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# Research on policy and regulations on changing of forest land to other land uses in Vietnam



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### ABSTRACT

*The Land Law of 2013 and the legal regulatory framework have established provisions for repurposing forest land for other uses. However, due to the widespread conversion of forest land to non-agricultural purposes and a lack of effective control, existing policies and laws exhibit certain shortcomings. Specifically, legal challenges arise from contradictions among related laws (such as the Land Law, Planning Law, Forestry Law) regarding the authority to approve the repurposing of protective and special-use forest land for alternative purposes. Additionally, the process for such repurposing is complex and lacks sufficient rigor. The main objective of this article is to propose refinements to the land policy and legal framework concerning the repurposing of protective and special-use forest land. A study collected input from 50 managers in two provinces (Quang Ninh and Lao Cai) to assess the appropriateness and direction of amendments to the land policy and laws on this matter. An evaluation of the current state of land repurposing in 12 provinces, representing six economic and social regions of the country from 2014÷2020, showed that 276.662 ha of protective forest land and 55.057 ha of special-use forest land were repurposed. The research results have proposed amendments to several articles of the 2013 Land Law and highlighted some key discussion points.*

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## 1. Introduction

Protective forest land and special-use forest land play an important role in environmental conservation, natural disaster prevention, and biodiversity. The total carbon mass of forests in the world, including soil and vegetation is 830 PgC, in which the carbon mass of soil is 1.5 times more than that of vegetation (Brown, 1997). Approximately, the carbon flux created by forestation and reforestation on and below the soil surface is 0.4÷1.2 tons ha<sup>-1</sup> year<sup>-1</sup> for high-latitude regions, 1.5÷4.5 tons ha<sup>-1</sup> year<sup>-1</sup> for mid-latitude regions, and 4÷8 tons ha<sup>-1</sup> year<sup>-1</sup> for low-latitude regions (Dixon et al., 1994; IPCC, 2000).

Currently, the coverage of forests in the world is decreasing at a rapid pace: 5.5 billion ha with 52% of habitable land in 1700; 4 billion ha with 38% of habitable land in 2018 (Hannah Ritchie and Max Rosera). The reason for this is the conversion of these lands into crops and grazing. Specifically, since 1950, forest land has been repurposed into urban and built-up land (Hannah Ritchie and Max Rosera).

Policy and laws on land have a big impact on the forest land purpose conversion process. For example, in Tanzania, there exist three forms of land ownership (government ownership, shared ownership, individual ownership), but there is still a gray area on forest ownership which leads directly to the loss of forest land in Tanzania. In Sabah, Borneo in Malaysia, allowing commercial activities, specifically wood harvesting, on forest land caused a severe decrease in forest area (Reynolds et al., 2011). Policy on crop monocultures and exploitation of forest trees in the 21<sup>st</sup> century in China led to the loss of forest in the country. Not until policies requiring border lands to be forested, as well as the relocation and retention of the population within the forest land did the situation improve and lead to sustainable forest development (Zhang et al., 2000).

In our research spanning 12 provinces representing six socio-economic regions of Vietnam from 2014÷2020 about the conversion of protective forest and forest land, the total area of repurposed protective forest land was 915.297 ha; the total area of repurposed special-use forest land was 81.505 ha.

## 2. Methodology

Data collection methods: We utilize local government data in 2014 and 2019, the official statistical data in 2020, provincial data on land leasing and repurposing of 12 provinces representing 6 regions in Vietnam. Land law and other relevant laws, as well as national and provincial directives.

Sampling method: The 12 chosen provinces represent 6 economic-social regions in Viet Nam which have a large area of protective and special-use forest land, and a part of these areas has since been converted into other purposes. The provinces chosen are listed in Table 1.

