

Behavior Change Challenges and Rehabilitation Recommendations in Vietnamese Forest Protection Regulations

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Abstract:

Recently, Vietnam has seriously discussed forest protection in many important meetings in Vietnam and worldwide. The people from Vietnam have suffered because of bad consequences after many years of badly using forests. It is an urgent time to look for the answer to save the country relating to forest protection. Climate change, soil degradation, storms, and floods are rising. One of the fundamental causes comes from the destruction of forests. The declining rate of forests has been seriously affecting to ensure the socio-economic development of the world in general and Vietnam in particular. In addition, afforestation, forest protection, and forest cover increment are among the indicators to evaluate the sustainable development of countries in the sustainable development goals. Recognizing the importance of forests, in this article, the author focuses on analyzing the policies on forest protection in Vietnam in recent years. The author will provide solutions to improve the law on forest protection policies in Vietnam by analysing the applicable laws and the current forest protection.

Keywords: Forest protection policy, forests in Vietnam, forest protection, Vietnam policy

1. INTRODUCTION

Planting and protecting forests is one of the most practical actions for sustainable development. Forest development is crucial to protecting the environment. In recent years, Vietnam has suffered many serious impacts of natural disasters and extreme weather with increasing trends, leaving severe consequences. Hence, protecting and developing forests, especially primeval forests, is an urgent and long-term strategic task with the direction of the Government, and above all, the people's solidarity to sustainably develop the country. However, the violation of regulations on forest protection in some provinces sees complicated developments. Many cases of illegal deforestation on a large scale have occurred, which cause damage to forest resources, negatively affect the environment, and become burning (Directive No. 05).

Climate change, soil degradation, unpredictable storms, and floods are rising. One of the fundamental causes comes from the destruction of forests. The declining rate of forests has been seriously affecting to ensure the rapid and sustainable socio-economic development of the world in general and Vietnam in particular. Over the years, climate change's impact has become more obvious. The weather has seen complicated developments, while natural disasters have occurred more and more fiercely and often, significantly affecting forest resources and forestry activities. The forest cover has dropped to an alarming level. The losses to forests are irreparable and cause great losses in the country's economy, employment, and sustainable development (Hai, 2021).

Forests are home to many wild animals, including several rare species. The forest has many different types of trees, so it is a precious source of food and raw materials for industry and pharmaceuticals. It is also a valuable source of wild genes for breeding new agriculture varieties and animal husbandry. Forests also clean the air. The foliage obstructs and holds dust. Leaves secrete a variety of antibacterial agents that kill airborne germs. Beyond

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that, forests help protect and improve the soils. Thanks to the umbrella-like canopy of leaves, rainwater does not fall straight into the ground, and the sun does not burn the ground, so the soil on the surface is difficult to wash away with rainwater. Forests feed the soils. Forest lands are almost self-fertilizing because fallen leaves and branches from trees will decompose, then form nutrients, improving the fertility of the soils. Fertile and porous soils will absorb, and retain water well and limit erosion. The coastal tidal banks with forests of river mangroves, bruguiera, and tall-stilt mangroves both block the waves and keep the silt, preventing the coast from erosion, raising it, and heading toward the sea.

Besides, forests may regulate the flow of rivers and underground. Rainwater that falls in forested areas is held in the canopy and the soils, so streams due to rain during the flood season decrease. Forests stop the surface flow, limit the occurrence of floods, and reduce each flood's sudden and fierce level. Water absorbed into the forest land is a source for plants and organisms living underground and flows very slowly to fill rivers during the drought. Therefore, areas with much forest cover will reduce natural disasters, droughts, and floods. The closer the forest is to the river's source, the greater the effect of regulating the flow is.

In addition, forests with great value in ecotourism, such as Cat Tien National Forest (Dong Nai) with hundreds of years old trees, ancient giant crepe-myrtle forests, Bau Sau with differences in nature and biodiversity, etc. are places where scientists study animals and plants year-round, or photographers take photos of rare birds. From the North to the South in Vietnam, other beautiful and famous forest tourist destinations such as Cuc Phuong Forest in Ninh Binh, Tra Su Melaleuca Forest in An Giang, U Minh Forest in Ca Mau, etc.

