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# Management and organizational structure of Special Use Forest and Protection Forest

## Policy Brief

### Background

#### General Overview

To date, Viet Nam has established 164 Special-Use Forests (SUFs) for the protection of natural resources, covering 2.27 million ha. These are divided into 31 National Parks (NPs), 57 Nature Reserves, 11 Species and Habitat Conservation Areas, 45 Landscape Protection Areas and 20 Forests for Scientific Research and Experiments. Virtually all major national terrestrial ecosystems are represented, and further expansion of the SUF system is planned to 2.4 million ha over 176 protected zones by 2020. An additional 4.54 million ha of forest land is classified as Protection Forests (PFs), for the protection of ecosystem services including watershed protection (90% of all PFs), erosion prevention, and climate regulation.

Notably, despite increases in national forest cover in recent years, forest area and forest quality of SUFs and PFs have been deteriorating, and lacking SUF and PF management is identified as a key driver.

#### Management responsibility

VNFOREST under MARD has overall responsibility for forest management. Management of individual SUFs and PFs, however, is highly decentralized. Following Decree 117/2010-ND-CP, VNFOREST is mandated to directly manage Forests for Scientific Research and Experiments and SUFs crossing provincial boundaries. Provincial-level People's Committees (PPCs) are mandated to directly manage NPs and decentralize the management of remaining SUFs. DONRE manages some Protected Areas (PAs) established under the Law on Biodiversity and sites under special international status. DARDs support SUFs in producing 5-year management plans in line with the national master plan, which are approved by the PPCs. According to Decree 117, management boards (MBs) manage, protect and develop SUFs, functioning as revenue-generating non-business units, although not all SUFs have management boards.

In total one law, five decisions and two circulars define the tasks and role of MBs (Decision 192/2003/QD-TTg; Circular 18/2004/TT-BTNMT; Law on Forest Protection and Development 2004; Decision 104/2007/QD-BNN; Circular 01/2008/TT-BTC; Circular 58/2008/TTLT-BNN-KHDT-TC; Decision

262/2010/QD-TCLN-KL; Circular 78/2011/TT-BNNPTNT; Decree 117/2010/ND-CP; Decision 24/2012/QD-TTg; Decision 126/2012/QD-TTg). Additionally, the approval of the National Capacity Development Plan for the Protected Area Management System in Viet Nam to 2025, with a vision to 2030 by Decision No. 626/QDD-TTg in 2017, provides the legal grounds to improve capacities in protected area management.

SUF MBs are established to incentivize PA staff to implement policies and management plans, establish and maintain infrastructure for management, provide technical equipment, coordinate and engage with stakeholders and report on activities and monitoring results from the PAs. However, mandates and functions are often flexible.

Management of PFs is similarly decentralized, with the conversion of former extraction-oriented state forest enterprises into either profit-oriented state-owned forest Companies or PF MBs mandated with the management of designated PFs. The legal provisions for user agreements and resource extraction in PFs in Vietnam is insufficient.

The 2017 Forestry Law stipulates the types of SUFs and PFs in which to establish MBs depending on the type and size of the forest. PFs without MBs should be allocated to organizations, individuals, households, communities, or the armed forces.

Despite legal provisions for a first comprehensive management strategy for SUFs and the National Capacity Development (NCD) Plan which aims to strengthen management capacities and approaches, the effectiveness of SUF and PF MBs remains deficient. Regulations are often in form of unclear

guidance with ambiguity and uncertainty and a lack of opportunity for stakeholder engagement. The following policy brief aims to highlight parallel institutional structures, operational shortcomings for planning, decision making and implementation and the lack of human and other resources. It additionally touches on the topic of decentralization in PA management in general.

## **Decentralization and co-management**

Different forms of shifting power from a central government to local institutions, organizations and groups can be found in all tropical zones of the world. In one example from Indonesia transferring power to local governments resulted in the increase of forest conversion and illegal logging for short term revenues and high environmental losses. In contrast, in Thailand central management of protected areas was found to result in prioritization of revenue over protection and encouraged officials to serve the system rather than the well-being of the environment. In general though, decentralization is seen as a key success factor to sustainable resource management and environmental protection. Apart from the need for financial resources as well as capacity building for institutions and stakeholders, the process of decentralization itself is important for its success. It needs to be a participatory power transfer with democratic and representative bodies at the lowest level of decentralization. Elites exploiting the process for their own gains has been a reoccurring risk. Co-management between governmental institutions and local communities is a commonly practiced form of decentralization. This is not easily achieved after a long history in most

