report on
the assessment of the implementation of forest protection and management regulations in village communities

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Hữu Nội, tháng 11 năm 2003
protection and economic and social development and poverty reduction. The Government has issued a number of documents in order to encourage the people forest production. Following the Decree 29/1998/ND - CP of 15/11/1998 by the Government regarding the implementation of democracy at commune level, MARD has issued the circular no. 56/1999/BNN - KL dated 30/3/1999 for instruction on the implementation of forest protection and development regulations in village communities.

Four years of the implementation of these regulations show that where the people follows these regulations well, the cases of illegal exploitation and forest fires reduced significantly. Apart from this, forest protection and development regulations have contributed to improve the awareness and responsibilities of the people, to encourage advantages of traditions and traditional cultural values of all ethnic groups in the communities and to mobilize existing resources in the localities for participation in forest protection and development activities.

Although, the implementation of these regulations is still slow with low efficiency. Therefore, in order to have these regulations as an effective tool for forest protection and development, it is necessary to conduct universal and detailed surveys and assessments on the development and implementation of these regulations, based on which lessons to be learned and these regulations to be adjusted, revised appropriately and applied in the localities.

Based on the real situation in the localities, where the forest protection and development regulations are implemented with food. Forest Protection Department has conducted surveys, researches and assessments in some selected provinces: Lai Chơu, S¬n La, Họµ B×nh, Thôa Thìªn – Hu},${ Gia Lai, Ş¾k L¾k .

I/ objectives and topics for researches

1.1. Objectives

To assess the effectiveness of the implementation of forest protection and development regulations in different ecological areas, based on which to propose solutions for finalization of the instruction for the implementation of these regulations.
1.2. Topics

- Whether the method for development of regulations of provinces is in line with the laws and traditional regulations of the villages.

- Assess the process of development and implementation of regulations in selected provinces, where forest protection and development regulations are implemented effectively. Based on the assessment outputs, assess the quality of developed regulations (Northern West, Central Highland and Central Vietnam).

- Summarize, assess on weaknesses, strengths, opportunities and threats of the regulations, which have been developed and implemented. Then to have the direction for the development of more effective forest protection and development regulations.

II/ Outputs of the researches

Pursuant to the relevant legal documents such as the Decree 02/CP dated 15/01/1994 by the Prime Minister regarding the allocation of forest land to organizations, households and individuals for long term use with forestry purposes, Decree 163/1999/NŚ-CP dated 16/11/1999 by the Prime Minster for regarding land allocation and contracting to organizations, households and individuals for long term use with forestry; Decision 245/1998/QŚ- TTg dated 21/12/1998 by the Prime Minster regarding the implementation of management responsibilities on forest and forest land by different levels; Decision 178/2001/QŚ- TTg by the Prime Minister regarding benefits and obligations of households and individuals, to which forest and forest land have been allocated, contracted and leased; Decree no. 29/1998/NŚ- CP dated 11/5/1998 by the Government regarding the promulgation of regulations on the implementation of democracy at commune level; Circular 56/1999/TT/BNN-KL dated 30/3/1999 by MARD regarding the instruction for development of forest protection and development regulations in villages; Directive 52/2001/CT- BNN- KL dated 07/5/2001 by the Minister of MARD regarding the enhancing the development and implementation of Forrest protection and development regulations in village communities

Based on collected materials, guiding documents, reports of provincial and district PC's, of Forest Protection Sub-departments and based on site surveys
in provinces of different ecological areas in the whole country like Northern West, Northern East, Central Highland and North of the Central Vietnam, which represent different economic development conditions, cultivation practices and different customs and traditions.

The outputs of our researches are as following:

2.1. Method for development of the regulations

Site surveys and information collection (see annexes for the details) show that due to different characteristics and socio-economic conditions the implementation methods and steps and the content of forest protection and development regulations in different areas are different. However, basically there are 5 steps:

- **Step 1: Preparation**
  Following the policy and plan of the province for the development of regulations, provincial and district forest protection agencies have organized and guided for the implementation in their locality as the bellow:

  + Planning, scheduling the implementation in commune level;
  + Collection of relevant documents, studying policies and socio-economic of the area, living customs and cultivating practices of all ethnic groups in the communities;
  + In coordination with land administration, extension staff and Forrest owners to introduce the program to the commune leaders. Discuss and work out the basic direction, select villages trial and learn experience;
  + After getting the agreement and support from the commune PC, discuss and agree with the village heads on topics for discussions and agree on with all villagers;