*Table 1. Provinces chosen to analyze the process of converting special-use and protective forest land to other purposes, representing six regions of the country.*

Region	Province	Region	Province
Northern Midlands and Mountains	Lao Cai	Central Highlands	Dak Lak
	Son La		Lam Dong
Red River Delta	Quang Ninh	Southeast	Dong Nai
	Vinh Phúc		Binh Phuoc
North Central and Central Coast	Nghe An	Mekong Delta	Kien Giang
	Quang Binh		Ca Mau

*Expert survey method:* A survey is conducted with 50 experts who are provincial administrators. They come from these provinces below:

Quang Ninh is a coastal province whose economic growth rate is high alongside the large area of protective and special-use land area to be converted into non-agricultural purposes. This province is also prone to climate changes and its effects. Therefore, local administrators were surveyed on the problem. The following administrator was sampled: 10 from the Quang Ninh Department of Natural Resources and Environment, 5 from Quang Ninh Forest Protection Department, 5 work in the Ha Long City Department of Natural Resources and Environment (Ha Long is one of the biggest districts in Quang Ninh whose forest is repurposed the most within the province)

Lao Cai represents the mountain areas, whose natural landscape is challenging and local economy is less developed than the national

average. Protective and special-use forest land are mostly converted to agricultural land. Therefore, a local administrator in forest land was surveyed.

This includes 10 administrators in the Lao Cai Department of Natural Resources and Environment, 5 officers from the Lao Cai Forest Protection Department, 5 from the Lao Cai City Department of Natural Resources and Environment (Lao Cai City is one of the biggest districts in Lao Cai whose forest is repurposed the most within the province). Additionally, 10 experts at the Research Institute of Land Administration were also surveyed.

Questionnaire content: Opinions on the suitability of current policy on repurposing special-use and protective forest land to other purposes (specifically on the basis to allow land use conversion; conditions for land conversion from protective forest and general forest to development projects; financial responsibilities when converting the land; length of land use for converted land; accountability for government officials); recommendations on policies and laws for repurposing protective and special-use forest to other purposes

Analytical methods: Utilizing the data gathered, we used Microsoft Excel to organize those into different tables. Then, we would analyze those data to uncover the advantages and disadvantages of the current policy on repurposing special-use and protective forest land and use those as a basis for improving the current laws and policies.

### **3. Results and discussion**

#### ***3.1. Policies and laws relating to repurposing protective and special-use forest land to other purposes in Vietnam***

##### ***3.1.1. Analyzing policies and laws on repurposing protective and special-use forest land to other purposes in Vietnam***

Currently, Viet Nam only has one form of land ownership - the entire people ownership. The State is the owner's representative and directly manages. This is recognized in the 1980 Constitution and the Land Law 2013 (Socialist Republic of Vietnam, 1980; Socialist Republic of Vietnam, 2013). The government executes its

right of representing the all-people ownership of land and manages the land based on government planning and laws. The Ministry of Natural Resources and Environment is the highest institution which is tasked with vertically managing land in Vietnam. Based on the purpose, the land is categorized into different types. (1) Protective forest land is forest land and land whose main purpose is to conserve water sources, protect soil contents, prevent erosion, landslides, flash floods, desertification, balance the environment, defend national security, combining with ecotourism. Protective forest land can be classified into subcategories, including natural protective forest land (forest land that qualifies as natural forest under forestry definition), man-made protective forest land (forest land that qualifies as man-made under forestry definitions); land planned to develop and protect protective forest. (2) Special-use forest land is land currently used to develop forests with the main purpose of conserving natural forest ecology and gene banks; conducting scientific research; conserving significant historic-cultural/traditional landmarks; providing tourism and park services (national parks; national natural reserves; cultural forest; religious forest; urban forest; industrial parks, economic zones, technology parks; research forest; national arboretum; seed forest). Special-use forest land can be classified into subcategories such as natural special-use forest land, man-made special-use forest land, and the land planned to develop and protect special-use forest land (Socialist Republic of Vietnam, 2013; The Ministry of Natural Resources and Environment, 2018) With the uniqueness of all-people ownership, the government only grant land usage to organizations, households, and individuals by allocating land, leasing land, or certifying land usage permits. The government grant land with land usage fees for land with business and habitat use. The government grant land without land usage fees for public-goal, national defense and security use. For protective and special-use forest land that is granted by the government, there is no land usage fee (clause 2, article 54, Land of Law 2013) (Socialist Republic of Vietnam, 2013), as this land provides conservation and protection.

