



Guide

# Community forestry models in Asia–Pacific

Overview of formal community forestry models



RECOFTC

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### **Community forestry models in Asia–Pacific: Overview of formal community forestry models**

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June 2023

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# Introduction

Community forestry is a broad term for approaches that empower people to manage, protect and benefit from a local forest, which their community may have relied upon for generations. These approaches have different names, such as social forestry, village forestry, participatory forestry, community-based forest management and people-centred forestry. The approaches vary in the extent to which they give communities, through formal and customary law, the right to use and benefit from the forest resources.

In this compilation, RECOFTC provides an overview of the formal community forestry models in RECOFTC's seven countries of engagement: Cambodia, Indonesia, Lao People's Democratic Republic (Lao PDR), Myanmar, Nepal, Thailand and Viet Nam. We cover the extent to which communities can access and benefit from community forestry under the legal framework in their country. Outside of these legal frameworks, many communities continue to practise community forestry according to local customs and knowledge.

Under each community forestry model, we highlight who can benefit and under what conditions, the process of community forestry allocation, the rights and responsibilities communities have, any provisions for addressing gender inequality and how the model relates to national climate change commitments and targets.

The information for each community forestry model presented in this guide is available as infosheet: [www.recoftc.org/recoftc-community-forestry-models-Asia-Pacific](http://www.recoftc.org/recoftc-community-forestry-models-Asia-Pacific)

# Cambodia

In Cambodia, there are three types of community forestry models: community fisheries (in flooded forests), community forests and community-protected areas.



## Community fisheries in Cambodia

Cambodia's community fisheries model enables communities to take part in the sustainable management, conservation, development and use of fisheries resources. The model's legal basis is laid out in the 2006 Law on Fisheries, the 2005 Royal Decree on the Establishment of Community Fisheries, the 2007 Sub-Decree on Community Fisheries Management and the 2007 Prakas No. 316 on Guidelines for Community Fisheries. The responsible authority is the Fisheries Administration within the Ministry of Agriculture, Forestry and Fisheries.

# Key requirements

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## Who is eligible?

The legal framework does not define the term “community”, but “community fisheries” refers to a group of Cambodian citizens living in one or more villages who voluntarily agree to cooperate and participate with each other to ensure the sustainable management, conservation, development and use of their fishery resources in their local area and to protect their rights and interests.

## Allocation process

1. A community establishes a founders’ group. To request a community fisheries area, the group writes to the Fisheries Administration Cantonment via the commune chief, within the Fisheries Administration Triage and the Fisheries Administration Division, attaching a draft, hand-drawn map of the proposed area.
2. Fisheries Administration officers inspect the proposed area, meet with and collect information from residents, local authorities and relevant institutions and evaluate the physical and socio-economic situation and use of fisheries resources. Within 30 days of receiving the request to establish a community fisheries area, the Fisheries Administration informs the local community of its approval or rejection.
3. The Fisheries Administration monitors the requested site to organize the community fisheries area. The founders’ group helps to register community fisheries members and obtain official recognition from the commune council.
4. The founders’ group organizes a congress with local residents to prepare the community fisheries members draft by-laws and regulations and to elect the community fisheries committee members.
5. A committee made up of representatives of the central and local administrations and villagers delineates and maps the boundaries of the community fishing areas, following consultations in the local area.
6. The community fisheries committee prepares a community fisheries area agreement and makes a request to the Fisheries Administration Cantonment chief. They both sign the agreement.
7. Once the agreement is signed, the Ministry of Agriculture, Forestry and Fisheries registers the community fisheries area and announces its recognition.
8. The community fisheries committee develops a community fisheries area management plan. This entails collecting information on the socio-economic situation of local people, on fishing areas and so on. The committee submits the plan to the congress of local residents for internal approval before sending it to the Fisheries Administration for review and approval. The Fisheries Administration replies within 30 days.
9. The Fisheries Administration Division monitors and enforces implementation of the agreement and management plan. The community fisheries committee submits a report every three months.



## Main elements



### Duration of tenure

- Tenure is up to three years and renewable.



### Type and condition of forest

- Freshwater fishing grounds and marine fishing grounds, including mangrove forest areas.
- The law does not specify the condition of the forest.



### Type and duration of management plan

- Up to three-year community fisheries area management plan



### Internal governance

- An elected committee leads and manages the community fisheries. The legal framework encourages women to stand for election. Each year, the group of founders organizes a congress of community fisheries to elect the committee.
- Community fisheries must have by-laws, internal regulations, management plans, an agreement with the authorities and maps of the fishing areas.
- The community fisheries committee drafts the by-laws and internal regulations and makes decisions on its management with the agreement of a majority of the members.



### Gender and social inclusion

- The legal framework encourages citizens of either sex to request a community fisheries area. The establishment of the committee and the process to request the area require the inclusion of all members of the community.
- The management plan includes information on the numbers of men and women, widows, orphans, people who are illiterate or who live with a disability and so on.



### Community-based enterprises

- Members can form businesses to sell fish according to the community fisheries rules, regulations and management plan.



### Benefit-sharing mechanism

- There is no prescribed model for benefit-sharing. However, the legal framework states that the community fisheries management plan must aim at ensuring that benefits from the fisheries resources are shared equitably among the members.



### External support

- The Fisheries Administration seeks external support for community fisheries.
- The community fisheries committee can ask for financial and technical support from the Fisheries Administration and other sources.
- Community fisheries whose fishing areas are next to each other can collaborate by establishing federations.



### Conflict-resolution mechanism

- The community fisheries committee mediates and resolves disputes within their community fisheries area. If the committee cannot resolve the dispute, it sends the case to the Fisheries Administration. If still no resolution can be found, the case is sent to the relevant court.



## Rights and responsibilities of community members

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### Members have rights to:

- organize fishing activities in the community fisheries area.
- fish, practise aquaculture, harvest, sell, use and manage all fisheries resources in accordance with the community fisheries area's agreement and management plan.

### Members must:

- manage and conserve their fisheries resources in compliance with the community fisheries area's by-laws and management plan.
- cooperate with the Fisheries Administration to suppress all fishery violations in the community fishery area.
- respect instructions of the Fisheries Administration and the Ministry of Agriculture, Forestry and Fisheries.
- participate in the establishment of conservation areas within the community fisheries area, the protection and reforestation of inundated forest and mangrove forest and the restoration of shallow streams and lakes to improve ecosystems and fishery environments.
- guarantee that all members have equal rights in relation to the sustainable use of fisheries' resources, as stipulated in the by-laws.
- implement the by-laws of the community fisheries and formulate the community fisheries area management plan.
- enter into a community fisheries area agreement with the Fisheries Administration Cantonment to manage the resources sustainably.
- keep all documents related to the community fisheries.

### Members cannot:

- sell, exchange, rent, donate, share, divide, borrow, pawn or transfer the community fisheries area.
- erect dams or fish in a way that obstructs fish migrations or the passage of streams, creeks or canals.
- establish private ownership in the community fisheries area.
- enter into commercial agreements in the community fisheries area.

## Links with climate change policies and targets

- There is no legal requirement for communities to integrate climate vulnerability, adaptation or mitigation activities into their community fisheries area management plans.
- The Climate Change Strategic Plan 2014–2023 promotes the involvement of community-based organizations for adaptive social protection and participatory approaches in reducing loss and damage from climate change. However, the strategic plan does not mention community fisheries.

## 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)
- RECOFTC, *Special Report: Bridging policy and practice: RECOFTC and the story of community forestry in Cambodia*, [www.recoftc.org/special-report/community-forestry-cambodia-history](http://www.recoftc.org/special-report/community-forestry-cambodia-history)
- Find out more about RECOFTC's work in Cambodia at [www.recoftc.org/cambodia](http://www.recoftc.org/cambodia)



## Community forests in Cambodia

Cambodia's community forests model enables communities to manage and benefit from forest resources in forestland, including by selling timber. The model's legal basis is laid out in the 2002 Forestry Law (currently under revision), the 2003 Sub-Decree on Community Forestry Management and the 2006 Prakas on Guideline on Community Forestry, with a view to contribute to the sustainable management of forest resources. The responsible authority for community forests is under the Forestry Administration of the Ministry of Agriculture, Forestry and Fisheries.

# Key requirements

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## Who is eligible?

The legal framework provides three definitions linked to the notion of community:

- A “community” is a group of residents in one or more villages who share a common social, cultural, traditional and economic interest and use the natural resources in an area, which they live in or near, in a sustainable way for subsistence and livelihood improvement purposes.
- A “local community” is a minority ethnic community or a group of local residents with original settlement in one or more villages, where they live in or near state forest, with their traditions, customs, religious beliefs, culture and subsistence depending on the harvest of forest and non-forest products and the basic use of those forest resources.
- A “forestry community” is a community of residents who voluntarily decides to form a group under a community forest agreement to conduct development activities and use forest resources in a sustainable manner within a community forest, in compliance with the provisions of the Forestry Law.

## Allocation process

A community forest can be initiated by a local community or the Forestry Administration. The process for a community to apply for a community forest is as follows:

1. The Forestry Administration Cantonment studies, identifies and prioritizes potential areas for the development of community forests and requests approval of the potential forest areas from the Ministry of Agriculture, Forestry and Fisheries.
2. To establish a community forest, the community must request in writing to the provincial governor through their respective village chief, commune chief and district governor. The request should be supported by at least 60 percent of the households of a village who want to establish a community forest.
3. After obtaining approval from the provincial governor to establish a community forest, the local community submits a request to the Forestry Administration Cantonment through the community's respective Forestry Administration Triage.
4. A working group, whose members represent the Forestry Administration, the community and non-government organizations, collects socio-economic information about the community and information about the community's cultural practices and use of forest resources. The working group develops a report that will provide the basis for future management planning.
5. The community forest members elect a community forest management committee through technical coordination by a temporary election committee and the Forestry Administration Triage. The Forestry Administration Triage signs the election results to certify its participation in the election. The commune chief endorses the election result and issues a decision to recognize the elected committee.
6. The community forest management committee develops its by-laws and the community forestry regulations using templates in Annex 1 and 2 of the Prakas on Guideline on Community Forestry. Local authorities and commune councils facilitate development of the regulations. The commune chief endorses the by-laws and regulations.
7. Community members, with support from the Forestry Administration and/or non-government organizations as needed, demarcate the boundary of the community forest using GPS. This involves representatives from adjacent villages to avoid conflicts.
8. The community forest management committee drafts the community forest agreement, based on a template in Annex 3 of the Prakas on Guideline on Community Forestry and with technical support

from the Forestry Administration. The draft agreement must be displayed in a public place for 30 days. If there is no objection during this period, the draft community forest agreement will be considered effective. In the event of any objection during the 30-day period, the community forest management committee must request the commune council, the district and the provincial or municipal authorities to assist in resolving the conflict or revising the draft community forest agreement.

9. The agreement is submitted to the Forestry Administration Cantonment for review. The chief of the Forestry Administration Cantonment writes to the community forest management committee about results of the review or to request revision of the community forestry agreement within 30 working days. Once the community forest agreement has been approved, the community and the chief of Forestry Administration Cantonment sign it
10. The community forest management committee prepares a community forest management plan and submits it, via the Forestry Administration Triage and the Forestry Administration Division, to the Forestry Administration Chief for review and approval.

## Main elements



### Duration of tenure

- Up to 15 years and renewable



### Type and condition of forest

- Any type and condition of forest within production forest, under the jurisdiction of the Ministry of Agriculture, Forestry and Fisheries



### Type and duration of management plan

- 15-year community forest management plan, reviewed every five years



### Internal governance

- The community forest is managed by elected community members who live within the community and are older than 18 years. The community forest is led by a community forestry management committee, which has a five-year term.
- The community forest management committee's duties include preparing the community forestry regulations and the by-laws for its internal operations. The regulations clarify the rights of access and the duties of members and secondary users, such as user fees, benefit-sharing or fines for violations. The regulations are developed with the involvement of the community forestry members, with facilitation from local authorities and the commune councils. The Forestry Administration and/or non-government organizations provide support.
- Community forest members also develop and implement the community forest agreement and the community forest management plan.



### Gender and social inclusion

- All community members have equal rights to participate as members of a community forest and its management committee.
- The community forest management committee must encourage the participation of women as committee members and prioritize women as candidates.



### Community-based enterprises

- Enterprises selling forest products can be established once the community is implementing its community forest management plan.



### Benefit-sharing mechanism

- Benefit-sharing must be carried out between community forest members and according to the rules in the community forestry regulations.
- Royalties or premiums on forest products are set in consultation with the community and should support community development, equitable benefit-sharing and poverty alleviation.



### External support

- The community forest management committee can seek technical support from the Forestry Administration and relevant individuals or organizations and financial support from charitable individuals or organizations for the development of community forestry.



### Conflict-resolution mechanism

- The community forest management committee resolves disputes among community forest members.
- The commune authorities resolve disputes between community forest members and outsiders. If a dispute cannot be resolved, the chief of the Forestry Administration Cantonment must report the matter to the head of the Forestry Administration for further action. If the case still cannot be resolved, the Forestry Administration, the Ministry of Agriculture, Forestry and Fisheries or the community forest management committee must submit a case to the relevant court to resolve the conflict according to legal procedures.





## Rights and responsibilities of community members

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### Members have rights to:

- make traditional use of the forest, including to collect dead wood, harvest wild fruit, resin and other products, graze livestock and use timber and other products in accordance with traditional family use.
- plant, manage and use timber and non-timber forest products that can pay royalty fees in the case of commercial uses. Users can barter, process, transport and sell these products without additional permits, in accordance with the community forest management plan.
- exclude outsiders.
- continue to practise traditional agriculture in specific periods identified in the community forest management plan.
- appeal decisions that impact their rights.

