Second, information sharing, grassroots engagement and capacity building for local people plays a vital role in enhancing active participation and management of the allocated forest lands. Equipped with legal rights to manage forests, local people need to understand what rights they have and know how to exercise and defend them. They need to recognize tangible and intangible benefits, as incentives, for a short-term and long-term. Community members also need to be trained and equipped with comprehensive and continuing capacity building encompassing the whole range of technical, managerial, financial and organizational aspects of sustainable forest management.

Third, necessary support systems play a facilitating role, such as appropriate policies, incentives and logistical support to better perform their forest management responsibilities. To exclude unauthorized forest users, they need to be continuously supported by local authorities and law enforcement agencies.

Finally, institutionalization of community forest management needs to be taken into account. Community institutions such as a management board, forest protection team and monthly meetings provide an essential platform for community to fully participate in the decision making process as forest managers. By making locally suitable regulations, community members adhere to their set regulations in terms of using and managing forest resources.

To conclude, the case of forest land allocation to community in Loc My Village presents a constructive equity case in community-based forest governance. Positive achievements have resulted from three key factors: an inclusive mechanism promoted by the government, necessary support systems, and the institutionalization of community-based forest management.

For more information on the case study: LUONG QUANG Hung, "Huong Loc Equity Case Study", c/o RECOFTC - The Center for People and Forests

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