The special-use and protective forest land can be used in combination with additional side purpose of ecology tourism. However, there exists establishments for business purposes, but there is no requirement for land usage permit owners to convert their purpose and pay the land usage fee.

Most protective forest land is allocated to organizations to protect, rebuild and replant forests; most special-use forest land is allocated to special-use forest land managing organizations to manage and protect based on plans approved by governmental institutions. Special-use and protective forest land managing institutes are allowed to allocate forest land to nearby individuals and households to protect and develop forests (Articles 136 and 137, Land Law 2013) (Socialist Republic of Vietnam, 2013). Protective and special-use forest land is allocated by the government in the long term - permanently, if not reclaimed by the government (clause 3, article 125, Land Law 2013) (Socialist Republic of Vietnam, 2013). If the land permit owner uses the land for a different purpose (converting land purpose without permission), inefficiently utilizing land, but at the same time, still has time left on their permit, it is harder to enforce the rules and policies than for those with limited duration permits. In general, the basis for repurposing land includes: Annual plans of land usage by districts approved by government institutions; the need of land illustrated through projects and petitions for repurposing land (article 52, Land Law 2013) (Socialist Republic of Vietnam, 2013). Protective and special-use land can be repurposed to other types of agricultural land, or non-agricultural land (article 57, Land Law 2013) (Socialist Republic of Vietnam, 2013). Other cases must be evaluated based on the needs of land use (Government of the Socialist Republic of Vietnam, 2017a). The contents of the evaluation include: (1) Evaluation of the appropriation of the use with an approved land usage plan by the government institution; (2) Evaluation of the appropriation of the use with a field-specific land usage plan by the government institution (if applicable); (3) Evaluation of the need of land repurposing based on pre-existing standards and quotas on land usage. With projects that have not been regulated by standards and quotas yet, the

evaluating institution would proceed based on the project's size, nature, and ability to provide land of the local land bank; evaluation of the ability to use land is conducted through the evaluation of the investors' ability to complete the project, environmental impact of the project, compatibility with existing infrastructure, building density and dimensions for constructions, impact on national defense and security (if applicable). For projects that do not call for investment, the evaluating institution would proceed based on the project's size, nature, and ability to provide land of the local land bank (The Ministry of Natural Resources and Environment, 2014). For repurposing protective and special-use forest land for investment projects that are not under the jurisdiction of the National Assembly and the Prime Minister, the process can be initiated by one of the following documents: (1) Formal approval by the Prime Minister for cases of repurposing over 20 ha of protective and special-use forest land. For repurposing protective and special-use forest land in islands and coastal or border wards, formal approval by relevant ministries is needed. The government only grants repurposed forest land in this case to people who have the financial ability to assure that the process proceeds in a timely manner; having an escrow compliant with policies and laws on investment; comply with laws and policies on land if using granted land for other investment projects (article 58, Land Law 2013) (Socialist Republic of Vietnam, 2013). These institutions can authorize repurposing land: (1) Provincial-level People's Committee for domestic or religious institutions; (2) People's Committee of District for households and individuals. For households and individuals who seek approval to repurpose more than 0.5 ha of agricultural land (protective and special-use forest land is a subcategory of agricultural land) for commercial and service purposes, formal approval needs to be granted by the provincial-level People's Committee.

Appropriate government institutions cannot authorize other individuals or institutions to grant land repurposing rights. (Article 59, Land Law 2013) (Socialist Republic of Vietnam, 2013).

### 3.1.2. Analyzing other policies and laws relating to repurposing protective and special-use forest land to other types of land

**Planning Law:** One of the important bases for repurposing land is the plan of land usage. However, some of the contents of the 2013 Land Law have been rendered outdated, inappropriate, and contradict the 2017 Planning Law and the 2018 revision of 37 laws relating to planning (Table 2). **Forestry Law:** Although protective and special-use forest land is closely related to protective and special-use forest, the forest land is regulated by the Land Law, while the forest is regulated by the Forestry Law. There exist conflicts between the two sets of laws.