### Members must:

- follow the instructions of the Forestry Administration and the Ministry of Agriculture, Forestry and Fisheries.
- participate in developing and implementing the community forestry regulations, the community forest agreement and the community forest management plan, in compliance with the 2006 Prakas.
- participate in managing forest resources, in compliance with the community forest regulation and management plan and with forest-sector legislation.
- participate in sharing benefits from the community forest.
- participate in monitoring the use of community forest resources by non-members.
- participate in conserving, protecting and planting the forest to ensure the sustainability of its resources.

### Members cannot:

- sell and transfer rights over the forest to other parties.
- harvest timber for sale or trade until five years after approval of the community forest management.

## Links with climate change policies and targets

- There is no legal requirement for communities to integrate climate vulnerability, adaptation or mitigation activities into their community forest management plans.
- Through its National Forest Program 2010–2029, Cambodia aims to have 2 million hectares under community forestry by 2029 as part of its efforts to achieve 60 percent forest cover. In 2015, Cambodia's first Nationally Determined Contribution under the Paris Agreement on climate change referred to these targets, but they are absent from the updated Nationally Determined Contribution that Cambodia produced in 2020.
- The 2020 Nationally Determined Contribution says Cambodia would strengthen and scale up community-based forest management and enhance supplies of timber and wood-based energy from community-managed forest areas and private plantations to reduce pressure on forest areas. This is in line with the country's 2017–2026 REDD+ (reducing emissions from deforestation and forest degradation) Strategy.
- The Climate Change Strategic Plan 2014–2023 promotes the involvement of community-based organizations for adaptive social protection and participatory approaches in reducing loss and damage from climate change. However, the strategic plan does not mention community forestry.

## 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)
- RECOFTC, *Special Report: Bridging policy and practice: RECOFTC and the story of community forestry in Cambodia*, [www.recoftc.org/special-report/community-forestry-cambodia-history](http://www.recoftc.org/special-report/community-forestry-cambodia-history)
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## Community-protected areas in Cambodia

Cambodia's community-protected areas model aims at improving living standards for local communities and indigenous ethnic minorities. It enables them to enter into an agreement to manage parts of the sustainable-use or community zones of local protected areas for the sustainable management of natural resources and the production of non-timber forest products. The model's legal basis is laid out in the 2008 Law on Protected Areas and the 2017 Guideline on Procedure and Process of Community Protected Area Establishment. The Ministry of Environment is responsible for allocating and overseeing implementation of community-protected areas. The 2008 Law on Protected Areas defines a community-protected area as the participation of local community or indigenous ethnic minorities in an elected form of administrative structure that is recognized by the General Department of Local Community to manage and sustainably use natural resources in a particular part of a protected area. The 2017 Guideline also provides a framework for monitoring and evaluation of community-protected areas.

# Key requirements

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## Who is eligible?

The 2008 Law on Protected Areas does not define “community”, but it specifies that all Cambodian citizens living in or around protected areas have the rights to establish a community-protected area for the purposes of preserving natural resources, culture, traditions and religious beliefs and to improve local communities’ or Indigenous People’s livelihoods.

The law defines indigenous ethnic minorities as Indigenous Peoples living in mountainous areas, most of whom make their living by practising shifting agriculture and other livelihoods, such as hunting, fishing and collecting forest products and by-products.

## Allocation process

1. A working group is formed, composed of officials from the General Department of Local Community, the General Department of Natural Conservation and Protection Administration, the Provincial Department of Environment, the Department of Protected Areas, the commune council, development partners or relevant institutions, if necessary. This working group functions as researcher and coordinator in the process of establishing a community-protected area.
2. If a community agrees to establish a community-protected area, the village chief or community representative requests technical and material support from the Department of Community Livelihood through the local authorities, the director of Protected Areas and the Provincial Department of Environment. The application is made after the proposed area is studied, especially if it is well-demarcated with official recognition from authorities, sectoral institutions and other stakeholders. The application form is in Appendix 2 of the 2017 Guideline.
3. The community members elect a community-protected area committee. The election must be coordinated by a temporary working group composed of a pagoda committee, teachers, monks and elders or community members who are not candidates. The working group reports the results of the election to the commune chief and the director of the protected area. The commune chief recognizes the legitimacy of the elected committee to lead the community-protected area and to sign an agreement with the Ministry of Environment’s General Department of Local Community.
4. In accordance with Article 27 of the 2008 Law on Protected Areas, the community-protected area committee, local authorities and the director of Protected Areas visit the proposed community-protected area site to discuss and demarcate its boundary by GPS. The Department of Community Livelihood coordinates production of a scale map of the community-protected area.
5. The community-protected area committee, the village chief, the commune council and select members of the community draft the community-protected area by-laws. Each village and other stakeholders are consulted. The final draft is submitted to the Department of Community Livelihood for review and adjustment. It is then signed by the commune chief and the Provincial Department of Environment. To help it develop the by-laws, the community-protected area committee can request technical support from development partners, the director of Protected Areas, the Provincial Department of Environment and the Department of Community Livelihood.
6. The community-protected area committee has up to one year to prepare a community-protected area management plan. The committee can request support from the Department of Community Livelihood and non-government organizations. The process of preparing the plan includes conducting zoning of the community-protected area, undertaking an inventory of forest resources, assessing resource-use needs and using the findings and consultations with stakeholders to determine the management options. The stakeholders consulted should include community members, local authorities, the commune council, the Provincial Department of Environment and the director of Protected Areas. The community-protected area management plan is signed by the commune chief, the director of

Protected Areas, the director of the Provincial Department of Environment and the director of the General Directorate of Local Communities.

7. The community-protected area committee drafts a community-protected area management agreement and can request support from the Department of Community Livelihood through the Provincial Department of Environment. The agreement is then signed by the General Department of Local Community of the Ministry of Environment and the community-protected area committee. It is valid for 15 years.
8. The community-protected area committee determines a framework for monitoring and evaluating the effectiveness of its sustainable management of the community-protected area, conducts regular monitoring and evaluation and reports the results to the director of Protected Areas. The community forest management committee drafts the community forest agreement, based on a template in Annex 3 of the Prakas on Guideline on Community Forestry and with technical support from the Forestry Administration. The draft agreement must be displayed in a public place for 30 days. If there is no objection during this period, the draft community forest agreement will be considered effective. In the event of any objection during the 30-day period, the community forest management committee must request the commune council, the district and the provincial or municipal authorities to assist in resolving the conflict or revising the draft community forest agreement.

## Main elements



### Duration of tenure

- Tenure is 15 years and is renewable.



### Type and condition of forest

- Sustainable-use zone or community zone of a natural protected area.
- The condition of forest to be handed over to communities is not specified.



### Type and duration of management plan

- The community-protected area management plan is for five years.



### Internal governance

- The participation of 60 percent of a village's households is needed to establish a community-protected area.
- The community-protected area is led by a committee that is elected for five years and recognized by the commune councillor. Women are encouraged to apply.
- The committee is responsible for implementing the community-protected area management plan, its by-laws and agreement, among other duties.



### Gender and social inclusion

- The 2017 Guideline encourages men and women and ethnic minorities to fully participate in community-protected area management.
- Votes for female candidates are prioritized if there is no outright winner in an election for the positions of president and vice-president of the community-protected area committee.
- The state recognizes and secures access to traditional uses, local customs, beliefs and religions of the local communities and indigenous ethnic minority groups residing within or next to protected areas..



### Community-based enterprises

- One objective of protected area management is to provide socio-economic benefits to communities.
- The development of small-scale enterprises can be part of the community-protected area management plan.



### Benefit-sharing mechanism

- The community-protected area committee should ensure that benefits are shared in a transparent and equitable manner.
- According to the 2017 Guideline, the process of drafting the community-protected area management plan should include discussions on transparent, accountable and equitable benefit-sharing, and a benefit-sharing policy should be developed.



### External support

- National and international non-government organizations and civil society groups are encouraged to provide assistance and coordination for the establishment and implementation of community-protected areas.
- Specific types of support that can be provided are outlined in the framework for monitoring and evaluation in the 2017 Guideline.



### Conflict-resolution mechanism

- The Ministry of Environment mediates and finds solutions to conflicts inside a community-protected area, together with local authorities.
- The community-protected area committee represents the community-protected area members to mediate and find solutions to conflicts relating to natural resource exploitation.
- The community-protected area committee can file a complaint to a court if it is dissatisfied with a solution proposed by the Ministry of Environment.



## Rights and responsibilities of community members

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### Members have rights to:

- practise traditional uses of natural resources and customary practices, in line with the 2017 Guideline.
- use and, with restrictions, sell non-timber forest products and fishery resources from the community-protected area.
- provide ecotourism services.
- harvest timber at a family or community scale, in accordance with the community-protected area management plan and with permission from the community-protected area committee and approval from the director of Protected Areas.
- exclude outsiders.

### Members must:

- prepare the community-protected area regulation, management plan and agreement, in line with the Protected Areas Law and the Guideline on the procedure and process for community-protected area establishment.
- manage and use natural resources sustainably, complying with the community-protected area regulation and management plan.
- implement the community-protected area regulation, management plan and agreement.
- cooperate with government departments and local authorities to combat all crimes relating to natural resources.

### Members cannot:

- claim title over the land or sell, transfer or divide the area under their management to another person or entity.
- harvest timber for commercial purposes.
- clear forestland.
- practise agriculture.



## Links with climate change policies and targets

- The guidance on developing the community-protected area management plan includes guidance on a five-year action plan relating to climate change adaptation.
- In 2020, Cambodia's updated Nationally Determined Contribution under the Paris Agreement on climate change identified REDD+ (reduced emissions from deforestation and forest degradation) as one measure for mitigating climate change and, within this measure, an effort to strengthen management of forest conservation areas, such as protected areas and flooded and mangrove conservation areas. Other mitigation measures include enhancing supplies of timber and wood-based energy from community-managed forest areas and private plantations to reduce pressure on forest areas. This is in line with the country's 2017–2026 REDD+ Strategy. Among its measures for adaptation to climate change, the Nationally Determined Contribution mentions building up the resilience of biodiversity conservation and restoration. This reflects a priority identified in the National Protected Areas Strategic Management Plan 2017–2031.
- The Climate Change Strategic Plan 2014–2023 promotes the involvement of community-based organizations for adaptive social protection and participatory approaches in reducing loss and damage from climate change. However, it does not mention community-protected areas specifically.

## 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)
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- Find out more about RECOFTC's work in Cambodia at [www.recoftc.org/cambodia](http://www.recoftc.org/cambodia)

# Indonesia

In Indonesia, there are five types of community forestry models: community forests, community plantation forests, customary forests, forestry partnerships and village forests.



## Community forests in Indonesia (hutan kemasyarakatan)

Indonesia's community forests model (hutan kemasyarakatan) enables farmer groups to manage and harvest products from select production or protection forests. The model's legal basis is set out in the Forestry Act of 1999 and the Ministry of Environment and Forestry Regulation No. 9/2021 on social forestry management. The Ministry of Environment and Forestry oversees the implementation of community forestry.

# Key requirements

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## Who is eligible?

A community forest must be managed by a community organized as a forest farmers' group, which must form one or more business groups that generates income.

## Allocation process

1. An applicant must prepare the following documents before applying for legal access to the forest area: application letter; list of all applicants in the group, with copies of identity cards and family cards; list of administrators; profile of the area; map of the area with minimum 1:50,000 scale, in a printed version and as a digital shapefile; and letter of group formation or deed of establishment of a cooperative.
2. The applicant submits a physical or electronic letter of application to the Ministry of Environment and Forestry.
3. The Ministry assigns the director general for Social Forestry and Environmental Partnerships to oversee the permit.
4. The director general assigns an administrative team and a technical team to review the application.
5. The administrative team verifies all the administrative aspects within three days of receiving the documents. If the documents are incomplete or not eligible, the team returns them to the applicant.
6. The applicant has 14 days to improve the documents and return them to the Ministry. If the applicant does not meet this deadline, the application is automatically cancelled.
7. If the documents pass administrative verification, the application proceeds for technical verification.
8. If the application fulfils the requirements, the director general for Social Forestry and Environmental Partnerships issues the permit on behalf of the Ministry of Environment and Forestry. If the application does not qualify, the director general rejects it.

## Main elements



### Duration of tenure

- Tenure is 35 years and is extendable.



### Type and condition of forest

- Community forests are either production forests or protection forests.
- In Java, the maximum forest area is 1,000 hectares per management group and 15 hectares per household. Outside Java, the maximum forest area is 5,000 hectares per management group and 15 hectares per household.
- For palm oil plantations carried out by individuals, the maximum forest area is 5 hectares per person. The individual must have lived in or around the forest area continuously for at least five years.
- The law does not specify the condition of the forest.



### Type and duration of management plan

- The social forestry management plan covers institutional strengthening, forest use, a business workplan and a monitoring and evaluation plan.
- The duration is 35 years and is extendable.
- The directorate general for Social Forestry and Environmental Partnerships evaluates the management of the forest every five years.
- Annual workplans provide detailed descriptions and timelines for implementation.



### Internal governance

- The communities are required to form a forest farmers' group, a combination of forest farmers' groups or a combination of cooperatives, as well as social forestry business units. The legal framework does not specify how the members should organize themselves and operate.



### Gender and social inclusion

- The Ministry of Environment and Forestry Regulation No. 9/2021 on social forestry management states that women and men should have equal opportunity and access in obtaining a social forestry permit.
- The implementation of all forms of social forestry should have targets that include gender equality and inclusive participation, especially for women, youth and marginalized groups.
- The Forestry Act of 1999 does not mention gender or social inclusion.
- The Ministry of Environment and Forestry Regulation P. 31/2017 provides guidance to the Ministry's staff on how to promote gender equality and equity in the forestry sector by ensuring that their programs and activities consider gender issues.