- **Step 2: Training and instruction on the development of forest protection and development regulations**

  + Together with village head (with the witness of the commune government) to call a village meeting in order to introduce and instruct on the development of regulations. Put out the topics for villagers to discuss. Establish representing group for the regulation development (consists of village head and village patriarch and representatives of mass organizations such as women union, farmer union, association of veterans, youth organization);
Representing group to be introduced and provided with relevant documents such as:

- Relevant legal documents;
- Introduction on roles and functions of the forest, bad impacts to the forest and environment;
- Training aims to improve the awareness, to assess forest resources and to draft the forest protection and development regulations;
- Representative group liaisons frequently between villagers and the working group;

+ The content of regulations should be sufficient, clear, easy to understand and to implement rights and obligations; for example regarding products allowed for exploitation: where to harvest, what to harvest, when to harvest, who is allowed to harvest, which volume is allowed to be harvested, what kinds of fines and penalties to be applied;

+ In this stage instructing staff should have good qualification and good skill for establishing relationship and creating opportunities for equal participation, he should understand well the objectives, topics and expected outputs.

- **Step 3: Organizing village meeting to adopt the forest protection and development regulations**

  + When the regulations are drafted, a village meeting to be organized in order to introduce its content to villagers for discussion, voting for adoption of each parts and the whole content of the regulations. Each content part will be adopted only if at least 2/3 of the participants agree.

  + Meeting records should be noted clearly and truthfully with certifying signatures of village head, village patriarch and representatives of mass organizations, of heads of clans

**Step 4: Approval and informing the forest protection and development regulations to villages**

+ After the content of regulations is agreed by the village, the regulations and records of village meeting to be sent to the commune PC for consideration and endorsement, then to be submitted to district for approval.

  + When the district PC approves the regulations, commune PC will organize a village meeting to inform the decision and the content of regulations and then discuss on the implementation of the regulations.

- **Step 5: Organizing the implementation of forest protection and development regulations**
+ Make the brief of regulation content and copy it to send to the members in the village, make the regulations in the big size paper and place it in the center and on the gate of the village, so that people in and outside the village can see and know it.

+ Establish a guard team, which to be appointed by the village, in order to check and supervise the implementation of regulations.

+ Make a supervising book in order to record the checks and supervisions of regulation implementation. In case of any problem regarding the socio-economic conditions or customs of the communities, it is possible to request for revision and adjustment accordingly.

Studies on the method and steps of regulation development show that these steps and regulation content are in line with the laws and with customs and traditions of the ethnic groups in the localities as following:

- All regulations, which are currently implemented, are approved by the district PC's in two forms: district PC approves directly on the regulations or district PC issues the decision for the approval with the regulations attached;

- In some localities, they harmonize the development of regulations and the establishment of cultural village (such as in Thừa Thiên Huế), this is also a policy of the Government. The content of forest protection and development regulations to be arranged in one chapter of the cultural village regulations;

- In other localities the regulations development is based on agreements for forest protection of the village. They make these agreements more detailed and develop into the regulations (in Hòa Binh). In some villages they take traditional village regulations and with the agreement of the village patriarch add new content, making the regulations to be in line with the current laws and still remaining cultural and traditional values. (Lai Châu; Sơn La; Hòa Bình; ĐắkLắk; Gia Lai);

- Regulations regarding punishments in case of breaking the regulations are also in line with the laws. It is mostly to educate and propagandize or punish by compulsory working for the village.

2.2. Assessment on the development and implementation of regulations

After more than 4 years of development and implementation of Forrest protection and development regulations in village communities, the outputs show that this is a right policy of the Vietnamese Party and Government. At present these regulations are implemented overall in the whole country.
By decentralization to local government to be responsible for the management of forest and forest land, implementing the decree 29/1998/N§- CP dated 11/5/1998 by the Government regarding the implementation of democracy at commune level and the circular 56/1999/BNN - KL dated 30/3/1999 the MARD regarding instruction on the development of forest protection and development regulations in village communities, provinces are actively and pay more attention to the forest protection and development activities. Provincial PC's have issued many documents for guiding and appointing relevant levels and sectors such as district PC's, provincial forest protection, DARD, Provincial Department for Culture and Information, Legislation Department to coordinate for planning and implementation of the regulations.