Different from the categorization in 3.1.1, protective forest is categorized based on their importance. Protective forests can be categorized as (1) Upstream forest; Water source protecting forest for habitats; border protection forest; (2) Wind and sand-blocking forest, wave-blocking forest, and land reclamation forest. Similarly, the special-use forest is categorized into (1) National parks; (2) Natural reserves; (3) Species reserves; (4) Landscape reserves including historic-cultural conservation forests and landscapes; religious forests; urban forests, industrial park environmental forests; (5) Scientific forests;

national botanical garden; seed banks (article 5, Forestry Law) (Socialist Republic of Vietnam, 2013). This difference in the categorization of forest and forest land led to large discrepancies in the area of forest and forest land. According to the data on land in 2019: the total special-use forest land area of Viet Nam is 2.294.090 ha; the area for protective forest land is 5.111.918 ha. According to forest data in 2019: the area of special-use forest is 2.161.661 ha; the area of protective forest is 4.646.138 ha (Ministry of Agriculture and Rural Development, 2020). The basis of repurposing forests for other purposes is: (1) Align with the national forestry plan, land usage plan; and current local forest area. (2) Prohibiting repurposing natural forest for other purposes, except for projects of national importance; projects on national security and national defense; projects of necessity approved by the government (3) In agreement with regulations on repurposing land (article 14, Forestry Law) (Socialist Republic of Vietnam, 2017a).

Evaluation of repurposing forest is based on: (1) Forest repurposing plan of People's Committee of district or provincial level People's Committee; provincial land use plan approved by appropriate government institutions. (2) Forest area, land area planned for forestation.

Table 2. Comparison of the 2013 Land Law with other relevant laws.

Category	2013 Land Law	2017 Planning Law	2018 revision of 37 laws relating to planning
System of planning land usage	National; Provincial, District; National Defense usage, Security Usage (article 36) (Socialist Republic of Vietnam, 2013).	Replace provincial land usage plan with a general development plan, which allocates and categorizes land based on usage and land types to each district (article 5, article 27) (Socialist Republic of Vietnam, 2017a).	Removed provincial land usage plan (article 6) (Socialist Republic of Vietnam, 2018a).
Approach	The system for land usage planning is independent from other planning system. Regulations for national land usage planning ensure uniformity across socioeconomic regions. Provincial and district planning regulations do not mention regional uniformity (chapter 4) (Socialist Republic of Vietnam, 2013).	Horizontal integration between different fields is common in infrastructure, resource, and environmental conservation (article 3). Land usage planning takes inter-regional and intra-regional relationships into account (articles 24 to 28) (Socialist Republic of Vietnam, 2017b)	Land usage planning takes inter-regional and intra-regional relationships into account (article 6) (Socialist Republic of Vietnam, 2018b).

(3) Need to repurpose forest for other purposes for households, individuals, and communities (article 15, Forestry Law) (Socialist Republic of Vietnam, 2017). The conditions for repurposing forests for other purposes include: (1) Align with the national forestry plan; land use plan. (2) Approved by appropriate government institutions (3) Utilized for an investment project approved by an appropriate government institution (4) Having a reforestation plan approved by the government or fulfilling reforestation duty by paying a fee (article 19, Forestry Law) (Socialist Republic of Vietnam, 2017a). Converting forest to other types of forest must meet these conditions: align with forestry planning and forest categorization criteria; having plans for repurposing forest (article 18, Forestry Law) (Socialist Republic of Vietnam, 2017b). The jurisdiction for repurposing forest falls under (1) National Assembly for the special-use forest, upstream forest, border forest over greater than 50 ha; wind, sand, and waves protective forest over 50 ha.

(2) Prime minister for the special-use forest under 50 ha; upstream and border forest from 20 - 50 ha; wind, sand and waves protective forest from 20 - 500 ha.

