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International Outlook for Privately Protected Areas

Country Profile: VIETNAM

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Introduction:

This country profile is part of a study by the International Land Conservation Network (ILCN) and United Nations Development Program (UNDP) summarizing the **legal, policy, and institutional mechanisms used to establish and incentivize privately protected areas (PPAs) in 30 understudied countries.**

PPAs contribute to the achievement of global conservation goals and biodiversity targets by contributing to landscape-scale conservation, connectivity and ecological-representativeness of protected areas.

For the purposes of this profile, an area is considered a PPA if it conforms to the definition agreed upon by the International Union for the Conservation of Nature (IUCN). Generally speaking, a PPA's protection must be recognized and durable (with long term conservation intent); it must be governed by a private or non-governmental entity; and it must be governed and managed to meet the general conservation standards of a protected area (PA) as laid out by the IUCN.^{1,2} **Note: Alongside currently existing mechanisms in these countries, this study also references mechanisms that represent *potential opportunities for the creation of PPAs.***

The data in this profile is based on a 2018 desk review of law and policy documents, government reports, publications by multi-lateral organizations, scholarly literature, and other sources. For 28 of the 30 country profiles, data was reviewed by a volunteer in-country expert. We are grateful to these experts, whose names and the profiles they reviewed are listed in the appendix to the [International Outlook for Privately Protected Areas summary report](#).

Finally, this profile is intended to be a living document, which will be updated periodically as more information is submitted and time and resources allow. If you have a contribution, please contact the authors at landconservation@lincolninst.edu.

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¹ Mitchell, B.A., Stolton, S., Bezaury-Creel, J., Bingham, H.C., Cumming, T.L., Dudley, N., Fitzsimons, J.A., Malleret-King, D., Redford, K.H. and Solano, P. (2018). *Guidelines for privately protected areas*. Best Practice Protected Area Guidelines Series No. 29. Gland, Switzerland: IUCN. xii + 100pp.

² Dudley, N. (ed.) (2008). *Guidelines for Applying Protected Area Management Categories*. Gland, Switzerland: IUCN. x + 86pp. WITH Stolton, S., Shadie, P. and Dudley, N. (2013). *IUCN WCPA Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types*, Best Practice Protected Area Guidelines Series No. 21. Gland, Switzerland: IUCN

VIETNAM (*Socialist Republic of Vietnam, or Việt Nam*)

Outlook for Privately Protected Areas

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1. Pham Tuan Anh, President and Deputy Director, Viet Nature Conservation Centre

I. Country Overview

Land Area

Vietnam's total land area is 33,059,100 ha. As of 2014, 10,873,700 ha (32.85 per cent) of the territory was in agricultural use³ and 41.5 per cent was forested (with about 10 million ha as natural forest and 3.5 million ha as plantation forest).⁴ Vietnam has had a remarkable recovery in forest cover – from 1943 to 1990 forest cover fell from 43 per cent to 27 per cent.⁵ Where forest was lost and then recovered, the forest cover differs significantly from the original old-growth forest, with a significant proportion being plantation forests.

Vietnam is a long, linear country, running 1,650 km from north to south, with 3,260 km coastline and thousands of coastal islands.⁶ Due to its varying climate and topography, it is home to large river systems, eight forest ecoregions, and six priority ecoregions (as defined by the World Wide Fund for Nature, WWF). Species continue to be discovered in its forests, with 100 being discovered from 2006-2011, alone.

Land Ownership and Tenure

Land tenure is currently defined by the *Land Law of 2013*.⁷ Per Article 4 of the law, the land of Vietnam belongs to people of Vietnam, with the state—as the people's representative—permitted to manage and allocate land use rights. As of 2006, approximately 76 per cent of forestland was under state ownership and control, while 24 per cent was under the control (but not ownership) of private entities or individuals.⁸

The highest form of ownership available to companies, collectives, and citizens is the Red Book Certificate (RBC), which grants the right to use, mortgage, transfer, lease and inherit the land. When an RBC is received for forest land, management of the forest is allocated to the landowner for 50 years, during

³ Food and Agriculture Organization of the United Nations. 2014. "Vietnam." Accessed June 2017. <http://www.fao.org/countryprofiles/index/en/?iso3=VNM>.

