

# Forest Tenure Reform in Vietnam: An Overview

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Tan Quang Nguyen

# Background to Vietnam



- Population (Dec 2007): 85.2 million people from over 54 ethnic groups
- GDP per capita (2007): 839US\$, growth rate: 8.48%
- Poverty rate: 58.2% in 1993 and 14.75% in 2007.
- Rural upland population: est. 25 mil (30% of total pop.)
- Physical area: 33 mil ha, 12.9 mil ha of forest (39% forest cover)

# Overview of forest tenure in Vietnam

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## Trends in forest tenure arrangements

- Since 1976: state management of forest resources
- Since early 1990s: Inclusion of people in forest management through protection contract and ownership of bare land
- Since late 1990s: Individual households as legal owners of forest
- Since early 2000s: Communities and groups as owners of forest

# Overview of forest tenure...

## Some important milestones:

- Jul. 1976: Ministry of Forestry established
- Dec. 1986: *Doi Moi* (economic renovation) policy
- Aug. 1991: law on forest protection and development
- Jul. 1993: land law
- Jan. 1994: GoV decree 02/CP on allocation of forest land
- Nov. 1999: GoV decree 163 on allocation of forest land
- Nov. 2003: land law
- Dec. 2004: law on forest protection and development

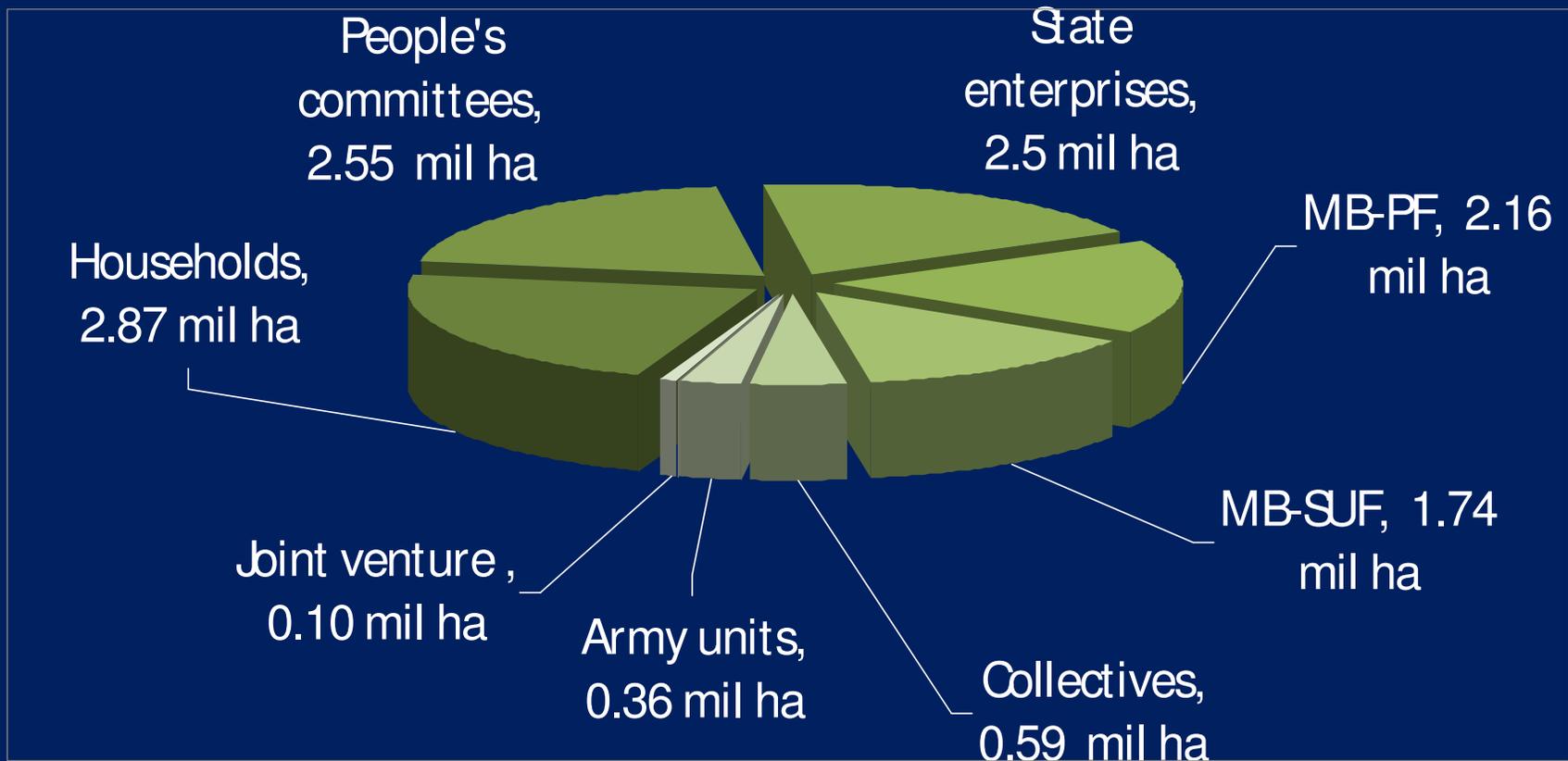
# Overview of forest tenure...

