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## FEEDBACKS TO THE JOIN COMMENTS ON THE DRAFT CIRCULAR AMENDING AND SUPPLEMENTING A NUMBER OF ARTICLES OF CIRCULAR 28/2018/TT-BNNPTNT ON SUSTAINABLE FOREST MANAGEMENT

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Articles and clauses in the draft Circular	Proposed adjustments and additions	Reasons for proposal	Amended Circular 28
Point a, Clause 3, Article 4	Replace “The Map of Sustainable Forest Management planning according to TCVN 11565:2016” with “The Map of Sustainable Forest Management plans/options”; Map system for class-1 forest owner (residential communities, family households)	<ul style="list-style-type: none"> <li>• There is no Map of Sustainable Forest Management planning in TCVN 11565:2016</li> <li>• “Planning” requires the participation of many ministries/departments and has a specific time frame.</li> <li>• It is not feasible for class-1 forest owners (family households, persons, residential communities, smallholder groups or cooperative groups) if required to develop a SFM Plan ensuring a map</li> </ul>	Agree. Already included in Article 1, Clause 2 “Amending and supplementing Point a, Clause 3, Article 4”.

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		<p>system as class-2 forest owner. It is necessary to specify the support tasks to relevant authorities (directed by the People’s Committee of the district, at Point b, Clause 3, Article 18).</p>	
<p>Clause 4, Article 3</p>	<p>Time for implementation:  The implementation of the SFM plan <b>takes 10 years or more</b> (instead of “maximum 10 years”). Moreover, the contents and objectives of the SFM Plan must be consistent with the objectives and contents of long-term forestry/provincial planning/strategies, such as land use planning, national forestry development planning, provincial socio-economic development plan.</p>	<ul style="list-style-type: none"> <li>• To ensure compliance with the policy of the Government and MARD on large timber plantations under the CLOPD and the Project on Large Timber Plantation.</li> </ul>	<p>Disagree.</p> <p>It is necessary to ensure the alignment with time frame of important strategic documents such as:</p> <ul style="list-style-type: none"> <li>- Socio-economic Development Strategy 2021-2023</li> <li>- National Land Use Plan 2021-2023</li> <li>- National Forestry Development Strategy 2021- 2030</li> <li>- National Forestry Development Plan 2021-2023</li> </ul>

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<p>Chapter 2, Article 5:</p> <ul style="list-style-type: none"> <li>• Clause 2: b). Regarding society</li> <li>• Clause 4: I). Determining buffer zones...</li> </ul>	<p>Integrating gender equality and community participation into the Circular and its Annexes II-III:</p> <ul style="list-style-type: none"> <li>• Clause 2; b): Add: Create equal employment opportunities for men and women; encourage and attract the participation of people living in the buffer zone in sustainable forest management work.</li> <li>• Clause 4, i: Determine buffer zones and stabilize the residential life, involving both men and women into SFM work.</li> <li>• Clause 4, g: Provide equal access for both men and women in training, capacity building, technical transfer, etc.</li> </ul> <p>The same adjustments applied to contents of Article 6 (b-c); Article 7 (Clause 2, b-c).</p> <p>For Appendix II. Integrating gender equality into the following contents:</p> <ul style="list-style-type: none"> <li>• Chapter 3: Socio-economic objectives</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure the implementation of the 2006 Law on Gender Equality; Law on Forestry.</li> <li>• Under the implementation of Decision No. 42/QĐ-BNN-TCCB dated 07/01/2022 of the Ministry of Agriculture and Rural Development promulgating the Action Plan on Gender Equality (2021 – 2025).</li> <li>• It must be consistent with Decree 168/2016 and other provisions on assigning households, individuals, and residential communities to protect and develop forests under a contract.</li> </ul>	<p>Agree</p> <p>Mentioned in Appendix I “Criteria for sustainable forest management”:</p> <p>Principle 2: Forest owners respect the rights of residential communities and the locals</p> <p>Principle 3: Forest owners guarantee workers’ rights and working conditions</p>