### Community-based enterprises

- Forest farmers' groups must form business groups in line with the business models they are developing. One forest farmers' group can have multiple business groups, such as a rattan business group, a handicraft business group, an ecotourism business group and so on.
- The government supports business groups to develop a business plan and provides capacity-building, loans, facilities, equipment and materials, such as production machinery, fertilizer and seedlings.



### Benefit-sharing mechanism

- The Ministry of Environment and Forestry Regulation 9/2021 does not explicitly discuss any benefit-sharing mechanism. Community forest users usually decide among themselves how to share the benefits.



### External support

- The local government provides guidance and assistance to the permit-holders through its agencies responsible for forestry, such as the Technical Implementation Unit, the Forest Management Unit and the Community Forestry Acceleration Working Group, and/or facilitators.



### Conflict-resolution mechanism

- An evaluation of the community forest takes place at least every five years. Among other things, this evaluation verifies the existence and implementation of standard operating procedures for resolving conflicts and/or disputes relating to natural resources management through internal documents and conflict-resolution reports.
- The Ministry of Environment and Forestry Regulation No. 9/2021 does not specify the conflict-resolution procedure.



## Rights and responsibilities of community members

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### Members have rights to:

- obtain protection from interference on environmental destruction and pollution or acquisition by other parties.
- manage and use the management permit in accordance with local wisdom, such as through farming cooperation.
- benefit from the genetic resources that exist in the area.
- develop a forestry-based productive economy.
- obtain assistance in managing the area and conflict resolution.
- obtain assistance in business partnerships.
- obtain assistance for preparing the management plan, the business workplan and the annual workplan.
- fair treatment for all.

### Members must:

- perform forest protection and security.
- carry out the administration of forest products.
- implement a silvicultural system.
- submit a report on the implementation of community forestry.
- mark the boundaries of their forest area.
- pay non-tax state revenue for forest use in accordance with the statutory regulations.
- carry out activities in accordance with the business cooperation agreement.
- maintain the forest's function.
- maintain social stability and social cohesion.
- plant 100 trees per hectare, in the case of a palm oil plantation, after within a year of the social forestry management plan approval. After 25 years, the palm trees are dismantled.

**Members cannot:**

- transfer the social forestry management rights to other parties.
- plant palm oil trees in the social forestry area.
- pledge the social forestry area.
- cut down trees in the social forestry area that is classified as protected forest.
- use mechanical equipment in the social forestry area that is classified as protected forest.
- build facilities that could change the landscape in the social forestry area that is classified as protected forest.
- rent out the social forestry area to other parties.
- use the social forestry area for different purposes.



## Links with climate change policies and targets

- There is no legal requirement for communities to integrate climate vulnerability, adaptation or mitigation activities into their community forest management plans. However, the Ministry of Environment and Forestry Regulation No. 9/2021 on social forestry management refers to opportunities for community forest users to provide environmental services.
- The National Action Plan for Climate Change Adaptation, published in 2014, emphasizes strengthening forest management, including through community forests and other forms of social forestry, to protect and preserve local ecosystem services. The plan has no specific actions related to social forestry for 2013–2025.
- In 2022, Indonesia's updated Nationally Determined Contribution under the Paris Agreement on climate change emphasized the role of social forestry in tackling climate change and its impacts:
  - It states that sustainable forest management, including social forestry, would contribute to Indonesia's unconditional target of reducing emissions of greenhouse gases by 31.9 percent, when compared to the business-as-usual scenario, by 2030.
  - It identifies social forestry among the steps Indonesia has taken to reduce emissions in the land-use sector and acknowledges the active participation of subnational governments, the private sector, small and medium-sized enterprises, civil society organizations, local and adat (customary) communities and women.
  - It includes social forestry among the programs for enhancing the resilience of ecosystems and landscapes to climate change. It highlights strategies for strengthening the engagement of local and customary communities in social forestry development, strengthening implementation of the landscape approach in social forestry and implementing environment-friendly technologies in social forestry.
- Community forests and other forms of social forestry are integral to Indonesia's strategy for turning its forestry and land-use sector from a net emitter of carbon into a net sink by 2030. The Forestry and Land Use Net Sink 2030 Operational Plan emphasizes that social forestry can reduce the risk of deforestation and increase forest cover by resolving conflicts over land and protecting forest areas. It also refers to social forestry as a solution for improving forest areas by encouraging communities to implement agroforestry.

## 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 Indonesia at [www.recoftc.org/indonesia](http://www.recoftc.org/indonesia)



## Community plantation forests in Indonesia (hutan tanaman rakyat)

Indonesia's community plantation forest model (hutan tanaman rakyat) enables community groups to plant trees and harvest timber in an area of production forest. The model's legal basis is laid out in the Forestry Act of 1999 and the Ministry of Environment and Forestry Regulation No. 9/2021 on social forestry management.

## Key requirements

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### Who is eligible?

Local communities who depend on forest areas and communities living outside a village who have managed the forest area from generation to generation or for the past five years, as confirmed by a letter from the head of the village, are eligible. One person per household can participate. They must apply for a permit as either a forest farmers' group, an association of forest farmers' groups or a forest farmers' cooperative. Professional foresters or other individuals are also eligible.

### Allocation process

1. An applicant must prepare the following documents before applying for legal access to the forest area: application letter; list of all the applicants in a group, with copies of identity cards and family cards; list of administrators; profile of the area; map of the area with minimum 1:50,000 scale, in a printed version and as a digital shapefile; and a letter of group formation or deed of establishment of cooperative.
2. The applicant submits a physical or electronic letter of application to the Ministry of Environment and Forestry.
3. The Ministry assigns the director general for Social Forestry and Environmental Partnerships to oversee the permit.
4. The director general assigns an administrative team and a technical team to review the application.
5. The administrative team verifies all the administrative aspects within three days of receiving the documents. If the documents are incomplete or not eligible, the team returns them to the applicant.
6. The applicant has 14 days to improve the documents and return them to the Ministry. If the applicant does not meet this deadline, the application is automatically cancelled.
7. If the documents pass administrative verification, the application proceeds for technical verification.
8. If the application fulfils the requirements, the director general for Social Forestry and Environmental Partnerships issues a permit on behalf of the Ministry of Environment and Forestry. If the application does not qualify, the director general rejects it.

## Main elements



### Duration of tenure

- Tenure is 35 years and is extendable.



### Type and condition of forest

- Community plantation forests are production forests only.
- The maximum forest area is 5,000 hectares per management unit and 15 hectares per household.
- The law does not specify the condition of the forest.



### Type and duration of management plan

- The management plan covers institutional strengthening, forest use, benefit-sharing mechanism, a business workplan and a monitoring and evaluation plan.
- The duration is 35 years and is extendable.
- Annual workplans provide detailed descriptions and timelines for implementation. .



### Internal governance

- The communities are required to form a forest farmers' group, a combination of forest farmers' groups or a cooperative, as well as social forestry business units.



### Gender and social inclusion

- The Ministry of Environment and Forestry Regulation No. 9/2021 on social forestry management states that women and men should have equal opportunity and access in obtaining social forestry permits.
- The implementation of all forms of social forestry should have targets that include gender equality and inclusive participation, especially for women, youth and marginalized groups.



### Community-based enterprises

- The permit-holders should form a cooperative.



### Benefit-sharing mechanism

- Benefit-sharing mechanisms will be developed as part of the forest management plan, which is produced by the forest farmers' group and approved by the authorities.



### External support

- The local government provides guidance and assistance to the permit-holders through its agencies responsible for forestry, such as the Technical Implementation Unit, the Forest Management Unit and the Community Forestry Acceleration Working Group, and/or facilitators.
- The permit-holders are entitled to capital support, marketing partnerships and guidance from government ministries and agencies, the local government, academic institutions, financial institutions and/or the private sector.



### Conflict-resolution mechanism

- An evaluation of the community forest takes place at least every five years. Among other things, this evaluation verifies the existence and implementation of standard operating procedures for resolving conflicts and/or disputes relating to natural resources management through internal documents and conflict-resolution reports.
- The Ministry of Environment and Forestry Regulation No. 9/2021 does not specify the conflict-resolution procedure.



## Rights and responsibilities of community members

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### Members have rights to:

- obtain protection from interference relating to environmental destruction and pollution or acquisition by other parties.
- manage and use the management permit in accordance with local wisdom, such as through farming cooperation.
- benefit from the genetic resources that exist in the area.
- develop a productive, forestry-based economy.
- obtain assistance in managing the area and in resolving conflicts.
- obtain assistance for the business partnerships.
- obtain assistance for preparing the management plan, the business workplan and the annual workplan.
- obtain fair treatment for all.

### Members must:

- perform forest protection and security.
- carry out administration of forest products.
- implement a silvicultural system.
- submit a report on the implementation of the community plantation forest.
- mark the boundaries of their forest area.
- pay non-tax state revenue for forest utilization in accordance with the statutory regulations.
- carry out activities in accordance with the business cooperation agreement.
- maintain the forest's function.
- maintain social stability and social cohesion.

**Members cannot:**

- transfer the social forestry management permit to other parties.
- plant palm oil trees in the social forestry area.
- use the community plantation forest as collateral.
- cut down trees in the social forestry area that is classified as protected forest.
- use mechanical equipment in the social forestry area that is classified as protected forest.
- build facilities that could change the landscape in the social forestry area that is classified as protected forest.
- rent out the social forestry area to other parties.
- use the social forestry area for different purposes.

## Links with climate change policies and targets

- There is no legal requirement for communities to integrate climate vulnerability, adaptation or mitigation activities into their community forest management plans. However, the Ministry of Environment and Forestry Regulation No. 9/2021 on social forestry management refers to opportunities for community forest users to provide environmental services.
- The National Action Plan for Climate Change Adaptation, published in 2014, emphasizes strengthening forest management, including through community forests and other forms of social forestry, to protect and preserve local ecosystem services. The plan has no specific actions related to social forestry for 2013–2025.
- In 2022, Indonesia’s updated Nationally Determined Contribution under the Paris Agreement on climate change emphasized the role of social forestry in tackling climate change and its impacts:
  - It states that sustainable forest management, including social forestry, would contribute to Indonesia’s unconditional target of reducing emissions of greenhouse gases by 31.9 percent, when compared to the business-as-usual scenario, by 2030.
  - It identifies social forestry among the steps Indonesia has taken to reduce emissions in the land-use sector and acknowledges the active participation of subnational governments, the private sector, small and medium-sized enterprises, civil society organizations, local and adat (customary) communities and women.
  - It includes social forestry among the programs for enhancing the resilience of ecosystems and landscapes to climate change. It highlights strategies for strengthening the engagement of local and customary communities in social forestry development, strengthening implementation of the landscape approach in social forestry and implementing environment-friendly technologies in social forestry.
- Community plantation forests and other forms of social forestry are integral to Indonesia’s strategy for turning its forestry and land-use sector from a net emitter of carbon into a net sink by 2030. The Forestry and Land Use Net Sink 2030 Operational Plan emphasizes that social forestry can reduce the risk of deforestation and increase forest cover by resolving conflicts over land and protecting forest areas. It also refers to social forestry as a solution for improving forest areas by encouraging communities to implement agroforestry.

## 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)
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## Customary forests in Indonesia (hutan adat)

Indonesia's customary forests model (hutan adat) formalizes the rights of traditional communities to continue to practise their customary use of forests in their territories. The model's legal basis is laid out in the Forestry Act of 1999 and the Ministry of Environment and Forestry Regulation No. 9/2021 on social forestry management. Constitutional Court Decision 35/2012 ruled that customary forests are in territories of traditional communities and are not part of state forest.



## Key requirements

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### Who is eligible?

A customary law community is a traditional society still associated in the form of a community with clear customary boundaries. It has internal customary legal institutions and instruments, especially sanctions that are adhered to. The community also collects forest products for its daily needs from the surrounding forest area and whose existence the local government has recognized in regulation or decree.

### Allocation process

1. An applicant must prepare the following documents before applying for legal access to the forest area: identity of the customary law community; a map of the customary area signed by the community leader; a letter of request; and the local regulation or decree on the customary forest. A local regulation is required if the area is within what the state currently recognizes as state forest. A decree by the governor, regent or mayor is needed if the area is outside the state forest.
2. The leader of the community submits a physical or electronic letter of application to the Ministry of Environment and Forestry.
3. The Ministry assigns the director general for Social Forestry and Environmental Partnerships to oversee the permit.
4. The director general assigns an administrative team and a technical team to review the application.
5. The administrative team verifies all the administrative aspects within three days of receiving the documents. If the documents are incomplete or not eligible, the team returns them to the applicant.
6. The applicant has 180 days to improve the documents and return them to the Ministry. If the applicant does not meet this deadline, the application is automatically cancelled.
7. If the documents pass administrative verification, the application proceeds for technical verification.
8. If the application fulfils the requirements, the director general for Social Forestry and Environmental Partnerships issues a permit on behalf of the Ministry of Environment and Forestry.
9. If the application lacks a local regulation on the customary forest but the governor, regent or mayor has classified the area for customary forest, the director general for Social Forestry and Environmental Partnerships indicates the customary forest area for a maximum of 14 working days, on behalf of the Minister of Environment and Forestry.
10. After having the partial indicative area, if there is still no completed local regulation on the customary forest by the governor, regent or mayor, the director general approves in principle the determination of customary forest status.
11. If the application conforms with the local regulation, the determination of customary forest status is established. Environmental Partnerships issues a permit on behalf of the Ministry of Environment and Forestry. If the application does not qualify, the director general rejects it.

## Main elements



### Duration of tenure

- Communities benefiting from customary forests have permanent ownership.



### Type and condition of forest

- Customary forests can be established in state or non-state protection, production or conservation forests.
- The law does not specify the condition of the forest.



