Report on
Community forest management status in Vietnam
and emerging issues
(for presentation in the meeting with Ministries and Central Committees to be organised in March, 2004)

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1. Background

The implementation of the policies on multi-sector economy, and orientation of forestry strategy from State-owned forestry towards people’s forestry have emerged new elements, such as diversification of forest resource management practices.

Community involved in forest management has been adopted as a practice attracting attention from central to grass-root levels. In Vietnam, community forest has been existing for a long time closely connected with the existence and religions of different communities who are dependent on forests. In the last few years, based on the need for sustainable forest management, some local communities have allocated forests and forest land to communities, including villages and households, for management and long term utilisation, in which the communities have the ownership over the forests. In addition, the communities have also participated in contracting forests for protection, zoning for natural regeneration and new plantation programmes from governmental organizations. Experiences have shown that community based forest management is a socio-economically feasible forest management model, which corresponds to traditional customs of different ethnic groups in Vietnam. However, on the legal aspect, community is not yet recognised as an entity to be allocated with forests and forest land.

Many arising questions need to be considered, for instance what roles are the communities playing in the forest management system in Vietnam? Should community forest development be encouraged? What are emerging issues related to community forest development? How should the legal framework be defined to stimulate the communities participating in forest protection and development? etc.

This report contributes to clarify current situations, potentials, trends and issues of the community forest management process to help law and policy makers to grasp a better understanding of current forest management. This will helps those to make proposals for amendment and development of policies in order to provide a legal framework for communities to take part in forest resources protection and development in Vietnam.
This report consists of 4 parts:
- Perceptions on community forest
- Overview of current community forest management in Vietnam
- Potentials, trends and emerging issues in community forest development
- Recommendations

2. Contents

2.1. Perceptions on community and community forest management
   a. Perceptions on "community" in forest management

Sociologists and ethnologists have different views about “community”. Here the concept “community” is used only in forest resource management. There are three types of perceptions on this:

The first one states that the term “community” refers to a pool of population who forms a society that has similar culture and customs, and has closely related production practices and livelihood, and often has a space boundary within a village.

The second one defines a “community” consists of all individuals forming a society that has similar characters and close relationships. Thus according to this point of view, the similarity of a character or some characters takes shape the community relationship in the society. There are different kinds of communities such as ethnic community, village community, religious community etc.

The third one emphasizes the concept “community” used in forest management refers to groups of people who have close production practices and livelihood. According to this view, “community” could be an entire village population; ethnic communities within a village; family clans or groups of households. Even some opinions regard “community” as cooperatives, social-political organisations, social-occupational organisations in the village.

Although there are different opinions about community, most of the ideas perceive “community” in forest management as village population.

   b. Perceptions on "community forest management"

Currently, there are different concepts of “community forest management”, which can be generalised as following:

Firstly, “community forest management” is that forest being managed by the community. The community is the management body or manages the forest and shares benefits from the forest. In other words, “community forest management” is that the community participate in protecting, developing and utilising the forest regardless the
forest is owned by the community or not. This kind of opinion considers community forest management the same as community-based forest management.

Secondly, “community forest management” is that the community manages the forest that belongs to them or they have rights to utilise the forest as a common property.

Thirdly, community forest management is identical with community forestry. It means a series of activities that link people with trees and products and sharing benefits from the forest.

Even though, the concept of community forest management differs one opinion from another, most of the ideas agree:

The term “community” used in “community forest management” is bounded with a concentration of individuals in a village who closely link together through production activities, living and social and cultural livelihoods.

Community forest management consists of three components:

- Village community have rights to utilise forest and forest land.
- Village community actively take part in managing forest and forest land in their own territory.
- All households or group of households have rights to participate in or decide on issues related to protection and tending of the forest as well as sharing benefits from the forest.

Two forms of community forest management include (i) the community directly manage forests and forest land that belong to them; (ii) the community take part in protection and plantation of forests that belong to the state organisations.

2.2. Overview of community forest management status in Vietnam

2.2.1. Overview

According to inventory results, total area with forests in the whole country at beginning of 2000 were 10,915,592 ha. In which, the area that being allocated by the government to the owners for legal use were 7,956,592 ha. Thus, total unallocated or uncontracted area remains 2,958,671 ha (excluding bare land which has been planned for forest plantation). According to local reports (see table 1), until June, 2001, the communities of 1203 communes, 146 districts of 24 provinces have been managing 2,348,295 ha of forests, accounting for 15.5% of total national forestry land (forest and forestry land).

