



Benefits and Obligations of Households and Individuals When They are Allocated, Leased or Contracted with Forests and Forestry Land in Vietnam

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Decision No 178/2001 / QD-TTg of the Prime Minister on the benefits and obligations of households and individuals when they are allocated, leased or contracted with forests and forestry land. This decision regulates the benefits and obligations of households and individuals who are allocated, leased forests and forest land for protection, regeneration and afforestation by the State, in order to create economic dynamics which encourage people to actively participate in the protection and development of forests; making forests become a significant source of income, contributing to ensure the life of forest-dependent people; simultaneously, it clarifies the responsibilities of the persons who are allocated, leased or contracted with forests for protection and development of forests. Principles for determining the benefits and obligations of households and individuals who are allocated, leased with forests and forest land by the State are:

1. Ensure the harmony benefit between the State and the people who are directly involved in the protection, regeneration and afforestation; between economic interests with the interests of forest protection and ecological environment protection and nature conservation; between immediate benefits and long term benefits. 2. The benefits of forest land include: wood, non-timber forest products, the intercropping of products and wages for the efforts and working time of households and individuals who have invested in forests. 3. The benefit of rights and obligations can only be done within the time of their being allocated, leased or contracted with forest and forestry land.

The implementation of this policy has some limitations and inadequacies as follows:

- Identifying major products, byproducts: no clear definition of criteria to distinguish main products, by-products from the forest.
- Regulation on pruning tree, supporting trees (Article 6) of Protection Forest is unclear.
- Benefit of products: Article 7 and Article 14 stipulate that, household and individuals who are allocated natural forests planned as production forest or receiving contract on protection forest by the State, can enjoy proportion of exploitation product value based on forest status upon delivery time to households and individuals. However, the allocation of forest or forest contract were previously identified location,

forest area and forest types; they are not specifically identified forest status upon delivery or contract so there is no basis for calculating the benefit level for households and individuals, causing difficulties for many localities.

On the other hand, the identification of forest status as a basis for forest allocation and calculation of benefits under the specific percentages stipulated in Decision 178 is very sophisticated and expensive, and many localities cannot perform.

- Forests have no reserves, no additional forest products, having bad soil not suitable for combination of agriculture and fisheries production; forest in remote area, difficult terrain which is difficult for transportation of forest products to outside (forest on limestone, bordering forest, coastal sand protection forest, forest has many precious trees), then the right of benefits from forest is hardly feasible.
- Not yet specifying the calculation method when distributing exploited forest products between household with the commune or contracting party, such as place for distributing products, forest product prices as a basis for product distribution, the cost of exploiting forest products; rules for sharing benefit from felled down wood; responsible agencies for monitoring the implementation about quantity, types of forest products which are allowed to take out from forest, contribution to commune budget, the cost of such work.

Not yet regulating the benefits for rural organizations, communities participate in forest and forestry land contracts.

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