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	<ul style="list-style-type: none"> <li>• Chapter 3, IV: Preparing a plan to protect and develop forests under a contract and preparing contents of co-management. Delete the phrase ‘residential communities’</li> <li>• Chapter 3, V b: ecotourism, leisure activities</li> <li>• 8: Services to residential communities</li> <li>• 8.3: Evaluation of (social) plan effectiveness</li> </ul>		
<p>Article 12: Approving the SFMP of a forest owner that is a business entity</p>	<p>- Time for response/comments from the Department should be up to 10 days (equal to half of the time for appraisal and approval).</p> <p>- “... within 15 working days from the date of approval, 01 original copy of SFM Plan and 01 dispatch, letter of reception and explanation must be sent to the Department of Agriculture and Rural Development to synthesize,</p>	<ul style="list-style-type: none"> <li>• To avoid the increased procedure and time for approving SFM Plan for forest owners.</li> <li>• It should be clarified whether the forest owner needs to resubmit the dispatch of reception and/or explanation to the Department before approval. We propose there is no need to resubmit as the forest owner “self-approves”, but the forest owner needs to enclose a dispatch/</li> </ul>	<p>Agree.</p> <p>Draft Circular 28 stipulates: Forest owner is a business entity that self-approves the SFM Plan. The Department of Agriculture and Rural Development does not participate in the appraisal of the Plan.</p>

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	monitor and inspect the process of implementing the plan.”	letter of reception with the SFM Plan after approval.	
Article 12a.	In case there are no ecotourism activities, “self-approved” should be replaced by “passed” certified by the commune-level People’s Committee.	<ul style="list-style-type: none"> <li>• SFM Plans of residential communities need to be certified by the commune-level People’s Committee. This will be a ground for the People’s Committee to guide, inspect, supervise, and support communities in the implementation.</li> </ul>	Disagree. The amended Circular applies only to forest owners who have already worked on ecotourism.
Point b, Clause 3, Article 18	Supplement and clarify the role of district-level agencies in ‘guiding and supporting’ class-1 forest owners to develop SFM Plan in compliance with the map system at Point a, Clause 3, Article 4	<ul style="list-style-type: none"> <li>• It is not feasible for class-1 forest owners (households, residential communities) if required to develop a SFM Plan ensuring a map system as class-2 forest owner.</li> </ul>	Agree. Already included in Article 1, Clause 2 “Amending and supplementing Point a, Clause 3, Article 4”.
Appendix I	Clearly state the role of Appendix 1. We propose Appendix 1 should be for reference only (optional)	<ul style="list-style-type: none"> <li>• Appendix I must be updated according to changes in VFCS certification.</li> <li>• There is no inspection and supervision mechanism for the implementation of this criteria if the forest owner does not participate in VFCS/PEFC certification.</li> <li>• It has not been assessed how the approval, inspection, and monitoring of this criteria will affect forest owners implementing FSC certification.</li> </ul>	Explanation: Annex I only provides general principles, which rely heavily on the PEFC Standard as it is a Vietnamese standard. These principles do not affect forest owners in developing SFM Plan according to FSC principles to apply for the certification.

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		<ul style="list-style-type: none"> <li>It has not been assessed how approval, inspection, and monitoring under this set of criteria affect forest owners implementing FSC certification. However, it may cause difficulties for forest owners by revealing non-compliance errors when implementing FSC, which discourages the extension of certified areas.</li> </ul>	As mentioned, forest owners are forestry companies, business entities that self-approve their SFM Plan. Therefore, forest owners can go ahead with adding other relevant standards and principles.
Appendix I	<p>Criterion 2.1.1: Add the phrase “not against the current regulations of law”: Respect the rights to manage and use land and forests under legal use rights or customary/traditional rights of residential communities and local people (not against the current regulations of law);</p>	<p>In many cases, the customary/traditional rights of communities differ significantly from current regulations of law. The phrase “not against the current regulations of law” is for delineating possible disputes.</p>	<p>Disagree. For protecting the rights (humanitarian purposes) of forest owners, especially family households, persons, and residential communities.</p>
Appendix I	<p>Criterion 5.1.2: It should be changed to: Have a plan for <b>environmental protection</b> and take measures to prevent and mitigate negative impacts on the environment before carrying out forestry activities;</p>	<p>The scope of an environmental protection plan is broader than “plan for taking measures to prevent and mitigate negative impacts”. An environmental protection plan also includes environmental improvements.</p>	<p>Disagree. Because if such adjustment is made, there must be an evaluation for that plan =&gt; procedures arise.</p>