2.2.2 Origins of community forest
Forest and forest land currently being managed by communities are formed from different origins and can be classified as three types as following:

a. **Forest and forest land traditionally managed by communities for many generations**

Until June, 2001, total forestry area claimed and traditionally managed by the communities was 214,006 ha including 86,701 ha with forests and 127,304 ha of bare land. These comprise of sacred, commentary and watershed forests, and the forests that provide traditional products (hunting, bamboo harvesting and medicinal plants etc.). Clear boundaries of forests between villages are traditionally defined by the villagers. In some regions, plantation forests and natural forests of former cooperatives are transferred to communes or villages for management. This has been popular among the communities of ethnic minorities in remote areas where village regulations and community relations strongly exist.

On legal perspective, the Article 9, Decision 17/HDBT dated on 17/1/92 of the Council of Ministers (now renamed the Government) clearly stated in the guideline for implementation of the Forest Protection and Development Law that “villages that have forests before enforcement of the Forest Protection and Development Law and not against the Law are considered to be granted as legal ownership over the forests current being managed”. Therefore, according to the article, the government recognised villages as owners of above-mentioned forests. However, in reality, many local authorities have not initiated any procedure to allocate forest land to communities for long term use. In many areas, if the government or governmental organisations want to act on these forests, they need to negotiate with and get agreement from the communities. These forests play an important role in production, livelihood, spirit and religion of the communities. And the communities have authority to decide on protection, utilisation of and benefits from the forests.

b. **Forests and forest land allocated to communities by local authorities**

Regarding to allocation of forests and forest land, due to local characteristics, 18 provinces have piloted allocation of forests and forest land to communities for long term management with total area of 1,197,961 ha, including 669,750 ha of forests and 528,211 ha of bare land. Even though local authorities allocated forestry land to the communities, until now very few communities have received land use certificates (red books). Currently several provinces such as Son La, Lai Chau, Cao Bang, Bac Can etc. are still piloting allocation of forests and forest land to communities for management.

c. **Forests and forest land contracted to communities for protection, zoning for natural regeneration and new plantation** with total area of 936,327
ha, including 494,242 ha of protection forests; 39,289 ha of special forests; 402,795 ha of production forests.
Contracting to communities is carried out according to the Decision No 01/CP of the Government. The organisations who make contract with the communities mainly consist of state enterprises, management boards of protection and special forests, management boards of 327 and 661 projects, and other projects, and forest protection units. After the communities get contracted with the organisations, they will organise themselves to carry out the conditions stipulated in the contract.

2.2.3. Current forest distributions according to geographical areas (see table 02)
- The North West region has the community forest area of 1,057,585 ha, accounted for 45.04% total area nation-wide. In which, 732,676.6 ha has been allocated to communities.
- The North East region has the community forest area of 472,376 ha, accounting for 20.12% total area nation-wide. In which, 299,987 ha has been allocated to communities.
- The Central Highland region has the community forest area of 495,797 ha accounting 21.11% total area nation-wide. In which, 131,634.9 ha has been allocated to communities.
- The Northern Central region has the community forest area of 188,144.4 ha accounting 8.01% total area nation-wide. In which, 39,663.6 ha has been allocated to communities.
- Other regions, forest land allocated to communities accounts for a small percentage.
These figures prove that communities involved in forest management are mainly from mountainous and remote areas where production is mainly for self-subsistence; ethnic minorities are predominant, and traditional customs exist. Members of the communities are still living closely together, who are not affected by market oriented mechanism. Village head and patriarch still play essential roles in organisation and implementation of community activities.

2.2.4. Different forms of community forest management
There are diverse forms of community forest management depending on specific conditions of communities and locals. These can be generalised as following:

a. Forest management by clan, ethnic groups
The forests are managed by clan or ethnic groups. Where the forest area is small, the community themselves claim the forest or inherit from previous generations. These forests are often located close to residential areas bearing different names such as
sacred forest (worship gods), cemetery forest (area to bury the dead) and watershed forest (area to protect water supply for community).

Forest protection closely links with traditional customs and ideology of communities, in which the role of village patriarch is essentially important. The community assigns clear tasks for its members in forest protection, and the members are active carrying out the tasks.

b. Forest management by village or hamlet
This type of community forest management is now mainly put in practice. This type of management is based on geographic conditions and residential areas. Most villages now develop community forest management regulations, form full-time forest protection guards or assign rotation of households for monitoring. The village head coordinates general community activities relating to forest management and protection.

c. Forest management by mass organisations (commune/village level)
Nowadays, in some areas, mass organisations including Farmer’s Association, Veteran’s Association, Women’s Association, Youth’s Association etc. involve in forest protection and management. The forest area is allocated or contracted to these organisations for protection and management from state organisations such as state enterprises, management boards of protection and special forests, projects and forest protection units.