## Key actors in forest tenure in Vietnam

- 1. State actors** (incl. state enterprises, management board for protection forest, management board for special use forest, armed force, and people's committees) manage 9.3 million ha of forest (72.4% of total forest area)
- 2. Private actors** (incl. private/ joint venture companies) manage 0.98 mil ha of forest (0.8% of total forest area)
- 3. Community actors** (incl. households, household groups and whole village) manage 3.5 mil ha of forest (26.9% of total forest area)

# Overview of forest tenure...

## Forest under management by key actors (2007)



# Overview of forest tenure...

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## Some drivers of changes:

- Success of agricultural land tenure reform in 1980s
- Success of the Economic Reform (*Doi Moi*)
- Deforestation and degradation of forest under state management
- Global/ regional trends on forest tenure changes

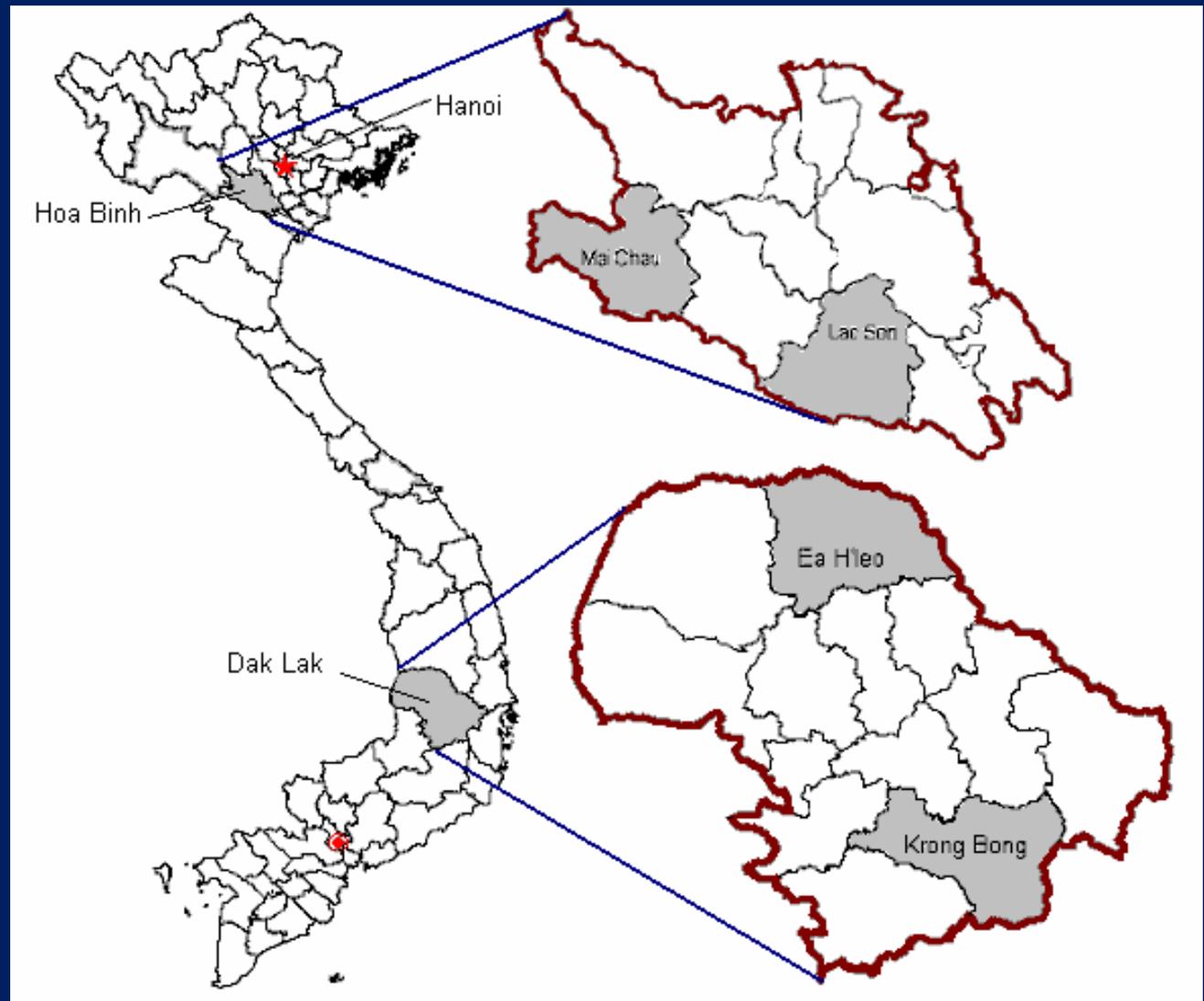
# Findings from empirical study

# Background to the study

- Objectives: to shed lights on 1) the current situation of forest tenure in the study provinces, 2) the implementation of forest-tenure arrangements in the study sites, and 3) the variation in forest-tenure policy implementation
- Timeframe: 10 months, from March 2007 to January 2008, data collection in April – June 2007