⁴ Ministry of Natural Resources and Environment. 2015. Vietnam National Biodiversity Strategy to 2020, Vision to 2030. P. 63. <https://www.cbd.int/doc/world/vn/vn-nbsap-v3-en.pdf>.

⁵ Vietnam Ministry of Agriculture and Rural Development. 2013. "UN-REDD Viet Nam Phase II Programme: Operationalising REDD+ in Viet Nam." p. 9. <http://vietnam-redd.org/Upload/CMS/Content/REDD%20projects/UN-REDD%20VN%20Phase%202/PD-signed.pdf>.

⁶ Ministry of Natural Resources and Environment, 2015.

⁷ The National Assembly, Socialist Republic of Vietnam. 2013. Land Law, Law No. 45/2013/QH13. <http://vietnamlawenglish.blogspot.com/2013/11/vietnam-land-law-2013-law-no-452013qh13.html>.

⁸ Luong, Thi Hoan. 2014. "Forest resources and forestry in Vietnam." *Vietnamese Journal of the Environment*, 6(2): 171-177. <https://oa.slub-dresden.de/ejournals/jve/article/download/192/171>.

which time the landowner continues to pay taxes on this land.⁹ This is the most common forest management arrangement in Vietnam.

Forests may also be managed by private actors through contracts on state property forests (known as *khoan quan ly bao ve rung*).¹⁰ Such a contract can be with an organization, household or community to protect and manage the forest for up to five consecutive years (renewable each year). This is the management arrangement that has been used in the 5 Million Hectare Reforestation Programme (5MHRP) that was instituted in the early 2000s to increase forest cover.

Protected Areas in Vietnam

The *2004 Law on Forest Protection and Development*¹¹ places Vietnam's forests into three classifications: *production forests*, managed for timber and non-timber forest products; *protection forests* (including watershed protection forests), managed for protection of land and water; and *special use forests*, managed for the conservation of nature.¹²

There are 164 Special Use Forests (SUFs) broken into categories that provide different levels of protection over a 50-year designation period,¹³ as defined by the *Decision No. 186/2006/QD-TTg promulgating the Regulation on forest management*: national parks; nature conservation zones, including nature reserves and species/habitat conservation zones; landscape protection zones; and forests for scientific research and experimentation.¹⁴ Special use forests are managed by forest management boards. Per Vietnam's 2015 National Biodiversity Strategy and Action Plan, Special Use Forests (SUFs) covered 2,265,754 ha, or 7.2 per cent, of the national territory.¹⁵ (Note: The World Database on Protected Areas shows 2,499,400 ha of land – 7.58 per cent of the country – protected.¹⁶ Differences between statistics may be due to differences in methodologies or out of date reporting).

The *2008 Law on Biodiversity* codifies the conservation areas within the SUF system: national parks, nature reserves, species/habitat conservation areas, and landscape conservation areas.¹⁷ All but national parks can be established at the national or provincial level.

There is not a single protected area management unit in Vietnam. Management is decentralized to the provincial or district people's committee level.¹⁸ Only six national parks, whose boundaries span more than a single province, are managed by the Ministry of Agriculture and Rural Development. This

⁹ Quang Tan, Nguyen. 2005. Trends in Forest Ownership, Forest Resources Tenure and Institutional Arrangements: Are they contributing to better forest management and poverty Reduction? - The Case of Vietnam. P. 4. <http://www.fao.org/forestry/10582-08d5469cf92f69afa4aa73e8843aff998.pdf>.

¹⁰ Ibid., 5.

¹¹ National Assembly of the Socialist Republic of Vietnam. 2004. Law on Forest Protection and Development (No. 29/2004/QH11). https://theredddesk.org/sites/default/files/law_on_forest_protection_and_development_-_vietnam_2.pdf.

