






# **Centralized National Risk Assessment for Viet Nam**

**FSC-CNRA-VN V1-0 EN**

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## Contents

Risk assessments that have been finalized for Viet Nam .....	4
Risk designations in finalized risk assessments for Viet Nam.....	5
Risk assessments .....	7
Controlled Wood Category 1: Illegally harvested wood.....	7
Overview .....	7
Sources of legal timber in Viet Nam.....	9
Risk assessment .....	10
Recommended control measures .....	76
Controlled wood category 2: Wood harvested in violation of traditional and human rights .....	81
Risk assessment .....	81
Recommended control measures .....	82
Detailed analysis .....	82
Controlled wood category 3: Wood from forests in which high conservation values are threatened by management activities .....	157
Overview .....	157
Experts consulted.....	159
Risk assessment .....	159
Recommended control measures .....	184
Information sources .....	184
Controlled wood category 4: Wood from forests being converted to plantations or non-forest use .....	189
Risk assessment .....	189
Recommended control measures .....	193
Controlled wood category 5: Wood from forests in which genetically modified trees are planted .....	194
Risk assessment .....	194
Recommended control measures .....	201

## Risk assessments that have been finalized for Viet Nam

<b>Controlled Wood categories</b>		Risk assessment completed?
1	Illegally harvested wood	YES
2	Wood harvested in violation of traditional and human rights	YES
3	Wood from forests where high conservation values are threatened by management activities	YES
4	Wood from forests being converted to plantations or non-forest use	YES
5	Wood from forests in which genetically modified trees are planted	YES

## Risk designations in finalized risk assessments for Viet Nam

<b>Indicator</b>	<b>Risk designation</b> (including functional scale when relevant)
Controlled wood category 1: Illegally harvested wood	
1.1	Specified risk
1.2	Low risk
1.3	Low risk
1.4	Specified risk
1.5	N/A
1.6	Specified risk – Privately owned forests N/A – Household- and state-owned forests
1.7	Specified risk – Privately owned forests N/A – Household- and state-owned forests
1.8	N/A – Natural forest Low risk – Plantations
1.9	Specified risk
1.10	Specified risk
1.11	Specified risk
1.12	Specified risk
1.13	N/A
1.14	N/A
1.15	N/A
1.16	Low risk
1.17	Specified risk
1.18	Specified risk
1.19	Specified risk
1.20	Specified risk
1.21	N/A
Controlled wood category 2: Wood harvested in violation of traditional and human rights	
2.1	Low risk
2.2	Specified risk
2.3	Specified risk for traditional territories of indigenous peoples (ethnic minorities) in mountainous areas in the country. Low risk for all other areas of the country.
Controlled wood category 3: Wood from forests where high conservation values are threatened by management activities	
3.0	Low risk
3.1	Specified risk – Natural forests Low risk – Plantations
3.2	Specified risk – Natural forests Low risk – Plantations
3.3	Specified risk – Natural forests Low risk – Plantations
3.4	Specified risk
3.5	Specified risk

3.6	Specified risk – Natural forests Low risk – Plantations
Controlled wood category 4: Wood from forests being converted to plantations or non-forest use	
4.1	Specified risk
Controlled wood category 5: Wood from forests in which genetically modified trees are planted	
5.1	Low risk

# Risk assessments

## Controlled Wood Category 1: Illegally harvested wood

### Overview

The forestry sector in Vietnam contributed US\$1.4 billion to the economy in 2006, which is approximately 2.4% of the country's GDP. The forest sector is growing as Vietnam becomes a major international manufacturing country. Forest management is governed by the 1991 Law on Forest Protection and Development, last amended in 2004. Under the Law, the Ministry of Agriculture and Rural Development (MARD) is responsible for managing Vietnam's forest protection and development campaign. MARD works closely with other ministries, including: Ministry of Natural Resources and Environment (MONRE), the Ministry of Public Security and the Ministry of Defense.

Forest management in Vietnam is highly centralized. The Vietnamese constitution provides the fundamental and highest level law of the land. All laws and policies are issued by the government and the National Assembly. Vietnam has a legal framework to address illegal logging, but unauthorized harvesting and trading are ongoing, with recent research by Chatham House and NGOs reporting that in reality Vietnam's legislative framework and implementation to tackle illegal trade is seriously lacking. According to Chatham House, there are an estimated 30,000 to 50,000 reported forest violations per year. According to contacted stakeholders, 30% of harvested timber does not come from plantations (as is commonly reported) but from 'scattered sources' such as fields, gardens, abandoned land, land not used by its owner, from roadsides, etc.

The key pieces of legislation are the 2004 Law on Forest Protection and Development (based on the 1991 Forest Resources Protection and Development Act) and the Land Law of 2003. The Forest Protection and Development Law bans unplanned and unpermitted timber logging. The Land Law classifies forest as agricultural land, divided into three main types: production forest, protection forest, and special use forest (i.e., protected areas). Vietnam has a number of laws and regulations requiring sustainability in forest operations, including management plans. Approximately 72% of Vietnam's forested area is publicly owned. Deforestation in Vietnam is largely driven by infrastructure improvements to support a rapidly developing economy, and to make room for agricultural cultivation to support rural communities, which make up 71.7% of the population.

In December 2014, the Prime Minister signed Decision No. 2242/QĐ-TTg approving the scheme strengthening the management of exploitation of timber of native forests for the period 2014–2020. This Scheme is aimed at improving the quality of native forest and developing high quality production forests eligible for sustainable exploitation to meet the demand for natural timber for domestic consumption and gradually replace imported timber.

In 2010, about 6.4 million m<sup>3</sup> of roundwood equivalent (RWE) was needed to support Vietnam's growing wood processing industry. Of this supply, 1.6 million m<sup>3</sup> originated from domestic supply. Vietnam imported 4-5 million m<sup>3</sup> RWE, or 80% of the total raw material needed for its wood processing sector (Nguyen Ton Quyen, 2009a). Wood imported to Vietnam comes from 600 different vendors from 26 different countries and territories (August 2010 data).

In 2007, the import value was US\$996 million, roughly 39.8% of the total export value. By 2010, this figure had increased to US\$1.1 billion, but only 32.35% of the export value (Nguyen Ton Quyen, 2011; EFI 2011).

The Vietnamese Government imposed a logging ban on natural forest in 1993. The logging ban is still in force for natural forest, protection forest and special-used forest.

Illegal logging continues to be a problem in Vietnam. There are an estimated 30,000 to 50,000 reported forest violations per year and, despite a legal framework, enforcement is weak. According to Transparency International's 2015 Corruption Perceptions Index, which measures perceived levels of public sector corruption in countries around the world using a score of 0–100 (where 0 is highly corrupt and 100 is completely clean), Vietnam is ranked 112th out of 177 countries assessed. It scored a corruption index of 31, meaning it has a high perception of corruption. Vietnam has performed consistently poorly on Transparency International's Corruption Perceptions Index; although there has been some improvement given Vietnam ranked 123 out of 176 countries in 2012.

The World Bank compiles a set of governance indicators for all world economies known as the Worldwide Governance Indicators (WGI). The WGI country reports are based on the six following aggregate governance indicators: Voice and Accountability, Political Stability and Absence of Violence, Government Effectiveness, Regulatory Quality, Rule of Law, and Control of Corruption. Countries are ranked (percentile rank model) for each of the six governance indicators on a scale from 0 to 100 where 0 corresponds to lowest rank and 100 corresponds to highest rank (better governance). In 2013, Vietnam got the following ranks out of 100:

- Voice and Accountability: 11.8
- Political Stability and Absence of Violence: 55.9
- Government Effectiveness: 44
- Regulatory Quality: 28.2
- Rule of Law: 39.3
- Control of Corruption: 36.8

Forest Classification, distribution and ownership (Forest Protection Department FDP 2013):

In Vietnam three forest types are used according to the forest classification system:

- 1.1 Special-used forests, over 2.0 million hectares (14.9% of the total area of the national forest)
- 1.2. Protection forest: Accounting for 4.7 million hectares (33.4% of the country's forest area)
- 1.3. Production forests: 7.0 million ha (50% of the country's forest area) forest ownership rights, forest use rights belong to various economic elements in society.
  - 1.3.1 State ownership: forests under the management of state-owned enterprises such as corporations, companies and forestry companies. The economic sectors are running forestry business as army, police
  - 1.3.2 Collective economic sectors as communities, cooperatives,
  - 1.3.3 Individual ownership as household, households group, private companies.



Consultation with in-country experts was carried out throughout the drafting of this assessment from 2015-2016, including face to face consultation meetings held in Hanoi in 2015. Broad range of experts were consulted, including representatives from Non-government organisations, civil society organisations, a number of Vietnamese Government Ministries, enterprises and wood associations, provincial governments and international organisations working in the timber legality sector in Vietnam. Due to confidentiality issues, the experts consulted have not been named specifically in this report, but a full list of experts was provided to the PSU.

### Sources of legal timber in Viet Nam

Forest classification type	Permit/license type	Main license requirements (forest management plan, harvest plan or similar?)	Clarification
Production forest	Ownership rights - use rights - forest management attached to land Harvesting permit in native forest: Harvesting permit, salvage logging permit, harvesting permit when forest land is changed to another purpose. Each permit is issued to different forest owners (organizations or household).	Document for logging permit in native forests including confirmation of forest management right: Forest land allocation documents, forest management plans, approved harvesting plan (quantity, size, types of products). However since the logging ban is still effective, no logging in natural production forests can take place.  Logging permits relating to plantations are similar for organizations; but households fill in only the forest products claim table and submit to the Commune People's Committees for approval.	
Protection forest	Has a similar harvesting permit to the above production forest, with only limited potential for logging.	Forest logging document for protection forest is similar to above document relating to production forest – but mainly applied to native forests and plantations under State management board for protection forest.	Protection forests are divided into two categories: very critical and critical. The condition for the harvesting permit is applied to the critical level forest and subsequently there are many limiting conditions including of the harvesting intensity (natural forest) and harvesting measures (plantations).

## Risk assessment

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
<b>Legal rights to harvest</b>			
<p>1.1 Land tenure and management rights</p>	<p><b>Applicable laws and regulations</b></p> <p><b>Land Law 2013 ('New Land Law')</b> - Articles 32, 33, 34, 35, 48, 49, 50, 51</p> <p><a href="http://www.itpc.gov.vn/investors/how_to_invest/law/Law_on_land/mldocument_view/?set_language=en">http://www.itpc.gov.vn/investors/how_to_invest/law/Law_on_land/mldocument_view/?set_language=en</a></p> <p><b>Decree 45/2014/ND-CP</b> dated 15 May 2014 on land use levy collection</p> <p><b>Circular No. 76/2014/TT-BTC</b> of the Ministry of Finance dated June 16, 2014 guiding some articles of Decree No. 45/2014/ND-CP on land use levy collection</p> <p><a href="http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&amp;mode=detail&amp;document_id=174753">http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&amp;mode=detail&amp;document_id=174753</a></p> <p><b>Decree No. 46/2014/ND-CP</b> dated May 15, 2014 of the Vietnam Government regulating the collection of land rent and water surface rent <a href="http://www.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&amp;mode=detail&amp;document_id=174329">http://www.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&amp;mode=detail&amp;document_id=174329</a></p> <p><b>Circular No. 35/2011/TT-BNNPTNT</b> dated 20th May 2011 Providing guidance the implementation</p>	<p>Government Sources</p> <ul style="list-style-type: none"> <li>Constitution (document) made by the National Assembly. e.g. Business Law <a href="http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=16744">http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=16744</a></li> </ul> <p>Non-government Sources</p> <ul style="list-style-type: none"> <li>Transparency International's Corruption Perceptions Index 2016 - <a href="http://www.transparency.org/country/VNM">http://www.transparency.org/country/VNM</a></li> <li>Forest Legality Alliance, 2015. Risk Tool - Vietnam. Accessed 5 February 2015 at <a href="http://www.forestlegality.org/risk-tool/country/vietnam#tab-management">http://www.forestlegality.org/risk-tool/country/vietnam#tab-management</a>.</li> <li>World Bank, 2015. Worldwide Governance Indicators - Vietnam 1996–2015. Accessed 27 April 2017 at <a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a></li> <li>Saunders, J. 2014. Trade in Illegal Timber - The Response in Vietnam - A Chatham House Assessment. Chatham House</li> </ul>	<p>Overview of Legal Requirements</p> <p>The Land Law of 2003<sup>13</sup> governs the powers and responsibilities of the State as the representative of the public land for the people. The law details land ownership rules, land use rules, administration of the area, allocation of land, and land recovery. Forests and forest land in Vietnam are managed by the Government.</p> <p>According to the Forest Protection Department (FPD) (December 2013) of the Ministry of Agriculture and Rural Development (MARD) and To and Canby (2011), the key forest user groups and their characteristics are:</p> <ol style="list-style-type: none"> <li>1. State forest companies (SFCs) currently manage around 1.9 million ha of forest, 73% of which (1.4 million ha) is natural forest, and the remaining 27% is plantation forest. Companies must hold a valid land use title, supported by one of the following: Land Use Certificate issued by the provincial Department of Natural Resources and Environment (DONRE); a document of company establishment endorsed by the Provincial People's Committee; a signed Decision issued by</li> </ol>