2. THE CURRENT STATUS OF FORESTS IN VIETNAM

It is estimated that in 2019, Vietnam had 14.6 million hectares of forests, of which natural forests reached nearly 10.3 million hectares, while planted forests reached 4.3 million hectares. The forest cover rate reached nearly 42%, higher than the world average (29%). Natural forests did not change much in 10 years (from 2009 to 2019) (General Statistics Office, 2019). This shows that the Government is focused on protecting natural forests and afforestation.

The afforestation and protection of natural forests should be carried out simultaneously because the increase in forest cover is one of the indicators of sustainable development in countries under the indicators on natural resources and environment and sustainable development goals. However, besides the forest cover rate, it is necessary to ensure the forest quality because the forest plantation for economic exploitation dominates the forest cover area. It includes industrial and paper material trees and plantation forests without vegetation. Afforestation grown for cover need to have economic value but affect the growth capacity of low-floor trees to be able to replicate production models under the forest canopy such as planting rattan, *Amomum xanthioides* Wall., *Amomum Tsao-ko*, beekeeping, etc. which help people raise their income and secure life. After a five-to-ten-year cycle of exploitation, the covered forest will be lost (General Statistics Office, 2019).

Moreover, new plantations cannot replace old-growth forests and primeval forests because when they are destroyed, the layer of vegetation from 50 cm to 1 m thick is no longer available. The declining quality of forests is a direct cause of natural disasters and floods, causing heavy damage to human lives and property. When there is rain, it will cause erosion and flash floods.

In the Mekong Delta, mangrove forests have been severely reduced, mainly due to coastal landslides and the allocation of forests for aquaculture and seafood. Many areas are regularly eroded, with the speed of encroaching on land from 5-45m/year, on a total length of 250 km (Vietnam Academy for Water Resources, 2017). Changes in coastal currents and the impact of unusually high tides and sea waves have caused the protection forest in front of the sea dyke to be gradually narrowed. Some protected forests in front of the sea dyke are completely lost. The wave to the sea still washes away *avicennia* trees 4-5m high. The coastal landslide is a factor that complicates the decline of mangrove forests and tends to increase in scope and scale (Trung & Thuy, 2020).

The urbanization process in our country is rapid, putting great pressure on the environment. In large urban areas in Vietnam, environmental pollution, especially air pollution, is increasing at an alarming rate, seriously affecting people's quality of life and economic and social development activities. The urban public greenery system has not been properly invested in. The percentage of urban green parkland is very low compared to the standard. According to the Vietnam Administration of Forestry, the ratio of trees per capita in large urban areas of Vietnam is only 2-3 m² per capita. The rate of urban trees in Vietnam is only 1/5 to 1/10 compared to the world's.

Meanwhile, the ratio of trees per capita in modern cities is common from 20 to 25 m² per capita. Many countries achieve high rates, such as 30.3 m² per capita in Singapore, 41 m² per capita in Seoul (South Korea), 50 m² per capita in Berlin (Germany), 44 m² per capita in Moscow (Russia), 25 m² per capita in Paris (France), etc. The UN's minimum standard for green space is 10 m² per capita (Hau, 2021). To improve the ratio of trees per capita in urban areas, the draft project "Planting one billion trees" from 2020 through 2025 was submitted to the Prime Minister by the Ministry of Agriculture and Rural Development for approval to set a target in the next 5 years to plant 690 million trees in urban and rural areas.

Forest protection policies in Vietnam have become respected to implement measures to protect and develop forests, protect natural forest areas, facilitate forest restoration and regeneration, expand the area of planted forests, increase the forest cover rate, and contribute to people's economic stability living associated with forests.

3. FOREST PROTECTION REGULATIONS IN VIETNAM AND THE STATUS OF THE APPLICATION

3.1. Regulations

On November 15, 2017, at the 4th Session, the 14th National Assembly passed the Law on Forestry to replace the Law on Forest Protection and Development to overcome the limitations. The Law on Forestry has many new points. However, the regulations on forest protection and development (chapter IV and chapter V) still place a crucial position in the state management of forestry.

The Law on Forest Protection and Development create a favorable legal framework in the field of forest protection and development, from state forestry mainly to social forestry, with many economic sectors participating, from mainly relying on the exploitation and use of natural forests to protecting, nurturing, planting and developing forests (Thang, 2021).