Following is the outputs of the surveys in provinces:

- In Lai Châu: It was started since 2000. So far, forest protection and development regulations have been developed in 1,791 villages of 145/156 communes, which have forest and forest land; from which there are 75,831 participating households. All regulations have been signed to approved by the district chairman. Especially, provincial forest protection has issued a system of questions for supervising of the regulation implementation. This question system can be used as reference for other provinces.

- In Sơn La: It was started since July 2000. So far 339 regulations are on the process of implementation and 1,089 /3,000 villages of 10 districts in the province have their regulations on the process of development.

- In Hòa Bình: It was started early. So far the province has 1,566 regulations for 215 communes which have forest and forest land.

- In Thừa Thiên- Huế: It was started since 2000. However this is only for some selected villages as trials for wider application later. So far the province has 104 regulations developed and implemented for 44 communes in 8 districts.

- In Gia Lai: They started propagandize since 2000 and so far 108 regulations have been developed, from which 101 have been approved for the implementation.

- In Đắk Lắk: The development of forest protection and development regulations has stared only after the directive 52/2001/CT - BNN - KL has issued by the Minister of MARD. So far only 88 regulations have been developed for 39 communes in 19 districts, from which 66 regulations have
been approved for the implementation. This is limited with trials for wider implementation at later stage.

Studying the actual implementation of strategies and policies of the Party and the Government, we note that government of all levels has managed to implement the regulations in villages, which have forest and forest land. And this brings effective outputs as the following:

- The development of forest protection and development regulations for village communities is an effective tool for forest management and protection, and at the same time it is also a step of implementing the democracy at commune level. Therefore, this draws attention and supports by government of all levels and it gets active participation by the villagers.

- At present localities have carried out the allocation of forest and Forrest land to households, communities. These households and communities, and areas with high educational level, with new techniques transferred by projects have the need for forest protection and development regulations. They can take the advantages of these regulations and make the regulations effective for the communities.

- Village regulations on forest protection and development, which the villagers are willing to follow, contribute to improve the awareness of community members. Villagers understand the need to coordinate among households in the village, this relationship will attach the obligations and rights of each household to the obligations and rights of the whole community and neighboring communities (one for all and all for one), make villagers willing to share and together protect and develop forests.

- The development and implementation of forest protection and development regulations are carried out mostly in far and remote areas, where live the people of ethnic minorities with different customs and traditions. Therefore, these regulations create the opportunities to develop good cultural features in the communities, to harmonize cultural values of all ethnic groups in the communities, making a common traditional value.

- Forest protection and development regulations have improved the role of women in the society (in Son La). Women can directly participate in the development of regulations and together with other to carry out forest protection and development activities, what they had very few chances or can not to do before.
2.3. Assessment of SWOT of forest protection and development regulations, which have been developed and implemented

A distinguish and typical characteristic of forest protection and development regulations is the participation of village communities in the whole process from development to implementation of the regulations. Therefore, the question is how to make the regulation optimal so that villagers can implement effectively. This report will provide analysis and assessment on the development and implementation of regulations in order to find out good factors and obstacles, which limit the implementation of regulations. Following is the SWOT assessment:

2.3.1. Strengths

- For the implementation of regulations we already have a sufficient system of relevant documents such as policies for decentralization of management, benefit sharing policies, preferential policies for rural development (program 135, program for economic development in northern mountainous provinces, program for economic development in Central Highland, Environment protection and Gender…), which contributes to make the content of regulations better and at the same time serve as a good legal environment for the regulation development.

- Policies for socialization of forest management and protection meet the expectations and requirements of villagers and mobilize the participation of many different classes of communities in the development of regulations. Therefore, the regulations are supported by villagers and they agree and commit to implement. This improves the collective spirit in forest protection and development activities, improves the activeness and creating ability of villagers, ensuring equality in community activities.

- Forest protection and development regulations are implemented among households, organizations and economic components, to which forest land have been allocated and which have been contracted for forest and forest land management and protection. Different international organizations and NGO's are interested to invest for projects, which makes the implementation of regulations with more effectiveness.

- Organizing system of SFE's and other forest agencies is changed to adapt to the new operational mechanism. Therefore, enterprises play important
role to support and encourage the participation of different economic and community components in the forest development. For example in Gia Lai communities have received land from enterprises for forest planting and then for tending and protection and for sharing the final products.

