


Policybrief

CAN LAND USE PLANNING ENABLE BETTER LANDSCAPE GOVERNANCE IN DIEN BIEN PROVINCE, VIET NAM?



Land use planning, a process by which lands are evaluated and assessed to become a basis for stakeholders' decisions concerning land disposition and utilization, is vital for effective governance of landscapes- if done in a nuanced way, land use plans provide a basis for stakeholders to manage and govern their landscapes effectively. The process however, is often regulated by laws or legal procedures that are either facilitating or impeding development of land use plans. This policy brief presents an overview of land use planning in Viet Nam, and its application in Dien Bien province, and provides recommendations for improvement.

KEY MESSAGES

- 1 Existing legal documents outlined the requirements and procedures for land use planning (LUP) at different planning levels, from national down to provincial and district levels. LUP is prepared for a 10- year period.
- 2 The national LUP sets the national targets for land allocation, forest protection, and agricultural production, which are consequently translated into provincial and district level targets. However, national targets hardly match local needs; local land use plans are often rushed with poor quality, and local authorities also often lack implementation capacities.
- 3 Challenges at provincial and district levels include lack of evidence and insufficient information supporting LUP; lack of resources (staff capacity and investments); land use classification does not match with land use practices; uncoordinated sectoral planning, and limited stakeholder engagement. These influence the quality of the LUP process and resultant land use plans.
- 4 Improvements in LUP are needed in the analyses of spatial land cover, land suitability, ecological impacts of land use changes, and market information.
- 5 Land use plans do not define institutional roles and governance mechanisms.

RECOMMENDATIONS

- Reduce consideration of policy-driven national programs, promote needs-oriented LUP wherein local realities are given more weight in decision making, but without completely undermining national targets.
- Create awareness among decision and policy makers on institutional strengthening toward improving local level land use planning.
- Generate adequate and reliable baseline information supporting LUP and land use plans, so that the LUP is evidence-based.
- Improve the capacity of DONRE staff at district and provincial level in the application of spatial analysis and modelling tools.
- Consider developing long-term land use plans at the commune level (e.g. 20 years) to encourage long-term investments such as tree plantations or forest rehabilitation.
- Effectively engage stakeholders in the LUP process, particularly local communities.
- Improve institutional arrangements in the LUP process, and define governance mechanism in land use implementation.
- Together with local stakeholders, jointly develop a clear concept and guideline for integrated land use strategies that account for, and can be used to balance economic, ecological and social benefits derived from the landscape.

MAIN FINDINGS



Existing legal framework for LUP and land use plans

Legal regulations

The Land Laws of 2003 and 2013 require the preparation of land use plans from central to the local level. The 2003 Land Law stipulates that land use plans should be developed at national, provincial, district and commune levels. However, the 2013 Land Law regulates LUP and land use plan for 3 levels only - national, provincial and district. Detailed regulations on the formulation of land use plans across levels are provided in a number of legal documents (decrees and circulars). These documents regulate different aspects of LUP and preparation of land use plans such as: (1) Principles; (2) Required foundations; (3) Contents and activities; (4) Timeframe for land use planning and land use plans; (5) Public consultation; and (6) Appraisal and approval process (Figure 1).

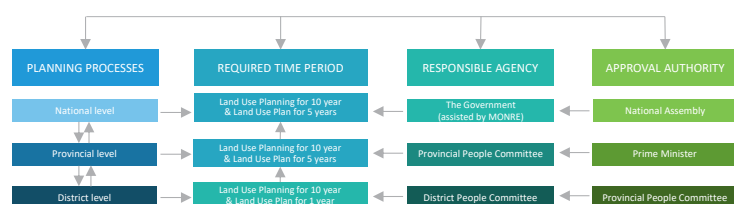


Figure 1. Overall process of preparation of LUP and land use plans (Land Law 2013)

The general requirement for LUP focuses on spatial land allocation and zoning to achieve socio-economic development, national defense and security and environmental protection considering land suitability and demand from different sectors, socio-economic zones and administration units in the identified period.

Specific requirements include: (1) be in line with strategies, master plans, socio-economic development and national security plans; (2) planning starts from master planning to comprehensive planning; planning at the lower level must comply with the approved plan at the higher level; national planning must be specific and promote inter-regional linkages; planning at district level must comprise commune planning; and (3) planning and plans for sectors and provinces must be in line with nationally approved LUP and land use plans.

Land use classification

The existing land use classification for LUP and preparation of land use plan focus on land use purposes rather than vegetation cover and other ecological features. This classification (promulgated by Ministry of Natural Resources and Environment – MONRE) includes three broad land use categories: agricultural, non-agricultural and unused land. Each land use category consists several land use types, for example 8 types for agricultural production land (annual crops, perennial crops, fishery, salt production, forestland); 10 types for non-agricultural land (settlement, construction, transportation systems etc.). At the district and commune levels, more detailed land use types are added in the non-agricultural land use category. In this category, 29 types of land uses are included in the classification system, however, there are slight differences in the number of land use types for the agricultural land category between the national, provincial, district and communal levels (see Table 1 for Dien Bien province). As the MONRE land use classification system defines

Table 1. Number of land use types identified in LUP from the national level to Dien Bien province

Levels	No. of land use type in agricultural land category	No. of land use type in non agricultural land category	No. of land use type mentioned in unused land category
National	6	14	2
Province (Dien Bien province)	6	16	2
District (Dien Bien district)	9	29	1
Commune (Na Nhan)	9	29	1

LUP primarily by functions, not ecological features, it is not the ideal classification to be used for land use plans that account for environmental outcomes such as enhancing landscape environmental services or biodiversity conservation.