On January 12, 2017, the Secretariat issued Directive No. 13-CT/TW, "On strengthening the Party's leadership in forest management, protection, and development," which identified: "Forest management, protection, and development is the responsibility of the entire political system, agencies, organizations, households, and individuals, especially for localities with forests; strengthening the supervision of the people, communities, organizations, and mass media agencies for forest management, protection and development" and "Reviewing, supplementing and improving the legal system, mechanisms, and policies on forest management, protection, and development; overcome the overlap; ensure synchronization, efficiency and feasibility."

3.2. The concept of "forest land" and the concept of "forestry land"

The 2013 Land Law does not stipulate the concept of "forest land" but types of forest land such as production, protection, and special-use forest land. In addition, the 2013 Land Law also does not stipulate the meaning of "forestry land." However, Circular No. 28/2018/TT-BNNPTNT of the Ministry of Agriculture and Rural Development dated November 16, 2018, regulates sustainable forest management. There is a list of forest land, including production, protection, and special-use forest land.

Hence, through the above provisions in two documents, it is possible to understand that "forest land" and "forestry land" mean the same and may be used interchangeably, including production forest land, protection forest land, and special-use forest land.

However, according to the provisions of the 2017 Law on Forestry, “forestry land” is not only forest land but also land for the construction of forest product processing facilities. It is because forestry includes forest management, protection, development, and use; forest product processing; and trade (Hung, 2021). The Land Law needs to supplement the regulation that forestry land is land with natural forests or planted forests that meet forest criteria; land that is zoned for forest restoration; land that is newly planted but not yet forested; land that is being planted forests or has been allocated or leased for afforestation and vacant land areas within the boundaries of forests that have been decided on forest types following the Law on Forestry; land used for forest product processing and trade (Duc, 2021).

From the above analysis, it can be seen that the concept of “forest land” has not had a unified understanding, even different interpretations. The Land Law needs to supplement the regulation on forest land and stipulate that forest land is the land with the same name as the corresponding forest type and the boundary of the forest land plot coincides with the agreed-defined forest boundary in accordance with the forestry law (Duc, 2021).

3.3. Regulations on “land for belief practices” and “holy forest”

Forests are places for ethnic minority communities to practice and maintain their beliefs and promote ethnic culture (holy forest), as the Kinh people have temples, shrines, or religious land to worship the God of the soil. Ethnic minorities believe that there is a close-knit relationship between people and nature. Respecting and protecting nature has become the consciousness of each community member. When protecting nature, the community will be protected and brought a peaceful and prosperous life by the gods. Conversely, if forests are destroyed or polluted, they will be punished by gods (such as sickness, diseases, crop failure, natural disasters, etc.). Beyond that, the community is also a core force in protecting forests (PanNature, 2020).

Holy forests are often dispersed and not large scale, ranging from a few thousand square meters to several dozen hectares, including the sacred trees outside the forest. For instance, the Chia forest of the Red Yao people in Sai Duan has an area of 3 hectares, the sacred forest of the Hmong people in Sin Cheng is 11.7 hectares, while the Ma people (Dak Nong) has only 2 sacred banyan trees, etc. (PanNature, 2020).

In Clause 1, Article 160 of the Land Law stipulates: “*Land for belief practices includes land for communal houses, temples, shrines, hermitages, ancestral worship houses and ancestral temples.*” However, Clause 8, Article 2 of the Law on Forestry stipulates: “*holy forest is a forest that is associated with beliefs or customs of a forest-dependent community.*” From the above two concepts, it can be seen that the concept of the holy forest is wider than that of land for belief practices because holy forests include both the works and the forests associated with the works.

On the other hand, the Law on Forestry regulates that holy forests belong to special-use forests (Clause 2, Article 5). In contrast, the Law on Land (Clause 2, Article 10) regulates that land for belief practices belongs to non-agricultural land.

Despite being empowered in forest management, the number of areas that communities own is still too small compared to the area they manage. Although the residential community has been regulated as one of the seven forest managers in the Law on Forestry, many localities still have concerns and difficulties in managing, so they are still hesitant to allocate forests and issue certificates of land use rights (Germany, 2019). It makes local communities difficult to develop, use and restore forests while posing a risk of deforestation and forest degradation.

