



Red Books for Greener Trees: Strengthening Community Forestry in Vietnam

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Policy Messages:

- Legal title is important for communities to be able to protect their rights to forests as it provides a strong basis for them to negotiate with outsiders over resource conflict, and ensures adequate compensation for their forests if the rights are reclaimed by the State.
- However, legal title does not automatically guarantee effective forest protection and management. Other factors, including strong local institutions, also matter.
- For community forestry to work in practice, capacity building is needed at not only the community level but also at higher levels.

Introduction

In December 2004, the passing of the Forest Protection and Development Law (FPDL) legally recognized community forest management (CFM) in Vietnam for the first time. Despite this step, skepticism remains about whether CFM can work in practice and to what extent legal recognition contributes to effective forest protection and management.

During 2008, in response to these concerns, the Forest Governance Learning Group (FGLG) visited 25 villages to learn from field implementation of CFM in seven provinces.

All except one of the villages had received, or were officially about to receive, a 'Red Book' granting them legal land-use title to natural forest areas. In the one village without legal title, local people were managing the forest according to their traditional regulations.

This brief presents findings on the extent to which legal forest rights contribute to the management and protection of local forest resources, and conversely, how the absence of forest land-use title disadvantages local communities and negatively affects forest condition. We argue that while the connection between legal rights and good forest protection is not straightforward, local communities with legal rights to forests are entitled to benefits they would not otherwise have.

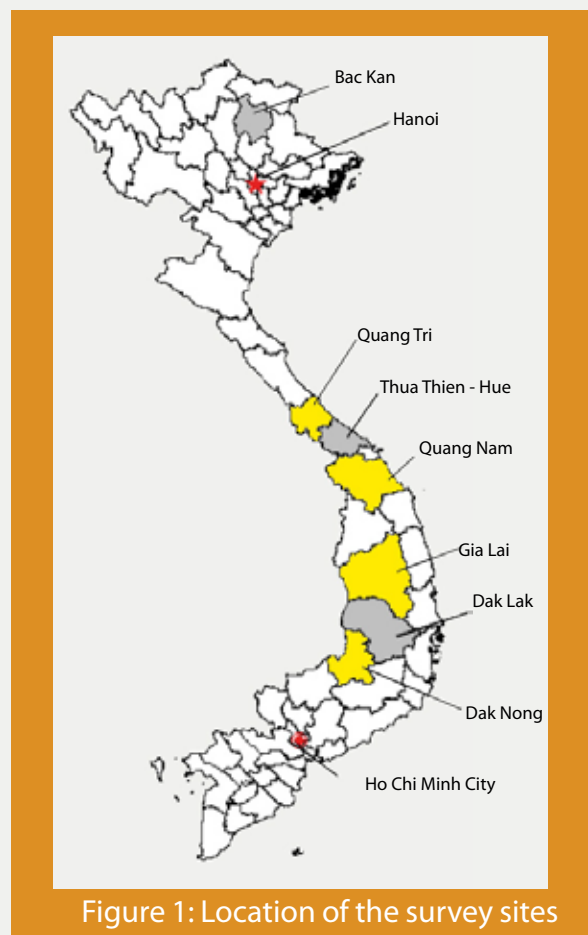


Figure 1: Location of the survey sites

FGLG Vietnam Policy Brief No.2, August 2009

Do Rights and Quality of Forest Protection and Management go Hand in Hand?

The relationship between legal rights and quality of forest protection and management is ambiguous. The provision of legal rights to communities does not necessarily ensure local forests will be protected; they are just one factor. Strong local institutions, in particular, are also important.

In nine of the 24 villages visited, forest protection has been 'good' since legal rights were allocated, meaning that illegal logging, encroachment, and land conversion are minimal. In seven villages, forest protection has been of 'average' quality, while in the remaining eight villages, forest protection has been 'poor.'

In the nine villages with 'good' forest protection, community members have developed village forest protection regulations and based on these managed the forest to meet their interests. They have also been able to enforce the rules to deter encroachment and illegal logging.

In the seven villages with 'average' forest protection, regulations for forest protection were also set up. The community, however, has not been very successful in conserving their allocated forests. Some illegal activities could not be prevented.

The third group's performance on forest protection is relatively poor. These are the villages that received legal rights, but did not develop adequate forest protection regulations or were unable to enforce them. As a result, deforestation and forest degradation have continued (Box 1).

How Effective is the Right to Exclude Outsiders?

In cases where legal rights appear to contribute to maintaining or improving forest conditions, forest title seems to serve as a strong basis for communities to minimize outsider encroachment. Since the forests were allocated, the nine villages in this group have been able to deter people from other villages from using their community forest resources. In one of these villages, Thon 4 of Nam Dong district (Thua Thien Hue Province), fines have been collected for violations and funds are used to pay for forest patrolling. In addition, villagers have also been able to collect fees from the local state-owned Forest Protection Management Board for logging (Box 2). Similarly, in the seven villages with average performance local people regularly organize forest patrols to detect unauthorized use of their forest resources and exclude violators.

In contrast, in the eight villages where forests have been poorly protected, rights holders have not been able to exclude outsiders for various reasons, including high pressure on forest resources, irregular patrols, a lack of support from local authorities, and a lack of sufficient penalties for violations.



Box 1: Deforestation in Four villages in Dak Lak Province

In 2001, nearly 2000 hectares of forest land was allocated to 266 households in four villages of Dak Phoi commune in Dak Lak Province. Since then, all the timber trees in the forest have been logged and most of the land has been converted for agricultural production.