### Type and duration of management plan

- There is no type or management plan specified.



### Internal governance

- Customary communities need to maintain customary institutions and regulations and form business units.



### Gender and social inclusion

- The implementation of all forms of social forestry should have targets that include gender equality and inclusive participation, especially for women, youth and marginalized groups.



### Community-based enterprises

- The permit-holder can organize a cooperative to increase the institutional capacity for customary forest management.
- The cooperative can receive capital support, marketing cooperation, guidance from ministries or agencies, the local government, academic institutions, financial institutions and/or the private sector.



### Benefit-sharing mechanism

- There is no benefit-sharing mechanism specified.



### External support

- The local government provides guidance and assistance on social forestry management through its agencies responsible for forestry with the Technical Implementation Unit, the Forest Management Unit and the Community Forestry Acceleration Working Group, and/or assistant, according to their authorities.



### Conflict-resolution mechanism

- An evaluation of the customary forest takes place at least every five years. Among other things, this evaluation verifies the existence and implementation of standard operating procedures for resolving conflicts and/or disputes relating to natural resource management through internal documents and conflict-resolution reports.
- The Ministry of Environment and Forestry Regulation No. 9/2021 does not specify the conflict-resolution procedure.



## Rights and responsibilities of community members

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### Members have rights to:

- use the community forestry area.
- use the environmental services.
- collect timber forest products but limited to subsistence level.
- collect non-timber forest products.
- implement forest management activities in accordance with the applicable custom law and not contrary with the statutory legislation.
- obtain empowerment for improving their welfare.

### Members must:

- carry out the principles of sustainable forest management.
- use the customary forest in accordance with local wisdom.
- maintain the customary forest's function.
- use the customary forest in accordance with its function.
- restore and improve the forest's function.
- protect the customary forest from forest and land fires.

### Members cannot:

- rent out the customary forest area to other parties.
- change the status and function of the customary forest.
- cut down trees in the customary forest area with protected forest function.
- use mechanical equipment in the customary forest with protected forest function.
- build facilities that could change the landscape in the customary forest with protected forest function.
- plant palm oil trees in the customary forest area.

## Links with climate change policies and targets

- In 2022, Indonesia's updated Nationally Determined Contribution under the Paris Agreement on climate change emphasized the role of social forestry in tackling climate change and its impacts:
  - It states that sustainable forest management, including social forestry, would contribute to Indonesia's unconditional target of reducing emissions of greenhouse gases by 31.9 percent, when compared to the business-as-usual scenario, by 2030.
  - It identifies social forestry among the steps Indonesia has taken to reduce emissions in the land-use sector and acknowledges the active participation of subnational governments, the private sector, small and medium-sized enterprises, civil society organizations, local and adat (customary) communities and women.
  - It includes social forestry among the programs for enhancing the resilience of ecosystems and landscapes to climate change. It highlights strategies for strengthening the engagement of local and customary communities in social forestry development, strengthening implementation of the landscape approach in social forestry and implementing environment-friendly technologies in social forestry.
- Customary forests and other forms of social forestry are integral to Indonesia's strategy for turning its forestry and land-use sector from a net emitter of carbon into a net sink by 2030. The Forestry and Land Use Net Sink 2030 Operational Plan emphasizes that social forestry can reduce the risk of deforestation and increase forest cover by resolving conflicts over land and protecting forest areas. It also refers to social forestry as a solution for improving forest areas by encouraging communities to implement agroforestry.

## 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 Indonesia at [www.recoftc.org/indonesia](http://www.recoftc.org/indonesia)



## Forestry partnerships in Indonesia (kemitraan kehutanan)

An environmental partnership among parties, such as the government, the private sector, communities or other institutions, is a voluntary collaboration aimed at improving the quality of the environment and/or use of natural resources. A forestry partnership (kemitraan kehutanan) is an agreement to use an area of production or protection forest. The parties are, on one side, a permit-holder who uses the forest and, on the other side, a community or other partner. A conservation partnership is a collaboration between the head of the forest area management unit or a permit-holder working in conservation areas and a community or other partner. The partnership model's legal basis is in the Forestry Act of 1999 and the Ministry of Environment and Forestry Regulation No. 9/2021 on social forestry management.

# Key requirements

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## Who is eligible?

Communities who live in or around the forest area and communities who live outside the local village who have managed the forest area from generation to generation or for the past five years, as confirmed by a certificate from the head of the village or local subdistrict office, are eligible. One person per household can participate, and professional foresters or other individuals can also be partners.

## Allocation process

1. An applicant must prepare the following documents before applying for legal access to the forest area: text of the partnership agreement; map of the area signed by the parties, in a printed version and as a digital shapefile; and list of the committee and farmers' group members, signed by the head of the village, with copies of identity cards and family cards.
2. The applicant submits a physical or electronic letter of application to the Ministry of Environment and Forestry.
3. The Ministry assigns the director general for Social Forestry and Environmental Partnerships to oversee the permit.
4. The director general assigns an administrative team and a technical team to review the application.
5. The administrative team verifies all the administrative aspects within three days of receiving the documents. If the documents are incomplete or not eligible, the team returns them to the applicant.
6. The applicant has 14 days to improve the documents and return them to the Ministry. If the applicant does not meet this deadline, the application is automatically cancelled.
7. If the documents pass administrative verification, the application proceeds for technical verification.
8. If the application fulfils the requirements, the director general for Social Forestry and Environmental Partnerships issues a permit on behalf of the Ministry of Environment and Forestry. If the application does not qualify, the director general rejects it.

## Main elements



### Duration of tenure

- Forestry and conservation partnership duration depends on the agreement between the farmers' group and the parties that the group wants to partner with but not longer than the social forestry management permit.



### Type and condition of forest

- Forestry partnership is for production or protection forest that has been licenced for timber, and production or protection forest that has had approval for forest use.
- Conservation partnership is for conservation forests.
- The area should be a potential source of livelihoods for local communities or an area of conflict or potential conflict between local people and forest land licence-holders that needs to be resolved.
- In areas where individual community members have already farmed, the maximum forest area is 5 hectares per household or 5 hectares per person, depending on the type of plants in the area.
- In the case of palm oil plantations carried out by individuals, the maximum forest area is 5 hectares per person. The individual must have lived in or around the forest area continuously for at least five years.



### Type and duration of management plan

- Social forestry management plan covers institutional strengthening, forest use, a business workplan and a monitoring and evaluation plan.
- Annual workplans provide detailed descriptions and timelines for implementation.



### Internal governance

- The communities are required to form a forest farmers' group, a combination of forest farmers' groups or a cooperative, as well as social forestry business units.



### Gender and social inclusion

- The Ministry of Environment and Forestry Regulation No. 9/2021 on social forestry management states that women and men should have equal opportunity and access in obtaining social forestry permits.
- The implementation of all forms of social forestry should have targets that include gender equality and inclusive participation, especially for women, youth and marginalized groups.



### Community-based enterprises

- The permit-holder can form a cooperative to increase the institutional capacity for community forestry management.
- The permit holders are entitled to capital support, marketing partnerships and guidance from government ministries and agencies, the local government, academic institutions, financial institutions and/or the private sector.



### Benefit-sharing mechanism

- Assets or capital from the business permit holder or area-use approval-holder in the area of partnership are shared as follows: 80 percent for the permit-holder and 20 percent for the community.
- Assets or capital from the community are shared as follows: 80 percent for the community and 20 percent for business licence-holders or permit-holders.
- The benefits are shared proportionally between the two partners or according to the partnership agreement.



### External support

- The local government provides guidance and assistance to the permit-holders through its agencies responsible for forestry, such as the Technical Implementation Unit, the Forest Management Unit and the Community Forestry Acceleration Working Group, and/or facilitators.



### Conflict-resolution mechanism

- An evaluation of the forest partnership takes place at least every five years. Among other things, this evaluation verifies the existence and implementation of standard operating procedures for resolving conflicts and/or disputes relating to natural resource management through internal documents and conflict-resolution reports.
- The Ministry of Environment and Forestry Regulation No. 9/2021 does not specify the conflict-resolution procedure.





## Rights and responsibilities of community members

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### Members have rights to:

- forestry partnership: harvest and use non-timber forest products in protection forest; harvest and use both timber and non-timber forest products in production forest.
- conservation partnership: harvest and use non-timber forest products in certain use zones in the conservation forest.
- both types of partnership: obtain protection from forest and environment destruction

### Members must:

- comply with the terms of the partnership agreement.
- maintain and protect the forestry partnership area.
- pay non-tax state revenue from the forestry partnership activities, unless the forest manager or the business permission-holder is willing to pay the non-tax state revenue.
- must plant 100 trees per hectare, in the case of a palm oil plantation, after within a year of the social forestry management plan approval. After 15 years, the palm trees are dismantled.

### Members cannot:

- not specified

### Partners have rights to:

- receive a fair share from the forestry partnership activities according to the partnership agreement.
- obtain technical assistance from the forest management or permit-holder.

## Links with climate change policies and targets

- There is no legal requirement for communities to integrate climate vulnerability, adaptation or mitigation activities into their community forest management plans. However, the Ministry of Environment and Forestry Regulation No. 9/2021 on social forestry management refers to opportunities for community forest users to provide environmental services.
- The National Action Plan for Climate Change Adaptation, published in 2014, emphasizes strengthening forest management, including through community forests and other forms of social forestry, to protect and preserve local ecosystem services. The plan has no specific actions related to social forestry for 2013–2025.
- In 2022, Indonesia's updated Nationally Determined Contribution under the Paris Agreement on climate change emphasized the role of social forestry in tackling climate change and its impacts:
  - It states that sustainable forest management, including social forestry, would contribute to Indonesia's unconditional target of reducing emissions of greenhouse gases by 31.9 percent, when compared to the business-as-usual scenario, by 2030.
  - It identifies social forestry among the steps Indonesia has taken to reduce emissions in the land-use sector and acknowledges the active participation of subnational governments, the private sector, small and medium-sized enterprises, civil society organizations, local and adat (customary) communities and women.
  - It includes social forestry among the programs for enhancing the resilience of ecosystems and landscapes to climate change. It highlights strategies for strengthening the engagement of local and customary communities in social forestry development, strengthening implementation of the landscape approach in social forestry and implementing environment-friendly technologies in social forestry.
- Forestry partnership and other forms of social forestry are integral to Indonesia's strategy for turning its forestry and land-use sector from a net emitter of carbon into a net sink by 2030. The Forestry and Land Use Net Sink 2030 Operational Plan emphasizes that social forestry can reduce the risk of deforestation and increase forest cover by resolving conflicts over land and protecting forest areas. It also refers to social forestry as a solution for improving forest areas by encouraging communities to implement agroforestry.

## 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)
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## Village forests in Indonesia (hutan desa)

The village forest model (hutan desa) of community forestry enables village-based institutions to manage and protect state forestlands that have not been assigned to other entities. The model's legal basis is laid out in the Forestry Act of 1999 and the Ministry of Environment and Forestry Regulation No. 9/2021 on social forestry management.

# Key requirements

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## Who is eligible?

Village forests are implemented by communities through village forest management institutions.

## Allocation process

1. An applicant must prepare the following documents before applying for legal access to the forest area: application letter; village regulation and village head's decision; list of all the applicants, including the village forest management committee and intended beneficiaries of the village forest, with copies of identity cards and family cards; profile of the area; map of the area with minimum 1:50,000 scale, in printed version and as a digital shapefile; and a sealed integrity pact signed by the chairman of the village institution or joint village institution.
2. The applicant submits a physical or electronic letter of application to the Ministry of Environment and Forestry.
3. The Ministry assigns the director general for Social Forestry and Environmental Partnerships to oversee the permit.
4. The director general assigns an administrative team and a technical team to review the application.
5. The administrative team verifies all the administrative aspects within three days of receiving the documents. If the documents are incomplete or not eligible, the team returns them to the applicant.
6. The applicant has 14 days to improve the documents and return them to the Ministry. If the applicant does not meet this deadline, the application is automatically cancelled.
7. If the documents pass administrative verification, the application proceeds for technical verification.
8. If the application fulfils the requirements, the director general for Social Forestry and Environmental Partnerships issues a permit on behalf of the Ministry of Environment and Forestry. If the application does not qualify, the director general rejects it.

# Main elements



## Duration of tenure

- Tenure is 35 years and is extendable.



## Type and condition of forest

- Village forests are either production or protection forests, but not conservation forests.
- The maximum forest area for a village forest is 5,000 hectares.
- For palm oil plantations carried out by individuals, the maximum forest area is 5 hectares per person. The individual must have lived in or around the forest area continuously for at least five years.
- The law does not specify the condition of the forest.



## Type and duration of management plan

- The village forest management plan covers institutional strengthening, forest use, a business workplan and a monitoring and evaluation plan.
- The duration is 35 years and is extendable.
- The annual workplan provides detailed descriptions and timelines for implementation.
- The director general for Social Forestry and Environmental Partnerships evaluates the management of the forest every five years.



## Internal governance

- The communities are required to formulate village regulations that determine the village forest boundaries and a village or subdistrict decree that lists the members of the village forest management institution and social forestry business units.



## Gender and social inclusion

- The Ministry of Environment and Forestry Regulation No. 9/2021 on social forestry management states that women and men should have equal opportunity and access in obtaining a social forestry permit.
- The implementation of all forms of social forestry should have targets that include gender equality and inclusive participation, especially for women, youth and marginalized groups.
- The Forestry Act of 1999 does not explicitly discuss gender or social inclusion.
- The Ministry of Environment and Forestry Regulation P. 31/2017 provides guidance to the Ministry's staff on how to promote gender equality and equity in the forestry sector by ensuring that their programs and activities consider gender issues.