Main national land use targets by 2020

The 2020 national LUP was approved in 2011 by the National Assembly, and was revised in 2016. The revised LUP indicates that 82% of the country's total land area is agricultural (forestry land occupies about 50%), 14% non-agricultural and 4% unused land. Based on this, all provinces are required to revise their LUP and land use plans for 2016-2020.

Table 2. Key land use targets in the 2020 National LUP

Land category and main land uses	Area by 2020 (1,000 ha; planned in 2011)	Area by 2020 (1,000 ha; revised in 2016)
A. Agricultural production land	26,732	27,038
1. Paddy rice	3,812	3,760
2. Protection forest land	5,842	4,618
3. Special use forest land	2,271	2,359
4. Production forest land	8,132	9,268
5. Salt production land	15	15
6. Fishery farming land	790	768
B. Non-agricultural land	4,880	4,780
C. Unused land	3,164	1,310

Other planning processes

In addition to LUP, there are several planning processes required at all levels, including for socio-economic development, national defense and security, and sectoral. Socio-economic development and sectoral planning are regulated in Decree 92 (Government of Vietnam 2006). Socio-economic development planning is required for national, provincial and district levels, and are the important bases for LUP. Sectoral planning, including agriculture and forestry, is only implemented at the national level. The 2020 master plan for agriculture development and vision 2030 was approved by the Prime Minister. This document indicates land use targets for the agriculture sector (including forestry) to be achieved by 2020, and are consistent with the national LUP and plan approved by the National Assembly. However, sectoral plans do not include spatial planning. This is true even for land-based sectors such as agriculture and forestry, making these plans inconsistent or conflicting with the LUPs, especially when interpreted and implemented at the local level.



2020 LUP and land use plans, Dien Bien province

Land use targets in Dien Bien province

The 2010-2020 LUP and land use plan for 2011-2015 of Dien Bien province was approved by the Prime Minister in 2013. Based on the approved LUP of the province, the LUP for 2010-2020 and land use plan for 2011-2015 were approved for Dien Bien district in 2014 (Dien Bien Provincial People Committee (PPC) 2014). However, the provincial land use plan for 2016-2020 is still under preparation. The Department of Natural Resources and Environment (DONRE) at the provincial level is responsible for preparing the 2010-2020 LUP and 5- year land use plans (2011-2015 and 2016-2020). The main land use targets identified up to 2015 and 2020 are shown in Table 3.

Table 3. Key land uses planned for 2010-2020 of Dien Bien province

Land category and main land uses	Area by 2010 (1,000 ha)	Area by 2015 (1,000 ha)	Area by 2020 (1,000 ha)
A. Agricultural production land	758,046	824,712	893,011
1. Paddy rice	60,821	58,907	57,340
2. Perennial crops	11,165	24,224	33,517
3. Protection forest land	376,106	407,156	423,113
4. Special use forest land	46,259	46,781	47,581
5. Production forest land	180,113	209,832	257,413
6. Fishery farming land	967	1,227	1,470
B. Non agricultural land	22,956	27,494	34,652
C. Unused land	175,288	104,084	28,627

Land use plan in Na Nhan commune

Although the provincial land use plan for 2016-2020 has not been approved by the district authority, the land use plan for Dien Bien district has been developed annually based on the approved provincial LUP, which includes annual land use plans of all communes in the district. The latest district land use plan was approved by the Provincial People Committee for 2017 (Dien Bien PPC 2017) (see Table 3). In addition to the data and report, current land use and LUP maps were also produced for districts and communes. Data shows that agricultural land covers a large portion - 87% of the district's land and 97% of Na Nhan commune. Of the agricultural land, annual cropland and forestry are major land accounting for 40% and 37% of the total area of Na Nhan commune, respectively.

