

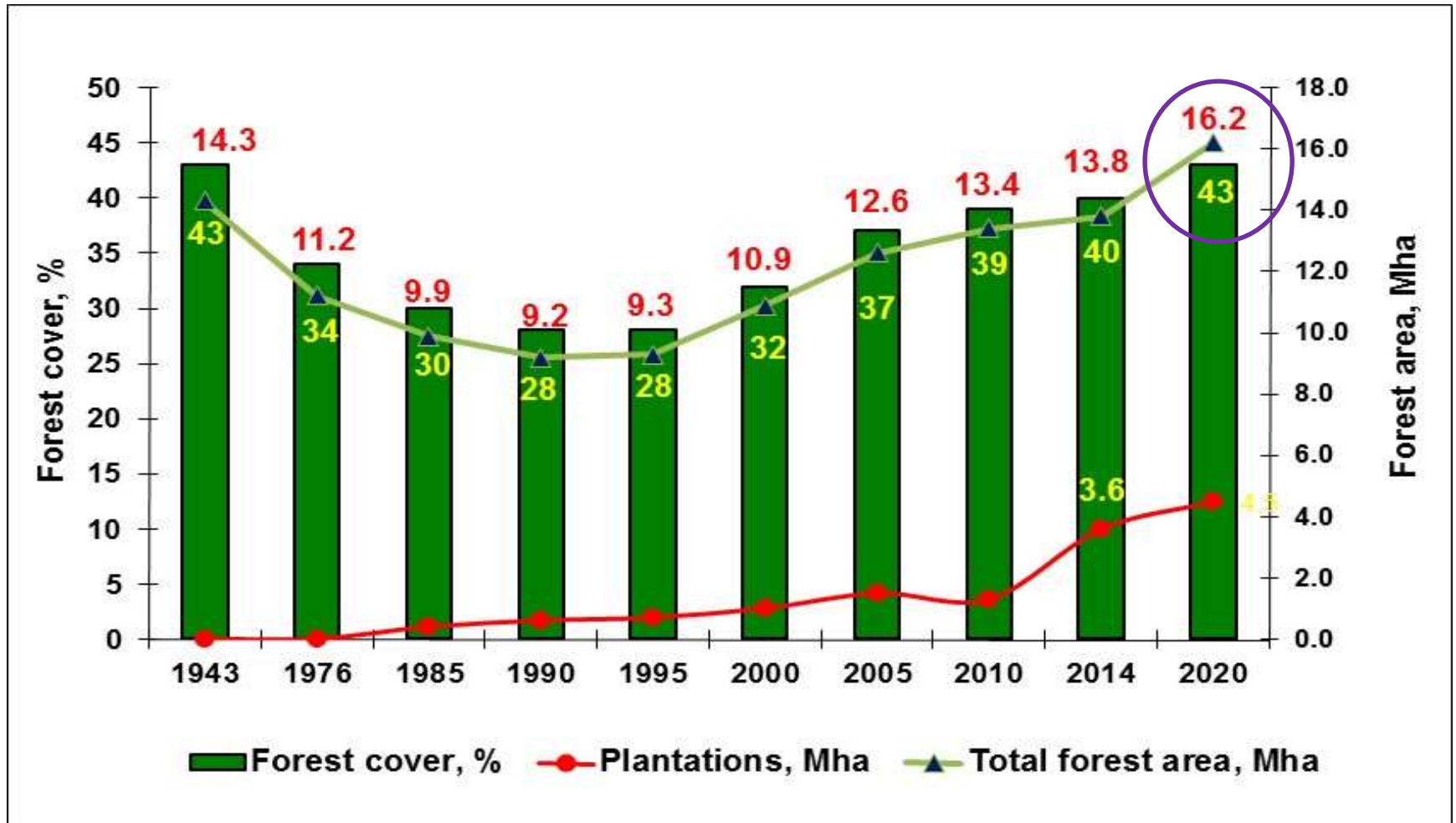


Forest Policies and Governance for Tenure Reform and Improved Livelihoods: Vietnam