	<p>of timber and non-timber forest product harvesting and salvaging - Clause 4, Article 3.  <a href="http://vndoc.com/thong-tu-so-35-2011-tt-bnnptnt-huong-dan-thuc-hien-khai-thac-tan-thu-go-va-lam-san-ngoai-">http://vndoc.com/thong-tu-so-35-2011-tt-bnnptnt-huong-dan-thuc-hien-khai-thac-tan-thu-go-va-lam-san-ngoai-</a></p> <p><b>Circular 77/2014/TT-BTC</b> dated 16/6/2014 of the Ministry of Finance (VN) guiding some articles of Decree No. 46/2014/ND-CP on land rental, collection of water  <a href="http://chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&amp;_page=21&amp;mode=detail&amp;document_id=174752">http://chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&amp;_page=21&amp;mode=detail&amp;document_id=174752</a>  <a href="http://thuvienphapluat.vn/archive/Nghi-dinh-163-1999-ND-CPsurface-rent">http://thuvienphapluat.vn/archive/Nghi-dinh-163-1999-ND-CPsurface-rent</a></p> <p><b>Decree 163/1999/ND-CP</b> on allocating and leasing of forestry land to organizations, households and individuals for stable and long-term forestry purposes. Articles 4, 5, 6, 9, 10 and 17.</p> <p><b>Decree 135/2005/ND-CP</b> dated November 8th, 2005 on the allocation of agricultural land, productive forest land and land aquaculture infrastructure in state-run agricultural farms and forestry farms. Articles 6, 8, 9 and 11.</p> <p><a href="http://thuvienphapluat.vn/archive/Nghi-dinh-135-2005-ND-CP-giao-khoan-dat-nong-nghiep-rung-san-xuat-co-mat-nuoc-nuoi-trong-thuy-san-trong-nong-lam-truong-quoc-doanh-vb5331.aspx">http://thuvienphapluat.vn/archive/Nghi-dinh-135-2005-ND-CP-giao-khoan-dat-nong-nghiep-rung-san-xuat-co-mat-nuoc-nuoi-trong-thuy-san-trong-nong-lam-truong-quoc-doanh-vb5331.aspx</a></p>	<p>London. Accessed 5 January 2015 at <a href="http://www.illegal-logging.info/sites/default/files/CHHJ2362_Vietnam_Logging_Research_Paper_FINAL.pdf">http://www.illegal-logging.info/sites/default/files/CHHJ2362_Vietnam_Logging_Research_Paper_FINAL.pdf</a>.</p> <ul style="list-style-type: none"> <li>• Forest Trends, 2013. Forest Trends Information Brief No. 7 February 2013 - Small-Scale Illegal Logging in Vietnam: Implications for FLEGT and REDD+. February 2013. Accessed 6 February 2015 at <a href="http://www.forest-trends.org/documents/files/doc_3341.pdf">http://www.forest-trends.org/documents/files/doc_3341.pdf</a>.</li> <li>• To Xuan, P and Canby, K. 2011. Baseline Study 3: Vietnam - Overview of Forest Governance and Trade. Forest Trends for FLEGT Asia Regional Programme April 2011. Accessed 6 February 2015 at <a href="http://www.euflegt.efi.int/documents/10180/23308/Baseline+Study+3,%20Vietnam/73bea271-0a2e-4ecb-ac4e-f4727f5d8ad9">http://www.euflegt.efi.int/documents/10180/23308/Baseline+Study+3,%20Vietnam/73bea271-0a2e-4ecb-ac4e-f4727f5d8ad9</a>.</li> <li>• To, XP and T. Sikor, 2008, The Politics of Illegal Logging in Vietnam, Working Paper 05 DEV Working Paper Series, The School of Development Studies, University of East Anglia, UK. Accessed 6 February 2015 at <a href="http://www.uea.ac.uk/polopoly_fs/">http://www.uea.ac.uk/polopoly_fs/</a></li> </ul>	<p>Provincial People's Committee on land allocation; or a Contract of land use right transfer agreement.</p> <ol style="list-style-type: none"> <li>2. Forest management boards (FMBs) belonging to the state currently manage more than 4.7 million ha, primarily special-used and protection forests for protection and conservation purposes. About 88% are natural forests, and the remaining 12% are plantation forests.</li> <li>3. Individual households have been allocated about 3.4 million ha, 50% of which (1.7 million ha) are natural forest, and the remaining 50% are plantation. More than 1 million households are involved in these programs; many (but not all) have received land use certificates with clear rights and duty to the land and forests.</li> <li>4. Commune People's Committees (CPCs) manage around 2.3 million ha, most of which (1.8 million ha) are natural forests. Owing to the lack of staff and capacity, CPCs are often unable to effectively manage these areas. 'Open access' issues are common. Despite Government efforts to allocate these areas to other forest user groups, delays have been caused by a lack of budget for allocation processes and weak collaboration between Ministries.</li> <li>5. Groups and community organizations such as farmer unions, women and youth groups, manage 524,477 ha of forest, 96% of which are natural forest. None of</li> </ol>
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<p><b>Joint Circular No. 07/2011/TTLT-BNNPTNT-BTNMT</b> dated January 29th, 2011 by Ministry of Agriculture and Rural Development and the Ministry of Natural Resources and Environment, providing guidance forest allocation and lease. Articles 5, 9 and 11.  <a href="http://congbao.chinhphu.vn/loi-dung-van-ban-so-07_2011_TTLT-BNNPTNT-BTNMT-(6801)">http://congbao.chinhphu.vn/loi-dung-van-ban-so-07_2011_TTLT-BNNPTNT-BTNMT-(6801)</a></p> <p><b>Law on Forest Protection and Development 2004</b></p> <ul style="list-style-type: none"> <li>- Article 31 requires registration of forest use rights, and the ownership rights of the plantation as productive forest; however, it does not cover native forest.</li> <li>- Article 27.28 stipulates the change of purpose for forest use. There are only two competent authorities eligible to make a decision - they are the Prime Minister and the Chairman of Provincial People's Committee. Provincial authorities have the power to allow change to a part or whole of a forest with a previously established purpose.</li> </ul> <p><a href="http://moj.gov.vn/vbpq/Lists/Vn%20bn%20php%20ut/View_Detail.aspx?ItemID=18584">http://moj.gov.vn/vbpq/Lists/Vn%20bn%20php%20ut/View_Detail.aspx?ItemID=18584</a></p> <p><b>Decree 23/2006/ND-CP</b> dated March 3rd 2006 on the implementation of the Law on Forest Protection and Development.</p> <p><a href="http://thuvienphapluat.vn/archive/Nghi-dinh-23-2006-ND-CP-thi-hanh-Luat-Bao-ve-va-phan-trien-rung-vb9593.aspx">http://thuvienphapluat.vn/archive/Nghi-dinh-23-2006-ND-CP-thi-hanh-Luat-Bao-ve-va-phan-trien-rung-vb9593.aspx</a></p> <p><b>Circular 38/2007/TT-BNN</b> dated 24/4/2007 - With guidance on the order and procedures for</p>	<p>1.74014!dev%20wp%2005%20si kor%202008.pdf.</p> <ul style="list-style-type: none"> <li>• To Xuan Phuc &amp; Tran Huu Nghi, 2014. Forest Land Allocation in the Context of Forestry Sector Restructuring: Opportunities for Forestry Development and Uplands Livelihood Improvement. Tropenbos International Viet Nam and Forest Trends. June 2014. Accessed 6 February 2015 at <a href="http://www.forest-trends.org/documents/files/doc_4826.pdf">http://www.forest-trends.org/documents/files/doc_4826.pdf</a>.</li> <li>• Buhmann, K. &amp; Iben Nathan (2013) Plentiful forests, happy people? The EU's FLEGT approach and its impact on human rights and private forestry sustainability schemes. Nordic Environmental Law Journal, Vol. 4, No. 2: 53–82  <a href="http://www.rightsandresources.org/documents/files/doc_6056.pdf">http://www.rightsandresources.org/documents/files/doc_6056.pdf</a></li> <li>• Expert consultation conducted by NEPCon in Vietnam from 2015-2016.</li> </ul>	<p>the community organizations have received land use certificates; and nor have most of the groups; thus their rights to the land have not been formalized.</p> <p>Forest users who conduct business activities in the forest for profit, are considered enterprises who are subject to requirements relating to production and procedures, tax declaration and fees according to business law. Over the past 15 years the land law and business law have changed on several occasions, meaning that many individuals and businesses are confused about the exact requirements to which they are subjected.</p> <p>Allocation of land-use rights  Article 24(3) of the Forest Protection and Development Law of 2004 lays out the Production Forest assignment principles. The State will assign natural forests and plantation forests without levies to any households or individuals living on the land. For economic organizations, these levies will be assigned. The Government is responsible for prescribing in detail how the assignment of production forests is to occur (FLA, 2015). Article 25 assigns the leasing authority between States and the national Government. The State shall lease production forests to domestic economic organizations with an annual rental payment for forestry production. The State also has authority to lease</p>
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<p>allocation and lease of forests to, or recovery of forests from, organizations, households, individuals and village population communities. Clauses 4, 5, Section II and Clause 2, Section III.</p> <p><a href="http://www.kieklam.org.vn/Desktop.aspx/News/Giao-rung-Quan-ly-nuong-ray/Thong_tu_382007TT-BNN_ngay_2542007">http://www.kieklam.org.vn/Desktop.aspx/News/Giao-rung-Quan-ly-nuong-ray/Thong_tu_382007TT-BNN_ngay_2542007</a></p> <p><b>Circular 87/2009/TT-BNN PTNT</b> dated 31/12/2009 by MARD guiding on design, use and selection of timber.</p> <p><a href="http://www.chinhphu.vn/portal/page/portal/chinhphu/bonganh/bonongnghiepvaphattriennongthon/vanban?orgId=16&amp;title=V%C4%83n+b%E1%BA%A3n+quy+ph%E1%BA%A1m+ph%C3%A1p+lu%E1%BA%ADt&amp;classId=1&amp;view=detail&amp;documentId=153646">http://www.chinhphu.vn/portal/page/portal/chinhphu/bonganh/bonongnghiepvaphattriennongthon/vanban?orgId=16&amp;title=V%C4%83n+b%E1%BA%A3n+quy+ph%E1%BA%A1m+ph%C3%A1p+lu%E1%BA%ADt&amp;classId=1&amp;view=detail&amp;documentId=153646</a></p> <p><b>Circular 01/2012/TT-BNNPTNT</b> dated January 4th, 2012 by the Ministry of Agriculture and Rural Development listing lawful forest products and describing inspection of the origin of forest products.</p> <p><a href="http://www.moit.gov.vn/vn/Pages/ChiTietVanBan.aspx?viD=11997">http://www.moit.gov.vn/vn/Pages/ChiTietVanBan.aspx?viD=11997</a></p> <p><b>Decree No. 02/CP</b> dated 15/01/1994 of the Government to allocate forest land to organizations, households and individuals for long-term use; to replace Decree 163/1999/ND-CP of</p>		<p>plantation forests; leases may be given to overseas Vietnamese, foreign organizations and individuals with a lump-sum rental payment for the whole lease term or with an annual rent payment (FLA, 2015). Natural forest can be allocated, but people have limited control because the forest still belongs to the Government. When a road is built on that land, no compensation is given to the people.</p> <p>For the “with-charge” allocations, the land–use-right and forest-use-right certificates are subject to different fee collections based on the area of allocation. These fees are related to costs for measurements.</p> <p>Note that there is a logging ban in force for natural forest, protection forest and special-used forest.</p> <p>Risks:</p> <ul style="list-style-type: none"> <li>- Corruption in the issuance of allocation: The cost of the services for issuing certificates can make the officers and organizations granting certificates (Red Book) prolong the process as they await payment. This leads to lobbying and bribery by applicants. This risk is common throughout the country.</li> <li>- The process for obtaining licenses for production and business, forest planting activities and forest harvesting is very</li> </ul>
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<p>the Government Affairs: lease of forest land to organizations, households and individuals for stable, long-term forestry purposes - Articles 5, 11, 13, 14.</p> <p><a href="http://thuvienphapluat.vn/archive/Nghi-dinh-2-CP-ban-Quy-dinh-ve-viec-giao-dat-lam-nghiep-cho-to-chuc-ho-gia-dinh-ca-nhan-su-dung-on-dinh-lau-dai-vao-muc-dich-lam-nghiep-vb38711.aspx">http://thuvienphapluat.vn/archive/Nghi-dinh-2-CP-ban-Quy-dinh-ve-viec-giao-dat-lam-nghiep-cho-to-chuc-ho-gia-dinh-ca-nhan-su-dung-on-dinh-lau-dai-vao-muc-dich-lam-nghiep-vb38711.aspx</a></p> <p>Enterprise Law 2014 - Articles 24, 25: the conditions relating to business certificate registration and content of certificates.</p> <p><a href="http://thuvienphapluat.vn/archive/Luat-Doanh-nghiep-2014-vb259730.aspx">http://thuvienphapluat.vn/archive/Luat-Doanh-nghiep-2014-vb259730.aspx</a></p> <p><b>Decree 43/2010/ND-CP</b> dated April 15, 2010 on business registration. Articles 5, 6, 7, 8, 10, 11, and 29.</p> <p><a href="http://www.hapi.gov.vn/ngho-donh-so-432010ndcp-ngay-1542010-cua-thu-tuong-chinh-phu-ve-dang-ky-doanh-nghiep_p363t139.aspx">http://www.hapi.gov.vn/ngho-donh-so-432010ndcp-ngay-1542010-cua-thu-tuong-chinh-phu-ve-dang-ky-doanh-nghiep_p363t139.aspx</a></p> <p><b>Decree 85/2007/ND-CP</b> dated May 25th, 2007 of the Government detailing the implementation of some articles in the Tax administration law (details the implementation of a number of articles of the Law on Tax Administration applicable to the management of taxes, charges, fees, land and water surface rents, land use levy, revenue collected from the exploitation of mineral resources and other revenues of the state budget, the collection of which is managed by tax</p>		<p>complex and there is a lack of transparency.</p> <ul style="list-style-type: none"> <li>- There are frequently issues with areas of land allocated to State Enterprises that do not have the capacity to administer this land. In these instances, local communities commence using the land, planting trees or crops, for example, then issues of ownership arise when the state attempts to reclaim the land at a later date. This has caused long disputes, with the outcome usually in favour of the encroachers.</li> <li>- Lack of tenure rights for local people, and overlapping land rights. 'Large areas of production forest have been allocated to individual households, state forest companies, and local communities. However, many of them have not been granted land use certificates thus their legal status to the land has not been formalized thus constraining them from entering into economic transactions related to land.' (To and Canby, 2011). 14</li> </ul> <p>Revocation of land-use rights When the State decides to revoke a land-use-right and/or forest-use-right, a compensation amount is decided. The amount of compensation is decided by the Provincial People's Committee, and is done so without consultation with the recipient of the revoked right. This issue is becoming increasingly problematic in relation to decisions around the</p>
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	<p>administration agencies according to law.) Articles 7, 8, 10, 11, 13, 14 and 15.</p> <p><a href="http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&amp;mode=detail&amp;document_id=7505">http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&amp;mode=detail&amp;document_id=7505</a></p> <p><b>Decree 124/2008/ND-CP</b> dated 11/12/2008 of the Government detailing and guiding the implementation of some articles of the Law on Enterprise Income Tax. Articles 5 and 11.</p> <p><a href="http://www.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&amp;mode=detail&amp;document_id=81476">http://www.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&amp;mode=detail&amp;document_id=81476</a></p> <p><b>Decree 50/2010/ND-CP</b> dated May 14, 2010, detailing and guiding a number of articles of the Law on Royalties.</p> <p><a href="http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20ph%20lut/View_Detail.aspx?ItemID=25350">http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20ph%20lut/View_Detail.aspx?ItemID=25350</a></p> <p><b>Circular 23/2014/TT-BTNMT</b> on certificates of land use rights and ownership rights over houses and other assets attached to land.</p> <p><a href="http://thuvienphapluat.vn/archive/Thong-tu-23-2014-TT-BTNMT-Giay-chung-nhan-quyen-sudung-dat-so-huu-nha-o-tai-san-khac-gan-lien-dat-vb236488.aspx">http://thuvienphapluat.vn/archive/Thong-tu-23-2014-TT-BTNMT-Giay-chung-nhan-quyen-sudung-dat-so-huu-nha-o-tai-san-khac-gan-lien-dat-vb236488.aspx</a></p> <p><b>Circular 30/2014/TT-BTNMT</b> regarding land</p>		<p>conversion of land to other uses. Land-use-rights and forest-use-rights are frequently being revoked to re-allocate land for conversion. Currently the risk of this occurring is so high that many local people have instigated lawsuits, complaints and claims of corruption. Recent media reports state that 70-80% of complaints made to Government from citizens relate to the field of land allocations. e. g. Tien Lang enforcement case or Van Giang (Hung Yen) Duong Noi (Hanoi) (<a href="http://vtc.vn/toan-can-h-vu-cuong-che-tien-lang-chan-dong-ca-nuoc.59-0.html">http://vtc.vn/toan-can-h-vu-cuong-che-tien-lang-chan-dong-ca-nuoc.59-0.html</a>).</p> <p>There are generally fewer issues associated with land tenure in plantations (Expert Consultation 2015-16).</p> <p>There is a general risk of corruption in Vietnam Transparency International's 2015 Corruption Perceptions Index ranked Vietnam 113th out of 177 countries assessed and scored a corruption index of 33, meaning it has a high perception of corruption.</p> <p>The 2015 World Bank Worldwide Governance Indicators (WGI) gave Vietnam the following ranks out of 100: Voice and Accountability: 10.84; Political Stability and Absence of Violence: 48.57; Government Effectiveness: 55.29;</p>
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	<p>allocation, land lease and changes to the purpose of land use, land acquisition. Articles 3, 4 and 8.</p> <p><a href="http://thuvienphapluat.vn/archive/Thong-tu-30-2014-TT-BTNMT-ho-so-giao-cho-thue-chuyen-muc-dich-su-dung-thu-hoi-dat-vb239132.aspx">http://thuvienphapluat.vn/archive/Thong-tu-30-2014-TT-BTNMT-ho-so-giao-cho-thue-chuyen-muc-dich-su-dung-thu-hoi-dat-vb239132.aspx</a></p> <p><b>Decree 43/2014 / ND-CP dated 15 May 2014</b> - <a href="http://thuvienphapluat.vn/archive/Nghi-dinh-43-2014-ND-CP-huong-dan-thi-hanh-Luat-Dat-dai-vb230680.aspx">http://thuvienphapluat.vn/archive/Nghi-dinh-43-2014-ND-CP-huong-dan-thi-hanh-Luat-Dat-dai-vb230680.aspx</a></p> <p><a href="http://thuvienphapluat.vn/archive/Nghi-dinh-43-2013-ND-CP-huong-dan-Dieu-10-Luat-cong-doan-quyen-trach-nhiem-vb186878.aspx">http://thuvienphapluat.vn/archive/Nghi-dinh-43-2013-ND-CP-huong-dan-Dieu-10-Luat-cong-doan-quyen-trach-nhiem-vb186878.aspx</a></p> <p><b>Legal Authority</b></p> <p>Ministry of Agriculture and Rural Development (MARD), VNFOREST is implementing agency 10</p> <p>Ministry of Environment and Resources</p> <p>Local Authorities (provincial level): Department of Agriculture and Rural Development (DARD), Forest Protection Department (FPD) 11</p> <p><b>Legally required documents or records</b></p> <p>For households, one of the following:</p> <ul style="list-style-type: none"> <li>• Land use rights certificate (Red Book)</li> <li>• Decision on land allocation</li> <li>• One of the types of papers on land use rights as</li> </ul>		<p>Regulatory Quality: 33.69; Rule of Law: 46.15 and Control of Corruption: 39.42.</p> <p><b>Risk Conclusion</b></p> <p>Based on the general risk of corruption in Vietnam, as well as the specific information above, the risk for this indicator has been assessed as Specified.</p> <p>This indicator has been evaluated as specified risk: Threshold (2) is met”: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
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	<p>required in Clause 1, Article 50, Land Law 2003</p> <p>For Organizations (State forestry companies, private forestry companies, other economic organizations), in addition to one of the above, business registration certificate.</p>		
1.2 Concessions on licenses	<p><b>Applicable laws and regulations</b></p> <p><b>Decree 01/CP</b> dated 04/01/1995 of the Government. Articles 1, 2, 6, 8, 11.</p> <p><a href="http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20ph%20lut/View_Detail.aspx?ItemID=10003">http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20ph%20lut/View_Detail.aspx?ItemID=10003</a></p> <p><b>Legal Authority</b></p> <p>Ministry of Agriculture and Rural Development (MARD)</p> <p>Ministry of Natural Resources and Environment (MONRE)</p> <p>Local Authorities: Provincial Department of Agriculture and Rural Development (DARD), Provincial Department of Natural Resources and Environment (DONRE)</p>	<p>Non-Government sources</p> <ul style="list-style-type: none"> <li>To Xuan Phuc &amp; Tran Huu Nghi, 2014. Forest Land Allocation in the Context of Forestry Sector Restructuring: Opportunities for Forestry Development and Uplands Livelihood Improvement. Tropenbos International Viet Nam and Forest Trends. June 2014. Accessed 6 February 2015 at <a href="http://www.forest-">http://www.forest-</a></li> <li>Transparency International's Corruption Perceptions Index 2016 - <a href="http://www.transparency.org/country/VNM">http://www.transparency.org/country/VNM</a></li> <li>Forest Legality Alliance, 2015. Risk Tool - Vietnam. Accessed 5 February 2015 at <a href="http://www.forestlegality.org/risk-tool/country/vietnam#tab-management">http://www.forestlegality.org/risk-tool/country/vietnam#tab-management</a>.</li> <li>World Bank, 2015. Worldwide Governance Indicators - Vietnam 1996–2015. Accessed 27 April 2017 at <a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a></li> </ul>	<p>Overview of Legal Requirements</p> <p>Although not technically concessions, the law in Vietnam allows for land allocation contracts (which follow Decree 01 CP) and land use right transfer contracts (which follow the Land Law).</p> <p>An <i>allocation contract</i> permits a citizen to establish a forest or undertake other forestry activities on the land of state-owned forest company. These contracts are called assignment contracts, and the the use right is retained by the forest company.</p> <p>This contract-based allocation of forests and forest lands between forest companies and local people is based on civil law (To &amp; Tran, 2014). Organizations with a land use right may transfer rights wholly or partly to partners or households with validation and conditions. Households or individuals who have land use rights can transfer those rights to organizations or other households under a voluntary contract with terms and conditions, which may or may not need to</p>

