



RECOFTC

Community forestry models in Asia–Pacific

Community forest management in Viet Nam

Infosheet

In Viet Nam, there are two models through which communities may participate in community forestry, although the country's legal framework does not name these models: community forest management and community-based forest management. Community forest management enables communities, households or individuals to use, manage and protect areas of production forest, protection forest or special-use forest that have been allocated to them. The legal basis of this model is laid out in the 2013 Land Law; the 2017 Forestry Law; and various regulations, such as Decree 156/2018/ND-CP on enforcement of selected articles in the Forestry Law.

Key requirements

Who is eligible?

Community forest management can be carried out by forest owners who are defined in the Forestry Law as an organization, household, individual or community that is allocated or leased a forest by the state; that is allocated or leased land for afforestation, forest regeneration or development; or that is given the forest through a transfer, donation or inheritance, in accordance with legal provisions.

A community is a group of Vietnamese people living in the same village, hamlet or residential area and having the same customs.

Allocation process

In Viet Nam, community forest management relies on the allocation of forest and forest land to households, individuals and communities who can then practise forest management. The following steps summarize the process of forest and forest land allocation. The process for forest management is still being tested and developed.

Development of annual forest allocation plan

1. Upon notice of the District People's Committee, the Commune People's Committees prepare a proposal on the needs of individuals, local communities and households for land and forest in their respective communes and submit it to their respective District People's Committee for consolidation.
2. The District People's Committee considers land availability, land-use planning and the identified needs submitted by the Commune People's Committees to develop a consolidated report on unallocated forest area. It then determines the criteria for allocating or leasing out forests to each commune-level administrative agency. Based on the report, the District People's Committee develops an annual forest allocation plan at the district level.

Annual forest allocation plan approval

3. In the third quarter of the calendar year, the District People's Committee develops options and submits a plan for forest land allocation to the Provincial Department of Agriculture and Rural Development for review and appraisal. Once agreed, the District People's Committee submits the final plan to the Provincial People's Committee for final approval.

4. Provincial People's Committees must approve the district-level annual forest allocation plan before 31 December.
5. The District People's Committee has to publicly display the approved forest allocation plan, along with a commune allocation plan that it has approved and a map of forest allocation that the Department of Natural Resources and Environment has approved. The documents are displayed at the District and Commune People's Committee offices for 30 days to enable anyone to make a claim.

Implementing the annual forest allocation plan

6. If no complaints arise or once complaints are resolved, the Commune People's Committees communicate the forest land allocation plan with their respective communities. The District People's Committees establish a steering committee for forest land allocation. Commune People's Committees establish a task force for forest land allocation.
7. The community prepares an application for the forest land allocation, including by organizing meetings, and then submits the application to the Commune People's Committee. The Commune People's Committee checks the eligibility of applications and sends them to relevant district agencies.
8. The organization or agencies responsible for forest land allocation carry out investigations to verify the information provided, develop a forest land allocation dossier (including forest dossier and forest land dossier) for individuals, households and communities. They submit the dossier to the local district authorities responsible for forestry and for natural resources and to the environment authorities to appraise.
9. The District People's Committee issues decisions to allocate forest land to individuals, households and communities. The District's Division of Natural Resources and Environment updates the cadastral dossier and issues forest land-use right certificates.

Main elements



Duration of tenure

- Tenure is up to 50 years.



Type and condition of forest

- Community forest management can take place in special-use forests (communities' religious forests), protection forests, production forests and bare land within forests.



Type and duration of management plan

- Sustainable forest management plans are not mandatory, but communities are encouraged to prepare and implement such a plan on their own or with other people or entities.
- Such a plan requires no approval from the authorities, but more than half of the community members must agree to it.
- The management plans are for five or ten years, depending on the local context.



Internal governance

- The community sets up a committee called a community forest management board to organize all activities related to the forest's management. The Civil Code provides general guidance on establishing community-level management boards.
- Communities also must develop a community convention containing the internal community rules on managing the community forest in accordance with the Forestry Law and other relevant laws.



Gender and social inclusion

- The Forestry Law prohibits any discrimination based on gender, beliefs or religion when allocating or leasing forests.
- Forest allocation, leasing, repurposing and appropriation must respect the living space and customs of communities.
- When allocating forests, priority must be given to ethnic minority people and households, individuals and communities with traditional customs, culture or beliefs associated with forests.
- The state adopts policies to support investment in cooperation and partnership in forest protection and development among ethnic minority people and communities, in connection with its programs for socio-economic development and for modernizing rural communes.
- The government adopts preferential policies to support the socio-economic

development of ethnic minorities and communities and facilitate the practice of culture and beliefs associated with forests.



Community-based enterprises

- Communities and groups of at least seven households can establish a cooperative following Cooperative Law No. 23/2012/QH13.
- Under the Law on Enterprise No. 59.2020/QH14., a community-based cooperative can upgrade to a community-based enterprise.