Thus, the addition of the classification of holy forests is the State’s recognition of the traditional resource management models of the community and expanding the forest protection system of Vietnam. The regulation also recognizes and respects the cultural, belief, and spiritual practice space of ethnic minorities and mountainous and other indigenous communities.

However, to have consistency between documents, the Land Law is proposed to supplement regulations on holy forest land under the Law on Forestry.

3.4. Regulations on replacement afforestation

Article 21 of the Law on Forestry 2017 stipulates the replacement afforestation as follows:

“Replacement afforestation when forests are repurposed

1. A project manager whose land is allocated or rented and repurposing the forest shall plant a replacement forest equal to the area of the repurposed forest if it is a planted forest or increase threefold the area of the repurposed forest if it is a natural forest.

2. The project manager mentioned in Clause 1 of this Article shall develop the replacement afforestation plan to request the provincial People’s Committee for approval if he/she plants the forest or pay an amount to the forest protection and development fund of the province if they do not plant the forest.”

Regulations on replacement afforestation when forest use is repurposed. This is a critical regulation and a condition to ensure forests are always maintained and developed. In particular, a significant change here is when changing the purpose of using forests to other than natural forests, and the forest area must be replaced with 3 times the converted forest area. Besides, there is a regulation on paying money in case of not being able to plant replacement forests. This is a new regulation compared to the Law on Forest Protection and Development in 2004 without regulations.

Specifically, in Clause 1, Article 3 of Circular No. 13/2019/TT-BNNPTNT dated October 25, 2019, of the Ministry of Agriculture and Rural Development regulating replacement afforestation as follows:

“Article 3. A replacement afforestation project manager

1. The project manager shall organize the planting of replacement forests in the following cases:

a) Special-use forests or protection forests, or production forests are repurposed: The project manager must have an area of vacant land not yet planned for the development of protection forests or special-use forests allocated by the State for afforestation under the law.

b) When changing the purpose of using production forests that are planted forests for other purposes: The project manager must have an area of land not yet planned for forest development, allocated or leased by the State for afforestation according to the provisions of law.”

Accordingly, this Circular stipulates the replacement afforestation when changing the purpose of forest use to another purpose, applicable to agencies, organizations, households, individuals, and communities having activities related to replacement afforestation when forests are repurposed.

Organizations and individuals engaged in activities related to replacement afforestation when forests are repurposed must strictly abide by the law on forestry and the provisions of the relevant law. The Provincial People’s Committee Chairperson is responsible for the results of replacement afforestation in the locality.

Organizations and individuals approved by competent state agencies to change the purpose of forest use to another purpose (project managers) are obliged to plant replacement forests. If the project manager does not have the conditions to plant the forest, they may contribute money to the Fund for Forest Protection and Development to organize the afforestation.

If the project manager replaces forests but not enough compared to the area to be planted due to the inadequacy of the area, the obligation to plant forests shall be replaced by the form of payment to the Forest Protection and Development Fund for the missing area.

Funds for replacement afforestation contributed by the project manager to the Forest Protection, and Development Fund shall be prioritized for use in the following order: afforestation of special-use forests; afforestation of protection forests; support for afforestation of production forests; transfer of funds for afforestation of protection forests and special-use forests in other localities.

However, the quality of replacement forests through practical surveys at some planting sites shows that the death rate of trees is still quite high. Meanwhile, planting miles to ensure the density is not done promptly. Some trees have weak growth capacity, are unsuitable for natural conditions and soil, do not pay attention to pest control measures, and have not been cared for reasonably. Especially in some areas of vegetation, weeds are fast-growing and impede trees' development. The management and protection of planted forests have not been effective. The advance and completion of dossiers for settlement expenses are sometimes not timely. In particular, the design consultancy unit investigated and surveyed natural elements in the field inaccurately, leading to overlap and disputes over the people's land, natural forests, and rocks. Beyond that, the current status of the forest has not been carefully evaluated to have an effective planting plan. Some areas have many well-growing natural trees but are replaced with weak-growing, unadaptable trees. For the area that is about to be planted with replacement forests, it is necessary to conduct surveys, choose locations, prepare design documents to ensure according to regulations, which focus on carefully surveying and evaluating the current situation and field to develop new planting plans or zoning with additional planting; to avoid the arrangement of planted land overlapping with the long-standing production land of the people; to prioritize the selection of indigenous tree varieties, capable of good growth, adaptable to natural conditions and soil; and at the same time to meet the goals of replacement forests after becoming forests—focusing on the selection of seedlings and ensuring quality, standards, origin, and certificates of origin of seedlings issued by state authorities. To organize training courses to improve knowledge and skills in planting and caring for forests for workers, limit the situation of workers being careless, not recognizing the type of trees and cutting down wrong trees, and handling vegetation, weeds, and vines carelessly, not ensuring technique. Have total solutions and implement the management and protection to promptly prevent sabotage affecting the growth and development of planted forests. Make advance and payment of settlement of funds under the law, create favorable conditions for project managers and construction units to proactively advance funds, pay for the settlement of completed work items under the schedule, and establish complete dossiers per regulations. Strengthen the inspection and evaluation of the formulation of design projects - site survey estimates and project explanations by design consultants. When detecting errors, it is necessary to handle them promptly according to regulations (Binh, 2022).