	<p><b>Legally required documents or records</b></p> <p>For households, one of the following:</p> <ul style="list-style-type: none"> <li>• Land use right certificate (Red Book)</li> <li>• Decision on land allocation</li> <li>• One of the types of papers on land use rights as required in Clause 1, Article 50, Land Law 2003</li> </ul> <p>For Organizations, in addition to one of the above, business registration certificate</p>	<ul style="list-style-type: none"> <li>• Expert consultation conducted by NEPCon in Vietnam from 2015-2016.</li> </ul>	<p>be determined by the Commune People's Committee or notary.</p> <p>Households: The State Forest Management Organization has the right contract with households and villages for land use rights and forest use rights under Decree 01/1999. The people or organizations have the right to use the land can make a concession to others through a contract or commitment. This contract can be confirmed by the Commune People's Committee (CPC). The land use concession royalty is not regulated by law. Forest state enterprises or state business organizations delegate powers relating to land use rights and forest rights to households or group of households by valid contract with payment or partial payment of the profits.</p> <p>To be legal, these contracts must be witnessed and stamped by the Local Authority (the law does not specify whether this should be at the Commune or District level).</p> <p>Description of Risk</p> <p>In the past, this type of sale by contract was prohibited, but amendments to the Land Law in 2013 have allowed transfer by witnessed contract According to the Land Law, contracts must be witnessed</p>
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			<p>by the District Authority. Contracts signed prior to this amendment were deemed to be legal, and people could bring these old contracts to the District Authority to have them legalized.</p> <p>There is a risk that people would not have the contracts witnessed as required by law, but there is no evidence that this is a widespread or systemic issue (Expert discussion in Vietnam 2015-16).</p> <p>In each district, a copy of the contracts is retained by the District Authority, who makes reports to the Ministry of Natural Resources and Environment (MONRE). It is therefore possible to verify the legality of the contract.</p> <p>Risk Conclusion</p> <p>This indicator has been evaluated as low risk. Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>
1.3 Management and harvesting planning	<p><b>Applicable laws and regulations</b></p> <p><b>Law on Forest Protection and Development 2004.</b></p> <p>- Section 2. Forests assignment, lease and recovery, change in purpose of forest use.</p>	<p>Government Sources</p> <ul style="list-style-type: none"> <li>Acts of violation of forest laws since the beginning of the year to March 2014 - <a href="http://www.kiemlam.org.vn/Desktop.aspx/List/Hanh-vi-vi-pham-">http://www.kiemlam.org.vn/Desktop.aspx/List/Hanh-vi-vi-pham-</a></li> </ul>	<p>Overview of Legal Requirements</p> <p>For forest managers/harvesting companies with State investment, the company should have approved harvest plans and maps. Management and</p>

<p>- Articles 22, 24, 25 and 28. Right competent authority decision. - Article 44. Trading, transportation, export, import, temporary import for re- temporary export for re-import and transit of forest plants and animals.</p> <p><a href="http://faolex.fao.org/cgi-bin/faolex.exe?rec_id=041183&amp;database=faolex&amp;search_type=link&amp;table=result&amp;lang=eng&amp;format_name=@ERALL">http://faolex.fao.org/cgi-bin/faolex.exe?rec_id=041183&amp;database=faolex&amp;search_type=link&amp;table=result&amp;lang=eng&amp;format_name=@ERALL</a></p> <p><b>Circular No. 01/2012/TT-BNNPTNT</b> - Article 9</p> <p><a href="http://www.vietnamforestry.org.vn/view_news.aspx?nid=400">http://www.vietnamforestry.org.vn/view_news.aspx?nid=400</a></p> <p><b>Circular No. 42/2012 TT-BNNPTNT</b> - Article 1 (amendment No. 01) <a href="http://kiemlamthainguyen.gov.vn/upload/medias/cat2_1384575185.doc">http://kiemlamthainguyen.gov.vn/upload/medias/cat2_1384575185.doc</a></p> <p><b>Decree 23/2006/ND-CP dated 3/3/2006</b> of the Government on the implementation of the Law on Forest Protection and Development. Article 49.</p> <p><a href="http://thuvienphapluat.vn/archive/Nghi-dinh-23-2006-ND-CP-thi-hanh-Luat-Bao-ve-va-phat-trien-rung-vb9593.aspx">http://thuvienphapluat.vn/archive/Nghi-dinh-23-2006-ND-CP-thi-hanh-Luat-Bao-ve-va-phat-trien-rung-vb9593.aspx</a></p> <p><b>Circular 35/2011/TT-BNNPTNT</b> dated on 20/5/2011 on guiding the implementation of harvesting and salvage of timber and non-timber forest products. Article 5: forest management planning; Article 6: harvesting planning. Article 7, Article 18, Article 20, Article 24.</p>	<p>Luat-BV-va-PT-rung/ (In Vietnamese only.)</p> <p>Non-Government sources</p> <ul style="list-style-type: none"> <li>• WWF The Global Forest &amp; Trade Network (GFTN), UNDATED. Sourcing - Vietnam. Accessed 5 February 2015 at <a href="http://sourcing.gftn.panda.org/files/PDF/legal_documentation_vietnam.pdf">http://sourcing.gftn.panda.org/files/PDF/legal_documentation_vietnam.pdf</a>.</li> <li>• Sikor, Thomas and To, Phuc Xuan. 2011. 'Illegal Logging in Vietnam: Lam Tac (Forest Hijackers) in Practice and Talk', Society &amp; Natural Resources, 24: 7, 688–701.</li> </ul>	<p>harvest plans may only be developed by registered organizations: the Forest Inventory and Planning Institute (FIPI), technical Forestry Colleges (FC), licensed State Forestry Companies (SFCs) and local organizations with prescribed business licenses. In cases where the company borrows, with interest, from the government, harvesting plans are approved by either DARD (for companies belonging to the province) or Vietnam Forest Corporation (VINAFOR) with subsequent MARD approval (GFTN, undated).</p> <p>Article 55 of the Forest Protection Law lays out the details for Production Forests. State-owned forestry companies often outsource to private contractors the requirement to carry out forest inventories and forest management planning, so their management capacity is not enhanced. The service consulting firms have a strong understanding of the management of land resources and forest resources planning while the forest owners do not necessarily have a complete understanding. Forestry companies often hire professional services organizations (FIPI) to carry out the forest inventory and planning over the medium term (5 years).</p> <p>Note that there is a logging ban in force for natural forest, protected forest and special purpose forest.</p>
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	<p>Vietnam Forest Corporation (VINAFOR)</p> <p>Commune Peoples' Committee (CPC)17</p> <p><b>Legally required documents or records</b></p> <p><i>For organizations</i></p> <ul style="list-style-type: none"> <li>- Sustainable Forest Management Plan</li> <li>- Decision on approving Sustainable Forest Management Plan issued by Provincial Department of Agriculture and Rural Development (DARD)</li> <li>- Decision on approving Forest Regulation Plan issued by DARD</li> </ul> <p><i>For households</i></p> <ul style="list-style-type: none"> <li>- Decision on approving Harvesting Plan of District People's Committee (DPC)</li> </ul> <p>The following harvesting documents should also be available for organizations:</p> <ul style="list-style-type: none"> <li>• Harvesting Plan written by forest title holder or harvesting entities</li> <li>• Harvesting Plan area map made by forest title holders or harvesting entities;</li> <li>• List of trees marked for harvesting made by forest title holder or harvesting agency</li> <li>• Minutes on appraising the Harvesting Plan in the field which is made by consulting firm</li> <li>• Decision on approving Harvesting Plan dossier of DARD (for Organizations) and DPC (for households)</li> <li>• Forest Harvesting Permit issued by DARD (for</li> </ul>		
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	<p>organizations) and DPC (for households)</p> <ul style="list-style-type: none"> <li>• Forest title and checking-and-acceptance record of harvesting timber that is developed by District FPD</li> </ul> <p>In addition to those listed above, for plantation forests invested by own capital or supported by the State and some salvage harvesting, silvicultural harvesting and harvesting timber from plantations in home gardens, farms and dispersed trees, a <b>Harvesting registration form made by forest title holders</b> and a <b>Table of products to be harvested</b> should also be available.</p>		
1.4 Harvesting permits	<p><b>Applicable laws and regulations</b></p> <p>Circular 35/2011/TT-BNNPTNT dated on 20/5/2011</p> <ul style="list-style-type: none"> <li>- Article 4 stipulates forest objectives, and forest products to be harvested;</li> <li>- Article 7 and Article 16: regulation of harvest licensing procedures for native forests;</li> <li>- Article 8: harvest licensing procedures for concentrated plantation forests by the State budget capital and grant budget;</li> <li>- Article 9: harvest licensing procedures for concentrated plantation forests by self-investment capital;</li> <li>- Articles 18 and 19: harvest licensing procedures for plantation forests.</li> </ul> <p><a href="http://vndoc.com/thong-tu-so-35-2011-tt-bnnptnt-huong-dan-thuc-hien-khai-thac-tan-thu-go-va-lam-san-ngoai">http://vndoc.com/thong-tu-so-35-2011-tt-bnnptnt-huong-dan-thuc-hien-khai-thac-tan-thu-go-va-lam-san-ngoai</a> (<a href="http://vndoc.com/thong-tu-so-35-2011-tt-bnnptnt-huong-dan-thuc-hien-khai-thac-tan-thu-go-va-lam-san-ngoai">http://vndoc.com/thong-tu-so-35-2011-tt-bnnptnt-huong-dan-thuc-hien-khai-thac-tan-thu-go-va-lam-san-ngoai</a>)</p>	<p>Non-Government sources</p> <ul style="list-style-type: none"> <li>• Sikor, Thomas and To, Phuc Xuan. 2011. 'Illegal Logging in Vietnam: Lam Tac (Forest Hijackers) in Practice and Talk', <i>Society &amp; Natural Resources</i>, 24: 7, 688–701.</li> <li>• TalkVietnam.com, 2013. <i>Corrupt forest rangers jailed over illegal logging scheme</i>. Available online at &lt; <a href="https://www.talkvietnam.com/2013/02/corrupt-forest-rangers-jailed-over-illegal-logging-scheme/">https://www.talkvietnam.com/2013/02/corrupt-forest-rangers-jailed-over-illegal-logging-scheme/</a>&gt;, accessed 20 January 2017.</li> <li>• United Nations Office for Drugs and Crime, 2013. <i>Criminal Justice Responses to the Illegal Trade in Timber in Vietnam</i>. Available online at &lt; <a href="https://www.unodc.org/documents">https://www.unodc.org/documents</a></li> </ul>	<p>Overview of Legal Requirements</p> <p>There is a logging ban in force for natural forest, protection forest and special-used forest.</p> <p>Circular 35 provides full instructions for the issuance of harvesting permits:</p> <ul style="list-style-type: none"> <li>• Department of Agriculture and Rural Development (DARD) issues 10 types of permits for different organizations (forest users);</li> <li>• District People's Committee (DPC) issues three types of permits to households and communities; and</li> <li>• Commune People Committee (CPC) approves seven types of applications for forest exploitation (these applications do not require a harvesting permit).</li> </ul>