2.2.5 Assessment of efficiency of community forest management
There has not been formal assessment at national level on the efficiency of community forest management. However, based on the results of initial research and reports from different locals, some assessments can be drawn as follows:

- Many communities have managed well their forests. There have been no encroachment nor deforestation of forests which are being managed by the communities, thus the forests develop well.
- Forests have contributed to improvement of livelihood of farmers, poverty reduction and fulfillment of timber requirements for public construction.
- The government or forest owners have made payments to the communities who are contracting forests for protection. This also contributes to solve some problems of these communities.
- For forests and forest land allocated to communities, the communities have also taken opportunities to interplant crops under the forests when trees are small. Different projects also support funds for this activity, which brings benefits for farmers.
- For forests traditionally managed by communities, the communities have absolute rights to make use of forest resources. This greatly responds to the needs of public construction such as community houses.
- The government has saved great amount of money. Currently many communities are managing well their forests without any financial support or subsidy from the government.
- Community forest management contributes to restore traditional customs and culture of communities. Through forest management with support and guidance of the government, members in the community are brought closer together, which facilitates the community to better develop and implement forest protection and management regulations, and better implementation of grass-root democracy policy.

2.3. Potentials, trends and emerging issues in community forest development process

2.3.1. Potentials and trends of community forest management

(1)- Community forests are existing as an objective tendency and playing more important roles in forest resources management system in Vietnam

Until 6/2001, total forestry land area managed by communities was 2,348,390 ha, accounted for 15.5% of total national forestry land area. In which 1,211,000 ha (approximately 51.2% total forestry land area being managed by the communities) has been allocated to communities by the government for long term management (decisions from the People’s Committee at different levels). There are 1,203 communes of 146 districts (24 provinces) involved in forest protection and development, although these data have not been completed.

(2)- The tendency is that provinces in all over the country continue to allocate part of their forestry land to communities for long term management and utilisation. Some communal people’s committees also allocate forests to communities or to groups of households without decision from authorised bodies.

According to the data from Land Office (now the Ministry of Natural Resources and Environment), until the year 2000, Vietnam had 1.7 million ha classified as “forested land” and around 5 million ha as bare land, which have not been allocated. In the next few years, the provinces such as Son la, Lai Chau, Daklak, Cao Bang, Bac Can will continue to allocate part of the above area to communities (village, mass organisations) for long term use and management with forestry purposes.
Most of the protection forests have not been allocated. Communes and forest protection units have responsibilities to protect and manage these forests (mostly administrative management). Provinces assign the state forest enterprises, in Project 661, to use the state budget to contract part of the above forest area to households, communities (villages) and mass organisations (Farmer’s association, Veteran’s association etc.) for protection.

(3)- Community based forest management is a forest management model which is socio-economically feasible, economically sustainable and cost-effective.

In reality, the government has invested very little money on community forests. The communities have to protect forests and extract benefits from the forests to cover expenses related to forest protection. Because the traditional regulations exist, and people are discipline and aware of forest protection, community forests still exist and develop.

2.3.2. Conditions for forests and forest land allocation to communities

Experiences show forests and forest land allocation to communities encompass:
- Forests located far from residential area, in remote area, complicated topography that the state organisations or households are unable to manage or manage ineffectively; those mountainous regions that have weak infrastructure and need a flexible and decentralized forest management practice to easily adapt to the need and diversification of the locals.
- Watershed forests that hold water to supply directly for communities; small protective forests that distribute scattered within the village/commune scope; sacred forests, ghost forests, and forests that provide traditional products for the community (hunting, bamboo shoots etc.) and rock forests.
- Forests that located in the boundaries of villages, communes, districts; rich forests but in small area that can not be allocated to individual households but to use for community purposes.
- Areas where self-subsistence is still predominant and farmers are highly dependent on forests.
- Areas where traditional and indigenous knowledge is high.
- Areas where the whole community is interested in maintaining forests. In these areas if forests and forest land are allocated to individual households, the communities may lose their control over and benefits from forest resources

2.3.3 Emerging issues in community forest management process
- Currently, millions ha of forests are being managed by communities, the question is whether these forests are still existed if the government does not recognise the communities as legal forest owners? Who will replace communities as the owners of such forests? In some locals, community-based forest management had been previously very effective, but currently has been gradually less effective, meanwhile centralized forest management through state organisations such as state forest enterprises and management boards of protection forests, has not responded to expectations nor fulfilled the needs of communities, the forest management has not been effective neither.