- Study sites: Hoa Binh and Dak Lak provinces in the Northern Upland and Central Highlands Regions
- Data: both secondary and primary data was collected. Primary data collected from group discussions, key informant interviews, and survey of 180 households in 8 villages (4 in each prov.), or 28% of the total population

# Study sites

- Four villages in Hoa Binh: forest tenure reform happened in 1993-1994
- Four villages in Dak Lak: forest tenure reform in 1999-2001



# Study villages

	Song	Khanh	Cha Day	Noong Luong	Cham B	Tul	T'Ly	Diet
Main ethnic grp	Muong	Muong	Thai	Thai	Ede	Mnong	Jarai	Jarai
No of HHs	62	70	97	61	67	69	127	74
No of people	359	235	429	265	367	446	762	393
Poverty rate	30.65%	27.14%	n/a	50.72%	43.28 %	52%	42.52 %	22.54 %
Area of forest	110	116.4	185.1	206	567.5	1130.7	1127.5	293.5
Form of forest management	HH	HH	HH	HH	HH group	Village	Village	Village
Year of alloc.	93-94	93-94	93-94	93-94	2000	2001	99 (03)	99 (04)
HH with forest	37	16	78	53	38	69	127	74

# Forest tenure at province level

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- Eight major groups of forest managers
- Forests of good quality are under management by state actors
- Local people manage poor(er) quality forest
- Control rights to forest resources still under the state, including forest already allocated to people
- Difference in size of forest under management by local people and by state actors in the two study provinces