<p>tt-bnnptnt-huong-dan-thuc-hien-khai-thac-tan-thu-go-va-lam-san-ngoai-go/download in Vietnamese</p>	<p><b>Legal Authority</b></p> <p>Natural forest: Provincial Department of Agriculture and Rural Development (DARD)</p> <p>Plantation: District People's Committee (DPC) Note: Plantations, where are invested by companies/ households by themselves, are not required submitting timber harvesting design documents to authority agencies for approving.</p> <p><b>Legally required documents or records</b></p> <p>For rubberwood: - Decision on liquidating rubber completed by organizations - Harvesting registration form completed by households</p> <p>For salvage timber: • Decision on approving environmental assessment report of MARD or Provincial People's Committee (PPC) for projects that change purposes for forest use: 5ha or more for watershed protection forests, wave-breaking protection forests, special use forests; 10ha or more for natural forests; 50ha or</p>	<p><a href="#">/southeastasiaandpacific//Publications/wildlife/CJS_Response_-_VIETNAM_01_13_Dec_201.pdf</a> &gt;, accessed 20 January 2017.</p> <ul style="list-style-type: none"> <li>• Vietnambreakingnews.com, 2013. <i>Corrupt forest rangers jailed over illegal logging scheme</i>. Available at &lt; <a href="https://m.vietnambreakingnews.com/2013/12/corrupt-forest-rangers-jailed-over-illegal-logging-scheme/">https://m.vietnambreakingnews.com/2013/12/corrupt-forest-rangers-jailed-over-illegal-logging-scheme/</a>&gt;, accessed 20 January 2017.</li> <li>• Viet Nam News, 2011. <i>Corrupt rangers threaten forests</i>. Available online at &lt;<a href="http://vietnamnews.vn/opinion/219173/corrupt-rangers-threaten-forests.html">http://vietnamnews.vn/opinion/219173/corrupt-rangers-threaten-forests.html</a>&gt;, accessed 20 January 2017.</li> <li>• Thai Son, Thanh Nien News, 2015.</li> <li>• <i>Vietnamese forest rangers caught taking bribes from timber company</i>. Available online at &lt; <a href="http://www.thanhniennews.com/society/vietnamese-forest-rangers-caught-taking-bribes-from-timber-company-46775.html">http://www.thanhniennews.com/society/vietnamese-forest-rangers-caught-taking-bribes-from-timber-company-46775.html</a>&gt; , accessed 20 January 2017.</li> <li>• Ai Chau, Thanh Nien News, 2014. <i>Vietnam forest ranger arrested for bribery investigation</i>. Available online at &lt; <a href="http://www.thanhniennews.com/s">http://www.thanhniennews.com/s</a></li> </ul>	<p>The District-level People's Committee grants harvesting permits for individuals, whereas the DARD grants harvesting permits for organizations. Households – who plant trees on their own land and do not have any external investment or loans – do not need a harvesting permit prior to harvesting those trees. Some households who do not have the capacity to deal with the harvesting permit procedure will enter into an arrangement with a harvesting company, who will obtain the necessary harvesting permits on behalf of the householders.</p> <p>Research Institutes who hold the land for scientific purposes will obtain a harvesting permit from the Ministry or their own Associations; however the Association is not a state authority and cannot issue harvesting permits.</p> <p>The two largest corporations (Vietnam Forest Corporation (VINAFOR) and Vietnam Paper Corporation (VINAPACO)) are also special cases. The VINAFOR obtains its permit from the MARD - VNFOREST and the VINAPACO from the Ministry of Industry and Commerce. Forest rangers closely monitor the harvesting process. A copy of the harvesting permit must be provided to the rangers prior to commencing harvesting activities to enable them to monitor the activity and ensure legal volumes are cut.</p>
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	<p>more for other types of forests.</p> <ul style="list-style-type: none"> <li>• Document on accepting environmental protection commitment of DPC or Commune People's Committee (CPC) for the projects that change the purposes for forest use and have areas smaller than the area regulated</li> <li>• Decision on approving Measure on compensation for site clearance.</li> <li>• Document of Prime Minister or People's Committee (for organizations) or DPC (for households) on allowing forest conversion for changing forest use;</li> <li>• Document of PPC on assigning the harvesting operation (organizations only)</li> <li>• Harvesting Plan written by forest title holder or harvesting agency (organizations only)</li> <li>• Map of harvesting area produced by forest title holder or harvesting entities (organizations only)</li> <li>• Decision on approving Harvesting Plan dossier issued by DARD (organizations only)</li> <li>• Harvesting permit issued by DARD (organizations only)</li> <li>• Table of products to be harvested of by forest title holder (household only)</li> <li>• Validating minutes of residential forest rangers or commune forest rangers (households only)</li> <li>• Harvesting registration form completed by households</li> </ul> <p>Plantation - own investment &amp; state support</p> <ul style="list-style-type: none"> <li>• Harvesting registration form completed by forest title holder</li> <li>• Table of products to be harvested completed by forest title holder (household);</li> <li>• Harvesting Plan completed by forest title holder or</li> </ul>	<p><a href="http://www.transparency.org/country/VNM">ociety/vietnam-forest-ranger-arrested-for-bribery-investigation-29443.html</a>&gt;, accessed 20 January 2017.</p> <ul style="list-style-type: none"> <li>• Transparency International's Corruption Perceptions Index 2016 - <a href="http://www.transparency.org/country/VNM">http://www.transparency.org/country/VNM</a></li> <li>• Forest Legality Alliance, 2015. Risk Tool - Vietnam. Accessed 5 February 2015 at <a href="http://www.forestlegality.org/risk-tool/country/vietnam#tab-management">http://www.forestlegality.org/risk-tool/country/vietnam#tab-management</a>.</li> <li>• World Bank, 2015. Worldwide Governance Indicators - Vietnam 1996–2015. Accessed 27 April 2017 at <a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a></li> <li>• Expert consultation conducted by NEPCon in Vietnam from 2015-2016.</li> </ul>	<p>Data for all trees harvested is checked, and logs are stamped by the forest rangers. Records of stamping are maintained by the Forest Protection Department (FPD) for natural resource tax assessment and to provide proof of origin.</p> <p>Description of Risk</p> <p>Incidents of illegal harvesting, involving bribery of forest rangers, have been reported (TalkVietnam.com, 2013, United Nations Office for Drugs and Crime, 2013, Vietnambreakingnews.com, 2013. Viet Nam News, 2011, Thai Son, Thanh Nien News, 2015, Ai Chau, Thanh Nien News, 2014). According to Sikor and To (2011), forest rangers in Vietnam abused their enforcement powers to facilitate illegal timber trade, deriving personal profits from it. These reports are intermittent, but consistent.</p> <p>There is a general risk of corruption in Vietnam Transparency International's 2015 Corruption Perceptions Index ranked Vietnam 113th out of 177 countries assessed and scored a corruption index of 33, meaning it has a high perception of corruption.</p> <p>The 2015 World Bank Worldwide Governance Indicators (WGI) gave</p>
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	<p>harvesting agency (for households, only the tentative volume estimated by forest title holder)</p> <ul style="list-style-type: none"> <li>• Harvesting area map made by forest title holder or consulting firm (organization)</li> </ul> <p>Plantation forests invested by State budget, grant</p> <ul style="list-style-type: none"> <li>• Harvesting Plan area map created by forest title holder or harvesting entities</li> <li>• Harvesting Plan map made by forest title holder or consulting firm</li> <li>• Decision on approving Harvesting Plan dossier of DARD or the line agency (for organizations) or DPC (for households)</li> <li>• Harvesting permit issued by DARD, the line agency (for organizations) or DPC (for households)</li> </ul>		<p>Vietnam the following ranks out of 100: Voice and Accountability: 10.84; Political Stability and Absence of Violence: 48.57; Government Effectiveness: 55.29; Regulatory Quality: 33.69; Rule of Law: 46.15 and Control of Corruption: 39.42.</p> <p>There appear to be fewer reports in the most recent year, but given the known risks associated with corruption and bribery in Vietnam, a specified risk has been found in this indicator.</p> <p>Risk Conclusion</p> <p>This indicator has been evaluated as specified risk: Threshold (2) is met": Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
<b>Taxes and fees</b>			
1.5 Payment of royalties and harvesting fees	<p><b>Applicable laws and regulations</b></p> <p><b>Law on Royalties 45/2009 / QH12</b> of November 25, 2009</p> <ul style="list-style-type: none"> <li>- Chapter 2 of the Royalties bases, in Article 7 Royalties rates</li> <li>- Section V: The rate of production of native forest products.</li> </ul> <p><a href="http://cucthue.angiang.gov.vn/index.php?option=com_attachments&amp;task=download&amp;id=534">http://cucthue.angiang.gov.vn/index.php?option=com_attachments&amp;task=download&amp;id=534</a></p>	<p>Non-government Sources</p> <ul style="list-style-type: none"> <li>• Le, D.T., 2015. Analysis of State Forestry Companies with Emphasis on Sustainable Natural Forest Management - Case Studies from the Central Highlands, Vietnam. Doctoral Dissertation. Institute of International Forestry and Forest</li> </ul>	<p>Overview of Legal Requirements</p> <p>The tax on using natural resources is applied to forest products in natural forests only. Note that there is a logging ban is in force for natural forest, protection forest and special-used forest. The Law on Royalties provides for the payment of royalties on the exploitation of Vietnamese natural and mineral resources. The Law describes the natural</p>

	<p><b>Decree 50/2010/ND-CP</b> dated 14/5/2010 with specifications and guidance on some articles relating to the Natural Resource Tax Law. The taxable forests are divided into 8 species groups each with their own tax rates.</p> <p><a href="http://www.luatthue.net/2014/03/nghi-dinh-so-50-2010-nd-cp.html">http://www.luatthue.net/2014/03/nghi-dinh-so-50-2010-nd-cp.html</a></p> <p><b>Decision 2242/QD-TTg</b> PROVING THE SCHEME FOR STRENGTHENING THE MANAGEMENT OF EXPLOITATION OF TIMBER OF NATIVE FORESTS FOR THE PERIOD 2014–2020</p> <p><a href="http://www.vietnamforestry.org.vn/mediastore/fsspc/o/2015/01/20/2242_QD-TTg_111214_CP_EN.pdf">http://www.vietnamforestry.org.vn/mediastore/fsspc/o/2015/01/20/2242_QD-TTg_111214_CP_EN.pdf</a></p> <p><b>Legal Authority</b></p> <p>Natural forest: Local Tax Office registers revenue tax to businesses, households, communities for payment of royalties and harvesting fees General Department of Tax - Ministry of Finance</p> <p>Plantation: N/A</p> <p><b>Legally required documents or records</b></p> <p>Receipts of paid taxes and fees according to the unity form of the Ministry of Finance</p>	<p>Products, Technische Universität Dresden, Tharandt.</p> <ul style="list-style-type: none"> <li>• Transparency International's Corruption Perceptions Index 2016 - <a href="http://www.transparency.org/country/VNM">http://www.transparency.org/country/VNM</a></li> <li>• Forest Legality Alliance, 2015. Risk Tool - Vietnam. Accessed 5 February 2015 at <a href="http://www.forestlegality.org/risk-tool/country/vietnam#tab-management">http://www.forestlegality.org/risk-tool/country/vietnam#tab-management</a>.</li> <li>• World Bank, 2015. Worldwide Governance Indicators - Vietnam 1996–2015. Accessed 27 April 2017 at <a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a></li> <li>• Expert consultation conducted by NEPCo in Vietnam from 2015-2016.</li> </ul>	<p>resource output used for royalty calculation, royalty-liable prices and royalty rates. Royalty payers must register, declare, calculate and pay royalties under the Law on Tax Administration. The Law further defines cases in which royalty payers may be considered for exemption from, or reduction of, payable royalties. Stumpage fees (or so called as standing tree tax or standing tree charge) is nowadays still regulated in some provinces in Central Highlands such as Gia Lai, Kon Tum, Lam Dong, and Dak Nong (Le, 2015).</p> <p>Forest prices are described under Article 33 of the Forest and Development Law of 2004. The Government is responsible for prescribing the principles and methods for determining the prices for forests of all kinds. Once the Government has set the principles and method, the Provincial/District People's Committees set specific prices for forests in their respective localities. Prices will be formulated when required by law; when they are necessary for auction of forest use rights over production forests; etc. When bidding for forest rights occurs, the winning bid must be higher than the Government-set price.</p>
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	<p>Check receipts for fees paid relating to management plan, harvesting plan, EIA design &amp; VAT</p>		<p><b>Description of Risk</b></p> <p>There is a risk of tax avoidance, but this risk is low as there are no serious known cases about this over a long period of implementation. In one case in the Khanh Hoa province, an enterprise harvested Fokienia trees (a species subject to a high tax rate) but to avoid tax claimed to harvest Pinus trees; and the authority did not discover this for a year. There are also reports that species which occur both in native forests and in plantation forests are wrongly declared as originating in plantations so that owners can avoid their tax obligations. There is risk of illegal declaration of either timber species or the total timber volume as a means of avoiding taxes.</p> <p>Forest owners generally comply with other requirements for the payment of environment-related taxes and fees. The Government promotes the participation of households or group of households in the forestry sector by reducing several types of tax and/or exempting households from paying them. The high tax on the use of natural resources – based on the Prime Minister's policy to stop the exploitation of timber of native forests nationwide while enhancing and strengthening the leadership of authorities at all levels in forest protection (Decision 2242/QD-TTg)</p>
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			<p>– is (according to the public press) not subject to a high risk of corruption.</p> <p>Because each harvesting activity is reviewed by a forest ranger, the risk described for this category will occur only if the forest ranger cannot correctly identify the timber. As the rangers are trained foresters, they are likely to be able to correctly identify the species.</p> <p>Risk Conclusion</p> <p>As the tax on using natural resources is applied to forest products in natural forests only and there is a logging ban in force for natural forest, protection forest and special-used forest, this indicator is not applicable.</p>
1.6 Value added taxes and other sales taxes	<p><b>Applicable laws and regulations</b></p> <p><b>Law 32/2013/QH13</b> dated June 19, 2013 of the National Assembly on amending and supplementing some articles of the Law on Enterprise Income Tax.</p> <p><b>Decree 218/2013/ND-CP</b> dated 20/12/2013: specifications and guidance relating to business income tax</p> <p><b>Circular 78/2014/TT-BTC</b> guidance on implementation of business income tax</p> <p><b>Law 31/2013 / QH13</b> - <a href="http://vbqppl.mpi.gov.vn/en-">http://vbqppl.mpi.gov.vn/en-</a></p>	<p>Non-Government sources</p> <ul style="list-style-type: none"> <li>• Forest Legality Alliance, 2015. Risk Tool - Vietnam. Accessed 5 February 2015 at <a href="http://www.forestlegality.org/risk-tool/country/vietnam#tab-management">http://www.forestlegality.org/risk-tool/country/vietnam#tab-management</a>.</li> <li>• Transparency International's Corruption Perceptions Index 2016 - <a href="http://www.transparency.org/country/VNM">http://www.transparency.org/country/VNM</a></li> </ul>	<p>Overview of Legal Requirements</p> <p>VAT applies to many forest products. Where the products become a traded good, the VAT tax will apply. The tax rate varies depending on the product, but ranges from 5 to 10%. Where corruption occurs in relation to VAT, a common scenario is underpayment of official taxes with a percentage of the difference paid to the official to overlook the underpayment. The requirements relating to VAT only apply to private entities, and</p>

	<p>us/Pages/default.aspx?itemId=e8b872a9-079d-42fd-be10-368935dbaf6e&amp;list=documentDetail</p> <p><b>Legal Authority</b></p> <p>General department of tax - Ministry of Finance (MOF)</p> <p><b>Legally required documents or records</b></p> <p>Receipts of paid value added taxes</p>	<ul style="list-style-type: none"> <li>• Forest Legality Alliance, 2015. Risk Tool - Vietnam. Accessed 5 February 2015 at <a href="http://www.forestlegality.org/risk-tool/country/vietnam#tab-management">http://www.forestlegality.org/risk-tool/country/vietnam#tab-management</a>.</li> <li>• World Bank, 2015. Worldwide Governance Indicators - Vietnam 1996–2015. Accessed 27 April 2017 at <a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a></li> <li>• Expert consultation conducted by NEPCo in Vietnam from 2015-2016.</li> </ul>	<p>are not applicable to forests owned by government entities or households.</p> <p>Description of Risk</p> <p>Risks relating to forests assigned to private entities as the requirements do not apply to forests owned by government-entities or households, they only apply to private entities:</p> <ul style="list-style-type: none"> <li>• The tax management system in Vietnam relies on self-reporting and evaluations of compliance are generally done of the self-declarations only. Audits are relatively infrequent, weakening the system (FLA, 2015)</li> <li>• There are a number of chances for corruption to occur within the tax department. Based on feedback obtained from contacted stakeholders, there is a common understanding amongst Vietnamese people that there are high levels of corruption amongst tax officials. Where corruption occurs in relation to VAT, a common scenario is underpayment of official taxes with a percentage of the difference paid to the official to overlook the underpayment.</li> <li>• Cash is commonly used to make tax payment, meaning there is no</li> </ul>
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			<p>oversight from banks and no official record of the payment.</p> <ul style="list-style-type: none"> <li>• Commonly officials do not require a tax invoice and do not collect tax invoices.</li> <li>• There is no central database for control by the control entity.</li> </ul> <p>There is a general risk of corruption in Vietnam Transparency International's 2015 Corruption Perceptions Index ranked Vietnam 113th out of 177 countries assessed and scored a corruption index of 33, meaning it has a high perception of corruption. The 2015 World Bank Worldwide Governance Indicators (WGI) gave Vietnam the following ranks out of 100: Voice and Accountability: 10.84; Political Stability and Absence of Violence: 48.57; Government Effectiveness: 55.29; Regulatory Quality: 33.69; Rule of Law: 46.15 and Control of Corruption: 39.42.</p> <p>Risk Conclusion</p> <p>Based on the available information, the risk for this indicator has been assessed as Specified for privately owned forests. Threshold (2) is met<sup>2</sup>: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
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			This indicator is not applicable to household- and state-owned forests.
1.7 Income and profit taxes	<p><b>Applicable laws and regulations</b></p> <p><b>Law 32/2013/QH13</b> dated June 19, 2013 of the National Assembly on amending and supplementing some articles of the Law on Enterprise Income Tax.</p> <p><a href="http://vbqpp.l.mpi.gov.vn/en-us/Pages/default.aspx?itemId=e8f95ed6-0c35-4522-9d94-4c3e25b104c8&amp;list=documentDetail">http://vbqpp.l.mpi.gov.vn/en-us/Pages/default.aspx?itemId=e8f95ed6-0c35-4522-9d94-4c3e25b104c8&amp;list=documentDetail</a></p> <p><b>Decree 218/2013/ND-CP</b> dated 20/12/2013 specification and guiding on business income tax</p> <p><a href="http://www.download.com.vn/docs/download/nghi-dinh-so-218-2013-nd-cp/77902">http://www.download.com.vn/docs/download/nghi-dinh-so-218-2013-nd-cp/77902</a></p> <p><b>Circular 78/2014/TT-BTC</b> guiding on implementation of business income tax</p> <p><a href="http://ketoanthuctien.com/kien-thuc-huong-dan-thue-thu-nhap-doanh-nghiep">http://ketoanthuctien.com/kien-thuc-huong-dan-thue-thu-nhap-doanh-nghiep</a></p> <p><b>Legal Authority</b></p> <p>Authority at all levels and local financial sector</p> <p>General Department of Tax - Ministry of Finance (MOF), Provincial Department of Tax</p>	<p>Non-government Sources</p> <ul style="list-style-type: none"> <li>• Transparency International's Corruption Perceptions Index 2016 - <a href="http://www.transparency.org/country/VNM">http://www.transparency.org/country/VNM</a></li> <li>• Forest Legality Alliance, 2015. Risk Tool - Vietnam. Accessed 5 February 2015 at <a href="http://www.forestlegality.org/risk-tool/country/vietnam#tab-management">http://www.forestlegality.org/risk-tool/country/vietnam#tab-management</a>.</li> <li>• World Bank, 2015. Worldwide Governance Indicators - Vietnam 1996–2015. Accessed 27 April 2017 at <a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a></li> <li>• Expert consultation conducted by NEPCon in Vietnam from 2015-2016.</li> </ul>	<p>Overview of Legal Requirements</p> <p>Every enterprise must pay two types of income tax. Business legislation changes rapidly and in Vietnam is progressing towards a more free market approach; and the risk is therefore decreasing. Many changes have taken place in the transformation period from the central-planned economy to a market economy (changes have taken place six times in 10 years: 1990, 1992, 1998, 2000, 2003, 2006). However, many businesses are avoiding tax by claiming the lowest possible profit. The logging, transport and wood processing export sectors are still high-risk and need further oversight and guidance from the authorities.</p> <p>Description of Risk</p> <p>Risks relating to privately owned forests only, the requirements described do not apply to household- and state-owned forest:</p> <ul style="list-style-type: none"> <li>• The tax management system in Vietnam relies on self-reporting and evaluations of compliance are generally done of the self-declarations only. Audits are relatively</li> </ul>