- Regulation violations to be settled timely by conciliation and agreements among villagers, which makes their relationship closer and better, encouraging them to help and support each other, contributing to eliminate poverty and to improve their livelihood and moral value.

2.3.2. Weaknesses

- Many regulations focus only on forest management and protection and neglect the forest development, this leads to:
  + Not to push forestry business in order to develop community economy;
  + Low incomes from forestry products, which does not encourage villagers to participate in forest protection and development.

- Some policies of the state are not clear and harmonizing: ineffective LUP without overall planning, scattered planning at commune and village levels without village administration borders and clear classification of land and forest types.

- It is needed to reconsider some rules and punishments in regulations because the role of village heads is only administrative but not legal. Therefore this punishment depends very much on commune government and forest protection agencies;

- As village communities were not accepted legally and village forest management activities are in the same situation, village communities can not be allocated with forest and forest land. This make many difficulties in arrangement of incomes for communities in order to pay for protection, supervision and propagandizing activities.

So far monitoring and supervising of regulation development and implementation were not carried out effectively yet;

- Forestry policies create a legal basis to encourage villagers equally and actively to participate in forest protection and development. However, their understanding and awareness regarding forestry policies are still limited;
- The participation of villagers in the regulation development and implementation has been improved. However, it is still very limited, especially in provinces where is low investment and where they focus on the quantity of regulations but not on the content of regulations. This makes the participation of villagers formal and inefficient.

- The development of forest protection and development regulations has drawn attention of the whole society. However, the using and sharing of benefits within the community is still not clear and complicated. Villagers get very few benefits when they participate in the implementation of forest protection and development regulations.

- In some localities, involving staff are inexperienced.

2.3.3. Opportunities

- Policies for decentralization of management and socialization of forest management and protection activities will create great opportunities for the farmers to effectively participate in the regulation implementation.

- The Government continues to issue preferential policies for agriculture and forestry development in rural areas, especially in mountainous areas. This encourages villagers to participate in forest protection and in development of forestry business. This is the appropriate time to develop and implement the regulations.

- Allocation of natural forest to communities is the optimal solution, in which many provinces interested and apply as trials. This is a great opportunities to develop and implement regulations, which attaches to forest allocation to communities;

- Forest protection staff have been sent to the site in order to be close to the forest and to the villagers, to protect forest from the root level. This helps village government to propagandize forestry laws and to supervise the implementation of forest protection and development laws in the localities, to improve forest resources management capacity and effectiveness of the commune government, to clarify rights and obligations of forest owners and village communities, to follow up changes regarding forestry and forest land in the localities. This contributes to make forest protection and development regulations more completed and legal.

2.3.4. Threats
- Policies for socio-economic development in general and for development of forestry economy in particular are not stable, which makes obstacles for forestry activities of villagers and of communities;

- All forest protection and development regulations, which have been assessed as success, attach to forest and forest land allocation or contracting to village communities. For example in Dak Lak and Thua Thien Hue. However, at present there is no legal regulations on forest allocation to communities and depending on interesting levels in each province, provinces have different solutions and all are in trial process. Therefore, it is not stable.

- Due to difficult conditions of remote areas with difficult access, few chances to be introduced with new technology, due to low educational level, the production in these areas is not developed and economic life of the local people is very difficult. Villagers mainly can exploit and use the forest, this is the reason of unsuccess of the regulations;

- Some communities, especially in Central Highland, have many ethnic groups, this make complications in communication language and tradition customs. Therefore, it is very difficult to make the regulation perfect and agreed by all villagers, leading to low effectiveness of the regulations;

- Although benefit sharing policies according to the Decision 178/2001/QS-TTg by the Prime Minister encourage villagers and communities to participate in forest protection and development activities, but the forestry production rotation is very long and the incomes in the middle stage of production is very low, so villagers and communities are very difficult with their incomes. Especially, this is a big threat for communities, whose life mainly depends on the forest, and this effects to the limited participation of villagers and of communities in the implementation of regulations.

- Owners of SFE’s do not find the appropriate mechanism for forest production in order to harmonize the benefits of communities participating in forest protection and development. Commune governments are not active, still waiting solutions from the government.

Thus, in order to have forest protection and development regulations as good tool for forest management, protection and development, which meet the
expectations of villagers, the active participation of villagers and village communities is necessary.