(3) Provincial-level People's Committee for the upstream forest, border forest, wind, sand, and waves forest less than 20 ha, water source protective forest (article 20, Forestry Law) (Socialist Republic of Vietnam, 2017b). The jurisdiction of protective and special-use forest is not in line with the jurisdiction of protective and special-use forest land in article 58, Land Law 2013 (Socialist Republic of Vietnam, 2013). In detail, there are discrepancies in jurisdiction considering forest area (the prime minister's approval is required to repurpose special-use forest under 50 ha, while the province's People's Committee approval is needed for the land under 20 ha). Jurisdiction of repurposing protective forests depends on the necessity of the forest, but regulations on repurposing land do not include this. Similarly, cultural and conservation values are taken into account, while the land repurposing process does not consider this. Jurisdiction for converting forests to other types of forests: Prime Minister for forests that were created by the Prime Minister based on suggestions from the

Ministry of Agriculture and Rural Development; chair of provincial People's Committee for other types of forest, after the provincial People's Council approved the change (clause 2, article 18, Forestry Law) (Socialist Republic of Vietnam, 2017a). Specifically, the change from protective and special-use forest land must be approved by the appropriate government institution, regardless of the final purpose for the land (article 57, Land Law) (Socialist Republic of Vietnam, 2013).

Investors of projects on repurposed forest land must replant a replacement forest in the same area as the repurposed forest area, triple the size of the repurposed natural forest. If the investor cannot plant a replacement forest, they must pay a fee to the provincial forest development and conservation fund (Article 21, Forestry Law) (Socialist Republic of Vietnam, 2017a).

Repurposing protective and special-use forest land to other purposes in other laws.

Repurposing special-use forest land must prioritize the conservation of important regional, distinctive ecology or conserving endangered species. Moreover, repurposing must protect conserves like National parks, natural reserves, species reserves, landmark reserves (article 5, article 16, Biodiversity Law; article 20, Environment Conservation Law) (Socialist Republic of Vietnam, 2018b, Socialist Republic of Vietnam, 2020).

### ***3.2. The state of repurposing protective and special-use forest land***

#### *3.2.1. The state of repurposing protective forest land*

From the land management data in 2019 and 2020 of 12 provinces (Son La People's Committees of Lao Cai, Son La, Dak Lak, Lam Dong, Quang Ninh, Vinh Phuc, Nghe An, Quang Binh, Dong Nai, Binh Phuoc, Kien Giang, Ca Mau, 2019, 2020) representing 6 socioeconomic regions, 276.662 ha protective forest land has been repurposed for other uses, or not used from 2014÷2020. As per the government's policy of converting between 3 types of forest for use by the people, protective forest land converted to production forest land accounts for a majority

with 62.946 ha, 22.75% of the total area of repurposed protective forest land; other cultivated land (less-than-a-year harvest, excluding rice) makes up for 57.913 ha, 20.93%; long-term harvest cultivated land accounts for 24.593 ha, 8.9%. The area of protective forest land repurposed into non-agricultural land is 19.850 ha, 7.17 %, mainly for public use. Repurposed protective forest land unused accounts for 105.021 ha, 38%, mainly due to wildfire, and illegal deforestation (Table 3).

*Table 3. Repurposed protective forest land 2014÷2020.*

Final purpose	Area (ha)	Final purpose	Area (ha)
1. Agricultural land	151.791	2. Non-agricultural land	19.850
Rice fields	2.497	Inhabited land	859
Other cultivated land	57.913	Government building land	256
Long-harvest cultivated land	24.593	National security and defense land	2.828
Production forest land	62.946	Commercial land	3.203
Special-use forest land	3.118	Public-use land	7.920
Aquaculture land	325	Other land	4784
Other agricultural land	399	3. Unused land	105.021

Source: Compiled from land inventory results of 2019 and land statistics of 2020 from 12 provinces representing 6 economic-societal regions of the country.

### *3.2.2. The state of repurposing special-use forest land*

From 2014÷2020 in the 12 studied provinces, 55.057 ha of special-use forest land is repurposed for other uses, or not used at all

As per the government's policy of converting between 3 types of forest for use by the people, the most popular usage for repurposed special-use forest land is production forest land, with 19.499 ha, 35.42%; the second most popular being protective forest land with 11.336 ha, 20.6%; for other agricultural use, the repurposed protective forest land area is 12.970 ha, 23.6%.

Special-use forest land converted to non-agricultural forest land accounts for 3.734 ha, 6.78%, mainly for public use. The area of unused repurposed special-use forest land is 7.518 ha, 13.65%, mainly due to forest fire and deforestation (Table 4). Source: Compiled from land inventory results of 2019 and land statistics of 2020 from 12 provinces representing 6 economic-societal regions of the country.