	<p><b>Legally required documents or records</b></p> <p>Receipts for payment of business income tax</p>		<p>infrequent, weakening the system (FLA, 2015)</p> <ul style="list-style-type: none"> <li>• There are a number of opportunities for corruption to occur within the tax department. There is a common understanding amongst Vietnamese people that there are high levels of corruption amongst tax officials (feedback provided by experts consulted during the preparation of this report). Where corruption occurs in relation to income tax, a common scenario is underpayment of official taxes with a percentage of the difference paid to the official to overlook the underpayment.</li> <li>• Cash is commonly used to make tax payments, meaning there is no oversight from banks and no official record of the payment.</li> <li>• Commonly officials do not require tax invoices and do not collect tax invoices.</li> <li>• There is no central database facilitating control by the relevant authority.</li> </ul> <p>There is a general risk of corruption in Vietnam. Transparency International's 2015 Corruption Perceptions Index ranked Vietnam 113th out of 177 countries assessed and scored a corruption index of 33, meaning it has a high perception of corruption.</p>
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			<p>The 2015 World Bank Worldwide Governance Indicators (WGI) gave Vietnam the following ranks out of 100: Voice and Accountability: 10.84; Political Stability and Absence of Violence: 48.57; Government Effectiveness: 55.29; Regulatory Quality: 33.69; Rule of Law: 46.15 and Control of Corruption: 39.42.</p> <p>Risk Conclusion</p> <p>Based on the available information, the risk for this indicator has been assessed as Specified for privately owned forests. Threshold (2) is met<sup>2</sup>: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p> <p>Not applicable for household- and state-owned forests.</p>
<b>Timber harvesting activities</b>			
1.8 Timber harvesting regulations	<p><b>Applicable laws and regulations</b></p> <p><b>Circular 35/2011/TT-BNNPTNT</b> dated 20/5/2011 on guiding the implementation of harvesting and salvage of timber and non-timber forest products</p> <p><a href="http://www.download.com.vn/docs/download/thong-tu-so-35-2011-tt-bnnptnt-huong-dan-thuc-hien-khai-thac-tan-thu-go-va-lam-san-ngoai-go/55074">http://www.download.com.vn/docs/download/thong-tu-so-35-2011-tt-bnnptnt-huong-dan-thuc-hien-khai-thac-tan-thu-go-va-lam-san-ngoai-go/55074</a></p> <p><b>Circular 70/2011/TT-BNNPTNT</b> dated 24th</p>	<p>Non-government Sources</p> <ul style="list-style-type: none"> <li>• Transparency International's Corruption Perceptions Index 2016 - <a href="http://www.transparency.org/country/VNM">http://www.transparency.org/country/VNM</a></li> <li>• Forest Legality Alliance, 2015. Risk Tool - Vietnam. Accessed 5 February 2015 at <a href="http://www.forestlegality.org/risk-">http://www.forestlegality.org/risk-</a></li> </ul>	<p>Overview of Legal Requirements</p> <p>Natural forest: Forest owner must have an approved forest management plan or sustainable forest management plan. Logging quota is set by the government. Based on that, DARD will allocate specific logging quota to forest owner. With natural forests prior to harvest, a harvesting plan must be prepared to submit to DARD for approval and getting</p>

	<p>October, 2011 of MARD amendments and supplements to Circular 35/2011/TT-BNNPTNT dated 20th May, 2011 guiding on exploitation and making full use of timber and NTFPs.</p> <p><a href="http://vietnam-redd.org/Upload/Download/File/70_2011_TT-BNNPTNT_0010.pdf">http://vietnam-redd.org/Upload/Download/File/70_2011_TT-BNNPTNT_0010.pdf</a></p> <p><b>Circular 87/2009/TT-BNNPTNT</b> dated 31st December 2009 of MARD guiding on design, use and selection of timber.</p> <p><a href="http://vietnam-redd.org/Upload/Download/File/87_2009_TT-BNNPTNT_5331.pdf">http://vietnam-redd.org/Upload/Download/File/87_2009_TT-BNNPTNT_5331.pdf</a></p> <p>The guideline of FAO Reduced Impact Logging (RIL) published by Vietnam Forestry Administration in 2007; on pages 45, 46, and 47 on opening roads.</p> <p><b>Forestry sector norm 14/92, 1993.</b> This norm describes an applied silviculture technique facilitating measurement of wood and bamboo production forest.</p> <ul style="list-style-type: none"> <li>- Part 1, Article 4: the objective of harvesting native forests;</li> <li>- Article 13 minimum tree harvestable size classes;</li> <li>- Article 14: the intensity of harvesting;</li> <li>- Article 15: harvesting cycle;</li> <li>- Article 16: tree marking techniques</li> <li>- Section 2: plantation clear cutting;</li> <li>- Article 18: permitted harvesting age;</li> <li>- Article 20: permissible harvesting area;</li> </ul>	<p><a href="#">tool/country/vietnam#tab-management</a>.</p> <ul style="list-style-type: none"> <li>• World Bank, 2015. Worldwide Governance Indicators - Vietnam 1996–2015. Accessed 27 April 2017 at <a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a></li> <li>• Expert consultation conducted by NEPCon in Vietnam from 2015-2016.</li> <li>• Tran, T. V. (2013). Sustainability impact assessment (SIA) of alternative forest- wood supply chains (FWSCs): A case study from Vietnam. Freiburg: Albert-Ludwig-University of Freiburg.</li> </ul>	<p>harvesting permit. After cutting, logs are extracted to log landing. In log landing, data for all trees harvested is checked, and logs are stamped by the forest rangers. Records of stamping are maintained by the district FPD for natural resource tax assessment and to provide proof of origin. For all areas harvested the forest owner must be in possession of an approved post-harvest inspection report. The forest owner and DARD conduct an evaluation to measure actual harvest versus harvest plan.</p> <p>Plantation: the forest owners need to prepare an application specifying area and volume, seek approval from CPC, after 3-10 days the harvesting starts, claim the volume of harvest. The households who live in remote areas usually do not have enough capacity to complete the harvest application; thus they usually request that the buyer or broker do this. The CPC does not have any authority over the broker or buyers.</p> <p>Description of Risk</p> <p>The silvicultural requirements must be included in the application for the harvesting permit. If this information is not included, a permit will not be issued.</p>
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<p>- Section 3: clear felling and retention of seed trees;  - Article 19: clear felling on steep sites;  - Article 30: harvesting approach, pre- and post-harvest monitoring.</p> <p><a href="http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20ph%20lut/View_Detail.aspx?ItemID=10578">http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20ph%20lut/View_Detail.aspx?ItemID=10578</a></p> <p><b>Legal Authority</b></p> <p>Department of Forest Protection (FPD) - Ministry of Agriculture and Rural Development (MARD)</p> <p>Natural forest: Forest is managed SFC, harvesting design needs to be approved by DARD.</p> <p>Plantation: Plantation is managed by SFC that SFC is not invested, harvesting design needs to be approved by DARD. Whereas, plantation is managed by SFC that SFC is invested, harvesting design is approved by themselves.</p> <p><b>Legally required documents or records</b></p> <p>Records of the user's manual, the timber logging process, form of applied silvicultural technique measures etc. Issued and amended several times since 1958 until the Circular 35/2011 was issued.</p> <p>All boundaries for harvested areas must be clearly</p>		<p>The potential risks we see at natural forest harvesting can be:</p> <ul style="list-style-type: none"> <li>- tree marking, tree selection during pre-harvesting inventory may not be done properly;</li> <li>- trees cut may not be the ones marked.</li> <li>- hammer mark after logging may not be done properly for all log</li> <li>- risk of clear felling and retention of seed trees;</li> <li>- post harvesting monitoring may not be done properly</li> </ul> <p>As there is currently a complete logging ban in place in natural forests, the risks for this indicator are not relevant at this time.</p> <p>According to expert input into the drafting of this report, and extensive consultation with experts in Vietnam in 2015-15, the potential risks in the natural forest are not present in plantations.</p> <p><b>Risk Conclusion</b></p> <p>This indicator has been evaluated as low risk for plantations. Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>
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	<p>marked on maps (harvesting plans are at 1:5000 scale) and ground-truthed.</p> <p>Natural forest: Data for all logs harvested must be checked, and logs stamped, by the district FPD. Cross-check and subsequent stamping occurs at the log yard; records are maintained at the district FPD to provide proof of origin and for tax assessment purposes. For all areas harvested the company must be in possession of an approved post-harvest inspection report.</p> <p>Plantation: Forest owners are self-decided for harvesting design. The forest owners need to send the application to CPC for harvesting registration. Within 10 days, if the CPC has no feedback, the forest owners are allowed to harvest the plantation as designed.</p>		This indicator is N/A for natural forests.
1.9 Protected sites and species	<p><b>Applicable laws and regulations</b></p> <p><b>Circular 38/2014 / TT-BNN</b> November 3, 2014 P6 Criteria 6.1, 6.2 and P9 conservation plan relating to high conservation value zones established and managed by State, businesses, and communities</p> <p><a href="http://tongcuclamnghep.gov.vn/Media/AuflaNews/Attachment/TT_38.pdf">http://tongcuclamnghep.gov.vn/Media/AuflaNews/Attachment/TT_38.pdf</a></p> <p><b>Decree 117/2010/ND-CP</b> date December 24, 2010 of the Government on organization and management of special use forests. This forest type is focused on biodiversity conservation and</p>	<p>Non-Government sources</p> <ul style="list-style-type: none"> <li>N.N. Phuong and S.A. Dembner, 'Improving the lifestyles of people in protected areas of Viet Nam' (FAO) &lt;<a href="http://www.fao.org/docrep/v2900e/v2900e05.htm">http://www.fao.org/docrep/v2900e/v2900e05.htm</a>&gt; accessed 23 April 2015.</li> <li>EFI and Forest Trends (2011). Baseline Study 3: Vietnam: Overview of Forest Governance and Trade. &lt;<a href="http://www.euflegt.efi.int/documents/10180/23308/Baseline+Study+3,%20Vietnam/73bea271-0a2e-4ecb-ac4e-f4727f5d8ad9">http://www.euflegt.efi.int/documents/10180/23308/Baseline+Study+3,%20Vietnam/73bea271-0a2e-4ecb-ac4e-f4727f5d8ad9</a>&gt;.</li> </ul>	<p>Overview of Legal Requirements</p> <p>There is currently a logging ban in Vietnam for harvesting in natural forest, protected forest and special purpose forest. The Law on Forest Protection and Development and other legal documents specifying conservation of nature (including biodiversity) apply only to special-use forests (national parks, nature reserves, species conservation areas, historic parks, cultural sites). The production forests are not subject to requirements for protection activities. In the Law on Forest Protection, there is mention of protecting species and sites in</p>