¹² Quang Tan, 2005. p. 23.

¹³ Ministry of Natural Resources and Environment, 2015. P. 59

¹⁴ Decision No. 186/2006/QD-TTg of August 14, 2006 Promulgating the Regulation on Forest Management. <http://extwprlegs1.fao.org/docs/pdf/vie68053.pdf>.

¹⁵ Ministry of Natural Resources and Environment, 2015. p. 59.

¹⁶ UNEP-WCMC. 2018. "Protected Area Profile for Viet Nam from the World Database of Protected Areas." Accessed September 2018. <https://www.protectedplanet.net/country/VNM>.

¹⁷ National Assembly of the Socialist Republic of Vietnam. 2008. Biodiversity Law (No. 20/2008/QH12). <http://vietnam-redd.org/Upload/CMS/Content/Library-GovernmentDocuments/20-2008-QH12.pdf>.

¹⁸ Ministry of Natural Resources and Environment, 2015.

decentralized nature of management has presented problems, and Vietnam's most recent NBSAP calls for the creation of a single protected area management unit.

II. Law and Policy for Private Land Conservation

Privately-owned Protected Areas

There is no formal definition for Privately Protected Areas (PPAs) in Vietnam. Given that private entities may not hold land in fee simple but may be granted forest-use rights in 50-year periods from the government, the potential for protecting privately-owned land is limited. However, there are opportunities for private entities to manage forests for conservation. The Army, various state-owned companies, municipal and provincial People's Committees, and individuals and households may manage protection forests.¹⁹²⁰

Forest Lease for Conservation

The forest lease procedure in Vietnam allows contracts for a variety of purposes. Organizations have begun to employ the same lease structure used for forest development and exploitation to conserve or protect forests instead. There is no specific law allowing leases for the purpose of conservation, nor excluding conservation from the list of valid purposes. The general guidelines for a forest lease mirror the 50-year duration of the forest RBC available to any citizen. Article 75 of the *2003 Land Law* outlines two options for the financial transaction of the lease: a one-off payment or an annual rent.²¹ For the sole example of a forest lease for conservation in Vietnam, see the case study below.

According to *Guidelines for Privately Protected Areas* (2018), released by the IUCN, "PPAs can be established on leased land, provided these are intended to be long-term and renewable."²² Therefore, depending on the terms of the contract, it is possible that conservation leases may fall into the category of a PPA.

National Biodiversity Strategy and Action Plan (NBSAP)

Vietnam's most recent NBSAP (2015), submitted to the Convention on Biological Diversity, states the aim of increasing financial resources for biodiversity conservation.²³ The primary mechanisms listed for fulfilling this aim are "payment for environmental services, biodiversity offsets, [and] other financial mechanisms through the carbon market" to be supplemented by greater "investment from the private sector."²⁴ However, protected area management by private or civic entities is not highlighted.

¹⁹ Luong, 2014.

²⁰ International Centre for Environmental Management. 2003. "Vietnam - National Report on Protected Areas and Development." Queensland: ICEM. P. 16. <http://www.mekong-protected-areas.org/vietnam/docs/vietnam-pad.pdf>.

²¹ National Assembly of the Socialist Republic of Vietnam. 2013. Land Law (Law No. 45/2013/QH-13). http://www.itpc.gov.vn/investors/how_to_invest/law/Law_on_land/mldocument_view/?set_language=en.

²² Mitchell, B.A., S. Stolton, J. Bezaury-Creel, H.C. Bingham, T.L. Cumming, N. Dudley, J.A. Fitzsimons, D. Malleret-King, K.H. Redford, and P. Solano. 2018. Guidelines for privately protected areas. Best Practice Protected Area Guidelines Series No. 29. Gland, Switzerland: IUCN. xii + 100pp.

²³ Ministry of Natural Resources and Environment, 2015.

²⁴ Ibid.