*Table 4. Repurposed special-use forest land 2014÷2020.*

Final purpose	Area (ha)	Final purpose	Area (ha)
1. Agricultural land	43.805	2. Non-agricultural land	3.734
Rice fields	542	Inhabited land	72
Other cultivated land	8.721	Government building land	47
Long-harvest cultivated land	3.568	National security and defense land	421
Production forest land	19.499	Commercial land	454
Protective forest land	11.336	Public-use land	1.565
Aquaculture land	107	Other land	1175
Other agricultural land	32	3. Unused land	7.518

### *3.3. Evaluation of the current law on repurposing protective and special-use forest land*

The research group sampled 50 administrators to evaluate the appropriateness of the current policy on repurposing protective and special-use forest land. The survey shows that some of the loopholes and the faults within the law codes are as follows: On the basis of changing land usage, 14% of the respondents evaluated the policy as inappropriate; 46% evaluated this as appropriate (Table 5). According to Article 52 in Land Law 2013, the need for land use illustrated through a petition is the basis for land repurposing. In reality, to evaluate the need to repurpose protective and special-use forest land, it is hard to quantify the need as there is no benchmark for the process.

On basis of repurposing protective and special-use forest land to other purposes for investments: 40% deem the current laws and

policy appropriate, and 24% deem the laws inappropriate (Table 6). From the administrator's viewpoint, for projects repurposing more than 20 ha of special-use and protective forest land, including those approved by the prime minister, there is no regulation on the waiting duration of the approval, which leads to trouble on the investor side. To avoid waiting for the prime minister's approval, in reality, the forest land is divided into pieces less than 20 ha.

*Table 5. Evaluation on the appropriateness of the basis on which protective and special-use forest land repurposing is granted.*

Evaluation	Number of Votes	Percentage
Very appropriate	20	40.0
Appropriate	23	46.0
Not appropriate	7	14.0

*Table 6. Evaluation on the appropriateness of the Land Law on the condition for repurposing protective and special-use forest islands for investment projects.*

Evaluation	Number of Votes	Percentage
Very appropriate	18	36.0
Appropriate	20	40.0
Not appropriate	12	24.0

On the regulations on financial duties converting protective and special-use forest land to other purposes: 40% of the administrators evaluate the policy as appropriate and 30% evaluate the policy as inappropriate (Table 7). In reality, protective forest, especially special-use forests with tourism activities, usually has infrastructure on those for commercial purposes. However, it is unreasonable to not charge land usage fees on these buildings.

*Table 7. Evaluation on the appropriateness of the Land Law on the financial duties of repurposing protective and special-use forest land.*

Evaluation	Number of Votes	Percentage
Very appropriate	15	30.0
Appropriate	20	40.0
Not appropriate	15	30.0

Regulations on the length of use for repurposed special-use and protective forest land: 36% of the administrators deem this as appropriate and 18% deem the policy inappropriate (Table 8). Some administrator holds the opinion that allowing for long-term use of special-use and forest land does not encourage land user to follow the law.

*Table 8. Evaluation on the appropriateness of the Land Law on the length of use of repurposed special-use and protective forest land.*

Evaluation	Number of Votes	Percentage
Very appropriate	23	46
Appropriate	18	36
Not appropriate	9	18

Regulations governing the responsibility of administrators for repurposing protective and special-use forest land for other purposes: 36% of the administrator evaluated the regulations as inappropriate (Table 9). Some opinions from administrators include criticism for the lack of jurisdiction for the provincial People's Committee for repurposing protective and special-use forest land for investment projects, as well as the lack of jurisdiction for transferring between 3 types of forest land (protective, special-use and production forest land) for provincial People's Committee in the Land Law, which forced them to utilize the Forestry Law for transferring forest types.

On the overlaps and discrepancies between the Land Law and other relevant laws: 100% of the administrators believe that the 2013 Land Law contradicts other laws such as Forestry Law 2017, Planning Law 2017, and 2018 Revision of Laws related to planning.