- As communities are not recognised as a legal body to be allocated with forest and forest land, they are not aware of benefits and responsibilities, thus they are not active in forest protection and management. In addition, when someone breaks the forest regulations, the communities are facing difficulties in settling the case. Who will be, on behalf of the community, to deal with benefits and responsibilities towards forests and forest land or to solve a conflict when a dispute occurs?

- Community involved in forest management is a new forest management practice in Vietnam, and to some extent in the contrary with rapid changes in agricultural management where individual household is considered as a nuclear body. The homogeneity of the concept “community” and the concept “collective”, and the collapse of the old-fashioned cooperatives have, to a certain degree, slowed down the development of community forest management practice.

- In order for communities e.g. villages to take part in forest management, the government needs to consider the community as a legal body. However, following issues to be clarified:

If a community is recognised as a legal body, what type of organisation does it belong to?
Who is the parental organisation of the village community? Village has been home for farmers for a long time, but there has not been any decision from the state authorities to establish the village.
What benefits the communities, who are managing the forests, will get? Should the communities get support from the state as much as other state organisations who are currently managing forests? Who will bear civil responsibility for the forest area if it is allocated to the community? Whether the community can transfer, mortgage, rent or accumulate capital with amount the same value of the forest if the forest is allocated to the community?

2.4. Recommendations
The reality shows that communities should be recognized as a body to be involved to forest resources management. It is recommended to consider following issues related to laws and policies:

a. **Legal situation of villages should be clarified**

It is recommended to add in the Civil Law that village community is a legal body. A community is a social organization which comprehensively consists of territory, people, society and culture. However village community is a self management body that operates under the principles of local customs or habits of which the most important and basic principle is that community is a whole. Therefore it is not necessary to have administrative procedures on establishment and disbanding of the village community like other economic, political and social organizations. However, it is needed to identify which certain category a village community belongs to?

b. **Rights of the communities to access to forests and forest land should be clarified**

The nature of this is to clarify ownership and rights to use forests and forest land for village community.

It is recommended to add in the Civil Law, and Forest Protection and Development Law that village community is one target group for forests allocation, including protection forests, production forests and special use forests. The situation of forests at the point of allocation to village community for management should be clarified.

c. **Benefits of village community in forest management should be defined**

- It is recommended to recognize village community as a body to get loans for investment and get concessionary for forest protection and development.
- It is recommended to add in domestic Investment Incentive Laws that village community is a target group to get concessionary for investment in forestry activities as much as other organizations.
- Benefits sharing for village community who is allocated or contracted with forests and forest land should be defined.

d. **Other supports**

- Agriculture and forestry extension
- Establishment of the community forest management system
- Tax deduction...

Support policies for community forest management is generalized in the following diagram:
In the immediate future, following activities should be focused:

a. Allocation of forests and forest land to village community for long term use and management for some cases as follows:

Village forest areas that have been claimed and traditionally managed by the village communities so far without any technical and financial support from the government. In fact the commune and district authorities have already recognised these areas as village community forests. This is also the expectation of communities who own those community forest areas. However, it is necessary to solve all the shortcomings relating to legalization of this type of forest. According to Article 9, Decree 17/CP dated 17/01/92 of the Government on implementation of Forest Protection and Development Laws (1991), the government only considers communities as the legal owners of the village forests which had been established before release of the Forest Protection and Development Laws. Therefore, there have been many difficulties for local authorities to legalize this type of forests. The best way could be that the concerned government agencies review and legalize this type of forests counted at the time being.

Part of forestry land areas, which have been managed by Commune People’s Committee (or local forest protection agencies) in accordance to Decision 245/TTg dated 21/12/1998 of the Prime Minister on the implementation of state management responsibilities at different levels on forests and forest land that can be allocated to communities for management.
Protection forest which preserves water resource and protects local regions with area of under 5,000 ha;

Forest areas located far away from residential zones, so households are unable to manage them individually; Forest areas that located adjoining villages, communes, districts or provinces; Forest areas that have not been effectively managed by the state, households or individuals.

Priorities should be given to communities for management of forest zones where the forests are regenerated or restored or in good stock volume; limit allocation of bare land to village community if there is no capital support from the government for the community to invest in forest development.