	<p>special activities; Article 11 relates to the establishment of conservation areas.</p> <p><a href="http://luatduonggia.vn/nghi-dinh-117-2010-nd-cp-ngay-24-thang-12-nam-2010">http://luatduonggia.vn/nghi-dinh-117-2010-nd-cp-ngay-24-thang-12-nam-2010</a></p> <p><b>Decree No. 32/2006 / ND-CP</b> dated 30/3/2006 on the management of flora and fauna, including rare species in Appendix 1A, 1B, 2A, 2B and animals which harvesting is prohibited and restricted. Provision 1 and 2, Article 6; Provision 2 and 3, Article 5 on management of endangered and precious forest fauna and flora species</p> <p><a href="http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&amp;_page=1&amp;mode=detail&amp;document_id=15193">http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&amp;_page=1&amp;mode=detail&amp;document_id=15193</a></p> <p><b>Decision 186/2006 / QD-TTg</b> dated 14/8/2006 of the Prime Minister on regulations on forest management, in which Chapter IV specifies the management of production forests, including protection of forest conservation areas and prohibited plant species.</p> <p><a href="http://luatduonggia.vn/quyet-dinh-186-2006-qd-ttg-ngay-14-thang-8-nam-2006">http://luatduonggia.vn/quyet-dinh-186-2006-qd-ttg-ngay-14-thang-8-nam-2006</a></p> <p><b>Decree No. 82/2006/ND-CP</b>, 10 August 2006 on management of export, import, re-export, introduction from the sea, transit, breeding, rearing and artificial propagation of endangered species of precious and rare wild fauna and flora.</p>	<ul style="list-style-type: none"> <li>• Sun Mountain International and the Cadmus Group, Inc. (2013). Vietnam Tropical Forests and Biodiversity Assessment - 2013, US Foreign Assistance Act, Section 118/119 Report August, 2013. Accessed 9 September 2015 &lt;<a href="https://www.usaid.gov/sites/default/files/documents/1861/Vietnam_118_119FinalDraft%2015Oct2013%20(Public%20Version).pdf">https://www.usaid.gov/sites/default/files/documents/1861/Vietnam_118_119FinalDraft%2015Oct2013%20(Public%20Version).pdf</a>&gt;.</li> <li>• Transparency International's Corruption Perceptions Index 2016 - <a href="http://www.transparency.org/country/VNM">http://www.transparency.org/country/VNM</a></li> <li>• Forest Legality Alliance, 2015. Risk Tool - Vietnam. Accessed 5 February 2015 at <a href="http://www.forestlegality.org/risk-tool/country/vietnam#tab-management">http://www.forestlegality.org/risk-tool/country/vietnam#tab-management</a>.</li> <li>• World Bank, 2015. Worldwide Governance Indicators - Vietnam 1996–2015. Accessed 27 April 2017 at <a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a></li> <li>• Expert consultation conducted by NEPCon in Vietnam from 2015-2016.</li> <li>• 'Illegal logging cuts down national park'. 30th November 2015. Viet Nam News. Article can be</li> </ul>	<p>production forests; however there is no circular or decree which elaborates how this should be carried out. Harvesting companies must identify endangered animal and plant (including timber) species within the forest management unit (FMU) and comply with relevant provisions for their protection or exploitation, as appropriate.</p> <p>The management of protected areas is coordinated by the Forest Protection Department (FPD) within the MARD. Forest management boards of protected areas (FMBs) belonging to the state currently manage more than 4.7 million ha, primarily special-used and protection forests for protection and conservation purposes. About 88% are natural forest, and the remaining 12% are plantation forests. FMBs receive central government budget allocations and, in many cases, contract local people to implement protection and conservation activities (EFI 2011, FPD 2013).</p> <p>The most difficult task related to the conservation and management of Viet Nam's national parks and nature reserves now results from the presence of settlements of local (often tribal) populations, most of whom were already in these areas before their designation as reserves. These local populations are generally poor, isolated communities,</p>
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			<p>illegal harvesting in special-used forests. There are a small number of cases of illegal harvesting in the special-use forests, with these offenders usually apprehended by the forest rangers.</p> <p>Instances of illegal harvesting in the special-use forests are published in the newspaper as well as on the website of the FPD.</p> <p>Vietnam's fifth National Report to the United Nations Convention on Biological Diversity identifies that illegal logging and road construction are linked to habitat degradation and fragmentation. The report states that there are increasingly severe cases of illegal logging that cannot be controlled. These illegal logging activities occur in all types of forests, with a particular challenge in the Special Use Forests of the Protected Areas system. . Furthermore, the Global Forest Watch Intact Forest Landscape loss map layer from 2000 to 2013 indicates IFL loss in all existing IFL areas in Vietnam and loss of one whole IFL areas during this period. The loss in two of these IFLs areas where in national parks which indicates the IFL loss was due to illegal logging.</p>
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			Risk Conclusion
1.10 Environmental requirements	<p><b>Applicable laws and regulations</b></p> <p><b>Decree 29/2011 / ND-CP</b> dated 04/08/2011 that requires environmental impact assessments for native forest harvesting of areas 50ha or more and plantations of 200 hectares or more. Articles 12, 18, 19, 29, 32 and 33.</p> <p><a href="http://vea.gov.vn/en/laws/LegalDocument/Pages/DecreeNo292011.aspx">http://vea.gov.vn/en/laws/LegalDocument/Pages/DecreeNo292011.aspx</a></p> <p><b>TT26 / 2011 / TT-BTNMT</b> dated 18/7/2011 of the TN_MT providing details about the strategic environmental assessment, environmental impact and commitment BVMY</p> <p><a href="http://www.thuviengiadinh.com/ung-dung/mau-van-ban/thong-tu-26-2011-tt-btnmt-huong-dan-nghi-dinh-29nd-cp-ve-lap-bao-cao-danh-gia-tac-dong-moi-truong-bckbvtm#axzz3QJuMvFZN">http://www.thuviengiadinh.com/ung-dung/mau-van-ban/thong-tu-26-2011-tt-btnmt-huong-dan-nghi-dinh-29nd-cp-ve-lap-bao-cao-danh-gia-tac-dong-moi-truong-bckbvtm#axzz3QJuMvFZN</a></p> <p>- <b>Circular No. 20 / VBHN - MARD</b> dated 05/06/2014 with guidance on the implementation of selective harvesting of timber from native forests,</p>	<p>Non-Government Sources</p> <ul style="list-style-type: none"> <li>Sun Mountain International and the Cadmus Group, Inc. (2013). Vietnam Tropical Forests and Biodiversity Assessment - 2013, US Foreign Assistance Act, Section 118/119 Report August, 2013. Accessed 9 September 2015 &lt;<a href="https://www.usaid.gov/sites/default/files/documents/1861/Vietnam_118_119FinalDraft%2015Oct2013%20(Public%20Version).pdf">https://www.usaid.gov/sites/default/files/documents/1861/Vietnam_118_119FinalDraft%2015Oct2013%20(Public%20Version).pdf</a>&gt;</li> <li>Jennifer C. Li (2008). Environmental Impact Assessments in Developing Countries: An Opportunity for Greater Environmental Security? Accessed 9 September 2015 &lt;<a href="http://www.fess-global.org/workingpapers/eia.pdf">http://www.fess-global.org/workingpapers/eia.pdf</a>&gt;</li> <li>Transparency International's Corruption Perceptions Index 2016 -</li> </ul>	<p>Overview of Legal Requirements</p> <p>The Law on Environmental Protection (2005) establishes the provisions for environmental protection in Vietnam, but primarily applies to natural forests. There is currently a logging ban in Vietnam for harvesting in natural forest, protection forest and special-used forest. It is possible to verify that the company holds a certificate of satisfactory environmental standards (for organization of business, production and services implementation, and waste management) and to check the working minutes of inspectors and supervisors regarding the company's implementation of the law on environmental protection. An approved environmental impact assessment (EIA) with the Ministry of Natural Resources and Environment (MONRE) is required for forest operations. It must be signed and valid for all areas of licensed operation. Refer Decree No. 29/2011/ND-CP (2011): EIAs</p>

<p>incorporating environmental requirements of Circular 87/2009 and decision No. 40 QD-BNN</p> <p><a href="http://tongcucthuysan.gov.vn/b-van-ban-phap-luat/thong-tu-so-16-vbhn-bnnptnt-ngay-15-thang-4-nam-2014-cua-bo-nong-nghiep-va-phat-trien-nong-thon-ve-quan-ly-giong-thuy-san/">http://tongcucthuysan.gov.vn/b-van-ban-phap-luat/thong-tu-so-16-vbhn-bnnptnt-ngay-15-thang-4-nam-2014-cua-bo-nong-nghiep-va-phat-trien-nong-thon-ve-quan-ly-giong-thuy-san/</a></p> <p>- <b>Decree 32/2006 / ND-CP</b> dated 30/5/2006, Appendix 1A and 2A: species protected from exploitation, mining restrictions. Annex 1B, 2B: banned animal exploitation and mining restrictions. Provisions 1 and 2, Article 6; Provisions 2 and 3, Article 5 on management of endangered and precious forest fauna and flora species.</p> <p><a href="http://tongcuclamnghiep.gov.vn/nghi-dinh/nghi-dinh-32-2006-nd-cp-ngay-30-3-2006-cua-chinh-phu-ve-quan-ly-thuc-vat-rung-dong-vat-rung-nguy-cap-quy-hiem-a639">http://tongcuclamnghiep.gov.vn/nghi-dinh/nghi-dinh-32-2006-nd-cp-ngay-30-3-2006-cua-chinh-phu-ve-quan-ly-thuc-vat-rung-dong-vat-rung-nguy-cap-quy-hiem-a639</a></p> <p><b>Decree 18/2015/ND-CP</b> dated 14 February 2015 - This Decree promulgates environmental protection planning (EPP), strategic environmental assessment (SEA), environmental impact assessment (EIA) and/or environmental protection plans of the Law on Environment protection.</p> <p><a href="http://thuvienphapluat.vn/van-ban/EN/Tai-nguyen-Moi-truong/Decree-No-18-2015-ND-CP-environmental-protection-planning-strategic-environmental-assessment/268489/tieng-anh.aspx">http://thuvienphapluat.vn/van-ban/EN/Tai-nguyen-Moi-truong/Decree-No-18-2015-ND-CP-environmental-protection-planning-strategic-environmental-assessment/268489/tieng-anh.aspx</a></p> <p><b>Decree 19/2015/ND-CP</b> DETAILING THE IMPLEMENTATION OF A NUMBER OF</p>	<p><a href="http://www.transparency.org/country/VNM">http://www.transparency.org/country/VNM</a></p> <ul style="list-style-type: none"> <li>• Forest Legality Alliance, 2015. Risk Tool - Vietnam. Accessed 5 February 2015 at <a href="http://www.forestlegality.org/risk-tool/country/vietnam#tab-management">http://www.forestlegality.org/risk-tool/country/vietnam#tab-management</a>.</li> <li>• World Bank, 2015. Worldwide Governance Indicators - Vietnam 1996–2015. Accessed 27 April 2017 at <a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a></li> <li>• Expert consultation conducted by NEPCo in Vietnam from 2015-2016.</li> </ul>	<p>are required if the company is harvesting the following:</p> <ul style="list-style-type: none"> <li>- Watershed forests, coastal protection forests, and special-use forests with an area of 20 hectares or more;</li> <li>- Other native forests with an area of 200 hectares or more for approved land-use conversion, and</li> <li>- Forest plantations with an area of 1000 hectares or more.</li> </ul> <p>Note: EIA is only required for the forest that to be converted to non-forestry uses or other purposes.</p> <p>Decree No. 18/2015/ND-CP requires that all projects in the industrial parks, high-tech parks, industrial zones, commercial areas, trade villages and other manufacturing areas must go through environmental impact assessment. This new regulation is comprehensive and includes independent cross-checking and verification mechanisms. Based on this regulation, once an application has been approved, it is proof that all prescriptions are met.</p> <p>For small sites, oversight is carried out at the provincial level. For the larger sites, compliance monitoring is carried out by the MONRE. Project approvals will not be given without the required impact assessment. EIA in the forest sector is usually carried by specialist consultants</p>
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	<p>ARTICLES OF THE LAW ON ENVIRONMENTAL PROTECTION</p> <p><a href="http://thuvienphapluat.vn/archive/Decree-No-19-2015-ND-CP-detailing-the-Law-on-Environmental-Protection-vb268680.aspx">http://thuvienphapluat.vn/archive/Decree-No-19-2015-ND-CP-detailing-the-Law-on-Environmental-Protection-vb268680.aspx</a></p> <p><b>Circular 38/2014 / TT-BNN -</b>  <a href="http://thuvienphapluat.vn/archive/Thong-tu-38-2014-TT-BNNPTNT-huong-dan-Phuong-an-quan-ly-rung-ben-vung-vb257190.aspx">http://thuvienphapluat.vn/archive/Thong-tu-38-2014-TT-BNNPTNT-huong-dan-Phuong-an-quan-ly-rung-ben-vung-vb257190.aspx</a></p> <p><b>Legal Authority</b></p> <p>Ministry of Agriculture and Rural Development (MARD)</p> <p>Ministry of Natural Resources and Environment (MONRE)</p> <p>Department of Forestry</p> <p><b>Legally required documents or records</b></p> <p><b>Environmental Impact Assessment (if required):</b></p> <ul style="list-style-type: none"> <li>- Decision on approving environmental impact assessment report of Provincial People's Committee for projects harvesting <b>200ha or more</b>. <i>Plantation - own investment &amp; state support</i></li> <li>- Decision on approving environmental impact</li> </ul>		<p>because forest owners themselves do not have the necessary expertise.</p> <p>There is an expert committee that reviews the EIAs prior to the project approvals being awarded. If the committee is not satisfied with the EIA, field observations are carried out.</p> <p>In fact, only forest owners, who want their forests to be certified, need to have an EIA to be conducted in order to meet the requirement of FSC FM standard.</p> <p>Description of Risk</p> <p>According to Li (2008), "the main problem with the EIA process in Vietnam is that government officials and project proponents are involved only in the initial approval phase. The same level of official interest is not present in the implementation phase or when remedial measures are needed after a project gains approval."</p> <p>According to Sun Mountain International and the Cadmus Group, Inc. et al. (2013), the principal elements of Vietnam's poor environmental governance include "weak implementation, monitoring and enforcement of environmental impact assessment regulations".</p>
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	<p>assessment report issued by Ministry of Agriculture and Rural Development (MARD) or Provincial People's Committee (PPC) for projects harvesting 200ha or more;</p> <ul style="list-style-type: none"> <li>- Document on accepting the environmental protection commitment issued by District People's Committee (DPC) or Commune People's Committee (CPC) for projects harvesting less than 200ha</li> <li>- Decision on approving environmental impact assessment report issued by PPC for projects harvesting <b>50ha or more</b> in plantation forests</li> <li>- Document on accepting the environmental protection commitment issued by DPC or CPC for projects harvesting <b>less than 50ha</b> in plantation forests.</li> </ul> <p><b>EIA report (EIAR) from MONRE confirming that all EIA requirements were met.</b></p> <p><b>Pollution:</b></p> <ul style="list-style-type: none"> <li>- Certificate on satisfactory environmental standards (covering the organization of business, production and services implementation, and waste management) and check the working minutes of inspectors and supervisors regarding the company's implementation of the law on environmental protection</li> </ul>		<p>There is a general risk of corruption in Vietnam. Transparency International's 2015 Corruption Perceptions Index ranked Vietnam 113th out of 177 countries assessed and scored a corruption index of 33, meaning it has a high perception of corruption.</p> <p>The 2015 World Bank Worldwide Governance Indicators (WGI) gave Vietnam the following ranks out of 100: Voice and Accountability: 10.84; Political Stability and Absence of Violence: 48.57; Government Effectiveness: 55.29; Regulatory Quality: 33.69; Rule of Law: 46.15 and Control of Corruption: 39.42.</p> <p>Risk Conclusion</p> <p>This indicator has been evaluated as specified risk: Threshold (2) is met": Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.11 Health and safety	<p><b>Applicable laws and regulations</b></p> <p><b>The guideline of FAO Reduced Impact Logging (RIL)</b> published by Vietnam Forestry Administration in 2007; page 60 on labour safety;</p>	<p>Government sources</p> <ul style="list-style-type: none"> <li>- Ministry of Labour, Invalids and Social Affairs (MOLISA) - statistics on the number of people caught in occupational accidents (note that at</li> </ul>	<p>Overview of Legal Requirements</p> <p>There are health and safety requirements in Vietnam relating both to safe practices in harvesting as well as safe use and maintenance of safety equipment. There</p>