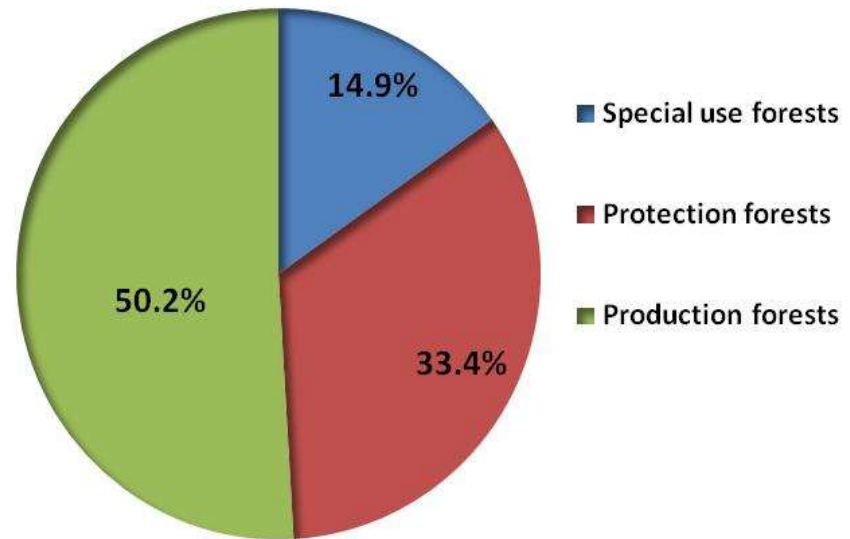
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Forest area dynamic 1943-2014



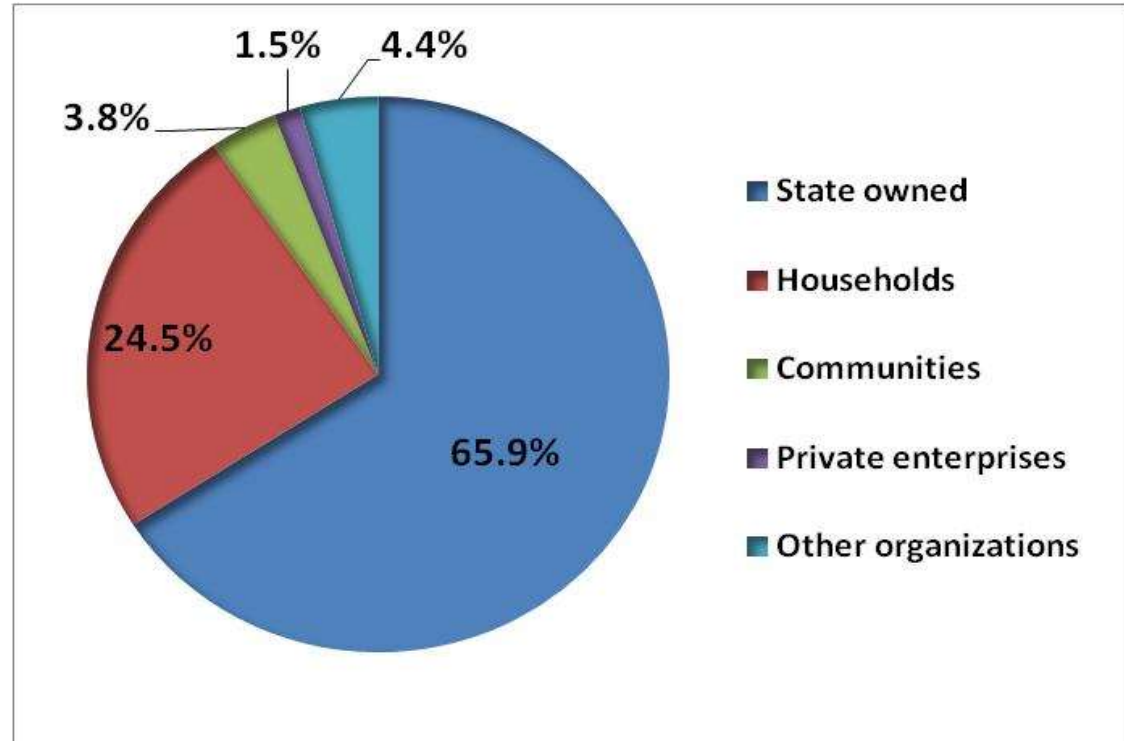
Forest area by functions



- **Production forests: 6.7 Mha**
Timber supply
- **Protection forests: 4.6 Mha**
Watershed & coastal protection
- **Special use forests: 2.0 Mha**
Biodiversity conservation