countries of alienating and excluding indigenous communities from natural resources. Key is to not only transfer responsibilities but also assets, rights and powers to communities. The retention of some powers, such as e.g. the power to arrest can lead to a failure of improving conservation through decentralization. Co-management can only work when the conservation or resource management holds includes tangible benefits to both sides involved (state and community). This is why the IUCN recommends places with global biodiversity values but no direct local benefits should rather not be managed under a decentralized approach. Direct environmental payments are an important component for funding decentralization and ensuring appropriate incentives are available. In many co-management systems communities still only feature as wage earners and benefactors where they should be fully included in decision making. Traditional management systems are an important contributor to successful co-management if enough time and work is invested into reviving them. This is because under many (colonial) governments and earlier conservation regimes they were neglected and partly fell into oblivion. Questions surrounding land tenure are closely linked to those of decentralization and co-management. In a study from India property rights were named as the one decisive factor in successful decentralization. Various forms of ownership are found to be fundamental for the sustainable support from communities. In the Vietnamese context this topic goes far beyond the scope of the Law on Forestry. Finally, in an example from Thailand a hybrid form of shared governance (co-management) was found to be the most promising approach with legitimization through local

involvement, empowerment of local people despite strong resistance to decentralization from higher authorities and the opportunity to tap into various sources of knowledge to manage a complex environmental system. However, the literature in general is clearer on which mistakes to avoid in decentralization and how to gain local support than it is on the empirical impact on biodiversity and sustainability themselves. In Vietnam, decree 117/2010/ND-CP and the new Law on Forestry set the conditions for collaboration of MBs with local communities on SUFs' buffer zone planning.

## Challenges

### Parallel institutional structures

Despite the Decree 117/2010/ND-CP promoting management decentralization through assigning the mandate to manage NPs within one province to the PPCs, several NPs are in practice still under DARDs' direct management. The reporting structure also shows incomplete decentralization. Differences among provinces include management of PAs either by DARDs or FPDs. Given these examples and with MONRE managing international sites and the Ministry of Culture and Information, together with MARD being in charge of cultural and historic sites, the institutional structure surrounding SUFs is highly complex and divers.

This leads to challenges in implementing a nationally unified management approach. Especially on province level it has also resulted in a lack of financing for the implementation of conservation activities. An

additional example of this are discrepancies in allowances between forest rangers and MB staff depending on whether a MB is under a DARD or PPC. Despite financial challenges being immense in both SUFs and PFs, the problem seems to be greater in PFs.

There is no national focal point to support MBs in their tasks and duties, leaving them with no responsible agency to turn to for scientific and operational guidance in PA management.

### **Lack of management planning and decision-making power**

Due to the previous described multitude of institutions involved with MBs there are inconsistencies concerning their rights and responsibilities. Not only is there no overarching coordination but approaches for management, financing, general implementation of the legal requirements and even operational structures of the MBs vary largely across the country. Despite regulations MBs often fail to complete their assigned tasks. For example, many MBs do not obtain and report required and sufficient data on conservation activities and biodiversity. Additionally, a comprehensive approach applying and integrating such data into future planning is lacking, as well as insufficient regulations on information accessibility.

Several studies have also remarked on the insufficient authority of MBs. This includes the inability of MBs to stop development projects that have been included in master plans for provincial economic development. Simultaneously many MBs lack the ability to reinforce set objectives and regulations.

At a national policy workshop on PF with MB members in December 2017, intermingling and fragmentation of PFs with SUFs, production forests, or areas of agricultural land was mentioned as a challenge to effective management and protection. Multi-purpose use was seen as one main reason for the on-going conversion especially of PFs to production forests.

### **Inadequate financial resources and human capacity**

In 2014, according to different sources between 80 and 96% of SUFs had established MBs. Depending both on the local circumstance (as legally stipulated) and available human and capital resources, the setup of operational units of the MBs varied tremendously; with most having established administrative offices and fewest environmental education and ecotourism divisions. This is only one example of tasks that many MBs are yet unable to fulfill. Up to 80% of SUFs are inhabited, either by communities with historical claims or through buffer zone encroachment. As is the global trend, the failure to engage communities, results in ineffective protection and control of resources, as well as conflict with forest-dependent local communities.

In general, MBs lack financial and human resources with “expertise in biodiversity conservation, creature rescue, conservation and development, conservation education, ecotourism, biodiversity monitoring and other related fields”. MB members themselves stated that investment mechanism and benefit sharing from PFs was unclear and difficult to apply in practice.

For implementation it will be necessary for MBs to be “proactive in developing relevant project proposals in

order to call for investments from national and international organizations for conducting trainings, capacity building for their staff; cooperate with training institutes in conducting trainings at their sites”.

The guidelines for the implementation of the Forestry Law offer a window of opportunity to assess the conditions necessary for MBs to more effectively master these tasks.

## Recommendations

Interventions to improve the effectiveness of MBs should focus on these central topics:

- Operational units to guide an advice MBs should be set up. A GIZ study from 2011 suggested an inter-ministerial circular to promote the establishment of a **focal point**.
- Development of standardized training and quality monitoring for MB staff.  
Rearrangement of **organizational structures** according to efficiency and if the increase of manpower is not feasible.  
Increase of transparency for job descriptions and tasks (according to the NCD plan).
- The central focus of capacity building interventions should be to enable MB staff to successfully apply for and access **funding opportunities**.
- The capacity to involve local communities must also be strengthened and the process encouraged. **Co-management** arrangements should be based on a model of actionable responsibility sharing and joint decision

making with meaningful incentives and benefits for all parties involved.

- Formal recognition and promotion of best practices of successful MBs as a good way to improve **MBs' standing**.

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