## Community-based enterprises

- The village forest management institution is encouraged to form a village forest business group that gradually becomes part of an existing village-owned enterprise. The government supports business groups to develop a business plan and provides capacity-building, loans and assistance with facilities, equipment and materials, such as production machinery, fertilizer and seedlings.



### Benefit-sharing mechanism

- The Ministry of Environment and Forestry Regulation 9/2021 does not explicitly discuss any benefit-sharing mechanism. Community forest users usually decide among themselves how to share the benefits.



### External support

- The local government provides guidance and assistance to the permit-holders through its agencies responsible for forestry, such as the Technical Implementation Unit, the Forest Management Unit and the Community Forestry Acceleration Working Group, and/or facilitators.



### Conflict-resolution mechanism

- An evaluation of the community forest takes place at least every five years. Among other things, this evaluation verifies the existence and implementation of standard operating procedures for resolving conflicts and/or disputes relating to natural resources management through internal documents and conflict-resolution reports.
- The Ministry of Environment and Forestry Regulation No. 9/2021 does not specify the conflict-resolution procedure.



## Rights and responsibilities of community members

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### Members have rights to:

- obtain protection from interference relating to environmental destruction and pollution or acquisition by other parties.
- manage and use the management permit in accordance with local wisdom, such as through farming cooperation.
- benefit from the genetic resources that exist in the area.
- develop a forestry-based productive economy.
- obtain assistance in managing the area and conflict resolution.
- obtain assistance for business partnerships.
- obtain assistance for preparing the management plan, the business workplan and annual workplan.
- obtain fair treatment for all.

### Members must:

- perform forest protection and security.
- carry out administration of forest products.
- implement a silvicultural system.
- submit a report on the implementation of village forestry.
- mark the boundaries of their forest area.
- pay non-tax state revenue for forest utilization in accordance with the statutory regulations.
- carry out activities in accordance with the business cooperation agreement.
- maintain the forest's function.
- maintain social stability and social cohesion.
- plant 100 trees per hectare, in the case of palm oil plantation, after within a year of the social forestry management plan approval. After 15 years, the palm trees are dismantled.

**Members cannot:**

- transfer the social forestry management permission to other parties.
- plant palm oil trees in the social forestry area.
- pledge the social forestry area.
- cut down trees in the social forestry area that is classified as protected forest.
- use mechanical equipment in the social forestry area that is classified as protected forest.
- build facilities that could change the landscape in the social forestry area that is classified as protected forest.
- rent out the social forestry area to other parties.
- use the social forestry area for different purposes.



## Links with climate change policies and targets

- There is no legal requirement for communities to integrate climate vulnerability, adaptation or mitigation activities into their community forest management plans. However, the Ministry of Environment and Forestry Regulation No. 9/2021 on social forestry management refers to opportunities for community forest users to provide environmental services.
- The National Action Plan for Climate Change Adaptation, published in 2014, emphasizes strengthening forest management, including through community forests and other forms of social forestry, to protect and preserve local ecosystem services. The plan has no specific actions related to social forestry for 2013–2025.
- In 2022, Indonesia’s updated Nationally Determined Contribution under the Paris Agreement on climate change emphasized the role of social forestry in tackling climate change and its impacts:
  - It states that sustainable forest management, including social forestry, would contribute to Indonesia’s unconditional target of reducing emissions of greenhouse gases by 31.9 percent, when compared to the business-as-usual scenario, by 2030.
  - It identifies social forestry among the steps Indonesia has taken to reduce emissions in the land-use sector and acknowledges the active participation of subnational governments, the private sector, small and medium-sized enterprises, civil society organizations, local and adat (customary) communities and women.
  - It includes social forestry among the programs for enhancing the resilience of ecosystems and landscapes to climate change. It highlights strategies for strengthening the engagement of local and customary communities in social forestry development, strengthening implementation of the landscape approach in social forestry and implementing environment-friendly technologies in social forestry.
- Village forests and other forms of social forestry are integral to Indonesia’s strategy for turning its forestry and land-use sector from a net emitter of carbon into a net sink by 2030. The Forestry and Land Use Net Sink 2030 Operational Plan emphasizes that social forestry can reduce the risk of deforestation and increase forest cover by resolving conflicts over land and protecting forest areas. It also refers to social forestry as a solution for improving forest areas by encouraging communities to implement agroforestry.

### 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)
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# Lao PDR



## Village forestry in Lao PDR

In Lao PDR, community forestry is called “village forestry”. The village forestry model enables villages to manage and use forest and forestland that the district authority has allocated to a village authority for long-term sustainable use. The legal instruments supporting village forestry are the 2019 Forestry Law and the 2021 Department of Forestry Technical Guidelines on Village Forest Management Planning. Regulations under the Forestry Law will be designed to detail the rules on village forestry. The village forestry model is implemented in alignment with Lao PDR’s broader process for participatory land use planning. The responsible authority for village forestry is the Village Forest Management Division in the Department of Forestry of the Ministry of Agriculture and Forestry.

# Key requirements

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## Who is eligible?

All families in a village with forest and forestland that the district authority has allocated to the village authority for long-term and sustainable use are eligible to participate in village forestry activities. This is according to a village forest management plan, the forest management and protection contracts and other relevant laws. The Forestry Law does not define the terms “community” or “village”.

## Allocation process

1. The District Office of Natural Resources and Environment, along with other district-level agencies, such as those responsible for home affairs, transportation and public works, and the District Agriculture and Forestry Office prepare a participatory land-use plan with inputs from villagers.
2. The district governor approves the participatory land-use plan.
3. The District Agriculture and Forestry Office and the Village Administration, particularly its Village Agriculture and Forestry Sub-unit, identify and demarcate the village’s subcategories of forest, based on the approved participatory land use plan. The subcategories are: village use forest; village conservation forest; village protection forest; degraded forest land; and other forest areas.
4. The Village Agriculture and Forestry Sub-unit and villagers develop a village forest management plan, including an annual operational plan, based on the approved participatory land-use plan. The Village Administration facilitates this process and the District Agriculture and Forestry Office provides technical support.
5. The Village Administration and villagers approve the village forestry management plan.
6. The District Agriculture and Forestry Office, then the Provincial Agriculture and Forestry Office and, finally, the district governor review and approve the plan.

## Main elements



### Duration of tenure

- The Forestry Law does not specify the duration of tenure but refers to “long term” allocation of forests and forestland.



### Type and condition of forest

- Any forests within the village territory can be allocated for village management and use, based on the participatory land use plan and allocation of forests and forestland approved by the district authority.
- Village forestry can include three types of forests:
  - Protection forests, which include water resources, riparian forests and roadside forests
  - Conservation forests, which include sacred forests and cemetery forests
  - Village-use forests.
- The law does not specify the condition of the forest.



### Type and duration of management plan

- A village forest management plan is for five years and is renewable.
- They also have annual operational plans.



### Internal governance

- The Agriculture and Forestry Sub-unit of the Village Economic and Financial Unit is the management committee of the village forest. Its main duties include reviewing and disseminating village regulations on the use of village forests and forestland, organizing villagers to protect and manage forests and taking a lead role in preventing encroachment and other incidents.
- The village head or deputy head are part of the Agriculture and Forestry Sub-unit and lead decision-making on village forestry.
- There is no specific mention of the composition of the Agriculture and Forestry Sub-unit in the legal framework.



### Gender and social inclusion

- The Forestry Law 2019 has no provisions related to gender or social inclusion.
- The Forestry Strategy 2035 aims to ensure that at least 35 percent of people participating in forestry work are women.



### Community-based enterprises

- The Forestry Law 2019 has no provisions related to community-based enterprises.
- The Forestry Strategy 2035 includes promotion of and support for wood processing at the community level.



### Benefit-sharing mechanism

- The Forestry Law 2019 has no provisions on benefit-sharing.
- The Forestry Strategy 2035 states that equitable benefit-sharing is part of the system established for sustainable co-management of production forests with the participation of local communities.



### External support

- The District Agriculture and Forestry Office provides guidance for the management of forest and forestlands. In addition to monitoring and inspecting the Village Agriculture and Forestry Sub-unit's implementation of forest and forestland protection, tree planting and forest rehabilitation, the District Agriculture and Forestry Office provides guidance for the Sub-unit to do so, in accordance with the village forest management plan.
- Other sectors and stakeholders have the right to contribute to the management, protection, development and inspection of forests and forestland according to their roles, rights and duties as prescribed by law. There is no specific provision for support to village forestry by other stakeholders.



### Conflict-resolution mechanism

- The legal framework does not mention a conflict-resolution mechanism to use in the event of disputes related to village forestry.



## Rights and responsibilities of community members

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### Members have rights to:

- manage, protect and use, including customarily, the forest and forestlands the state has allocated to the village.
- harvest timber for public or family use from village-use forest with prior permission from the Village Administration.
- harvest and sell non-timber forest products.
- sell planted trees, timber and non-timber forest products.

### Members must:

- participate in the preparation, implementation, monitoring and evaluation of an approved village participatory land-use plan, village forest management plan and village forest rules, including those concerning benefit-sharing and conflict resolution.

### Members cannot:

- transfer rights over the forest to other parties.
- commercially harvest timber from trees planted under the village forestry management plan.
- hunt.
- construct buildings.
- mine sand, stones and so on.

## Links with climate change policies and targets

- The Forestry Law 2019 recognizes the “key roles of forests and forestlands in national socio-economic development and climate change”, but it has no specific provisions related to climate change mitigation or adaptation.
- The 2009 Lao PDR's National Adaptation Program of Action includes a project to strengthen the capacity of 600 village forest members to plant, care for, manage and use their forests. The project's anticipated long-term outcomes were the sustainable use of forest products and increased watershed protection from village forests.
- The 2021 Lao PDR's National Strategy on Climate Change mentions participatory forest management as one of the actions taken to improve the country's response to the changing climate, under the climate mitigation and resilience measures undertaken.
- The National REDD+ (reducing emissions from deforestation and forest degradation) Strategy published in 2021 seeks to reduce greenhouse gas emissions from deforestation and forest degradation, and to promote forest restoration and plantations to contribute to socio-economic development and the national program for climate change mitigation.
- In 2021, Lao PDR's updated Nationally Determined Contribution under the Paris Agreement on climate change stated that the Ministry of Natural Resources and Environment is translating 2018 National Land Allocation Master Plan to subnational level to cover the integrated management of natural resources, including participatory sustainable forest management through the formulation of village forest management plans.

## 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)
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# Myanmar



## Community forestry in Myanmar

In Myanmar, community forestry enables communities to manage existing forests or establish new plantations. This model of forest management aims to create employment and income opportunities, generate food, stabilize ecosystems and improve environmental conditions. The model has three modalities: collective forest management and use; collective management with individual use; and collective management with both individual and collective use.

The legal basis for community forestry is laid out in the 1995 Myanmar Forest Policy, the 2001–2031 National Forest Master Plan, the 2018 Forest Law, the 1995 Forest Rules (with 2019 revision ongoing) and the 2019 Community Forestry Instructions. This framework establishes community forestry as an integral part of Myanmar's strategy to achieve sustainable forest management.

# Key requirements

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## Who is eligible?

Community forestry can be accessed by a group of households who have lived continuously for five years in a forest or within five miles of the forest's edge. The requirements on distance and settlement time may be relaxed for communities managing a forest traditionally and customarily or if other local circumstances require it.

## Allocation process

1. Interested households organize and form a community forest users' group with a management committee that has an odd number of, but at least five, members.
2. The chairperson of the management committee applies to the District Forest Office, through the township forest officer, for a community forestry application letter.
3. The district forest officer identifies where to establish the community forest based on the application of the community forest users' group and factors such as the number of households, the site and climatic conditions and the boundary of the area demarcated and accepted in accordance with local customs and traditions.
4. If the forest is part of the reserved or protected public forest, the district forest officer submits a map and field report to the state or regional forest officer confirming that the community forest area does not overlap with existing or proposed state-owned plantations, and other land uses. If the forest is in a protected area's buffer zone, the district forest officer seeks approval from the director general of the Forest Department. If the forest is under the authority of another department or organization, the district forest officer seeks approval from that department or organization.
5. The district forest officer provides permission to the community forest users' group and allots the forest area to the group and, if required, to each household.
6. The community forest users' group prepares a management plan and submits it to the district forest officer.
7. If satisfied with the plan's quality, the district forest officer approves it and issues a certificate to the community forest users' group.

## Main elements



### Duration of tenure

- Tenure is up to 30 years and is renewable indefinitely.



### Type and condition of forest

- Community forests can be established on privately owned lands with the permission of the owner and on three types of government-owned land:
  - Reserved forest, protected public forest and buffer zones of protected areas
  - Forest-covered lands managed by the government
  - Natural forests and mangrove forests managed by communities traditionally
- Community forestry is permitted on the following land types:
  - Degraded natural forests where natural regeneration is difficult
  - Areas with potential to meet local demand for forest products and income opportunities
  - Village fuelwood plantations established by the Forest Department
  - Areas needing soil and water conservation
  - Natural forests, including mangrove forests, that should be managed by the local community
  - Forestlands traditionally and customarily managed by the local community



### Type and duration of management plan

- Community forest management plans are up to 30 years.



### Internal governance

- The community forest is managed by a community forest users' group.
- Each community forest users' group forms a management committee consisting of a chairman, a secretary, a treasurer and two members, who are all elected unanimously by the group's members.
- The community forest users' group is regulated by the internal rules and regulations it formulates.
- A community forest users' group must have a bank account maintained by any two individuals from among the group's chairperson, secretary and treasurer. The community forest users' group receives information on the financial accounts every six months.



### Gender and social inclusion

- A community forest users' group must consider gender equity when forming its management committee.