Benefit-sharing mechanism

- There is a general principle in the Forestry Law that the state shall facilitate cooperation with forest owners in forest protection and development and the sharing of benefits arising from forests.
- The Forestry Law does not mention the use of a specific benefit-sharing mechanism, but it refers to benefits that communities can derive from protecting and managing allocated forests, such as collecting non-timber forest products, receiving payments for forest environmental services and receiving annual payments from the state budget for forest protection.



External support

- The Forestry Law states that the government will provide funding for communities to protect and develop the allocated forests.
- The Forestry Law also states that the government adopts policies to support the transfer of technologies, forestry extension and certification, the promotion of investment in forest value chains and other support associated with market development.
- National programs on socio-economic development and rural modernization are sources of support.



Conflict-resolution mechanism

- Community members may reconcile civil disputes within the community using the community's own mechanism, including for disputes over ownership rights, civil obligations, civil contracts, inheritance or land-use rights.
- Decree 15/2014/ND-CP, which details measures for the implementation of the Law on Grassroots Conciliation, provides guidance for community-conflict mediation.



Rights and responsibilities of community members

Members have rights to:

- use allocated natural forests and own planted production forests.
- harvest forest products as a result of their investment in natural forest, planted forest or protection forest, with the type and harvest quota following the regulations in Decree 156/2018.
- use and benefit from forest environmental services.
- receive technical and other support for the protection and development of forests and conservation of forest biodiversity.
- receive funding from the state for forest protection and development in areas of reserved forest or protection forest.
- receive compensation from the state when it takes the forest back.
- receive financial assistance from the state if a natural disaster damages their production forests.
- cooperate and partner with organizations and individuals at home and abroad in the protection and development of forests.

Members must:

- manage, protect, develop and use the forest sustainably, in compliance with forest management regulations and the law.
- comply with regulations on the inspection of forest development by the District Forest Protection Department.

- return forests to the state when it reclaims them.
- conserve forest biodiversity, plants and animals.
- prevent and combat forest fires and prevent and eliminate forest pests.
- facilitate state agencies' management, inspection, examination and handling of violations.
- fulfil financial and other obligations.

Members cannot:

- transfer, give away, lease or take away forest-use rights.
- use the forest as collateral or contribute capital using the value of forest-use rights.
- dispose of waste in the forest.
- graze cattle in the strictly protected zones of special-use forests or newly planted forests.
- log or encroach the forest.
- hunt and trade wildlife, including forest plants.
- destroy forest resources, forest ecosystem or facilities.
- alter the forest type or change forest use.
- allow exploitation of forests or changes in forest use.

Links with climate change policies and targets

- There is no legal requirement for communities to integrate climate vulnerability, adaptation or mitigation activities into their sustainable forest management plans.
- Viet Nam's first Nationally Determined Contribution under the Paris Agreement on climate change, in 2015, and its update in 2020 make no direct reference to community forest management. However, they do mention activities that can be implemented in community forests, such as restoring protection forests and special-use forests, improving the quality of forests and increasing forest carbon stocks. The updated Nationally Determined Contribution also mentions piloting and scaling up community-based and ecosystem-based climate change adaptation.
- The National REDD + (reducing emissions from deforestation and forest degradation) Action Plan 2017 has policies and measures to improve forest governance and livelihoods for people living in or near forests. These include organizing forest and forest land allocations and giving priority to individuals and households, particularly to ethnic minorities who lack land or productive land.
- Decree 107/2022/ND-CP on a scheme for piloting payments for emission reductions in north-central Viet Nam identifies communities engaged in community forest management as participants contributing directly to climate change mitigation.

Read more

- RECOFTC, *Special Report: How community forests boosted pandemic resilience across Asia-Pacific*, www.recoftc.org/special-report/community-forestry-boosted-pandemic-resilience
- RECOFTC, *Special Report: Communities are improving lives and landscapes in Southeast Asia through social forestry*, www.recoftc.org/stories/special-report-communities-are-improving-lives-and-landscapes-southeast-asia-through-social
- Find out more about RECOFTC's work in Viet Nam at www.recoftc.org/vietnam



We believe in a future where people live equitably and sustainably in and beside healthy, resilient forests. We take a long-term, landscape-based and inclusive approach to supporting local communities to secure their land and resource rights, stop deforestation, find alternative livelihoods and foster gender equity. We are the only non-profit organization of our kind in Asia and the Pacific. We have more than 30 years of experience working with people and forests, and have built trusting relationships at all levels. Our influence and partnerships extend from multilateral institutions to governments, private sector and local communities. Our innovations, knowledge and initiatives enable countries to foster good forest governance, mitigate and adapt to climate change, and achieve the Sustainable Development Goals of the United Nations 2030 Agenda.

RECOFTC

P.O. Box 1111
Kasetsart Post Office
Bangkok 10903, Thailand
T +66 (0)2 940 5700
F +66 (0)2 561 4880
info@recoftc.org



    @RECOFTC

recoftc.org

Our sponsors

 Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Agency for Development
and Cooperation SDC



RECOFTC's work is made possible with the continuous support of the Swiss Agency for Development and Cooperation (SDC) and the Swedish International Development Cooperation Agency (Sida).