III. Financial Incentives for Privately Protected Areas

A patchwork of past and potential financial incentives for private land conservation pertain to Vietnam, though no program yet rewards long-term commitments to area protection.

The Vietnamese government endorses financial incentives for forest protection. The legal basis for rewarding private investment in forest protection is outlined in Article 10 of the *2004 Law on Forest Protection and Development*. The state shall adopt, among other measures, “policies on tax reduction and exemption for forest planters as well as policies for credit institutions to lend capital for afforestation at preferential interest rates, with grace terms or lending terms suitable to plants of different species and ecological characteristics of each region.”²⁵ Article 11 of the Law identifies three primary sources for funding of forest protection activities: state budget allocations; independent financial resources of organizations and individuals; and funds of diverse origins that are specifically intended to support forest protection and development activities.²⁶ Despite the law being in place, to the knowledge of this study, no such financial incentive has yet been used.

Article 9 of the 2013 Land Law also calls on the state to “promulgate policies to encourage land users to invest” in three main activity areas: land protection, reclamation of waste or unused land, and infrastructure development.²⁷

Payments for Ecosystem Services

Vietnam has shown its willingness to invest directly in land protection and management by private users, albeit for short-term projects. The Payment for Forest Ecosystem Services (PFES) through the Forest Protection and Development Fund (FPDF) and the 5 Million Hectare Reforestation Program (see case study) are examples of such incentive-based protection schemes. The FPDF is the entity primarily responsible for the dispensation of PFES monies, as designated in the *2008 Decree on Forest Protection and Development Funds*.²⁸ This capacity was expanded under the *2010 Decree on the Policy on Payment for Ecosystem Services*.²⁹

Eco-Tourism

Eco-tourism ventures are allowed in SUFs, as long as they comply with relevant forest laws and decrees.³⁰ This is a key strategy in Vietnam’s NBSAP because of its ability to conserve biodiversity while also creating employment and economic development opportunities.³¹

The number of tourist arrivals to Vietnam has increased almost tenfold in the last decade, causing annual increases in tourism’s proportion of the GDP, which are projected to continue stably over the coming

²⁵ National Assembly of the Socialist Republic of Vietnam, 2004.

²⁶ Ibid.

²⁷ National Assembly of the Socialist Republic of Vietnam.

²⁸ Government's Decree No. 05/2008/ND-CP of January 14 2008 on Forest Protection and Development funds. Accessed online at <http://hethongphapluatvietnam.com/decreed-no-05-2008-nd-cp-of-january-14-2008-on-forest-development-and-protection-funds.html> on June 30, 2017.

²⁹ Decree No. 99/2010/ND-CP of September 24, 2010, on the policy on payment for forest environment services. <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC100744/>.

³⁰ **Decision No. 186/2006/QĐ-TTg Promulgating the Regulation on Forest Management.**

³¹ Ministry of Natural Resources and Environment, 2015.

decade.³² In at least one case, a private resort has established and managed a marine protected area using revenues from its tourism operations.

IV. Organization

Government

- The Ministry of Natural Resources and Environment is responsible for coordinating Vietnam's NBSAP and governing the management of the country's biodiversity.³³
- The Ministry of Agriculture and Rural Development oversees the SUF system.³⁴
- Provincial People's Committees are directly responsible for a high volume and diverse set of PAs, and are a key intermediary between national policy and land users.³⁵
- Forest Protection and Development Fund is a state-managed finance agency managing the Payments for Forest Ecosystem Services (PFES) program under the Ministry of Agriculture and Rural Development.³⁶ It is comprised of one central and several provincial-level funds.

