



CENTER FOR INDIGENOUS KNOWLEDGE REREACH AND DEVELOPMENT (CIRD)

## Development and opportunities for Customary Tenure in the new Forestry Law in Viet Nam

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### Customary Tenure in Viet Nam

- ▶ Tenure refers to bundle of rights that includes: access, use or withdrawal, management, exclusion and alienation (FAO 2016). According Viet Nam law tenure includes three rights: possession right, use rights and disposal of ownership property
- ▶ Customary tenure is a set of rules and norms that govern community allocation, use, access and transfer of land and other natural resources
- ▶ In Vietnam, land and forests are owned by the state, Vietnam only uses the term “use right” to land and natural resources.
- ▶ Forestry Law 2017 recognition tenure right of plantation forest by private.
- ▶ we can understand that the recognition of customary tenure means the recognition of the customary land-forest use rights of local and ethnic communities.

## General information about minority and rural people

- ▶ Vietnam has 54 ethnicities, each with its own identity, culture and religious beliefs and majority is Kinh people. Living together in one country for a long time, ethnicities have patriotism, unity and mutual support in social development and building the country.
- ▶ Vietnam has 53 ethnic minorities with a population of about 14 million, accounting for 13.8% of the country's population.
- ▶ Ethnic minorities live in close proximity to the forest and generate income mainly from forest production, from upland cultivation.
- ▶ Forests of ethnic minorities include residential forest land, agricultural production forest and common forest in the community.
- ▶ Since 1992, the state has implemented forest allocation policies for ethnic minorities and local communities.

## Forest Management

Order	Content	Total ha	Rate (%)
1	Total	14.377.682	100
2	State Forest Enterprise	1.609.755	11,2
3	Protection forest	2.985.678	20,77
4	Special forest use	2.043.019	14,21
6	Household, private	2.930.059	20,38
8	Army	187.263	1,30
9	Commune management (PC)	3.118.952	21,69
10	Foreign Enterprise	15.963	0,11
11	Domestic Enterprise	266.443	1,85
12	Community	1.128.096	7,85
13	Other organization	92.453	0,64

## Status of traditional community forest

Ord	Community forest status	Total	
1	Community forest	1.128.096	
2	CFM by minority people	805.559	
3	Forest right certificate	345.711	
4	Traditional forest	626.112	

## Forest right of household, private and community according new forestry law (1)

- ▶ Recognize communities as forest owners in an equal term with other forest owners;
- ▶ Regulate the respect for living spaces in the implementation of forestry activities; describe the mandatory priority in allocating forests to ethnic minority people; and mandate the invitation of people's participation in forestland allocation and conversion of forest use
- ▶ Forest plantation is ownership by private
- ▶ Recognize spirit forest is special-use forest
- ▶ To exploit increased forest products from forests because they invest in natural forests, planted forests which are special-use forests and protection forests.

## Forest right of household, private and community according new forestry law (2)

- ▶ To be provided with forest environment services and benefit from forest environment services.
- ▶ The State guarantees to ethnic minority people and communities living on the basis of forests allocated with forests and the allocation of land for production of agro-forestry and fishery.
- ▶ To cooperate and cooperate in protecting and developing forests with forest owners, sharing benefits from forests; To practice the culture and beliefs associated with forests according to the Government's regulations.

## Opportunities for Ethnic minority community

- ▶ Ethnic minority communities have the opportunity to be allocated traditional forests by prioritizing forests under the Forest Law.
- ▶ Communities as forest owners in an equal term with other forest owners so they earn many support according government policies
- ▶ Ensure publicity, transparency, participation of local people; No discrimination in terms of religion, belief and gender in forest allocation or lease;
- ▶ The state now has a policy of withdrawing forest land from state forestry enterprises and prioritizing the allocation of land to ethnic minority households.

## Conclusion and recommendation

- ▶ New forest laws open up opportunities for ethnic minority communities to be allocated forests and to practice traditional customary law in their life
- ▶ Communities are empowered to practice social forestry
- ▶ Strengthening the dissemination and training New forestry law for local people.
- ▶ Continue to improve the traditional forest allocation policy.