# Forest tenure...

	Hoa Binh		Dak Lak	
	Forest area (ha)	No of actor	Forest area (ha)	No of actor
Households	167,890 (79%)	75,846	4,740 (0.8%)	1,042
Communities	887 (0.4%)	1	12,942 (2.1%)	106
People's committees	3,735 (1.8%)	67	71,653 (11.6%)	100
MB-PFs	6,639 (3.1%)	n/a	34,686 (5.6%)	2
MB-SUFs	9,416 (4.4%)	n/a	233,582 (37.9%)	5
State companies	8,799 (4.1%)	n/a	235,334 (38.2%)	15
Joint ventures	4,152 (2.0%)	n/a	5,830 (0.9%)	2
Armed forces	11,132 (5.2%)	n/a	17,643 (2.9%)	1
<i>Total</i>	<i>212,650 (100%)</i>		<i>616,410 (100%)</i>	

# Forest tenure reform

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- Significant variations between provinces in terms of forest tenure reform processes and approaches
- Variations in the knowledge of rights to forest by local people
- Not only forest tenure policies but also other factors contribute to shape the actual tenure of forest, incl. external support, market demand, benefit sharing, gaps between statutory laws and customary practices.
- Variations in changes in forest resources and markets of forest products to date. Positive effects are observed at the presence of external support

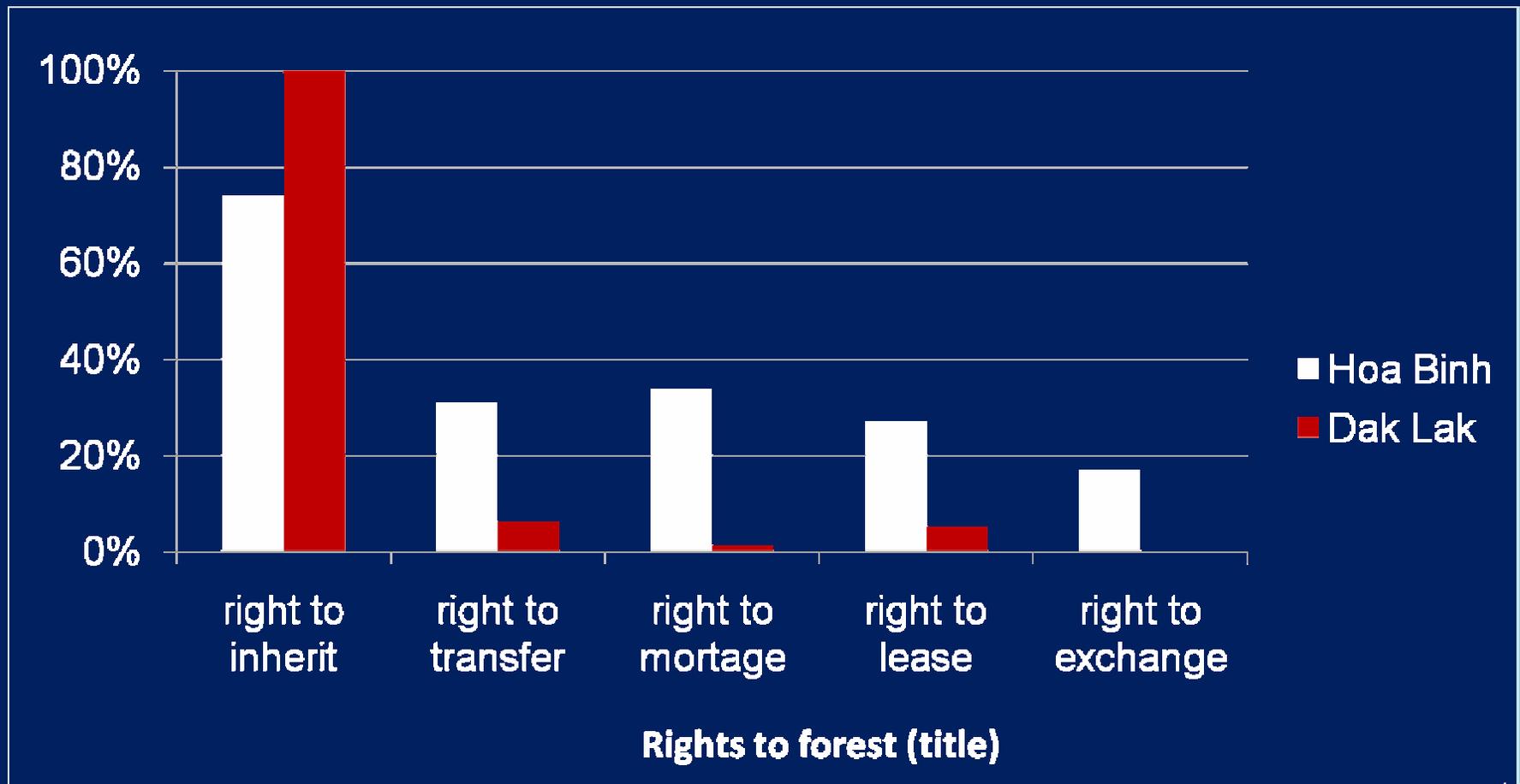
# Forest tenure reform...