Non-governmental

- Viet Nature Conservation Center³⁷ is the BirdLife International affiliate in Vietnam. The non-profit focuses on capacity-building for habitat and species management and has obtained the first forest environment lease for part of the protection forest at Khe Nuoc Trong, as well as advocated for the entire site to be gazette as a Nature Reserve (see case study below).³⁸
- The Center for People and Nature Reconciliation (PanNature) is a Vietnamese non-profit dedicated to the support of conservation activities within Vietnam's civil society. While PanNature does not manage any protected areas, they support conservation through education, coordination, and advocacy.³⁹
- Education for Nature-Vietnam (ENV) is a local NGO founded in 2000 that promotes the conservation of nature through advocacy, educational campaigns, and species protection.⁴⁰
- Flora and Fauna International (FFI) is an NGO and international conservation charity that supports species-oriented mammal and tree conservation activities in Vietnam and propagates the Management Advisory Committee model for conservation management.⁴¹
- The international non-profit Wildlife Conservation Society (WCS) maintains a Vietnam office to support their global aims of ending the smuggling of wildlife and conserving key areas for biodiversity.⁴²

³² World Travel and Tourism Council. 2017. "Travel And Tourism - Economic Impact, Vietnam, 2017." Accessed June 2017. <https://www.wttc.org/-/media/files/reports/economic-impact-research/countries-2017/vietnam2017.pdf>.

³³ See their website: www.monre.gov.vn/wps/portal/english.

³⁴ See their website: <https://www.mard.gov.vn/en/Pages/default.aspx>.

³⁵ International Centre for Environmental Management, 2003. p. 16. 7

³⁶ Decision No. 99/2010/ND-CP of September 24, 2010, on the Policy on Payment for Forest Ecosystem Services.

³⁷ See their website: <http://thiennienviet.org.vn/sites/>.

³⁸ See their website: <http://www.birdlife.org/asia/partners/vietnam-birdlife-international>

³⁹ See their website: <http://www.nature.org.vn/en/>.

⁴⁰ See their website: <http://www.envietnam.org/>.

⁴¹ See their website: <http://www.fauna-flora.org/explore/vietnam/>.

⁴² See See their website: <https://www.wcs.org/our-work/regions/mekong>.

- The World Wide Fund for Nature (WWF) chapter in Vietnam offers scientific support, patrol training, and networking to support protected area management. They are part of the larger WWF Greater Mekong Region initiative.⁴³
- The Critical Ecosystem Partnership Fund (CEPF) is a joint international initiative of conservation NGOs, implemented in Indochina by the IUCN. Since 2008, CEPF has offered large (approximately 200,000 USD) and small (up to 20,000 USD) grants to conservation initiatives in the country.⁴⁴ The first phase is complete, and the second phase is underway.

V. Case Studies

Dong Chau - Khe Nuoc Trong

In 2015, the first (and only) forest lease for conservation in Vietnam was signed. The lease covers 768 ha of lowland broadleaved evergreen forest in the Khe Nuoc Trong Watershed of the Annamite Mountain Range, Quang Binh Province.⁴⁵ The area lies within a much larger protection forest, which has suffered continued deforestation due to funding gaps under state management.⁴⁶

The forest has a long history of damage, bisected as it is by the former trans-Asia Corridor de-militarized zone and the Ho Chi Minh Trail.⁴⁷ However, many threatened wildlife species rely on the area for habitat, and it is a major north-south conservation corridor. For these reasons, Dong Chau – Khe Nuoc Trong was designated as a Watershed Protection Forest in 2007, yet illegal logging and poaching persisted.

These conditions prompted an NGO intervention. BirdLife International, IUCN-Netherlands, in cooperation with the World Land Trust (WLT) and their local partner Viet Nature Conservation Center (Viet Nature), and the management board Dong Chau Watershed Protection Forest produced an environmental assessment and area management plan for the watershed forest. In 2014, the groups secured a lease on the area from 2015-2045, at a price of 200,000 VND (9.5 USD) per hectare per year.⁴⁸

Viet Nature holds the 30-year lease, which, in principle, could be extended for the remainder of the Watershed Protection Forest depending on outcomes in the first phase.⁴⁹ While only a small portion of the overall Watershed Protection Forest, this area is home to tremendous biodiversity, including several endangered species.