<p>- Labour Law 2002, 2007, amended 2013 <a href="http://www.boluatlaodong.com/">http://www.boluatlaodong.com/</a></p> <p>- Social Insurance Law 2006 - Articles 2, 15, 10, 80, 81 <a href="http://www.download.com.vn/docs/download/thong-tu-huong-dan-to-chuc-thuc-hien-cong-tac-an-toan-ve-sinh-lao-dong-trong-co-so-lao-dong/53353">http://www.download.com.vn/docs/download/thong-tu-huong-dan-to-chuc-thuc-hien-cong-tac-an-toan-ve-sinh-lao-dong-trong-co-so-lao-dong/53353</a></p> <p>- Decision 49/2008/QĐ-BNN dated March 27th, 2008, List of pesticides banned, restricted and permitted for use in Vietnam <a href="http://www.niengiamnongnghiep.vn/index.php?self=article&amp;id=2564">http://www.niengiamnongnghiep.vn/index.php?self=article&amp;id=2564</a></p> <p>- Article 15 in Circular 01/2011/BLDTBXH-BYT</p> <p>- Health Insurance Law 2008 - Article 12 <a href="http://www.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?mode=detail&amp;document_id=81142">http://www.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?mode=detail&amp;document_id=81142</a></p> <p>Decree 45/2013/ND-CP Hanoi, May 10th 2013 DECREE ELABORATING A NUMBER OF ARTICLES OF THE LABOUR CODE ON HOURS</p> <p><b>Circular 04/2004/TT-BCA</b> of Ministry of Public Security describes requirements relating to fire safety and prevention.</p>	<p>the time of viewing the statistics were not displaying) - <a href="http://www.molisa.gov.vn/en/Pages/Home.aspx">http://www.molisa.gov.vn/en/Pages/Home.aspx</a></p> <p>- Department of Work Safety - <a href="http://antoanlaodong.gov.vn/catld/Pages/Home.aspx">http://antoanlaodong.gov.vn/catld/Pages/Home.aspx</a></p> <p>Non-Government sources</p> <ul style="list-style-type: none"> <li>International Labour Organization ILO (2015) 'Viet Nam enters a new phase in occupational safety and health'. Accessed 9 September 2015. &lt;<a href="http://www.ilo.org/hanoi/Informationresources/Publicinformation/newsitems/WCMS_379007/lang-en/index.htm">http://www.ilo.org/hanoi/Informationresources/Publicinformation/newsitems/WCMS_379007/lang-en/index.htm</a>&gt;.</li> <li>Buhmann, K. &amp; Iben Nathan (2013). Plentiful forests, happy people? The EU's FLEGT approach and its impact on human rights and private forestry sustainability schemes. Nordic Environmental Law Journal, Vol. 4, No. 2: 53–82 &lt;<a href="http://www.rightsandresources.org/documents/files/doc_6056.pdf">http://www.rightsandresources.org/documents/files/doc_6056.pdf</a>&gt;</li> <li>State Department 2012, 2011 Country Reports on Human Rights Practices: Vietnam,</li> </ul>	<p>are also training requirements for the use of all equipment used in forestry activities. The laws also detail requirements for the use of Personal Protective Equipment (PPE). For example, people using chainsaws must also wear personal protective equipment such as approved shoes and goggles. In nurseries, training is also necessary for the use of dangerous chemicals such as pesticides.</p> <p>Each forest owner must keep a record of training and provide this information to the forest department who monitors the training. The Provincial labor unions carry out annual checks on the forest owners to verify that they are complying with the training and PPE requirements.</p> <p>Description of Risk</p> <ul style="list-style-type: none"> <li>Implementation and enforcement of the legal requirements is reported to be inadequate (Buchman and Iben 2013).</li> <li>Occupational injuries are a problem, with many incidents caused by machinery (Buchman and Iben 2013).</li> <li>Working conditions are particularly harsh and hazardous in small- and medium-sized enterprises, with many entities not legally classified as “organizations” conforming to governmental occupational health</li> </ul>
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	<p>Decree No. 45/2013/ND-CP of May 10, 2013, elaborating a number of articles of the labour code on hours of work, hours of rest, occupational safety and occupational hygiene</p> <p>Circular 05 / 2012 / TT - BLĐTBXH of national technical standards for safety lifting equipment issued by the Ministry of Labour - Invalids and Social Affairs (MOLISA)</p> <p>Directive 10/2008/Ct-Ttg on Strengthening the Implementation of Labour Protection, Occupational Safety</p> <p>Circular No. 06/2014/TT-BLĐTBXH dated March 6, 2014, regulations on occupational safety inspection of machinery, equipment, and supplies with strict requirements for occupational safety under the management of the Ministry of Labour - Invalids and Social Affairs (MOLISA)</p> <p>Circular No. 05/2014/TT-BLĐTBXH dated March 6, 2014, promulgating lists of machinery, equipment and supplies relating to the strict requirements for labour safety</p> <p>Circular No. 04/2014/TT-BLĐTBXH dated February 12, 2014, guiding implementation of regulations on personal protective equipment</p> <p>Circular No. 33/2011/TT-BLĐTBXH of November 18, 2011, provides guidance as to the implementation of regulations on working time and</p>		<p>Regulatory Quality: 33.69; Rule of Law: 46.15 and Control of Corruption: 39.42.</p> <p>Risk Conclusion</p> <p>This indicator has been evaluated as specified risk: Threshold (2) is met": Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
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	<p>rest time for labourers doing seasonal jobs and processing export goods under orders</p> <p>Circular 01/2011/BLDTBXH-BYT - <a href="http://vndoc.com/thong-tu-huong-dan-to-chuc-thuc-hien-cong-tac-an-toan-ve-sinh-lao-dong-trong-co-so-lao-dong/download">http://vndoc.com/thong-tu-huong-dan-to-chuc-thuc-hien-cong-tac-an-toan-ve-sinh-lao-dong-trong-co-so-lao-dong/download</a></p> <p><b>Legal Authority</b></p> <p>Specialized Agency of land management, forestry</p> <p>Ministry of Agriculture and Rural Development (MARD)</p> <p>Ministry of Labour, Invalids and Social Affairs (MOLISA), Ministry of Health (MOH)</p> <p><b>Legally required documents or records</b></p> <p>The enterprise must have the following:</p> <ul style="list-style-type: none"> <li>- Labour hygiene plan written by the enterprise</li> <li>- Social insurance books for employees whose contracts are for 3 months or more</li> <li>- Health insurance for employees whose contracts are for 3 months or more</li> <li>- Unemployment insurance for employees whose contracts are for a term of 12 months or more</li> <li>- Payroll records that demonstrate the payment of</li> </ul>		
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	monthly social insurance; monthly health insurance and monthly unemployment insurance.		
1.12 Legal employment	<p><b>Applicable laws and regulations</b></p> <p><b>Labour Code 2007</b> stipulates requirements relating to employees and employers for vocational training in Article 20.23, working age in Articles 119, 120, 123 (Labour Code 10/2012/QH13 dated 18/6/2012)</p> <p><b>Social Insurance Law 2006</b> - Chapter XII, Articles 140–151</p> <p><a href="http://www.download.com.vn/docs/download/thong-tu-huong-dan-to-chuc-thuc-hien-cong-tac-an-toan-ve-sinh-lao-dong-trong-co-so-lao-dong/53353">http://www.download.com.vn/docs/download/thong-tu-huong-dan-to-chuc-thuc-hien-cong-tac-an-toan-ve-sinh-lao-dong-trong-co-so-lao-dong/53353</a></p> <p>The terms of the labour contract shall comply with <b>Decree 43/2013 / ND-CP</b> dated 10/05/2013</p> <p><a href="http://luatminhkhue.vn/labour-1/decreed-no-43-2013-nd-cp.aspx">http://luatminhkhue.vn/labour-1/decreed-no-43-2013-nd-cp.aspx</a></p> <p><b>Labour Code 2012</b> - Article 16, Article 148.</p> <p><a href="http://chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&amp;_page=1&amp;mode=detail&amp;document_id=163542">http://chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&amp;_page=1&amp;mode=detail&amp;document_id=163542</a></p> <p><b>Trade Union Law 2012</b> - Article 5. (Union law 2012/QH13) 20/6/2012</p>	<p>Non-Government sources</p> <ul style="list-style-type: none"> <li>• VN Express (24 October 2014) '7 business owners fled with 8 billion owed wages'. Accessed 9 September 2015 &lt;<a href="http://vnexpress.net/tin-tuc/thoi-su/7-chu-doanh-nghiep-bo-tron-voi-8-ty-dong-no-luong-3097836.html">http://vnexpress.net/tin-tuc/thoi-su/7-chu-doanh-nghiep-bo-tron-voi-8-ty-dong-no-luong-3097836.html</a>&gt;.</li> <li>• VN Express (18 November 2014) 'Many businesses HCMC Social Insurance owe almost 40 billion'. Accessed 9 September 2015 &lt;<a href="http://vnexpress.net/tin-tuc/thoi-su/nhieu-doanh-nghiep-tp-hcm-no-bao-hiem-xa-hoi-gan-40-ty-dong-3108510.html">http://vnexpress.net/tin-tuc/thoi-su/nhieu-doanh-nghiep-tp-hcm-no-bao-hiem-xa-hoi-gan-40-ty-dong-3108510.html</a>&gt;.</li> <li>• VN Express (6 December 2015) 'Government asked Vinaconex resolve unpaid wages'. Accessed 9 September 2015 &lt;<a href="http://kinhdoanh.vnexpress.net/tin-tuc/doanh-nghiep/chinh-phu-yeu-cau-vinaconex-giai-quyet-no-luong-3003753.html">http://kinhdoanh.vnexpress.net/tin-tuc/doanh-nghiep/chinh-phu-yeu-cau-vinaconex-giai-quyet-no-luong-3003753.html</a>&gt;.</li> <li>• Dan Tri (4 June 2015) 'Nearly 100 workers gather in front of the Labour Confederation headquarters assertion'. Accessed 9 September 2015 &lt;<a href="http://dantri.com.vn/xa-hoi/gan-">http://dantri.com.vn/xa-hoi/gan-</a></li> </ul>	<p>Overview of Legal Requirements</p> <p>The Labor Code stipulates the requirements for employees, vocational training, minimum working age, and the rights of the workers. It also sets the hours for the working day, and the retirement age (in plantation or natural forest). The Social Insurance Law requires that employers have adequate social insurance for their staff. The terms of the labour contract shall comply with Decree 43/2013; with and the Trade Union Law 2012 stating that everyone can be a member of the trade union and employers must allow their staff to join. Every employee of a state-owned company must join a trade union.</p> <p>Description of Risk</p> <p>There are frequent violations of the employment law on both sides:</p> <ul style="list-style-type: none"> <li>- Not all workers have contracts as required by law.</li> <li>- Equipment is not adequate because the contract normally state that workers have to organize it themselves.</li> <li>- Employers do not have the right certificate for the type of work.</li> </ul>

	<p><a href="http://vndoc.com/luat-cong-doan-2012/download">http://vndoc.com/luat-cong-doan-2012/download</a></p> <p><b>Labour Law 2002</b> - <a href="http://www.boluatlaodong.com/">http://www.boluatlaodong.com/</a></p> <p><b>Legal Authority</b></p> <p>MOLISA/DOLISA Trade union office of province or city Social Security Office of province or city</p> <p><b>Legally required documents or records</b></p> <p><b>For organizations:</b></p> <ul style="list-style-type: none"> <li>• Labour contract</li> <li>• Existence of trade union - Employee's name is included in the list of trade union fee payments</li> <li>• Labour safety plan made by employing agency</li> <li>• Social insurance payment - Payroll of employing agency demonstrating the payment amount for monthly social insurance</li> <li>• Health insurance payment - Payroll of employing agency demonstrating the payment amount for monthly health insurance</li> <li>• Unemployment insurance - Payroll of employing agency demonstrating the payment amount for monthly unemployment insurance</li> </ul>	<p>100-cong-nhan-tap-trung-truoc-tru-so-lien-doan-lao-dong-doi-quyen-loi-1055627.htm&gt;.</p> <ul style="list-style-type: none"> <li>• Du Tha Online. 'Implementation of Trade Union Law: Severe forms - light content'. Accessed 9 September 2015 &lt;<a href="http://duthaonline.quochoi.vn/DuThao/Lists/TT_TINLAPPHAP/View_Detail.aspx?ItemID=89">http://duthaonline.quochoi.vn/DuThao/Lists/TT_TINLAPPHAP/View_Detail.aspx?ItemID=89</a>&gt;</li> <li>• Quang Tri (4 April 2015). 'Need practical solutions protect the lives and interests of workers labor'. Accessed 9 September 2015 &lt;<a href="http://www.baoquangtri.vn/default.aspx?TabID=82&amp;modid=385&amp;ItemID=93379">http://www.baoquangtri.vn/default.aspx?TabID=82&amp;modid=385&amp;ItemID=93379</a>&gt;.</li> <li>• Transparency International's Corruption Perceptions Index 2016 - <a href="http://www.transparency.org/country/VNM">http://www.transparency.org/country/VNM</a></li> <li>• Forest Legality Alliance, 2015. Risk Tool - Vietnam. Accessed 5 February 2015 at <a href="http://www.forestlegality.org/risk-tool/country/vietnam#tab-management">http://www.forestlegality.org/risk-tool/country/vietnam#tab-management</a>.</li> <li>• World Bank, 2015. Worldwide Governance Indicators - Vietnam 1996–2015. Accessed 27 April 2017 at <a href="http://info.worldbank.org/governance/wqi/index.aspx#reports">http://info.worldbank.org/governance/wqi/index.aspx#reports</a></li> </ul>	<ul style="list-style-type: none"> <li>- Some cannot pay even a basic salary for employees.</li> <li>- The agreement between the employers and the trade union exists in theory only.</li> </ul> <p>There are numerous reports of non-compliance, but not for the forest sector. According to statistics, over 6,000 labour accidents occur annually, killing hundreds of people. In 2014 in particular, labour accidents increased, with 6709 cases throughout the country, 630 of which were fatal. Compared with 2013, the number of accidents increased by 14, the number of fatal incidents increased by 56. The main reason for these high levels of incidents is reportedly the poor protection provided to workers, with working conditions not guaranteed to meet set standards. Many owners want to fast-track activities and require their workers to work day and night to reduce costs at various stages, and also ignore state occupational safety provisions. According to the Vietnam Social Insurance, by the end of February 2015, there were more than 260,000 enterprises with social security debts amounting to over 11,400 billion VND. Almost 2,800 companies have been sued in court for an amount owing of 6,800 billion VND. Although there have been many court judgments where payments have been ordered, many companies cannot afford to pay the</p>
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		<ul style="list-style-type: none"> <li>Expert consultation conducted by NEPCo in Vietnam from 2015-2016.</li> </ul>	<p>debts, or intentionally delay the payment of benefits.</p> <p>There is a general risk of corruption in Vietnam. Transparency International's 2015 Corruption Perceptions Index ranked Vietnam 113th out of 177 countries assessed and scored a corruption index of 33, meaning it has a high perception of corruption.</p> <p>The 2015 World Bank Worldwide Governance Indicators (WGI) gave Vietnam the following ranks out of 100: Voice and Accountability: 10.84; Political Stability and Absence of Violence: 48.57; Government Effectiveness: 55.29; Regulatory Quality: 33.69; Rule of Law: 46.15 and Control of Corruption: 39.42.</p> <p>Risk Conclusion</p> <p>This indicator has been evaluated as specified risk: Threshold (2) is met": Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
<b>Third parties' rights</b>			
1.13 Customary rights	<p><b>Applicable laws and regulations</b></p> <p><b>Decision 178/2001 / TTg</b> dated November 12, 2001 on the beneficiary rights and obligations of</p>	N/A	<p>Overview of Legal Requirements</p> <p>Despite the laws listed under <i>applicable laws and regulations</i>, they do not</p>

	<p>households and individuals who have been allocated, leased or loaned forests and forest lands.. (Chapter 3 benefits and obligations of households and individuals contracted by the state to protect, regenerate, zone off and plant forests)</p> <p><a href="http://policy.mofcom.gov.cn/blank/entflaw!fetch.action?libcode=flaw&amp;id=37c43690-cdc5-4450-9116-389d74ac633c">http://policy.mofcom.gov.cn/blank/entflaw!fetch.action?libcode=flaw&amp;id=37c43690-cdc5-4450-9116-389d74ac633c</a></p> <p><b>Article 27 of the Land Law 2013</b> recognizes the availability of state land for ethnic minorities in accordance with regional cultural customs. There are policies to create conditions for ethnic minority people to engage in agricultural production in local areas.</p> <p><a href="http://www.itpc.gov.vn/investors/how_to_invest/law/Law_on_land/view">http://www.itpc.gov.vn/investors/how_to_invest/law/Law_on_land/view</a></p> <p><b>Approved National SFM standards in 2014</b> - <a href="http://thuvienphapluat.vn/archive/Thong-tu-38-2014-TT-BNNPTNT-huong-dan-Phuong-an-quan-ly-rung-ben-vung-vb257190.aspx">http://thuvienphapluat.vn/archive/Thong-tu-38-2014-TT-BNNPTNT-huong-dan-Phuong-an-quan-ly-rung-ben-vung-vb257190.aspx</a></p> <p><b>Legal Authority</b></p> <p>Ministry for Agriculture and Rural Development (MARD)</p>		<p>constitute formal recognition of customary rights in Vietnamese law.</p> <p>Indigenous peoples' <b>religious</b> freedoms are respected, and they have priority in relation to land conditions. Some customs and community management that has proven inappropriate is gradually being replaced by legislation.</p> <p>Risk Conclusion</p> <p>As there is no formal recognition of customary rights, this indicator has been assessed as not applicable.</p>
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	<p><b>Legally required documents or records</b></p> <p>N/A</p>		
1.14 Free prior and informed consent	<p><b>Applicable laws and regulations</b></p> <p>N/A</p> <p><b>Legal Authority</b></p> <p>N/A</p> <p><b>Legally required documents or records</b></p> <p>N/A</p>	<p>N/A, Non-Government sources</p> <p>- To et al. 2013. Land conflict between State Forestry Companies and local people. Forest Trends. Hanoi, 2013. Accessed 07 December 2015. &lt;<a href="http://www.forest-trends.org/documents/files/doc_4840.pdf">http://www.forest-trends.org/documents/files/doc_4840.pdf</a>&gt;</p>	<p>N/A - Vietnamese government is now only considering to apply the FPIC in REDD+ projects (To et al. 2013)</p>
1.15 Indigenous peoples rights	<p>14% of the population of Vietnam is divided between 50 ethnic groups (Oanh, 2012).</p> <p>The Law on Cultural Heritage in 2001 recognizes the traditional practices of ethnic peoples and the Land Law of 2004 allows for the allocation of land to communities (IWGIA, 2012). The Land Law 2013 recognizes the availability of state land for ethnic minorities in accordance with regional cultural customs.</p> <p>The Government of Vietnam does not yet recognize ethnic groups as indigenous people, hence “ethnic minority” as the common term used by the Vietnamese government to refer to indigenous peoples (IWGIA, 2012). Along with the absence of legislations that define ethnic minorities as a distinct group of people, Vietnam lacks legal recognition of their customary rights to land and</p>	<p>Consultation with experts.</p> <ul style="list-style-type: none"> <li>• Oanh, L. T. (2012). Socialist Republic of Vietnam, Country Technical Noted on Indigenous People’s Issues <a href="http://www.ifad.org/english/indigenous/pub/documents/tnotes/vietnam.pdf">http://www.ifad.org/english/indigenous/pub/documents/tnotes/vietnam.pdf</a></li> <li>• International Work Group for Indigenous Affairs (IWGIA) (2012). The indigenous world: Vietnam. Retrieved from:<a href="http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2012/vietnam_iw_2012.pdf">http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2012/vietnam_iw_2012.pdf</a></li> <li>• Truong, L. T., Genotiva, O. M. (2010). Recognizing Ethnic</li> </ul>	<p>Not applicable</p>