Forest ownership



- The **Government manages 66%** of forests: special use, protection & part of production forests
- **Private sectors own 26%** of forests;



Evolution of forest tenure policies

1990-2000

Economic reform policy

Forest Protection & Dev. Law
1991; Land Law 1993

Land tenured by all people,
but the State is tenure
representative;

Allocation of forests & land,
multi-ownerships

Before 1990

State owned most
forests

State Forest
Enterprises

2000-2013

Revised Forest Law
(2004); Land Law (2003,
2013);

Recognized more secure
and use rights of forest
ownerships

8 ownership groups
(state, private, etc)

By 2020

Reduction of state
owned forests (50%)

Focus on special use
and protection
forests

Complete legal
documents & forest
allocation



Current Forest Tenure Regimes

- Previous and revised Land Law (2013) state that **all land including forestland belongs to all the people** and is managed by the state. The state may either allocate Land Use Right (LUR) or lease land to individuals, organizations etc.
- **Land users have 8 rights:** i) Transfer; ii) Exchange; iii) Lease; iv) Leaseback; v) Inherit; vi) Bequeath; vii) Mortgage; and viii) Contribution of LUR;
- **Forests and forestland can be allocated to private entities** for long term tenure agreement, but the **tenure regimes vary greatly across the type of forests** (production, protection and special use forests);