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- Inequitable distribution of forest between forest recipients and non-recipients, and also among the recipients.
- Power and access to information are directly related to access to forest
- Unclear impacts on poverty alleviation.
- Customary practices still play a role in shaping the actual tenure situation at the local level, even after tenure reform.

# Forest tenure reform...

Villagers' knowledge of the allocated rights



# Variations in policies

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## Forest land allocation (FLA) policies:

- There are diversions from national legal framework in both provinces, which can contribute to the improvement of forest tenure policies at the national level
- FLA program in Hoa Binh resulted in confusing products for local people, making it hard for them to understand their rights and responsibilities.
- A clear approach which was based on national legal framework and complemented by new components made Dak Lak's FLA program an interesting learning experience.

# Variations in policies...

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## Benefit sharing policies:

- Diversions exist as benefit sharing policies in both provinces were in effects before the national framework (i.e. Decision 178) was issued
- Benefit-sharing arrangements introduced in Dak Lak were based on well grounded scientific work and has contributed to the preparation of national benefit-sharing policy.
- Little has been done in Hoa Binh province with regard to sharing of benefit from allocated forest, even after the issuance of Decision 178 on benefit sharing

# Variations in policies...

## Comparison of material benefits for local people:

Benefits	Decision 178	Hoa Binh	Dak Lak
Timber	<ul style="list-style-type: none"> <li>• 100% of trees planted by forest owners</li> <li>• 100% of timber from poor forest</li> <li>• 70-80% of timber from restored forest</li> <li>• 2% per protection year of timber from medium to rich forest</li> <li>• 10m<sup>3</sup> of timber per HH for house construction</li> </ul>	<ul style="list-style-type: none"> <li>• 100% of trees planted by the owners</li> <li>• Timber logging possible with permission from competent authorities</li> </ul>	<ul style="list-style-type: none"> <li>• 100% of trees planted by forest owners</li> <li>• 6% of timber per year of protection</li> <li>• 5m<sup>3</sup> of timber per HH per 20 years for house construction</li> </ul>
NTFPs	Can be collected, except for protected species)	Can be collected, except for protected species)	Can be collected, except for protected species)
Land for cultivation	No more than 20% of the allocated area without forest	No cultivation allowed in allocated forest	Limited area of allocated land without forest

# Conclusions/ recommendations

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- Forest tenure reform should become a meaningful devolution of rights to local people
- Forest tenure reform should be made more pro-poor
- Experiences on tenure reform nationwide should be evaluated and remedied if needed
- Local customs on forest tenure should be respected
- Local people need to have better access to legal education
- Attention should be paid to design of policy implementation

**Thank you for your attention**