Various actors were responsible for the deforestation. The most influential were people from neighboring villages who were granted logging permits from local authorities for house construction. Other actors were households in the four villages without legal rights to forests, some of which though had logging permits for housing. Also playing a role were the households with legal rights to the forest who wanted to access the timber before the trees were all gone.

Box 2: Conflict in Thon 4

In Thon 4 village, although both forest land allocation and legal title provision occurred in 2005, logging by the local Forest Protection Management Board (FPMB) continued in the village forest area. Permission to log had been granted by the provincial Department of Agriculture and Rural Development before the forest was allocated to the village, and had not been withdrawn.

The village protested against the FPMB logging, claiming that as the forest was their property – as proven by their Red Book – no outsiders were allowed to use the forest without their consent. FPMB had to negotiate with the villagers, which resulted in a 'logging fee,' which the FPMB paid for any further wood harvested under their logging permit. Although villagers were not able to exclude FPMB from logging in their forest, they were able to come up with a compromise acceptable to both sides.

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Do Stronger Rights Ensure Benefits for Local People?

Legal title to forest entitles benefits to the holder. Of the 24 communities with forest title, various benefits have been realized, including legal collection of forest products, (timber and non-timber), support from development projects and use of the non-forested land for cultivation purposes. In two cases (Thon 6 of Dak Nong Province and T'Ly village of Dak Lak Province), local communities have developed forest management and forest harvesting plans and are benefiting from commercial logging in their forest (Box 3).

By contrast, without legal title, community members are unable to obtain proper compensation for their forest land when it is reclaimed by the State. In 2006, a 15 hectare forest managed for hundreds of years by Pho Trach village (Thua Thien Hue Province), was reclaimed by the State and allocated to a sand-mining company. The company reimbursed villagers for the acacia trees the community had planted on the reclaimed land. However, this payment was estimated to be less than 40% of the full compensation that the villagers may have been able to claim if they had legal rights to the forest. This case clearly shows that without legal rights local people are unable to obtain proper compensation for their loss.

Box 3: Forest Benefits in Thon 6

In 2000, Thon 6 village (also known as Bur No) in Quang Tam commune was allocated just over 1,000 hectares of forest. Six years later, villagers developed forest management regulations along with a five-year forest development plan which were both approved by the district authority. In early 2007, the provincial Department of Agriculture and Rural Development approved the village pilot of this sustainable forest development model.

Between April and September 2007, the village harvested 476 cubic meters of timber from the forest, which was sold for VND668 million (around US\$42,000). After deducting taxes and harvesting costs, the village was left with VND423 million (around US\$26,500). Most of this went to the village development fund and village forest management board, with the small remainder distributed among community members.

Summary

Under CFM, legal rights to forests do not automatically lead to good forest protection. For forest protection and management to be effective, strong local institutions are necessary. Legal rights can play a role in preventing unauthorized forest use, and in addition, they entitle communities to important benefits. The absence of legal rights can prevent local communities from protecting their forest from outsiders. One of the lessons learned here is that legal rights must be supported by strong local institutions to ensure both forest protection and that benefits reach community members.

The following key recommendations will contribute to strengthening community forestry in Vietnam:

- Government should endeavor to provide legal title to community forests: local communities are likely to lose out if they do not have legal forest title. Such title is necessary for communities to protect their rights and to obtain fair compensation for the investment they have put into the forest, when there is a conflict or overlapping claims.
- Promote local CFM initiatives: local communities have been living with the forest for generations and have developed appropriate practices to manage forest resources in a sustainable way. It is important that state policy encourages the uptake of local initiatives and local practice as guidance for drafting simple guidelines for CFM. Outside knowledge may complement any gaps.
- Capacity building for CFM: to ensure effective implementation of CFM in practice, local institutions need to be built or strengthened. This will require capacity building at various levels. The support of development agencies and non-governmental organizations will be crucial for this.

This policy brief summarizes key findings from the report: Community Forestry and Poverty Alleviation: A Synthesis of Project Findings from Field Activities by Nguyen Quang Tan, Tran Ngoc Thanh, and Hoang Huy Tuan. Interested readers can download this report from the FGLG project website at www.iied.org.

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Forest Governance Learning Group (FGLG) Vietnam

The FGLG Vietnam is part of a global initiative working toward better governance in forestry. The focus of FGLG Vietnam is to promote learning and sharing of experiences on CFM. It specifically aims to bring CFM lessons from the local level and share them with different stakeholders at national and international levels. Through such activities, FGLG Vietnam expects to contribute to the refinement of the CFM policy framework in Vietnam.

Funding for FGLG comes from the European Community and the Netherlands Ministry of Foreign Affairs. The International Institute for Environment and Development (IIED) is responsible for the coordination at the global level. RECOFTC – The Center for People and Forests coordinates the Asian part of the project.

Disclaimer

The European Union and the Netherlands Ministry of Foreign Affairs (DGIS) are supporting this work. The contents of this document are the sole responsibility of the authors and can under no circumstances be regarded as reflecting the position of the European Union or other supporters.

Acknowledgements

The author's would like to thank IIED's Elaine Morrison and RECOFTC's James Bampton for their valuable comments on the draft, and RECOFTC's Duncan McLeod and Lynsey Enters for editing and design.

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Information on FGLG global project can be found at
<http://www.iied.org/NR/forestry/projects/forest.html>

To learn more about community forestry, please contact RECOFTC or
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