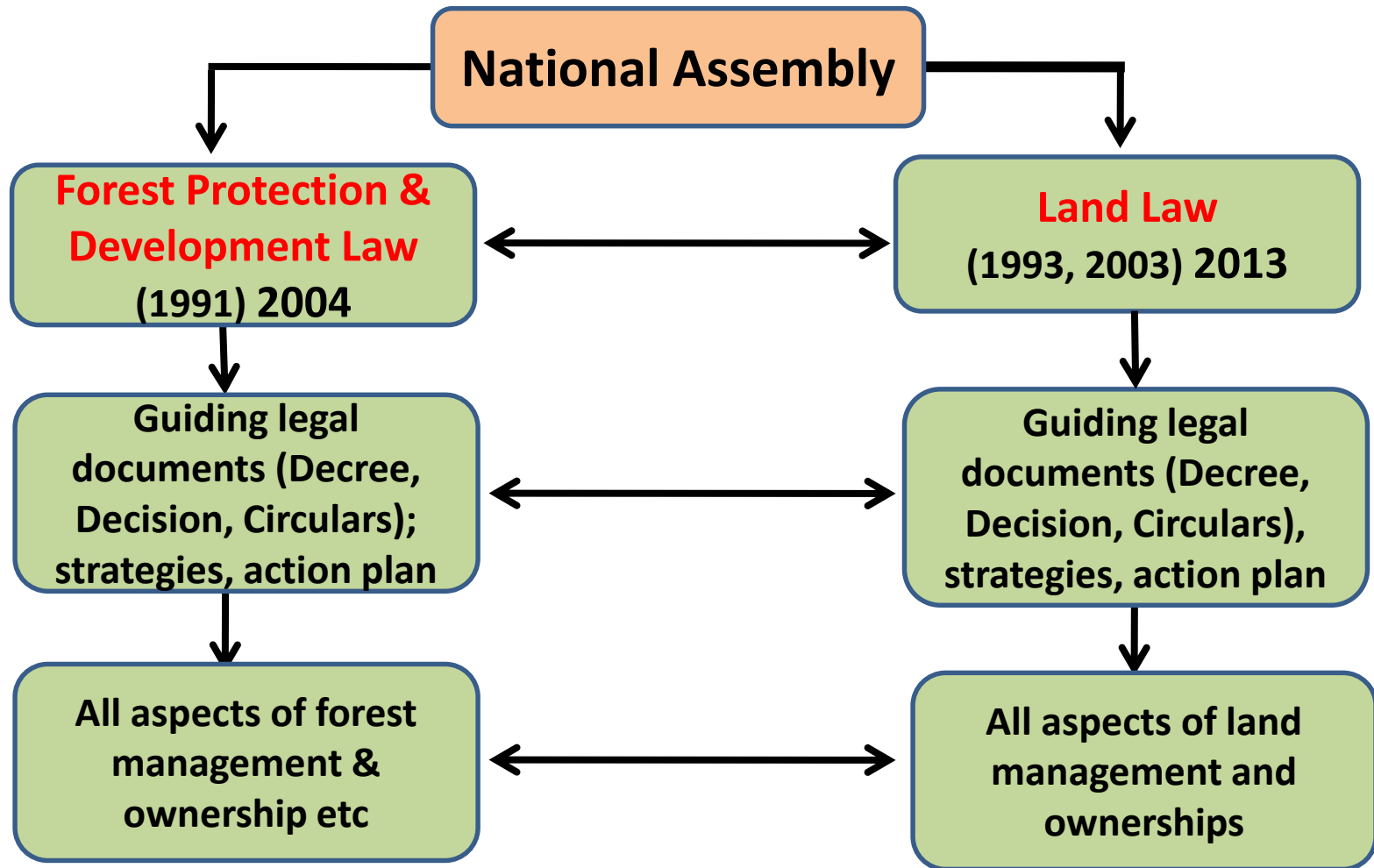


Scope of use rights under FLA

| Use rights | Special use forests | Protection forests | Natural production forests | Planted production forests |
|-----------------------------------|--|--|--|-----------------------------------|
| Timber logging | Not allowed | Limited | Allowed | Allowed |
| Land use right certificate (LURC) | Only contract is made with individuals, households | Only contract is made with individuals, households | LURC is issued in some cases (with limited rights) | LURC is issued (with full rights) |
| Term of use right | Under contract | Under contract | Stated in LURC, 20-50 years | 50 years |
| Transfer | Limited | Limited | Limited | Allowed |
| Exchange | Limited | Limited | Limited | Limited |
| Lease | No | No | No | Yes |
| Bequeath | No | No | No | Yes |
| Mortgage | No | No | Yes | Yes |
| Inherit | Limited | Limited | Limited | Yes |
| Investment | No | No | Limited | Yes |



Institutional arrangement of forest tenure policies development



Key tenure policy gaps

(FAO TCP project assessment)

- Poorly-defined property rights and limited use rights of forest owners over the natural forests, particularly communities;
- Inconsistencies and overlaps in land and forest tenure policies;
- Inadequate involvement of stakeholders in policies making and land use planning (more top-down approach; traditional custom & culture not fully respected);
- Ineffective coordination and collaboration among line ministries and concerned organizations and stakeholders;
- Lack of effective monitoring system for policies improvement;



Key tenure policy gaps

(FAO TCP project assessment)

- Lack of transparency in allocating forests and forestland (demarcation, land use certificates, documentation etc) leading to the conflicts;
- Lack of effective mechanism to prevent and solve forest and land conflicts;
- Inadequate attentions paid to gender and other related issues regarding the access and use land and forest resources;
- Benefit sharing mechanism over natural forests is very limited that not help improve livelihood for local people, particularly forest dependents.



Issues and challenges related to policy reform and governance

- Overlap and inconsistency in policies related to tenure issues of land and forests;
- In some cases, incomprehensive and unclear regulations on tenure over forest resources;
- Unclear and overlap of responsibility for land and forests management (MARD & MONRE);
- In practice, overlaps of land use rights exist in the special use forest areas - unclear land holders (national parks vs households/communities).



Issues and challenges related to policy reform and governance

- Institutional capacity of responsible management agencies, particularly local levels (province, district and commune) in term of policies development and enforcement;
- Large population, poverty and diversity of customary rights of local communities, particularly in forest areas;



Recommendations & way forward

- Clarify and secure legally tenure rights of land users over land and forest resources;
- Ensure voices of stakeholders, particularly local communities in the process of policies preparation and implementation (transparency, information access, equality, gender, local custom etc);
- Effective benefits sharing mechanism for natural forests promoting sustainable livelihoods for forest dependent people;
- Establish responsible governance of forests and forestland with full recognition of rights of legitimate right holders;
- Effective coordination among line ministries and stakeholders and monitoring;



Thank you

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