In order to encourage villagers to participate in the implementation of forest protection and development regulations, the government should improve and complete the legal frame such as laws and policies systems like land laws, laws for forest protection and development, which accept the role and legal status of communities, allowing them to have land allocated and to access to credit funds to the production; it is needed to improve service systems to support villages and communities, to have policies to provide financial supports to communities, to organize trainings to improve knowledge for local forest protection cadre and commune staff, as well as for village heads.

2.4. Lessons learned

- In order to help villagers to understand forest protection and development regulations and willing to participate in the implementation, it is necessary to improve their awareness on the value of forest resources, on community forest protection. This can be done through propaganda like organize the competition on understanding of forest protection and development laws, sign the agreements on forest protections for households living near to forest, develop regulations, make information boards near to the forest, provide information on legal documents, benefit sharing policies regarding forest protection on mass media. Forest protection forces to be closely coordinate with district and commune governments in order to provide information to the villagers.

- It is necessary to have all villagers in the village communities to participate in the development of forest protection and development regulations, to discuss and agree during the development process. Gender issue needs to be considered as well.

- Where the village patriarch is respected, it is needed to have his agreement for the implementation and there will be interpreter for him if needed.

- Content of the regulations should be simple, easy to understand and to be in line with strategies and policies of the party and of the government, in line with laws, it should be also to heritage and develop cultural traditions of each community.

- The development of regulations is only feasible for stable communities without immigration.
- Organizing for the implementation is the decisive and important step, therefore responsible forest protection staff should have sufficient qualification, good extension skills, high responsibility to check, supervise and instruct the implementation. Villager’s meeting to be organized periodically in order to record the implementation activities, to adjust mistakes in threatment of violations, ensuring fair activities.

- It is needed to establish a working group consisting of forest protection, land administration, extension, mass organizations, village patriarch, head of families in order to instruct on the development and implementation of regulations.

- Experiences show that success regulations implementation is always has supports and assistance from local government and relevant institutions in the implementation of land allocation policies, guiding and checking the implementation and investment of funds for the implementation. National and foreign projects, which support in technology transferring, development of models and investment funds for forestry, also contribute a significant role to the success of regulation implementation.

III. CONCLUSIONS AND RECOMMENDATIONS

3.1. Conclusions

Forest protection and development regulations are the tool to protect and develop the forest from the grass-root level, contributing to enhance forest management and protection activities, to implement the democracy at commune level. Information collected and the above analysis on 4 years of regulation implementation show that:

- Forest protection and development regulations were developed and agreed by village communities under supports and supervisions by local forest protection staff and with approval by the district PC, therefore the regulations meet expectations of villagers and of communities, are in line with their traditions and customs, in line with the government regulations.

- Forest protection and development regulations help to improve awareness and responsibilities of villagers in the communities, bring the believe in the policies of the government, mobilize resources available in the locality, contributing to forest protection, economic development for each household, community and for neighboring areas.
- Forest protection and development regulations maintain and develop traditions and customs, heritage good cultural traditions of each ethnic group, establishing close relationship between households, families and villages for the strength and solidarity of the whole community and nation.

- Through the development and forest protection and development regulations village land use planning is developed, making the basis for commune and district land use planning. At the same time forest fire protection system is established from village level.

3.2. Recommendations

- It is necessary to implement forest and agriculture land use planning from macro planning to provincial-district-commune levels. The state to consider and plan clear borders for villages.

- Continue to enhance propaganda and implementation of grass-root democracy, and then well implement the socialization of forest production.

- Where forest land was not allocated or contracted yet, this should be done immediately so that all forest area managed. Enhance the renovation of SFE’s according to the decision 187/1999/QĐ - TTg dated 16/9/1999 by the Prime Minister;

- It is needed to enhance the responsibilities of government of all levels for the management of forest and forest land according to the decision no. 245/1998/QĐ - TTg dated 21/12/1998 by the prime Minster;

- Provinces to guide the development of regulations in village communities, ensuring quality and effectiveness.

- MARD to study and request for revision of legal system regarding communities. First priority is given to relevant regulations in land laws, laws for forest protection and development, to revision of regulations for exploitation, transportation and consumption of forest products. This will encourage communities to participate in forest protection and development.

- Most of village communities participating in forest management lives in remote and mountainous areas with many difficulties, they need supports from the government, national and foreign organizations regarding funds, techniques and management experiences.

- It is necessary to study and assess in more details the development and implementation of regulations, especially in provinces, where they carry out the
trials on forest land allocation to communities and which have forestry support projects.