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CIRCULAR

Guidelines for the Allocation of Land in Accordance with Decision 327-CT

The General Department of Land Management was given certain duties in Decision 327-CT by the Chairman of the Council of Ministers (now Prime Minister) regarding utilisation of bare land, degraded hills, forests, alluvial flats, and water bodies. After agreeing with the Central Board for Programme 327, the General Department for Land management issues the following guidelines for allocation of land in such projects.

A. GENERAL REGULATIONS

Allocation of land to project implementing agencies, other organisations, and individuals who participate in projects established in accordance with Decision 327 is to be guided by the following principles:

1. For Project Implementing Agencies

- approval of projects will be made at the suitable level, based on economic-technical plans;
- Borders of the land must be clearly defined;
- The land area allocated must have been defined and the corresponding land registration document must have been issued to the project implementing agency;

2. For other organisations and individuals

- Formalities should be simple and encourage investments for productive purposes.
- No payment is to be made for local administrative services, nor for allocation of the land, registration of the land, and issuance of the Land Use Certificate.

3. For local authorities

Local authorities should create conditions for good land management and sustainable land use in the early phases of the development of new economic zones.

B. SPECIFIC REGULATIONS

1. For Project Implementing Agencies

1.1. Define project borders

- The chairman of commune People's Committee concerned by the project and the Project Implementing Agency will agree on the area of land to be covered by the project (bare land, degraded hills, coastal alluvial flats, and water bodies).

- The project implementing agency receives a part of the land of state farms, state forest enterprises, and of other organisations after the leading agency (the Ministry of Forestry for state forest enterprises, the Ministry of Agriculture and Food Industry for state farms, and so on) has checked the plans for land use and the relevant state agency has approved those plans;

- Borders are to be marked on the map and in the field;

- The district People's Committee allocates land to the project implementing agency on a temporary basis;

1.2. Verify the area of land in the project

- Approval should be based on economic and technical plans, defined borders and areas of land temporarily allocated by the district People's Committee. Previous plans should be adjusted as required.

- Based on the land available and the objectives of the project, the land should be classified. It should be distributed for various purposes. Each kind of land should have clear borders. The following kinds of land pose specific demands on management: Watershed land, coastal land, special-use forests, national parks, forest reserves, forest land allocated by the State for tree planting; agricultural land, land under agroforestry, residential areas, land for specialised uses.

1.3. Land allocation to organisations and individuals for long-term and stable use

a) Outline the plot in the map

Based on the plan for the division of the land, existing infrastructure (roads, water conservancy structures), number of households participating in the project, and the size of the households, the plots will be outlined in a map with the scale of 1:5,000 to 1:25,000. according to the following principles:

- Each plot of land should be accessible by road;

- Land should be protected in general and against erosion in

particular. Environmental protection should also be ensured.

- Do not divide the area into too small plots.
- Register each plot and mark it on the map.

b) Organise land allocation in the field

Together with district staff of the sectors concerned (land management, agriculture, forestry), the Project Implementing Agencies, the chairmen of commune People's Committees, and administrative staff in the communes, allocate land for all kinds of land users (organisations and individuals).

Attention must be paid to the following points:

- Previous land use plans as indicated on maps should be adjusted as needed in accordance with the size of the families involved and the proposals made by the families themselves.
- Do not change land allocations which have already been made.
- Prepare land registration documents.
- Prepare the corresponding land use certificates.

2. For organisations and individuals participating in the project

2.1. Benefits

In addition to the benefits according to Article 49 of the Land Law, organisations and individuals participating in the projects have the following rights:

- To transfer land use rights (housing plot, garden, production land) to other people;
- To obtain land for long-term and stable use in the project area, as follows:

* Housing land: According to the situation in each zone, the area must not surpass 400 m² per family.

* Garden:

In forest plantation projects, up to	5,000 m ²	In
projects for industrial crops, up to	3,000 m ²	In
animal husbandry projects, up to	3,000 m ²	In
projects for coastal alluvial flats, up to	700 m ²	

* Production land: According to the capacity and demand of the family.

- Exemption is granted from payment of fees for land allocation, for registration of the land allocated, and issuance of the land use certificates.

- Reduced taxation levels as provided for in the law.

2.2. Duties

- The land should be used in accordance with the plans made.

- The land should be protected and the fertility of the soil should be improved. No activity should be made which damages the environment or the legal rights of neighbouring land users.

- Contractual obligations about planting, tending, and protecting forests (in applicable cases) should be met.

3. For the land management authority at different levels

The land management authority at different levels is to provide guidelines for and implement allocation of land to the different projects. It is also to guide communes participating in the projects in allocation of land for long-term productive purposes to local people. Finally, the authorities should draw administrative maps, make land registration documents, and prepare land use certificates.

The work of drawing maps and making registration documents should be performed in accordance with regulations issued by the General Department of Land Management.

After the work outlined above has been finished, the land management authority will assist the project implementing agency and the chairman of the commune People's Committee with the necessary formalities so that the district People's Committee can issue the Land Use Certificates. The land management authority will also organise the distribution of the Land Use Certificates to the people concerned.

The project implementing agency will transfer the documentation to the responsible unit in the commune so that it regularly can undertake the work of land management.

For new villages established in accordance with Decision 327, the project implementing agency and other agencies concerned will prepare the documentation needed and forward it to the appropriate authority for approval. The boundaries of such projects are to coincide with the administrative boundaries of the new communes. Boundaries should be marked in the field. A written agreement about the boundaries should also be made with neighbouring communes.

The project implementing agencies transfer the documentation on land allocation to a new commune only when all the

formalities for its establishment have been finished and the commune is in a position to take over the role of State management of land.

C. ORGANISATION OF IMPLEMENTING

a) Land management units at different levels have the following duties:

- Closely cooperate with other concerned bodies (planning, agriculture, forestry, etc.) in guiding and implementing land management in projects from the stage of initiation of the project through planning for sustained use of its land to the preparation of administrative documents and the issuing of the Land Use Certificates.

- Cooperate with the project implementing agency in preparing land maps and land registration documents and in issuing the Land Use Certificates. Annual plans should guide this work.

b) Funds for preparation of land maps and for issuing the Land Use Certificates to households who live in the project areas are provided by the General Department of Land Management, using State grants as stated in Decision 327.

c) The preparation of land use documents should follow the technical and economic procedures established by the General Department of Land Management. The project implementing agency should strengthen follow-up and control of the land allocation process in the various projects.

d) The land management units should organise work so that the land is used in an effective way in the various projects. Annually, they are to present data on the use of bare land, degraded hills, forests, coastal alluvial flats, and water bodies in each project to the General Department of Land Management which will subsequently report on these issues to the Government.

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