*Table 9. Evaluation on the appropriateness of the Land Law on the jurisdiction of repurposing special-use and protective forest land to other types of forest land.*

Evaluation	Number of Votes	Percentage
Very appropriate	25	50
Appropriate	18	36
Not appropriate	7	14



### **3.4. Current limitations of Land Law, relating to repurposing protective and special-use forest land to other purposes**

- There are overlaps between Land Law and other laws on criteria for classifying protective and special-use forest land with protective and special-use forest; conditions to repurpose special-use and protective forest; jurisdictions on approval of repurposing protective and special-use forest land with repurposing protective and special-use forest; land use plans.

- Difficulty in evaluating the need for use for repurposing land.

- Generalization of the condition to repurpose protective and special-use forest land for other purposes, while the impact depends on the final purpose.

- Regulations on financial duties are not reasonable: for land in protective and special-use forests used for commercial purposes, no fee is needed.

- Regulations on how to convert protective and special-use forest land to other purposes are not clear, therefore the duration for approval can be lengthened, and loopholes exist to divide the project to avoid the prime minister's approval.

- Levels and jurisdictions on converting protective and special-use forest land are still lacking and not appropriate.

### **3.5. Proposing policies on protective and special-use forest land management and repurposing protective and special-use forest land**

Revisions and additions on article 58, Land Law on the jurisdiction for repurposing protective and special-use forest: (1) The government allows for repurposing protective and special-use forest for projects approved by the National Assembly and the Prime Minister, either through an investment approval or a land usage plan approval. The converted area must be more than 50 ha (except for converting between forest land. (2) The Provincial People's Committee has the jurisdiction to convert protective and special-use forest land to other forest land; the area must be smaller or equal to 50 ha.

Create regulations on the length of the petitioning process from the Prime Minister; increase the responsibility of the head administrators in guides to execute Land Law.

In addition to Article 57, Land Law: Constructions on protective and special-use forest land serving tourism purposes must be conducted on repurposed land and pay land usage fees.

Amend "Article 125. Long-term use land" in 2013 Land Law as follows: "50 year usage period for: Protective and special-use forest land assigned to individuals, households, communities, and army institutions" The goal of this is to make land users more responsible for using the land for the right purposes, or else the land would be retrieved. Addition to Article 55. "Land assignment with usage fees": Commercial land within protective and special-use forest land.

Amendments and additions to Chapter 4 "Land usage planning": refer to parts of the 2017 Planning Law and the Revisions on 37 laws relevant to planning: the principles and content of the land usage plan must include intra-region links; land usage must incorporate plans of the different economic fields and assign land to different fields.

### **3.6. Discussion points**

Addition of principles and criteria set for repurposing protective and special-use forests to other purposes on the guideline for the execution of Land Law. The criteria set is based on: The need of the project using repurposed protective and special-use forest land; the classification of the protective effect of the protective forest land (those with high impact must be conserved, and those with less impact will be converted to other purposes). Similarly, the classification of the importance of special-use forest land in conserving the landscape and the environment to identify special-use forests that need to be conserved and those that do not.

There are overlaps between Land Law and other relevant laws, The National Assembly and other ministries should research and make amendments to ensure there is uniformity across different laws.

## **4. Conclusion**

There are contradictions and overlaps between Land Law and other relevant laws on repurposing protective and special-use forest land for other purposes.

Special-use and protective forest land usually gets repurposed into production forest land,

making up 22.75% of repurposed protective forest land; 35.42% of repurposed special-use forest land. Then, the next most popular purpose is for other agricultural purposes; a part of those is converted to non-agricultural land.

According to 50 administrator evaluations, there exists some policies and laws that are not reasonable on: the basis of evaluating the need of land use, time period for land use, jurisdiction on repurposing land, financial duties, order of the proceedings, and time constraints.

Some of the articles and chapters that are proposed to be amended: Article 55, 57, 58, 125, chapter 4.

There should be further discussion on sets of regulations and criteria to convert protective and special-use forest land to other purposes; unifying Land Law with other relevant law sets.

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### Contribution of authors

Yen Kim Thi Nguyen - Conceptualization, performed the analytic calculations, writing original draft; Phin Thi Pham - writing, review & editing.

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