### Community-based enterprises

- A community forest users' group can establish enterprises selling products from the community forest. Products sold in the village are exempt from taxes and the community can sell products freely at current market prices.
- A community forest-based enterprise can be established to harvest and sell timber and non-timber forest products, foods and value-added forest products in local or international markets. The Community Forest Instructions provide the process for establishing such an enterprise.
- Ecotourism is allowed with approval from the Ministry of Natural Resources and Environmental Conservation.



### Benefit-sharing mechanism

- Community forest users' group sets up a fund. Contributions to and benefits from the fund are shared proportionately or equitably as prescribed in the community forest management plan.
- By consensus of members of the community forest users' group, the group's funds can be allocated to members as income, spent for community development, used as a revolving fund or reinvested to establish forest plantations or to develop enterprises selling forest products.



### External support

- The Forest Department provides different types of support to community forest users' groups, including technical assistance, seeds and seedlings, legal awareness-raising and dealing with claims.
- The Forest Department shall also encourage government departments, local and international organizations, business groups and private entrepreneurs to participate in enhancing the knowledge and capacity of communities by providing technical, market and financial-related assistance and facilitating networking among community forest users' groups.



### Conflict-resolution mechanism

- A community forest users' group can establish a conflict-resolution or grievance mechanism within the community's internal rules and regulations to resolve disputes within the community.
- The Forest Department assists in resolving conflicts concerning community forestry, common property or the forest.



## Rights and responsibilities of community members

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### Members have rights to:

- harvest and use wood and other forest products from natural forest in accordance with the management plan and with prior permission from the Forest Department in the case of harvesting for commercial purposes.
- apply a locally suited agroforestry system.
- form independent legal enterprises that can harvest and sell timber and non-timber forest products.
- exclude outsiders.
- receive technical support, equipment and financial support from organizations.
- claim compensation if other projects cause loss of forest trees or crops or other damage.
- pass individually owned community forest assets on to legitimate heirs through inheritance.

### Members must:

- establish forest plantations and/or improve natural forests in line with the community forest management plan.
- sustainably manage and use the community forest.
- protect the forest from illegal harvesting and encroachment, with support from the Forest Department and other agencies.
- equitably distribute benefits of community forestry, in line with management plan, keep records and report to the Forest Department.
- follow laws and instructions from the Forest Department.

### Members cannot:

- sell, rent, mortgage, hand over or donate the community forest to other parties.
- use land for purposes other than those prescribed in the management plan.
- mine metals, pebbles or stones, sand, gravel and other resources.
- construct permanent buildings or settlements that are not relevant to the establishment and conservation of the forest.
- plant crops and tree species prohibited by law.

## Links with climate change policies and targets

- One of the objectives of community forestry is to enhance environmental services that can support climate change mitigation and adaptation by preventing deforestation and forest degradation. However, there are no specific requirements for communities to integrate climate vulnerability, adaptation or mitigation activities into their community forest management plans.
- The Myanmar Climate Change Master Plan 2018–2030 states that Myanmar will implement livelihood-diversification activities for members of community forest users' groups, as part of its efforts relating to the sustainable management of natural resources for healthy ecosystems.
- Myanmar Climate Change Master Plan 2018–2030 also mentions community forest users' groups in relation to other activities, such as: testing and scaling up soil and water management technologies in climate-sensitive areas; improving farmers' access to climate-smart technology and such practices as agroforestry; and supporting activities by networks of community forest users' groups to enhance public participation in addressing climate change issues.
- The Myanmar Climate Change Strategy 2018–2030 and the Climate Change Policy 2019 do not mention community forestry explicitly.
- Policies and measures identified in the draft Myanmar's National REDD+ (reducing emissions from deforestation and forest degradation) Strategy of 2018 include expanding the community forest network and putting into operation regulations under the Community Forestry Instructions of 2016 and under the country's new laws on forests, wildlife and protected areas.
- In 2021, Myanmar's updated Nationally Determined Contribution under the Paris Agreement on climate change stated that establishing community forests on 311,743 hectares through the Myanmar Reforestation and Rehabilitation Program (2017–2027) would contribute 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](http://www.recoftc.org/special-report/community-forestry-boosted-pandemic-resilience)
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# Nepal

In Nepal, there are five types of community forestry models: buffer zone community forests, community-based conservation areas, community forests, partnership forests and pro-poor leasehold forests.





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## Buffer zone community forests in Nepal

Buffer zone community forests aim at the conservation and sustainable use of natural resources, along with community development, in the buffer zone areas of national parks and wildlife reserves. The main legal instruments covering this model of community-based forest management are the National Parks and Wildlife Conservation Act, 1972, the Buffer Zone Management Regulation, 1995 and the Conservation Area Management Regulation, 1996.

## Key requirements

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### Who is eligible?

People living around protected areas (national parks and wildlife reserves) can request a buffer zone community forest.

### Allocation process

1. The chief warden of a protected area can help communities form a buffer zone users' group to support the proper use of forest products and community development.
2. Each users' group elects a management committee with at least five members, as well as a treasurer, a chairperson, a deputy chairperson and a secretary.
3. The committee submits an application to the managing authority of the protected area. The application must include the name of the users' group, the boundary of the buffer zone forest, an estimate of the area of the buffer zone forest, the number of households and total population in the community and the names and signatures of the applicants.
4. The chief warden makes the necessary inquiries, such as verifying if the people cited on the application are residents of the municipality and whether they are willing to commit to the responsibilities of the buffer zone community forest. The chief warden then provides a certificate of registration to the buffer zone community forest users' group. If two or more users' groups want to register a buffer zone forest in their name, the chief warden provides the certification to only one of the groups after reaching a consensus among them.

## Main elements



### Duration of tenure

- Tenure of a users' group is for five years and is renewable.



### Type and condition of forest

- Forests in the buffer zones of national parks and wildlife reserves are eligible for community forest management.
- Decisions about where to locate buffer zone community forests must consider the following:
  - Whether the forest areas are likely to be affected by wildlife moving there from the national parks and wildlife reserves
  - The presence of natural boundaries
  - Whether the buffer zone management specified by the protected area authority will be easy to implement



### Type and duration of management plan

- The management plan is for five years and can be amended if necessary.
- The users' group committee also prepares a workplan that covers:
  - The area of the buffer zone occupied by the municipality
  - Processes for collecting non-timber forest products
  - Thinning and lopping of trees and other forest-maintenance practices
  - Forest restoration practices
  - Distribution of forest products among the community and the sale of such products
  - Policies for land-use management



### Internal governance

- Members of the users' group committee serve five-year terms.
- Decision-making is by majority vote and requires the participation of at least half of the committee members.
- The committee can manage its funds by opening a bank account in the group's name. In remote areas that lack banking services, a person selected by the committee can keep up to 10,000 Nepali rupees that belong to the group as a kind of bank account.
- Use of the bank account requires the signature of two members of the users' group committee, who must be selected by consensus.



### Gender and social inclusion

- There are no legal provisions relating to gender and social inclusion in the management of buffer zone community forests.



### Community-based enterprises

- Communities can set up a community-based enterprise, such as for ecotourism activities.
- Such an enterprise must be mentioned in the management plan and approved by the protected area authority.



### Benefit-sharing mechanism

- The authority responsible for the protected area manages the revenue generated from the sale of forest products included in the workplan, the sale of hunting permits, donations and other financial support from external organizations and other permitted sources of income.

- The users' group committee can access the portion of the protected area authority's funds that is dedicated to local development, as long as it is in line with the approved activities in the management plan.
- A committee decides the allocation of funds to different community development programs. The committee consists of the chairpersons of the different users' group committees in the buffer zone, a representative from the municipality and a member secretary. The committee is chaired by an individual selected by the group of chairpersons.



### External support

- The chief warden provides support or facilitates external support to the users' groups.
- After a users' group submits its application, the chief warden can help appoint a technical forester to help the community prepare their workplan.



### Conflict-resolution mechanism

- Disputes within communities are resolved by consensus with help from the users' group committee. The chief warden also helps to resolve other types of disputes.
- The users' group committee is held accountable if it is found not following the workplan. The users' group committee has up to 15 days to provide a reason for not following the plan.
- The chief warden will take over management of the buffer zone forest if dissatisfied with the provisional reports submitted by the users' group committee.
- The users' group committee can object to this decision by reporting to the director general of the Department of National Parks and Wildlife Conservation within 35 days of the chief warden's decision. In such cases, the director general's decision is final. Until the final decision is made, the chief warden manages the buffer zone forest.



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## Rights and responsibilities of community members

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### Members have rights to:

- perform activities permitted in the workplan
- organize tree-planting activities
- organize programs to combat the impacts of flooding, landslides and soil erosion
- form subcommittees to better implement the workplan
- manage the funds of the buffer zone community forest users' group
- undertake other activities that the users' group deems necessary

### Members must:

- implement the workplan in an organized way
- organize regular meetings to update the committee and users on income and expenses
- submit financial statements as requested by associated agencies
- make payments to the committee to repair and maintain communal property
- pay a fee for the use of forest products, which is set by the users' group committee based on product type, amount, area of harvest, method of harvesting and time of harvest
- decide on the areas that individuals or families can use for animal grazing, as well as the numbers and types of livestock and the fees for grazing
- take responsibility for development projects handed over to them by the protected area authority

### Members cannot:

- occupy any area that does not belong to them
- cut, deforest or convert the forest area
- cause a fire or do anything that harms forest products
- remove stones, soil, sand and minerals or establish mines that have negative environmental impacts
- use poisons or explosives in rivers, streams and other water resources
- hunt without permission or harm wildlife
- damage public roads, bridges, fences, sign posts, signals and other public property

## Links with climate change policies and targets

- There is no legal requirement for leasehold forest users' groups to integrate climate vulnerability, adaptation or mitigation activities into their workplan.
- Nepal's National Adaptation Programme of Action 2010 recognizes community-based forest users' groups as stakeholders managing community adaptation funds and identifying and implementing adaptation programs at the community level. Its priority actions include supporting the implementation of adaptation priorities of the forest users' groups.
- The National Climate Change Policy 2019 recognizes the past contributions of community forestry to reducing greenhouse gas emissions. It aims to mobilize community organizations to manage climate-induced disasters and enhance the capacity of these organizations to mainstream climate resilience into development programs. However, the policy does not refer to the community forestry program specifically.
- Nepal's National Adaptation Plan 2021–2050 notes that forests under community-based management made up 42.7 percent of the forest areas in 2019, which indicates that these groups have an important role in mainstreaming climate adaptation into forest management plans.
- Nepal's second Nationally Determined Contribution (2020) under the Paris Agreement on climate change states, under the mitigation component, that forests with community-based management will comprise at least 60 percent of forest area by 2030 and that women will make up 50 percent of management committees, along with proportional representation of Dalits and Indigenous Peoples in key posts.
- The Protected Area Management Strategy 2022–2030 mentions that the protected area authority will generate information on climatic variables, climate change impacts, risks and vulnerabilities for integration into the management of protected areas. In particular, it will:
  - Collaborate with academic and research institutions and conservation partners
  - Develop climate-smart species conservation action plans
  - Conduct periodic carbon inventory and designate carbon-neutral protected areas

## 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)
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## Community-based conservation areas in Nepal

Community-based conservation areas aim to promote the conservation and sustainable use of natural resources along with community development. The Department of National Parks and Wildlife Conservation has ultimate responsibility for these areas, but it delegates authority over their management to local committees representing the users of each community-based conservation area. The main legal instruments covering this model of community-based forest management are the National Parks and Wildlife Conservation Act, 1972 and the Conservation Area Management Regulation, 1996.

# Key requirements

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## Who is eligible?

People living in and around a conservation area

## Allocation process

1. The Government of Nepal, through the Cabinet, will declare a conservation area based on the recommendation of the Ministry of Forests and Environment. Once the government has published the boundary of the conservation area in its gazette paper, then the declaration will enter into force.
2. When the conservation area is declared, the conservation officer, under the Department of National Parks and Wildlife Conservation, sets up a conservation area management committee in every local administrative unit in the area. These units were formerly called “village development committees” but are now known as municipalities or rural municipalities and are the lowest level of local government.



## Main elements



### Duration of tenure

- Tenure of a community-based conservation area is five years and can be renewed by following the same process.



### Type and condition of forest

- Forests within conservation areas can be managed by a local committee.



### Type and duration of management plan

- The management plan is for five years.



### Internal governance

- The conservation area management committee consists of the chairperson of the municipality, at least one member from each ward of the municipality and five community members chosen by the conservation officer.
- The committee members choose the chairperson and secretary and should consider women, disadvantaged group members and social workers.
- Decision-making is by majority vote and requires the participation of at least half of the committee members. In the event of an equal distribution of votes, the committee chairperson has the deciding vote. The committee secretary verifies the decision.



### Gender and social inclusion

- Conservation area management committees must include women and members of minority groups.
- The conservation officer must ensure the representation of women, social workers and disadvantaged group members in the community-based conservation areas.



### Community-based enterprises

- Within a conservation area, any individual can open and operate a hotel, lodge, public transport service or an enterprise selling furniture, handmade paper or ecotourism services and can collaborate with other business enterprises, after obtaining consent from the conservation officer and the conservation area management committee.



### Benefit-sharing mechanism

- The conservation area management committee deposits all revenue it generates into its bank account.
- The funds are to be used for community development activities, as agreed upon by the committee.



### External support

- The conservation officer provides support or organizes external support to users' groups if needed.



### Conflict-resolution mechanism

- Disputes within communities are resolved by consensus, with help from the conservation area management committee. The conservation officer also helps to resolve other types of disputes.
- The conservation officer can dissolve a committee if it violates any regulations or takes any decision that is against the welfare of the users' group members or if it cannot serve as indicated in the management plan.
- The conservation officer can then form a new committee.