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Appendix I	Criterion 5.2.1: Add a detailed description of the river or stream corridor (e.g. “5-10m” or “at least 10m”)	<ul style="list-style-type: none"> <li>Clearly define specific levels for easy appraisal and approval, avoiding situations where forest owners plan for the protection zone along a river or stream that is too narrow, but the reviewing authority lacks grounds to accept or reject the plan.</li> </ul>	Disagree. Since the this is just basic criteria, no details should be included.
Appendix II	Add Section 3 to Part 1 (Introduction) as follows: 3. “The contents of the SFM Plan include, but are not limited to, the following items”:	<ul style="list-style-type: none"> <li>Encourage forest owners to include specific content for implementation and monitoring.</li> <li>Act as a basis for MARD to comment on the draft SFM Plan for the class of forest owners specified in Article 13 of the Circular.</li> <li>Practical experience shows that forest owners applying for FSC certification face difficulties when the SFM Plan is not complete and has yet to meet the principles and criteria of FSC. So, this supplement avoids situations where forest owners must develop another SFM Plan to apply for FSC certification.</li> </ul>	Agree. The draft already added Section 3. “Other relevant item”
Appendix II	Add “forest carbon credit trading” to VIII (Evaluation of plan effectiveness):	At present, the business of trading forest carbon credits is in the early stages of preparation, with the legal framework being	Disagree.

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	<p>d) Economic value generated from services: seedlings, forest environmental services, <b>forest carbon credit trading</b>, forest product processing and trade, ecotourism, leisure activities, recreation, etc.</p>	<p>established. However, the SFM Plan proposal has a time frame for implementation of “up to 10 years” (as in the draft) or “at least 10 years” (as recommended). Within this 10-year period, the trading of carbon credits will be on stream and will be certain to provide a significant additional resource for the management, protection, and sustainable development of forests.</p>	<p>Because it is already included in PFES – carbon sequestration storage service.</p>
Appendix II	<p>Chapter 2 Part II: More guidance on the requirements is needed Part III: This part should have been included in Part II; The guidance/requirements for the content of Part III are not appropriate. Chapter 4, Part II: More guidance on the requirements is needed</p>	<p>Practical experience shows that forest owners applying for FSC certification face difficulties when the SFM Plan is not complete and has yet to meet the principles and criteria of FSC. So, this supplement avoids situations where forest owners must develop another SFM Plan to apply for FSC certification.</p> <p>The content of Part II, Chapter 2 is not appropriate and logical.</p> <p>It is advisable to refer to Appendix C, FSC to develop the basic content of the SFM Plan and Appendix D, FSC standards for monitoring content.</p>	<p>Disagree.</p> <p>Refer to the explanation in Appendix I.</p>