Table 4. Land use plan for Dien Bien district and Na Nhan commune in 2017

Land category and main land uses	Dien Bien district (ha)	Na Nhan commune (ha)
A. Agricultural production land	145,190	7,398
1. Paddy rice	18,512	1,485
2. Annual crops	53,209	3,019
3. Perennial crops	2,187	48
4. Protection forest land	47,354	2,480
5. Special use forest land	3,229	0
6. Production forest land	19,944	305
7. Fishery farming land	734	60
B. Non-agricultural land	6,157	198
C. Unused land	12,626	4

GAPS AND CHALLENGES IN THE LUP POLICY AND ITS IMPLEMENTATION



Slow process of LUP across levels

The Land Law (2013) requires that local LUP and land use plans must comply with higher level land use plans. Therefore, the LUP and land use plans at the district level can only be developed upon the approval of the provincial government to ensure consistency with the provincial LUP and land use plan. In Dien Bien province, as for the planning period, 2010-2020, the provincial LUP was approved but not the land use plan for 2016-2020. The DONRE in Dien indicated that the planning process depends largely on the preparation and progress of district planning, and appraisal and approval process. Any delay of the planning and reporting land use statistics from districts could lead to the delay of the provincial LUP process. The process of appraisal and approval takes time at both district and provincial levels. In general, the approval of provincial LUP takes more than a year. In addition, the LUP is required to be based on the socio-economic development plan (SEDP) which is prepared for a 5- year period. The difference in the timeframe between LUP (10 years cycle) and SEDP (5 years cycle) leads to constant revision of the LUP to meet the approved socio-economic development targets.

forestry, environmental protection and biodiversity conservation. These will help provide information for LUP across levels. Under this Law, the vision for national planning should be 30-50 years while it is 20-30 years for regional and provincial plans. It also requires engagement of multiple sectors and stakeholders, as well as implementation of environmental impact assessment during the development, appraisal and approval process.



Unclear concept of integrated land use planning

Existing legal documents do not clearly describe the concept of integrated LUP across different planning levels. Consideration of environmental issues such as environmental services, conservation areas etc. are wanting in the planning process. Discussions held with provincial and district DONRE revealed that there were no thematic surveys and assessments on the state and need for environmental services and biodiversity conservation, as well as consideration of potential climate change impacts in the LUP.



Insufficient information supporting LUP and preparation of land use plans

By law, a large amount of baseline information needs to be collected to support LUP. However, there has been no spatial analysis of land cover, assessment of land suitability, market demand or environmental services supply conducted throughout LUP process at province, district and commune levels. Most information used for LUP is either based on statistics reported by lower jurisdictional authorities or taken from existing literature, particularly information related to climate change, land resources assessment, market demand and projection, etc. This information, is often scattered, sometimes unreliable and does not completely match with the purpose of LUP. Inadequate information used in LUP could lead to low quality of the resultant land use plans.



Land use classification system does not match with land use

The current land classification system used for LUP is not based on actual uses of land but on the purpose for which the land should be used according to the government, which often contradict with the land use practices of ethnic groups in mountainous areas who have long been using upland areas (classified as degraded forests, forest land without forests, bare lands or unused lands depending on tree cover and other criteria) for shifting cultivation. As a result, the LUP claims a large part of total land area as forest land and thus, disregarded by local communities. The failure to recognise traditional land use systems in the land legislation, land use classification, and land use planning undermined traditional land users and created conflict during the land allocation process.



Integration of sector planning into LUP is not effective

There is no independent spatial planning for agriculture and forestry sectors. Sectoral plans are often developed in the form of national strategies, for example, the Viet Nam Forest Protection and Development Strategy 2006-2020 and the National Strategy on Agriculture and Rural Development 2011-2020. These strategies set out national targets for the sector's development, which are not easy to integrate into the provincial and district LUP. The newly approved Law on Planning by the National Assembly in 2017, which will take effect on 1 January 2019, regulates the implementation of sectoral planning, and includes national planning for



Lack of capacity for LUP

The provincial and district DONRE are politically responsible for the development of LUP and land use plans. However, in reality, they use State budget to contract consulting firms to prepare land use plans, and only takes responsibility for reviewing and approving the LUP process and land use plans. Both district and provincial DONREs reported that many different capacities are required to conduct baseline survey as basis for LUP development. They recognized that the capacity of the staff is limited, particularly in the use of tools for spatial analysis and data management (i.e GIS, interpretation of remote sensing images, etc.).



Limited investment for the preparation of LUP

The funding allocated to implement LUP and formulation of land use plans is insufficient. In Dien Bien, the allocated funds for LUP is about 1 billion VND (about 45,000 USD) for the district level and 2 billion VND for the provincial level. This budget covers all costs of mapping, data analysis, reporting, consultation, appraisal and approval processes. Discussions with district and provincial DONRE revealed that this amount is insufficient to conduct in depth baseline studies such as land suitability assessment, market survey, climate change impacts etc. Clearly, the small budget is limiting the quality of land use plans.



Limited information exchange and stakeholder engagement

Top down planning tradition and lack of institutional integration and co-ordination lead to insufficient information sharing between and amongst stakeholders in the LUP process. This problem is found more serious at the very bottom level. By law, public consultation is required for districts and provincial LUP. At these levels, consultation meetings are often attended by representatives of line management departments and the private sector. At the commune level, the village heads are consulted during the process of the LUP with the commune LUP being approved at the commune office. However, our field investigation indicates that engagement of villagers in the LUP was very limited. Interviews with local people in Na Nhan commune revealed that 57% of the interviewees were not provided any information on LUP. About 35% of the interviewees noted they were not engaged in LUP, while 65% said they have no idea about this process.

LEGAL DOCUMENTS CITED

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