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## Rights and responsibilities of community members

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### Members have rights to:

- obtain permits from the chief warden for fishing, harvesting of non-timber forest products, grazing livestock and using natural resources—the management committee sets the fees that users must pay the committee to carry out these activities
- form subcommittees to better manage their work

### Members must:

- prepare a workplan for community development and the sustainable management and conservation of the natural environment and cultural heritage
- provide the chief warden with statistics, such as the data on the use of forest products, the population of the users' group and the income levels of households
- organize workshops and activities for minimizing landslides and soil erosion, conserving forest products, conserving natural resources and wildlife, environmental sanitation and for community development where a users' group is located
- follow instructions that the conservation officer requires from time to time

### Members cannot:

- hunt wildlife
- cut, fell, remove, blaze or debark any forest products or forest area, unless such activities are in the management plan and approved by the conservation officer
- cause a fire or do anything that harms the status of forest products
- establish mines
- remove any minerals, stones, concrete, soil and so on
- harm wildlife, birds or public areas
- use poison or weapons inside the conservation area
- use electrical currents in rivers and other water resources inside the conservation area
- land a helicopter or any other type of aircraft in the conservation area
- damage public roads, bridges, houses, offices, fences, marks or signals

## Links with climate change policies and targets

- There is no legal requirement for leasehold forest users' groups to integrate climate vulnerability, adaptation or mitigation activities into their workplan.
- Nepal's National Adaptation Programme of Action 2010 recognizes community-based forest users' groups as stakeholders managing community adaptation funds and identifying and implementing adaptation programs at the community level. Its priority actions include supporting the implementation of adaptation priorities of the forest users' groups.
- The National Climate Change Policy 2019 recognizes the past contributions of community forestry to reducing greenhouse gas emissions. It aims to mobilize community organizations to manage climate-induced disasters and enhance the capacity of these organizations to mainstream climate resilience into development programs. However, the policy does not refer to the community forestry program specifically.
- Nepal's National Adaptation Plan 2021–2050 notes that forests under community-based management made up 42.7 percent of the forest areas in 2019, which indicates that these groups have an important role in mainstreaming climate adaptation into forest management plans.
- Nepal's second Nationally Determined Contribution (2020) under the Paris Agreement on climate change states, under the mitigation component, that forests with community-based management will comprise at least 60 percent of forest area by 2030 and that women will make up 50 percent of management committees, along with proportional representation of Dalits and Indigenous Peoples in key posts.
- The Protected Area Management Strategy 2022–2030 mentions that the protected area authority will generate information on climatic variables, climate change impacts, risks and vulnerabilities for integration into the management of protected areas. In particular, it will:
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## Community forests in Nepal

The community forest model is the oldest of Nepal's distinct types of community-based forestry, having been pioneered in the 1970s. It accounts for around 90 percent of all formal community-managed forest areas in the country. It allows communities to develop, conserve, manage and use forest areas and to sell forest products. The model's legal basis is laid out in Forest Act, 2019 (originally Forest Act, 1993), Forest Regulation, 2022 and the Community Forestry Development Guidelines (revised in 2015). Community forests are under the supervision of the Ministry of Forests and Environment.

## Key requirements

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### Who is eligible?

Persons who would like to conserve, develop and manage a forest for their collective interest must form a community forest users' group and then register such a group at the relevant Division Forest Office.

### Allocation process

1. Once a community forest users' group is created, members develop a constitution and set up a community forest users' committee. The community forest users' group registers with the Division Forest Office and receives a group registration certificate.
2. The registered forest users apply to the Division Forest Office for the handover of the forest area to them to manage as a community forest. They also submit a workplan, also known as the community forest operational plan. The Division Forest Office may provide technical assistance to prepare the workplan.
3. An officer with the Division Forest Office conducts the necessary investigations, reviews the workplan and suggests modifications. This assessment must take into consideration the distance between the forest and the village, the interest of the users in managing the forest and their capacity to do so. The Division Forest Office then hands over the forest area to the users' group as a community forest and issues a certificate to formalize their status.
4. If a forest area that is to be handed over as a community forest lies within two or more districts, the Division Forest Office of the district where the application has been submitted may hand over the area with the consent of the Division Forest Office of the other districts.
5. The Division Forest Office of the primary district monitors and evaluates the management of the community forest.
6. The community forest users' group can reserve any area of its community forest for people living below the poverty line to use for the purpose of development, conservation, management and/or income-generation. This is done through the formation of separate groups, as per Forest Regulation, 2022.

## Main elements



### Duration of tenure

- There is no time limit to the management of a community forest. Communities can continue managing a community forest with a valid workplan, which is reviewed every five to ten years.



### Type and condition of forest

- Community forests can be established in national forests that are outside protected areas.
- The condition of forest to be handed over to communities is not specified.
- Community forests can be allocated across more than one village, town or district.



### Type and duration of work plan

- The community forest workplan has a duration of up to 10 years.



### Internal governance

- A community must set up a community forest users' group to participate in community forestry. Each group is regulated according to its own constitution, which includes the group's duties, functions and powers.
- Each group acts based on consensus during the development of its constitution and the process of applying to obtain a community forest.
- Each users' group also sets up an executive committee that is responsible for the overall leadership, coordination and management of the group's funds in a bank account. The bank account is operated with the joint signature of the chairperson and treasurer. The accounts of income and expenditure are to be audited every year.
- The executive committee carries out the audit of the group's accounts every year.
- The users' group has a legal personality; it can acquire goods and sue or be sued.



### Gender and social inclusion

- The community forest users' group membership must include male and female household heads, both of whom must take part in the group's decision-making.
- Women should have at least half of the positions in a community forest users' executive committee, including as chairperson or secretary.
- Community forest users' groups are accountable for organizing programs to improve livelihoods and economically empower marginalized people, Indigenous Peoples and women and/or distribute non-timber forest products to these groups free of charge or at a reasonable cost.
- Community forest users' groups determine the financial and technical support to be provided to marginalized households in an annual plan, as agreed with them in writing. It can include providing a certain area of forest to marginalized households for their use to improve their livelihoods. The users' group can ask for help from the District Forest Office and others if needed.
- Community forest users' groups should monitor and evaluate support from the livelihood improvement program to marginalized households, Indigenous Peoples and women. Users' groups should include these details within their annual reports to the Division Forest Office and other supporting partners.



### Community-based enterprises

- Community forest users' groups can set up forest-based enterprises alone, collectively with other groups or in partnership with a private sector entity, according to the workplan.



### Benefit-sharing mechanism

- Between the community and the government, all income goes to the community, unless forest products are traded, in which case the community pays around 35 percent in taxes.
- Within a community forest users' group, at least 25 percent of its annual income should be spent on the development, conservation and management of the forest. The users' group should spend at least 50 percent of the remaining money on poverty alleviation, women's empowerment or enterprise development, in coordination with the local government. Any funds remaining can be used for the interest of the community forest users' group.



### External support

- The Division Forest Office provides technical and other cooperation that a users' group needs to prepare a workplan.
- To implement community forest activities, the Division Forest Office and the users' groups can receive assistance from national and international government and non-government agencies.



### Conflict-resolution mechanism

- A users' group determines the process and rules for dealing with forest crimes and sanctions and specifies both in its constitution.
- If a users' group is not able to operate according to its approved workplan, the Division Forest Office will send a team to inspect the situation. The process may result in a decision to cancel the registration of the users' group and take back the community forest. The users' group has up to 15 days to clarify the situation in writing and has a right to appeal the decision within 35 days to the director of the Provincial Forest Office.



## Rights and responsibilities of community members

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### Members have rights to:

- harvest and use timber and non-timber forest products, without exceeding annual allowable amounts prescribed in the approved workplan.
- freely determine the price of forest products sold within the community.
- sell surplus forest products to outsiders through an auction, after meeting demand from within the community forest users' group.
- operate forest-based enterprises, such as ecotourism.
- grant a part of the community forest, by developing an agreement, to members of the users' group who are living below the poverty line so they can implement income-generating activities while conserving the forest.
- obtain loans from financial institutions and use forest products of the community forest as collateral.

### Members must:

- develop, conserve, use and manage the forest by implementing their workplan.
- ask permission from the Division Forest Office, through its subordinate Area Forest Office, when transporting forest products sold outside the group.
- apply the community forest users' group's seal to timber sold outside the group.
- after collecting timber, firewood and other forest products, arrange for the reforestation or rehabilitation of the area as soon as possible.
- through the executive committee, report to the Subdivision Forest Office and the Division Forest Office on finances and activities in the forest within three months of the end of each fiscal year.

### Members cannot:

- transfer rights over the forest to other parties.
- clear forest areas for agriculture purposes.
- build huts or houses, except those needed for security reasons and with the approval of the District Forest Office.
- take any action that can cause soil erosion.
- capture or kill wildlife in contravention of the law.
- extract or transport soil, rocks, sand and so on.



## Links with climate change policies and targets

- There is no legal requirement for leasehold forest users' groups to integrate climate vulnerability, adaptation or mitigation activities into their workplan.
- Nepal's National Adaptation Programme of Action 2010 recognizes community-based forest users' groups as stakeholders managing community adaptation funds and identifying and implementing adaptation programs at the community level. Its priority actions include supporting the implementation of adaptation priorities of the forest users' groups.
- The National Climate Change Policy 2019 recognizes the past contributions of community forestry to reducing greenhouse gas emissions. It aims to mobilize community organizations to manage climate-induced disasters and enhance the capacity of these organizations to mainstream climate resilience into development programs. However, the policy does not refer to the community forestry program specifically.
- Nepal's National Adaptation Plan 2021–2050 notes that forests under community-based management made up 42.7 percent of the forest areas in 2019, which indicates that these groups have an important role in mainstreaming climate adaptation into forest management plans.
- Nepal's second Nationally Determined Contribution (2020) under the Paris Agreement on climate change states, under the mitigation component, that forests with community-based management will comprise at least 60 percent of forest area by 2030 and that women will make up 50 percent of management committees, along with proportional representation of Dalits and Indigenous Peoples in key posts.

## Read more

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## Partnership forests in Nepal

In partnership forest management, local communities, the local government and the provincial government, as represented by the Division Forest Office, jointly manage a forest area. This model is also called “collaborative forest”. Representatives of the stakeholder groups form a partnership forest management group, with a community representative as the president. The model’s legal basis is laid out in Forest Act, 2019 and Forest Rules, 2022.

# Key requirements

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## Who is eligible?

Groups of households who are permanent residents of a municipality and have been verified by the local government and the Division Forest Office are eligible to be included in a partnership forest.

## Allocation process

1. Representatives of forest users, the local government and the Division Forest Office form a partnership forest management group.
2. Members of the partnership forest management group form a partnership forest management committee.
3. The partnership forest management committee prepares a partnership forest management plan for the group to approve in its general assembly.
4. The management plan is sent to the Provincial Forest Directorate for approval, along with the District Forest Sector Coordination Committee's recommendation.

## Main elements



### Duration of tenure

- Tenure is indefinite because it is not specified, but a valid forest management plan is needed to harvest forest products.



### Type and condition of forest

- Partnership forests can be established in any government-managed forest outside of protected areas.
- The area is recommended by the Division Forest Officer, as agreed by the Division Forest Office, the local government and forest users.



### Type and duration of management plan

- The partnership forest management plan is for up to 10 years.



### Internal governance

- Each users' group is regulated according to its own constitution, which includes the group's duties, functions and powers.
- The decision-making body within the partnership forest management committee has the following members: chairperson, deputy chairperson, general members and an assistant forest officer recommended by the Division Forest Officer.
- The implementation body has a chairperson, general members and an assistant forest officer recommended by the Sub-division Forest Office.
- The maximum tenure for each position is five years. Before a person's tenure ends, the users' group chooses a replacement and hands over the duties and responsibilities. If the group does not choose new members by the completion of its tenure, the Division Forest Office acts as the governing body and hands over the responsibility to new members within three months.
- The users' group also sets up a bank account to implement partnership forestry. Use of the funds in the bank account requires the signatures of both the chairperson and a member of the users' group chosen by its committee. They use the funds only to run programs agreed by the Division Forest Office.
- The activities and implementation expenses of the governing bodies (implementation unit and management unit) are to be paid with the funds of the partnership forest users' group.
- The users' group should keep track of its finances and assets in an audit report and provide the report to the local government agencies.
- An annual audit of income and expenditure is done according to the prevailing laws.



### Gender and social inclusion

- Women, ethnic groups and Dalits must be represented in each of the bodies.
- The users' group must include at least seven members from disadvantaged groups, including two women and, if available, one member each from Dalit, indigenous and Madhesi communities.
- The partnership forest management committee must include up to 13 members from disadvantaged groups, including at least three women from the general assembly of the users' group and, if available, one member each from Dalit, indigenous and Madhesi communities.
- For the daily operational and forest management plan implementation, a committee is formed that should have four general members, including at least two women.



### Community-based enterprises

- The partnership forest management committee is required to implement income-generating activities to support the livelihoods of poor households, but there is no provision for community-based enterprises within collaborative forest management.



### Benefit-sharing mechanism

- The users' group should prioritize the internal consumption of forest products from the partnership forest and can distribute any remaining products outside the group.
- The partnership forest users' group must spend at least 25 percent of its earnings from the sale and distribution of forest products on the development, protection and management of the forest. The users' group should spend at least 25 percent of the remaining amount on poverty alleviation, women's empowerment and entrepreneurship development activities, in coordination with the local government.



### External support

- The Division Forest Office provides technical and other cooperation that users' groups need to prepare their management plan.
- To implement partnership forestry, the Department of Forest and the users' groups can receive assistance from national and international government and non-government agencies.



