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

Vu Tan Phuong
Vietnam Academy of Forest Sciences (VAFS)
Forest area dynamic 1943-2014

Forest cover, %

1943: 14.3%
1976: 11.2%
1985: 9.9%
1990: 9.2%
1995: 9.3%
2000: 10.9%
2005: 12.6%
2010: 13.4%
2014: 13.8%
2020: 16.2%

Forest area, Mha

1943: 43 Mha
1976: 34 Mha
1985: 30 Mha
1990: 28 Mha
1995: 28 Mha
2000: 32 Mha
2005: 37 Mha
2010: 39 Mha
2014: 40 Mha
2020: 43 Mha

Plantations, Mha

Forest cover, %
Plantations, Mha
Total forest area, Mha
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
• The **Government manages 66%** of forests: special use, protection & part of production forests

• **Private sectors own 26%** of forests;
Evolution of forest tenure policies

Before 1990
State owned most forests
State Forest Enterprises

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

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

<table>
<thead>
<tr>
<th>Use rights</th>
<th>Special use forests</th>
<th>Protection forests</th>
<th>Natural production forests</th>
<th>Planted production forests</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timber logging</td>
<td>Not allowed</td>
<td>Limited</td>
<td>Allowed</td>
<td>Allowed</td>
</tr>
<tr>
<td>Land use right certificate (LURC)</td>
<td>Only contract is made with individuals, households</td>
<td>Only contract is made with individuals, households</td>
<td>LURC is issued in some cases (with limited rights)</td>
<td>LURC is issued (with full rights)</td>
</tr>
<tr>
<td>Term of use right</td>
<td>Under contract</td>
<td>Under contract</td>
<td>Stated in LURC, 20-50 years</td>
<td>50 years</td>
</tr>
<tr>
<td>Transfer</td>
<td>Limited</td>
<td>Limited</td>
<td>Limited</td>
<td>Allowed</td>
</tr>
<tr>
<td>Exchange</td>
<td>Limited</td>
<td>Limited</td>
<td>Limited</td>
<td>Limited</td>
</tr>
<tr>
<td>Lease</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Bequeath</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Mortgage</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Inherit</td>
<td>Limited</td>
<td>Limited</td>
<td>Limited</td>
<td>Yes</td>
</tr>
<tr>
<td>Investment</td>
<td>No</td>
<td>No</td>
<td>Limited</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Institutional arrangement of forest tenure policies development

National Assembly


Guiding legal documents (Decree, Decision, Circulars); strategies, action plan

All aspects of forest management & ownership etc


Guiding legal documents (Decree, Decision, Circulars), strategies, action plan

All aspects of land management and ownerships
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

Vietnam Academy of Forest Science
Tel.: 844 38389 031
Fax.: 844 38389 722
Web: www.vafs.gov.vn