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Appendix II	Add to Part II, Chapter 4 of Appendix II an example of the Plan for monitoring and evaluating the results of the development and implementation of the SFM Plan, clearly stating the reporting deadline, indicators, and reporting requirements.	<p>Clearly stating the reporting time, indicators, and reporting requirements needs makes the monitoring and synthesis of information and reports of DARDs to the provincial People’s Committee and MARD more accurate and easier.</p> <p>In the future, the provision of the same data by all forest owners and MARDs will also make it easier to evaluate the results of the implementation of Circular adjusting and supplementing Circular 28, better supporting the purpose of industry management.</p> <p>In the future, the provision of consistent data by all forest owners and DARDs will also make it easier to evaluate the results of the implementation of Circular amending and supplementing Circular 28, providing better support for the sector management.</p>	<p>Agree.</p> <p>Already included in Appendix VI. Report on SFM Plan implementation results (applicable to forest owners)</p>
Appendix II	Add “Section 13. <b>Environmental protection plan</b> ” in Part V (Plan for sustainable management, protection, development and use of forests and conservation of biodiversity).	Criterion 5.1.2 currently states “Have a plan for <b>environmental protection</b> and take measures to prevent and mitigate negative impacts on the environment before carrying out forestry activities”. We propose adding “having an <b>environmental protection</b>	<p>Disagree.</p> <p>Refer to the explanation in Appendix I.</p>

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		plan”. This plan should be shown in Appendix II.	
Appendix III	Add to Part II, Chapter Four (“Phan thu tu”) of Appendix III an example of the Plan for monitoring and evaluating the results of the development and implementation of the SFM Plan, clearly stating the reporting time, indicators, and reporting requirements.	The same as Section II, Chapter 4 of Appendix II: reporting at the same time and using the same indices will facilitate statistical work more effectively.	Agree. This has been mentioned in Appendix VI.
Appendix III	Add <b>Forest Environmental Protection Plan</b> to Part II (Sustainable Forest Management Plan) or amend Section 1, Part II to: “1. Plan for forest protection, forest environmental protection, fire prevention, and pest and disease control”.  Supplement the 'forest protection patrol plan, route/map of patrols.	Forest owners need to have patrol plans and forest environmental protection plans to ensure the quality of the forest, the quality of the forest environment, and minimize the risks of forest encroachment.	Disagree.  Because if such adjustment is made, there must be an evaluation for that plan => procedures arise.
Appendix III	Add the commune's name to Form No. 08, Form No. 02	For synthesis, statistics, and clearly defining the local commune-level government's responsibilities in guiding, monitoring, and supervising the implementation of the SFM Plan.	Need to check again

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Appendix III	The form should be narrowed down into 1 page and should indicate specific parameters/information to fill.	<ul style="list-style-type: none"> <li>• The form should be simple (should not include an integrated summary of the plan as it would exceed 1 page). It should only be a template for specific information filling to facilitate use by forest owners being households, household groups, and residential communities.</li> <li>• User-friendly for reading and approval purposes.</li> </ul>	Agree. Already narrowed it down.
Appendix III	There should be a section specifically dedicated to community forests, including holy forest, forest with historical and cultural value managed by the community. Additional content should be included to describe the area/extent of forest with cultural, historical, recreation, and holy significance, as well as forest protection according to customary laws.	<p>Holy forests are now managed and protected by communities by customary laws.</p> <p>The same as class-1 forest owners, communities as owners of holy forests and forests with cultural and historical values being encouraged to develop a SFM Plan. The SFM Plan should highlight the role of communities in protecting these forests.</p> <p>In the Circular, provincial Forest Protection Department and district-level Forest Protection Department should be assigned to proactively support these communities develop the SFM Plan.</p>	Disagree. The amended Circular applies to forest owners in general, not classified by forest type.

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OTHER ISSUES (Regulated entities)	<p>It is recommended to consider various to ensure the sustainable management of forest areas currently under the management of the commune People's Committee through measures such as:</p> <ul style="list-style-type: none"> <li>• Promoting land and forest allocation, lump-sum forest protection payments;</li> <li>• Developing SFM plans/strategies;</li> <li>• Establishing and operating collaborative management arrangements with relevant parties.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure compliance with the provisions of the Law on Forestry: forests should be managed by the rightful owner.</li> <li>• Ensure consistency in implementing the decree after its issuance (there should be a SFM Plan for implementation).</li> <li>• Provide opportunities for individuals and communities to participate in sustainable forest management and benefit from allocated/protected forest areas (allocation fees, Payment for Forest Environmental Services (PFES), etc.).</li> </ul>	<p>Agree.</p> <p>However, it is not governed by this Circular.</p>