### Conflict-resolution mechanism

- Conflict within a users' group is to be resolved internally in the group's general assembly. Conflicts between adjacent villages are addressed through dialogue between the conflicting parties. Local authority heads and village leaders can help to resolve disputes.
- If a users' group fails to follow its management plan, significantly harms the environment or fails to comply with other requirements, the Provincial Forest Directorate may cancel the group's registration and take back the partnership forest for government management. The users' group has up to 15 days to clarify the situation in writing.



## Rights and responsibilities of community members

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### Members have rights to:

- harvest and use timber and non-timber forest products from the forest, in accordance with the management plan and by paying the royalty set by the government—each forest users' group has a right to 70 percent of the wood produced from the forest and all the herbs and other non-timber forest products. The Division Forest Officer sells the remaining 30 percent of the wood by auction, following section 25 of the Forest Guidelines, 2022.
- buy wood for emergency relief, cremation and religious purposes and to make agricultural implements, by paying taxes and royalties to the government.

### Members must:

- participate in forest conservation, development and management.
- implement the collaborative forest management plan, along with the Division Forest Office and local government.
- spend at least 25 percent of the annual income from the sale of forest products in the development, conservation or management of their forest and at least half of the remaining income on poverty alleviation, women's empowerment or enterprise development.
- participate in public hearings and audits.

### Members cannot:

- transfer rights over the forest to other parties.
- clear forest areas for agriculture purposes.
- build huts or houses, except those needed for security reasons and with the approval of the District Forest Officer.
- take any action that can cause soil erosion.
- capture or kill wildlife in contravention of the law.
- extract or transport soil, rocks, sand and so on.

## Links with climate change policies and targets

- There is no legal requirement for leasehold forest users' groups to integrate climate vulnerability, adaptation or mitigation activities into their workplan.
- Nepal's National Adaptation Programme of Action 2010 recognizes community-based forest users' groups as stakeholders managing community adaptation funds and identifying and implementing adaptation programs at the community level. Its priority actions include supporting the implementation of adaptation priorities of the forest users' groups.
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## Pro-poor leasehold forests in Nepal

In the pro-poor leasehold forest model, the government allocates an area of national forest to a group of households living on income that is below the poverty line. Pro-poor leasehold forests enable users to produce raw materials, sell forest products, practise agroforestry, raise livestock, farm insects or operate ecotourism businesses in a way that is compatible with the conservation and development of the forest. The model's legal basis is laid out in Forest Act, 2019 and Forest Regulation, 2022.



## Key requirements

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### Who is eligible?

Under this model, the government leases areas of national forest to community members living below the poverty line who have registered as a leasehold forest users' group. The Division Forest Office may form a leasehold forest users' group, using the Human Development Index to identify people living below the poverty line. A users' group should include at least five households to be eligible to take over the forest as a leasehold forest.

### Allocation process

1. Interested groups of people living below the poverty line should apply at the Division Forest Office regarding their interest in forming a group and preparing a workplan, using a letter template included in Forest Regulation, 2022. When applying, there should be at least five participating households, which the Division Forest Officer can verify through the local ward office.
2. The users' group must prepare a workplan and can receive support from technical staff appointed by the Division Forest Office.
3. The users' group then submits the workplan to the Division Forest Office for approval.
4. The Division Forest Officer provides the leasehold forest certificate to the leasehold users' group.

## Main elements



### Duration of tenure

- Tenure of the pro-poor leasehold forest management is ten years and is renewable.
- The Division Forest Office hands over the forest to the same group for another ten years if the group wants it and their performance has been satisfactory. For this, the Division Forest Office repeats the assessment using the Human Development Index to ensure it is handing over the leasehold forest to people living below the poverty line.
- A valid workplan is needed to harvest forest products.



### Type and condition of forest

- Any part of the national forest can be handed over as a pro-poor leasehold forest.



### Type and duration of work plan

- The workplan is for 10 years and is renewable (see duration of tenure).



### Internal governance

- The users' group must set up a committee to oversee governance of the leasehold forest. The legal framework does not say how many members the committee must have.



### Gender and social inclusion

- Using the Human Development Index, the Division Forest Office verifies and confirms whether interested groups are living in poverty.
- A leasehold forest users' group membership must include male and female household heads, who both must take part in the group's decision-making.



### Community-based enterprises

- Leasehold forest users' groups must conduct income-generating activities, such as setting up forest-based microenterprises and ecotourism, under the provisions of their approved workplan.



### Benefit-sharing mechanism

- In the pro-poor leasehold forest model, users do not need to share benefits with the government or any other institution.
- There is no requirement for benefit-sharing among community members. They may have their own mechanism for sharing benefits internally.
- After completing ten years of tenure and if the government sells timber from the forest, the leasehold forest users' group receives 50 percent of the total revenue.



### External support

- Local governments may provide financial and technical support to help forest users form a group, prepare a workplan and implement it effectively.



### Conflict-resolution mechanism

- If the Division Forest Office receives a complaint from any source about unwanted activities of a leaseholder, it will send a team to inspect the situation in the presence of the head of that leasehold forest users' group. The Division Forest Office can cancel a group's registration and take back the leasehold forest. The users' group has up to 15 days to clarify the situation in writing.



## Rights and responsibilities of community members

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### Members have rights to:

- sustainably harvest and sell non-timber forest products according to the workplan.

### Members must:

- protect the forest and ensure that the forest's quality does not decline.

### Members cannot:

- transfer rights over the forest to other parties.
- block water resources or change the direction of any rivers and streams that flow inside the forest.
- clear forest areas for agriculture purposes.
- build huts or houses, except those needed for security reasons and with the approval of the District Forest Officer.
- take any action that can cause soil erosion.
- hunt, capture or kill wildlife in contravention of the law.
- damage the natural and physical beauty of the forest.
- obstruct the growth of plants.
- do anything that has an adverse effect on the status of wetlands.
- use poisonous chemicals that affect wetland wildlife or any wildlife or birds.
- extract soil, rock, sand, stones or establish mines of any kind.
- do anything that disturbs the social, ethnic and cultural well-being of surrounding inhabitants and their religious and cultural sites.
- disturb or create disturbances in the historical right to use roads, rivers and water resources.
- convert the surface of roads inside the leasehold forest to asphalt.

## Links with climate change policies and targets

- There is no legal requirement for leasehold forest users' groups to integrate climate vulnerability, adaptation or mitigation activities into their workplan.
- Nepal's National Adaptation Programme of Action 2010 recognizes community-based forest users' groups as stakeholders managing community adaptation funds and identifying and implementing adaptation programs at the community level. Its priority actions include supporting the implementation of adaptation priorities of the forest users' groups.
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- Nepal's second Nationally Determined Contribution (2020) under the Paris Agreement on climate change states, under the mitigation component, that forests with community-based management will comprise at least 60 percent of forest area by 2030 and that women will make up 50 percent of management committees, along with proportional representation of Dalits and Indigenous Peoples in key posts.

## 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)
- Find out more about RECOFTC's work in Nepal at [www.recoftc.org/nepal](http://www.recoftc.org/nepal)

# Thailand



## Community forestry in Thailand

Thailand's community forestry model allows communities to engage in the conservation, rehabilitation, management, maintenance or use of natural resources, the environment and biodiversity by managing local forests outside of protected areas in cooperation with the government. The model's legal basis is laid out in the Community Forest Act of 2019, and its subsidiary regulations.

# Key requirements

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## Who is eligible?

A community forest can be formed by a group of at least 50 people that are older than 18 and live in the same district. Community members must have lived in the village where the forest is situated for at least the past five years. In the context of community forestry, a community is defined as a group of people who have mutual purposes or interests in performing lawful activities and who help or support any mutual interest of community members, consistently meet one another and have a committee that can act or express opinions on behalf of the group.

## Allocation process

1. At least 50 members of the community organize a consultation meeting and identify representatives to submit a request to establish a community forest. They also form a community forest management committee and make a list of community forest members.
2. The community members submit a request to their respective Provincial Community Forest Committee. The submission includes the group's objectives, the names of the members of the community forest management committee, a short history of the community, a rough map of the forest's boundaries and a community forest management plan. The community forest management plan describes the areas for conservation, use and rehabilitation.
3. The local Forest Resource Management Office reviews the request within 10 days and visits the target site to confirm the boundary within 45 days. It submits a report to the Provincial Community Forest Committee.
4. The Provincial Community Forest Committee produces a written announcement and map of the proposed community forest area, which are displayed at the provincial office, district office and subdistrict administrative office for at least 30 days. Any objection must be made within 30 days.
5. The Provincial Community Forest Committee approves the establishment of the community forest and the community forest management plan and sends the documents to the director general of the Royal Forest Department.
6. The director general of the Royal Forest Department approves the documents to complete the community forest's registration.
7. The community forest is announced in the Royal Thai Government Gazette.

# Main elements



## Duration of tenure

- The tenure duration is not specified but the community must submit a community forest management plan every five years.



## Type and condition of forest

- State-managed forests outside of protected areas can be allocated as community forests.
- The legal framework does not specify the condition of the forest.



## Type and duration of management plan

- The community forest management plan is for five years.



## Internal governance

- The community forest is managed by the elected community forest management committee with the community forest members.
- The community forest management committee is recognized as the legal entity representing the community forest members. The committee can enter into agreements with third parties, such as companies.
- The committee has rights and duties, including issuing rules on community forest management, taking care of the forest and its common property and ensuring that community members respect the rules.



## Gender and social inclusion

- The Community Forest Act has no provisions related to gender or social inclusion.



## Community-based enterprises

- The Community Forest Act does not have any provision that clearly gives communities the right to commercialize community forest products, but it does not explicitly prohibit the sale of such products.
- The law allows a community to earn benefits from products and services derived from its community forest. This can be interpreted as referring mainly to conservation and other forest protection and rehabilitation activities that can be carried out in the community forest.



## Benefit-sharing mechanism

- There is no requirement to set up a benefit-sharing mechanism.
- Communities can create a fund that receives 50 percent of the fines collected for offences committed in the community forest and any member fees, donations or other income.
- Such funds are the common property of the community and must be used for community forest management or any purpose specified by donors.



## External support

- There is a general principle that all involved parties in the community forest must facilitate the work of the community forest management committee. This includes community forestry officials and other relevant officials as they carry out their duties.
- The Provincial Community Forest Committee provides advice and assistance to the community forest management committee in managing its forest.



- The Provincial Community Forest Committee can also appoint community forest officials from the community itself. They are responsible for supporting the work of the community forest management committee. They are also responsible for raising awareness about conservation of natural resources and the importance of maintaining and nurturing local wisdom, traditions and culture.
- The legal framework does not define how third parties, such as companies, non-government organizations or other actors, can work with communities to manage the forest area.
- A decree encourages private individuals or groups to provide financial support to community forest management committees. Providers can claim tax exemption on their financial contributions.



### **Conflict-resolution mechanism**

- The community forest management committee can mediate or reach a compromise on disputes relating to community forest management.
- The law does not mention the possible use of traditional dispute-resolution mechanisms or how the community forest management committee may revert to those or other existing mechanisms.
- If a community proceeding is unsatisfactory, community members may also take the matter to a judicial body.
- During the forest allocation process, community members can request support from the community forest officer to resolve a dispute about the position of the community forest boundary.
- Any public prosecutor has the power to help a community access courts if any harm occurs to the community forest's common property or the forest.



## Rights and responsibilities of community members

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### Members have rights to:

- collect non-timber forest products and non-valuable natural timber, from outside of the conservation zone, for household needs or for public use by the community. Any such use must be included in the community forest management plan and must not harm the forest environment or biodiversity.
- harvest any planted non-valuable or valuable trees for household or community use with prior permission from the community forest management committee and designated officers.
- enter the community forest for recreation.
- charge outsiders for using the community forest for any purpose, in line with the community forest management committee's rules and regulations. As outlined in a sub-decree, the community forest management committee sets the payment rates and includes them in the management plan for approval by the Provincial Community Forest Committee.
- benefit from carbon trading. A sub-decree to set out the process and conditions for carbon sharing is under development.
- use the forest for educational and awareness-raising purposes.

### Members must:

- manage and protect the forest.

### Members cannot:

- transfer rights over the forest to other parties.
- reside in or make a living in or from the community forest.
- clear, burn, mine, hunt protected animals or degrade the forest.
- use timber beyond subsistence household or community use.
- construct any building, unless it is necessary for community forestry activities, such as a fire observation tower.

## Links with climate change policies and targets

- There is no legal requirement for communities to integrate climate vulnerability, adaptation or mitigation activities into their community forest management plans.
- Measures in Thailand's Climate Change Master Plan 2015–2050 include supporting local communities to conserve forests and ecosystems through mechanisms such as the payment for ecosystem services scheme. The plan emphasizes mechanisms that give explicit recognition of community rights to forest resources while the community protects and sustains the ecosystem.
- Thailand's 2020 Updated Nationally Determined Contribution under the Paris Agreement on climate change does not directly refer to community forestry. Under the adaptation component, it mentions sustainable management of natural resources and biodiversity to respond to climate change impacts, including by strengthening public participation. It also identifies a need for technical support to promote community participation in the conservation of natural resources, ecosystems and biodiversity. The Nationally Determined Contribution excludes the land-use and forestry sectors from its target for climate change mitigation.
- Thailand's strategy for REDD+ (reducing emissions from deforestation and forest degradation) is under development. The draft version includes strategies on community forestry expansion and on community forest management for community economic development.

## Read more

- RECOFTC and ClientEarth, *Thailand's Community Forest Act: Analysis of the legal framework and recommendations*, [www.recoftc.org/publications/0000392](http://www.recoftc.org/publications/0000392)
- 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)
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# Viet Nam

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 in Viet Nam

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

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## 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

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### 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](http://www.recoftc.org/special-report/community-forestry-boosted-pandemic-resilience)
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## Community-based forest management in Viet Nam

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. 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

- 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

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### 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)
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At RECOFTC, 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 with partners 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.



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