3.5. Policies for forest residents, guards, and managers

At recent seminars on solutions to restore sustainable forests in the Central Highlands, experts, representatives of the Central Highlands provinces, and the head of the Ministry of Agriculture and Rural Development all emphasized the issue of wanting to keep forests and stabilize the residents' lives in this area (People's Army, 2022).

There should be appropriate policies for forest guards and managers to make forest guards and planters live from their work. Increasing the salary for forest protection is necessary because the current average VND 200,000/ha/year is too low. During trips to forests, directly discussing with forest management units and forest rangers, we always reflected that the specialized force for forest protection is limited compared to the targets and needs (People's Army, 2022).

The situation of spontaneous migration in the forest and along the forest is quite high, mainly in the districts of Dam Rong, Lam Ha, Lac Duong, Di Linh, and Bao Lam. It is rising, increasing the demand for forest products and production land. Profits from the exploitation of forest products, encroachment, purchase, and sale of land

are great, making it difficult to manage and protect forests. There are forest land areas interspersed with residential areas of ethnic minorities. Due to their limited legal knowledge, dangerous or unskilled occupations, and lack of cultivated land, the forest is considered an indispensable source of livelihood, and deforestation is for cultivated land. The fight against forest exploitation and forest invasion by functional forces is still difficult because it occurs in rocky mountains. The scattered area requires a large concentration of forces and means to examine the scene. Therefore, it often takes time and effort (Tu, 2021).

In addition, it is necessary to regularly coordinate to inspect, detect and promptly prevent encroachment on forest land, and take measures to solve and properly handle legal regulations on violations.

4. CONCLUSION

The loss of forests is irreparable because new plantations cannot replace old-growth and primeval forests. When the latter is destroyed, the layer of vegetation from 50 cm to 1 m thick is no longer available. Then the rain will cause erosion and flash floods. The declining quality of forests is a direct cause of natural disasters and floods, causing heavy damage to human lives and property. Therefore, the establishment of regulations and policies and the improvement of the provisions of the Law to protect forests currently is the most urgent requirement. The article indicated some realities and proposed some solutions to improve Vietnamese law as follows:

- (1) The concept of “forest land” has not had a unified understanding, even having different interpretations. Therefore, the 2013 Land Law needs to be supplemented with regulations on forest land for a unified understanding.
- (2) The Land Law is proposed to supplement regulations on “holy forest land”. This supplementation is the State's recognition of the traditional resource management models of the community in practice. Moreover, it also recognizes and respects the cultural, religious, and spiritual practice space of ethnic minorities and mountainous and other indigenous communities.
- (3) Regarding regulations on forest replacement, when changing the purpose of using natural forest land to another purpose, the forest area must be replaced by 3 times the converted forest area. Suppose the project manager does not plant the replacement forest. In that case, they shall pay the Forest Protection and Development Fund for the afforestation organization, a new regulation compared to the 2004 Forest Protection and Development Law.
- (4) It is necessary to have policies for forest residents, guards, and managers to stabilize their lives.

Protecting forests is protecting the environment, nature, and humans because people and nature always coexist and are inseparable. The supplementation of regulations on forests is a solid legal barrier to protecting forests. Simultaneously, paying attention and having policies for forest residents, guards, and managers is necessary. These are the right direction for developing forests and sustainably developing them.

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