The chairman of District’s People Committee has right to make the decision to allocate forestry land to communities, but it is not necessary to issue land use certificate (red book) because for households, the red book is used as a certain value for transferring, conversing, inheriting, and collateral for a loan. But for communities, the red book or the decision to allocate the land issued by an authorised state organization are equally valued.

b. It is recommended that the State should issue a guideline on structure of a community, internal regulations for communities, type of communities (village communities, group of households, mass organizations); benefits and responsibilities of the community leaders; strengthening responsibilities of village heads in organizing production activities in their villages; development of human resource and self management ability for communities.

c. Instruct to develop village regulations in line with laws. Restore and enhance the legalization of internal regulations of the village community on forest protection and utilisation, ensure the support from local authorities during the implementation of these regulations.

d. Provide financial support to a certain time (5-7 years) for communities to plant, tend and protect forests on their allocated land (with the decision paper of concerned authorities, not necessary the red book) because within these years there is almost no income from the forests.

Provide financial support for communities to protect forests for regeneration and enrichment, especially in degraded forests, and young regenerated forests currently managed by communities (base on the Decision 661 to develop this policy).

Communities who are managing protection forests should be financially supported equally as other state organizations.
Village communities involving in management of protection forests and special use forests are supported as current policies in accordance with Decision No 661/TTg dated 29/7/1998 of the Prime Minister, defining the financial support of the state for protecting special forests, very important protection forests is 50,000 VND/ha/year within 5 years; for zoning for regeneration and enrichment plantation is not over 1 million VND/ha within 6 years; 2 millions VND/ha if the communities invest themselves to plant high value species with the life cycle of more than 30 years; and 4 millions VND/ha for plantation of important and very important protection forests.

Village communities participating in management of production forests are to be privileged as shown in the revised domestic Investment Incentive Laws (1998) and other documents under laws such as Decree 43/CP dated 29/6/1999 of the government on credit for development. The decree defines that communities can borrow a loan for plantation of forests with concession interest rate (at the moment it is 5.4%/year), the loan term depends on the growth cycle of the species. The loan and interests are repaid when main products are available to be harvested; tax deduction is applied as current policies.

e. It is permitted to establish village funds for forest protection and plantation. The fund can be generated from forest products, fees paid by members when they extract forest products for construction and other purposes...
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<tr>
<th>State provinces and cities</th>
<th>Number of districts having CF</th>
<th>No of communes having CF</th>
<th>Total area of forestry land managed by communities</th>
<th>Forest land allocated by the state to communities</th>
<th>Area of community forests contracted for protection and zoning for regeneration</th>
<th>Area of forestry land traditionally managed by communities</th>
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<td></td>
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<td>With forests</td>
<td>Without forests</td>
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**Unit: ha**

Table 01: Forest and forest land area that is managed and protected

(counted to 6/2001)
<table>
<thead>
<tr>
<th>Region</th>
<th>Code</th>
<th>People</th>
<th>Total Area (ha)</th>
<th>Total Revenue (VND)</th>
<th>GCBA Revenue (VND)</th>
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<td><strong>Total</strong></td>
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<td>2348295.58</td>
<td>936327.84</td>
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Source: Forest Protection Department (2001)
Table 02: Distribution of forest land according to different ecological zones with involvement of communities its management (counted to 6/2001)

<table>
<thead>
<tr>
<th>Ecological zones</th>
<th>Total</th>
<th>Area of forest land allocated by local authorities</th>
<th>Area contracted for protection and zoning for regeneration</th>
<th>Area of traditional community forests</th>
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</thead>
<tbody>
<tr>
<td>1- North East</td>
<td>472.375.80</td>
<td>293.986.40</td>
<td>130.541.20</td>
<td>47848.20</td>
</tr>
<tr>
<td>2- North West</td>
<td>1.057.584.87</td>
<td>732.676.57</td>
<td>304.448.60</td>
<td>20.459.70</td>
</tr>
<tr>
<td>3- Red river delta</td>
<td>14.20</td>
<td>39.663.60</td>
<td>2.888.10</td>
<td>145.592.70</td>
</tr>
<tr>
<td>4- Northern Central</td>
<td>188.144.40</td>
<td>39.663.60</td>
<td>2.888.10</td>
<td>145.592.70</td>
</tr>
<tr>
<td>5- Central coast</td>
<td>666.50</td>
<td>598.00</td>
<td>68.50</td>
<td></td>
</tr>
<tr>
<td>6- Central high land</td>
<td>133.712.70</td>
<td>133.712.70</td>
<td>23.00</td>
<td></td>
</tr>
</tbody>
</table>

Unit: ha.