



RECOFTC

Community forestry models in Asia-Pacific

# Community-based 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-based forest management enables communities, households or individuals to participate in forest management and protection through management contracts signed with forest owners, such as state forest companies and the management boards of protection forests and special-use forests. The participating communities, households or individuals receive cash or in-kind benefits. The scheme's legal basis is laid out in the 2013 Land Law; the 2017 Law on Forestry; and various decrees, such as Decree 168/2016/ND-CP on the contracting of forests to communities, households or individuals by forest owners.

# Key requirements

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## Who is eligible?

Community-based forest management is accessible to a village community, a household or individual, a group of village households or a communal group of individuals who live in a commune in which state-owned forests are located. A community is a group of Vietnamese people living in the same village, hamlet or cluster of villages with the same customs and practices.

## Contracting process

There are two types of contracts:

- Short-term contracts for work or services:
  - Contracting for afforestation, forest tending and forest protection for the specified areas of protection forests, special-use forests and production forests.
- Long-term contracts:
  - Contracting for natural regeneration, zoning and promoting natural regeneration with silvicultural techniques. This form of contract cannot be applied in strictly protected sub-zones of special-use forests.
  - Contracting for the business cycle or rotation of plantation forest.

Process for short-term contracts:

1. The forest owner and community sign a contract using a template provided in Decree 168/2016/ND-CP.

Process for long-term contracts:

1. The forest owner announces that forest management is available for a contracting arrangement and discloses relevant information, including the forest area, the contract terms and the deadline for interested parties to submit a proposal. The forest owner coordinates with the Commune People's Committee to announce the information on the committee's notice board for 15 days.
2. Within ten days of the deadline for receiving proposals, the forest owner screens the eligible proposals. The forest owner announces the shortlist and the community that has been awarded the contract.

3. Ten days after the forest owner announces the decision, the forest owner and the selected community discuss and negotiate the contract terms.
4. The forest owner then hands over the forest area to the community, with both parties signing a handover document using the template in Decree 168/2016/ND-CP. The handover must be completed within ten days of the parties signing the agreement. The forest owner is responsible for demarcating the boundaries, landmarks, contracted area and properties in the contracted area.

# Main elements



## Duration of tenure

- For short-term contracts: no more than one year, but this is renewable if the forest owner has the required budget.
- The main long-term contract is based on the production cycle or business cycle and has a duration of no more than 20 years.



## Type and condition of forest

- Protection forest, special-use forest except in the core zone or production forest owned by a Forest Management Board.



## Type and duration of management plan

- According to the Law on Forestry and Circular 28/2018/TT-BNNPTNT, forest owners must develop a sustainable forest management plan that includes contract-based allocation to local communities, households or individuals.
- A community can develop its own plan and regulation to manage the contracted forest. It does not need to obtain the approval from local authorities.



## Internal governance

- The community sets up a 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 can also develop a community convention, containing the internal community rules on community forest management.



## Gender and social inclusion

- According to the Law on Forestry and Circular 28/2018/TT-BNNPTNT, the forest owners must develop a sustainable forest management plan, including a community-based forest management plan that covers social inclusion of the community members' access to their forest.
- The Forestry Law prohibits any discrimination based on gender, beliefs or religion when allocating forests.

- The sustainable forest management plan must respect the living space and customs of all communities.
- The state will adopt policies to support investment in cooperation and partnership in forest protection and development among ethnic minority people and communities, in connection with Viet Nam's programs for socio-economic development and for modernizing rural communes.



## Community-based enterprises

- The legal framework has no provision on community-based enterprises under community-based forest management.



## Benefit-sharing mechanism

- Benefit-sharing for the contracted area is determined by the agreement between the two parties to the contract and must comply with government regulations. The regulations take into account the local conditions to determine an appropriate benefit-sharing.



## External support

- The forest owner must provide support to agricultural, forestry and fishery extension activities and support to the processing and consumption of the products under contract.
- Non-government organizations or other entities may provide assistance to communities, households or individuals for accessing or implementing community-based forest management.



## Conflict-resolution mechanism

- Community members may reconcile civil disputes among them using their 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:

- receive compensation for losses incurred as a result of the forest owner violating the contract.
- receive some of the benefits from the forest owner (if any) from the results of their labour and investment under the contract.
- be considered for support from the forest owner for damages resulting from a natural disaster or a *force majeure*, in accordance with the provisions of the law.

### Members must:

- comply with the provisions of Forestry Law 2017 and Decree 168/2016/ND-CP and the terms written in the contract that was signed by both parties.
- properly perform the commitments in the contract, subject to the inspection and supervision of the forest owner according to the contents of the contract, and take responsibility for violations of the contract.
- compensate the forest owner for losses if the members have violated the contract. follow laws and instructions from the Forest Department.

## Links with climate change policies and targets

- There is no legal requirement for communities to integrate climate vulnerability, adaptation or mitigation activities into their management plans, but the plans can cover these areas.
- 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-based 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 allocation and giving priority to individuals and households, particularly to ethnic minorities who lack land or productive land.

## Read more

- RECOFTC, *Special Report: How community forests boosted pandemic resilience across Asia-Pacific*, [www.recoftc.org/special-report/community-forestry-boosted-pandemic-resilience](http://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](http://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](http://www.recoftc.org/vietnam)



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