The lease represents the first example of a “forest lease for conservation” in Vietnam. Long-term funding is secured through WLT’s Carbon Balanced Programme, which sells offsets to companies internationally.⁵⁰ In the near-term, the NGOs spearheading the conservation action are footing the bill. As the partners

⁴³ See their website: http://vietnam.panda.org/en/what_we_do/species_and_biodiversity_conservation/.

⁴⁴ John Charles Eames OBE, BirdLife Indochina, Executive Director. Personal Communication. July 12, 2017.

Critical Ecosystem Partnership Fund. n.d. “Where We Work – Indo-Burma.” Accessed July 2017. http://www.cepf.net/where_we_work/regions/asia_pacific/indo_burma/Pages/default.aspx.

⁴⁵ Viet Nature. 2015. “Viet Nature – Forest environment lease for scientific research and long term conservation of watershed protection forest at Khe Nuoc Trong, Le Thuy, Quang Binh.” Accessed July 2017. <http://thienhiviet.org.vn/2015/02/05/forest-environment-lease-at-khe-nuoc-trong/>.

⁴⁶ Viet Nature. 2017. “Khe Nuoc Trong – Project Brief.” Accessed June 2017. <http://thienhiviet.org.vn/kba/index.php/en/about-us/khe-nuoc-trong/>.

⁴⁷ BirdLife International. n.d. “Forests of Hope Site - Annamese Lowland Forests, Vietnam.” Accessed June 2017. <http://www.birdlife.org/worldwide/projects/forests-hope-site-annamese-lowland-forests-vietnam>.

⁴⁸ VietnamNet. 2015. “First forest leased for research and conservation purposes”. *Eco-Business*, published February 10, 2015. <http://www.eco-business.com/news/first-forest-leased-research-and-conservation-purposes/>.

⁴⁹ Viet Nature, 2017.

⁵⁰ World Land Trust. 2017. “Carbon Balanced.” Accessed June 2017. <http://www.worldlandtrust.org/eco-services/carbon-balanced>.

work toward more stringent protection of forest resources, they are also exploring sustainable harvest of non-timber forest products and working closely with communities in the watershed to establish workable conservation norms.

Viet Nature is also advocating for the entire site, approximately 22,400 ha, to be gazette as a Nature Reserve.

Five Million Hectare Reforestation Program (5MHRP)

The Forest Protection Contracts for Buffer Zone Households program provides a payment for ecosystem services that directly incentivizes afforestation and protection.⁵¹ The program has had three incarnations: the 327 Program (implemented in 1992), the 556 Program (replacing 327 in 1995), and Program 661 (1998).⁵² In each, farmers or farm collectives were paid yearly to protect forest by the hectare. The government identified priority areas for biodiversity conservation and at-risk forests. Farmers could then apply to participate if they were the registered users of land in the priority areas.

Program 661 was the most scaled-up version to date, and is more commonly referred to as the Five Million Hectare Reforestation Program (5MHRP), as it was termed in *Decision No. 661/QĐ/TTg of 29 July 1998* approving its implementation.⁵³ In the period from 1998 to 2005, in which the 5MHRP was active, the program offered farmers 30,000 – 35,000 Vietnamese Dong (about 1.32 – 1.54 USD) per hectare of forest protected or reforested.⁵⁴ Over its 8-year lifespan, 5MHRP paid out 100 billion Dong (about 4.4 million USD) per year.⁵⁵ The funding was drawn mostly through the national budget, with support from provincial funds.⁵⁶

Although the program may have increased forest cover in the short-term, it remains to be seen if this investment has long term impacts on forest cover or in advancing land conservation.

⁵¹ International Centre for Environmental Management, 2003. P. 23.

⁵² Morrison, Elaine, and Olivier Dubois. 1998. "Sustainable livelihoods in upland Vietnam: land allocation and beyond." *Forestry and Land Use Series No. 14*. p 25. <http://pubs.iied.org/pdfs/7550IIED.pdf>.

⁵³ Quang Tan, 2005. P. 13-14.

⁵⁴ Ibid..

⁵⁵ Ibid..

⁵⁶ Ibid., 5.