	<p>other natural resources; as a matter of fact, the aforementioned Land Law does not actually give formal governance powers over land (Truong and Genotiva, 2010).</p> <p>As such, this category has been evaluated as not applicable.</p> <p><b>Legal Authority</b></p> <p>N/A</p> <p><b>Legally required documents or records</b></p> <p>N/A</p>	<p>Minorities Customary Land Rights in Vietnam and the Philippines. Retrieved from:<a href="http://landportal.info/resource/customary-land-rights/recognizing-ethnic-minorities-customary-land-rights-vietnam-and-phili">http://landportal.info/resource/customary-land-rights/recognizing-ethnic-minorities-customary-land-rights-vietnam-and-phili</a></p> <ul style="list-style-type: none"> <li>Expert consultation conducted by NEPCon in Vietnam from 2015-2016.</li> </ul>	
<b>Trade and transport</b>			
<p>1.16 Classifica tion of species, quantities , qualities</p>	<p><b>Applicable laws and regulations</b></p> <p><b>Decision 2198 /CNR</b> dated 26/11/1977 by Ministry of Forestry adding a number of species in the South of Vietnam and increasing the total number to 354 species</p> <p><a href="http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20ph%20lut/View_Detail.aspx?ItemID=1582">http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20ph%20lut/View_Detail.aspx?ItemID=1582</a></p> <p>Article 7, <b>Circular No. 35/2011/2012/TT-BNNPTNT</b>;</p> <p><a href="http://www.vietnamforestry.org.vn/view_news.aspx?nid=710">http://www.vietnamforestry.org.vn/view_news.aspx?nid=710</a></p>	<p>Non-government Sources</p> <ul style="list-style-type: none"> <li>Transparency International's Corruption Perceptions Index 2016 - <a href="http://www.transparency.org/country/VNM">http://www.transparency.org/country/VNM</a></li> <li>Forest Legality Alliance, 2015. Risk Tool - Vietnam. Accessed 5 February 2015 at <a href="http://www.forestlegality.org/risk-tool/country/vietnam#tab-management">http://www.forestlegality.org/risk-tool/country/vietnam#tab-management</a>.</li> <li>World Bank, 2015. Worldwide Governance Indicators - Vietnam 1996–2015. Accessed 27 April</li> </ul>	<p>Overview of Legal Requirements</p> <p>Timber in Vietnam forests is divided into 8 groups by species, physical characteristics and density, with a total of 204 species for use in industry, trade and transport. This classification system has been used for 50 years in accordance with Decree 10 CP dated April 26, 1960. Roundwood with large end diameter <math>\geq</math> 25cm and length <math>\geq</math> 1m and timber sawn, shaped into slabs in forest with length of <math>\geq</math> 1m, thickness <math>\geq</math> 5cm and width <math>\geq</math> 20cm must have hammer marks placed on the timber. Roundwood harvested with large end diameter <math>\geq</math> 25cm and length <math>\geq</math> 1m</p>

<p>Article 24, Article 25, <b>Circular No. 87/2009/TT-BNNPTNT</b>; and Article 9 <b>Circular No. 01/2012/TT-BNNPTNT</b>.</p> <p><a href="http://www.dienban.gov.vn/Default.aspx?tabid=107&amp;NewsViews=1087">http://www.dienban.gov.vn/Default.aspx?tabid=107&amp;NewsViews=1087</a></p> <p>Articles 7, 8 <b>Decision No. 44/2006/QĐ-BNN</b>;</p> <p>Articles 9 and 79 <b>Circular No. 01/2012/TT-BNNPTNT</b>;</p> <p><a href="http://www.vietnamforestry.org.vn/view_news.aspx?nid=400">http://www.vietnamforestry.org.vn/view_news.aspx?nid=400</a></p> <p>Article 1, <b>Circular 42/2012/TT-BNNPTNT</b>.</p> <p><a href="http://kiemlamthainguyen.gov.vn/upload/medias/cat2_1384575185.doc">http://kiemlamthainguyen.gov.vn/upload/medias/cat2_1384575185.doc</a></p> <p><b>Legal Authority</b></p> <p>Ministry of Agriculture and Rural Development (MARD)</p> <p><b>Legally required documents or records</b></p> <p>There are 8 timber groups under Vietnamese law, and timber harvested must be classified and recorded in accordance with the requirements for the relevant group.</p>	<p>2017 at <a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a></p> <ul style="list-style-type: none"> <li>Expert consultation conducted by NEPCo in Vietnam from 2015-2016.</li> </ul>	<p>timber sawn, shaped into slab in forest with length ≥ 1m, thickness ≥ 5cm and width ≥ 20cm (exceptions being timber that is rare, precious and endangered) must have hammer marks placed on the timber.</p> <p>Description of Risk</p> <p>There is a general risk of corruption in Vietnam. Transparency International's 2015 Corruption Perceptions Index ranked Vietnam 113th out of 177 countries assessed and scored a corruption index of 33, meaning it has a high perception of corruption.</p> <p>The 2015 World Bank Worldwide Governance Indicators (WGI) gave Vietnam the following ranks out of 100: Voice and Accountability: 10.84; Political Stability and Absence of Violence: 48.57; Government Effectiveness: 55.29; Regulatory Quality: 33.69; Rule of Law: 46.15 and Control of Corruption: 39.42.</p> <p>Due to corruption level there is a risk of fraud (according to experts consulted in the preparation of this report)– to increase value and reduce taxes – in timber classification. Measures, including a trade ban on timber and administrative sanctions, have decreased the frequency of these violations. Despite the general</p>
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	<p>Species which are within the prohibited or limited harvest groups (1A and 2A), must be recorded on the entry and exit books of for all warehouses, and the bill of lading of processed goods.</p> <p>Roundwood with the large end diameter <math>\geq</math> 25cm and length <math>\geq</math> 1m and timber sawn, shaped into slab in forest with length of <math>\geq</math> 1m, thickness <math>\geq</math> 5cm and width <math>\geq</math> 20cm (exceptions being timber that is rare, precious and endangered) must have hammer marks placed on the timber, and the following documents must be in place:</p> <ul style="list-style-type: none"> <li>- Packing list</li> <li>- Minutes of placing forest hammer marks</li> </ul> <p>Harvested timber that does not require hammer marks must still be accompanied by a packing list.</p>		<p>risk of corruption in Vietnam, numerous experts consulted in the preparation of this report advised that the risk is not high in relation to the bribery of forest rangers (expert consultation 2015-16).</p> <p>Because each harvesting activity is reviewed by a ranger, the risk described for this category will occur only if the ranger cannot correctly identify the timber. As the rangers are trained foresters, they are likely to be able to correctly identify the species. Subsequently, the risk for this indicator has been assessed as Low.</p> <p>Risk Conclusion</p> <p>This indicator has been evaluated as low risk. Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>
1.17 Trade and transport	<p><b>Applicable laws and regulations</b></p> <p><b>Circular 35 / 2011/TT-BNNPTNT</b> dated 20/5/2011 on guiding the implementation of harvesting and salvage of timber and non-timber forest products, this circular stipulates the format of the deliverable voucher-cum-internal transport, car order and value-added invoice. In addition to enterprise-related regulations, additional management and</p>	<p>Non-government Sources</p> <ul style="list-style-type: none"> <li>• Transparency International's Corruption Perceptions Index 2016 - <a href="http://www.transparency.org/country/VNM">http://www.transparency.org/country/VNM</a></li> <li>• Forest Legality Alliance, 2015. Risk Tool - Vietnam. Accessed 5</li> </ul>	<p>Overview of Legal Requirements</p> <p>To move forest products through Vietnam, clear evidence of documents and licenses for all enterprises involved in timber product transportation should be available to authorities. Transportation companies and individuals must be licensed to transport timber.</p>



	<p>supervision methods may exist in relation to harvesting, transportation, loading, storage etc.</p> <p><a href="http://www.vietnamforestry.org.vn/view_news.aspx?nid=710">http://www.vietnamforestry.org.vn/view_news.aspx?nid=710</a></p> <p><b>Trade and Transport requirements:</b>  - <b>Circular 01/2012/TT-BNNPTNT</b> - Clause 1, Article 12 - regulations on legal forest product dossier, Article 13, Article 14, Article 17, Article 18</p> <p><a href="http://www.vietnamforestry.org.vn/view_news.aspx?nid=400">http://www.vietnamforestry.org.vn/view_news.aspx?nid=400</a></p> <p>- <b>Decision No. 44/2006/QĐ-BNN</b> dated 1/6/2006 on rangers' hammer marks - Articles 7 and 8.</p> <p><a href="http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20ph%20lut/View_Detail.aspx?ItemID=15866">http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20ph%20lut/View_Detail.aspx?ItemID=15866</a></p> <p>- <b>TT 42/2012/TT-BNNPTNT</b> dated 21/8/2012 on some changes and additions to TT01 - Article 1</p> <p><a href="http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20ph%20lut/View_Detail.aspx?ItemID=27975">http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20ph%20lut/View_Detail.aspx?ItemID=27975</a></p> <p>In addition, for Organizations:  - <b>Enterprise Law</b> - Articles 24, 25 on issuing business registration certificates</p>	<p>February 2015 at <a href="http://www.forestlegality.org/risk-tool/country/vietnam#tab-management">http://www.forestlegality.org/risk-tool/country/vietnam#tab-management</a>.</p> <ul style="list-style-type: none"> <li>World Bank, 2015. Worldwide Governance Indicators - Vietnam 1996–2015. Accessed 27 April 2017 at <a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a></li> <li>Expert consultation (including with members of the Forest Protection Department (FDP)) conducted by NEPCo in Vietnam from 2014-2016.</li> </ul>	<p>Conformation can be obtained through the company and with the provincial Department of Transport, which keeps a copy of the transportation licenses. Guidance on issuing registration details to the transportation vehicles can be found in Circular No 01/2007/TT-BCA (C11). Organizations and individuals operating vessels or trucks for transporting forest products must have relevant licenses and documents, which are: the vehicle registration (year and vehicle type); the vehicle load capacity; and documentation stating that the vehicle is company-owned. Two licenses are required for each vehicle operated by the company: one from the Transportation Agency and one from the Public Security Agency. Transportation companies and individuals must be licensed to transport timber. Conformation can be obtained through the company and with the provincial Department of Transport, which keeps a copy of the transportation licenses.</p> <p>Promulgating the regulation of inspection and control of forest products, the company must provide log transport details to the processing/manufacturing centre using the correct documentation. Timber records must follow the MARD format. The Forest Protection Department (FPD) should have stamped the logs to certify origin; if logs are not subject to FPD stamping, they should have a</p>
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	<p>- <b>Decree 137/2006/NĐ-CP</b> - dated 14/11/2006 Article 16, on management of nationalized asset</p> <p><a href="http://taichinhcujut.daknong.gov.vn/index.php?language=vi&amp;nv=download&amp;op=Van-ban-Trung-uong/Nghi-dinh-137-2006-Nd-CP">http://taichinhcujut.daknong.gov.vn/index.php?language=vi&amp;nv=download&amp;op=Van-ban-Trung-uong/Nghi-dinh-137-2006-Nd-CP</a></p> <p>- <b>Circular 23/2010-TT-BTP</b> Guidance for auctions following Decree 17 above</p> <p><a href="http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=26019">http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=26019</a></p> <p>- <b>Circular 01/2012/TT-BNNPTNT</b> - Article 16 on legal forestry products</p> <p><a href="http://www.moit.gov.vn/vn/Pages/ChiTietVanBan.aspx?viD=11997">http://www.moit.gov.vn/vn/Pages/ChiTietVanBan.aspx?viD=11997</a></p> <p>- <b>Decision No.44/2006/QĐ-BNN</b> - dated 1/6/2006 Articles 7, 8 on rangers' hammer marks</p> <p><a href="http://kiexamthainguyen.gov.vn/?page=news2&amp;code=detail&amp;idc=43&amp;id=477">http://kiexamthainguyen.gov.vn/?page=news2&amp;code=detail&amp;idc=43&amp;id=477</a></p> <p>- <b>Decision 107/2007/QĐ-BNN</b> - dated 31/12/2007 Article 1 adding explanation about hammer marks in QD 44 for imported logs.</p> <p><a href="http://www.kiexam.org.vn/Download.aspx/0C64678E1CE746679A09AB14CCCB8481/1/QD_sua44.d">http://www.kiexam.org.vn/Download.aspx/0C64678E1CE746679A09AB14CCCB8481/1/QD_sua44.d</a></p>		<p>corruption index of 33, meaning it has a high perception of corruption.</p> <p>The 2015 World Bank Worldwide Governance Indicators (WGI) gave Vietnam the following ranks out of 100: Voice and Accountability: 10.84; Political Stability and Absence of Violence: 48.57; Government Effectiveness: 55.29; Regulatory Quality: 33.69; Rule of Law: 46.15 and Control of Corruption: 39.42.</p> <p>Given the still high rates of non-compliance with this requirement, the risk for this indicator has been assessed as Specified.</p> <p>Risk Conclusion</p> <p>This indicator has been evaluated as specified risk: Threshold (2) is met": Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
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	<ul style="list-style-type: none"> <li>• Vehicle registration year and vehicle type</li> <li>• Vehicle load capacity</li> <li>• Documents stating that vessel or truck is company or contractor owned</li> </ul> <p>Two licenses are required as issued by the Transportation Agency and the Public Security Agency for each vessel or truck operated by the company or individual. Organizations and individuals operating vessels or trucks for transporting forest products from the forest must have relevant licenses.</p> <p><b>Timber harvested, salvaged from domestic native forests</b></p> <ul style="list-style-type: none"> <li>• Value Added Tax Invoice from Ministry of Finance (in situations where timber is purchased from organizations)</li> <li>• Packing list - completed by timber owners, validated by Commune People’s Committee (in situations where timber is purchased from households) or completed by timber owners and validated by District Forest Protection Department (in situations where timber is purchased from organizations)</li> <li>• Minutes of placing forest hammer marks completed by residential forest rangers</li> <li>• Packing list generated by harvesting entities or timber owners, validated by local/residential forest rangers</li> </ul> <p><b>Timber from plantation forests</b></p> <ul style="list-style-type: none"> <li>• Value Added Tax Invoice as required by Ministry of Finance (if purchasing timber from organizations)</li> <li>• Packing list produced by forest title holders or</li> </ul>		
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	<p>timber owners</p> <ul style="list-style-type: none"> <li>• Minutes of placing forest hammer marks completed by residential forest rangers.</li> <li>• Packing list completed by harvesting entities, validated by residential forest rangers.</li> </ul> <p><b>Imported timber, timber products that have not been processed domestically</b></p> <ul style="list-style-type: none"> <li>• Value Added Tax Invoice as required by Ministry of Finance (if purchasing timber from organizations)</li> <li>• Packing list generated by timber owner and validated by District Forest Protection Department</li> <li>• Minutes on placing forest hammer marks made by District Forest Protection Department</li> <li>• Packing list validated by District Forest Protection Department</li> </ul> <p><b>Confiscated timber</b></p> <ul style="list-style-type: none"> <li>• Value Added Tax Invoice as required by Ministry of Finance (if purchasing timber from organizations)</li> <li>• Packing list made by timber owner and validated by District Forest Protection department.</li> <li>• Minutes on placing forest hammer marks completed by District Forest Protection department</li> <li>• Packing list validated by District Forest Protection Department</li> </ul> <p><b>Processed timber, timber products that are harvested in native forests; imported timber; confiscated timber</b></p> <ul style="list-style-type: none"> <li>• Value Added Tax Invoice as required by Ministry of Finance (if purchasing timber from organizations)</li> </ul>		
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	<ul style="list-style-type: none"> <li>• Packing list (applicable only to organizations)</li> <li>• Packing list generated by timber owner (for enterprises of good compliance) (applicable only to organizations)</li> <li>• Packing list generated by timber owner, validated by District Forest Protection Department (for enterprises with poor record of compliance) (applicable only to organizations)</li> <li>• Packing list completed by timber owners, validated by District Forest Protection Department (applicable only to households)</li> <li>• Minutes on placing forest hammer marks made by District Forest Protection Department</li> <li>• Packing list completed by forest title holders and validated by District Forest Protection Department</li> </ul>		
1.18 Offshore trading and transfer pricing	<p><b>Applicable laws and regulations</b></p> <p><b>Circular 66/2010/TT-BTC</b> dated 22 April 2010 ('Circular 66').</p> <p><a href="http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20ph%20lut/View_Detail.aspx?ItemID=25406">http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20ph%20lut/View_Detail.aspx?ItemID=25406</a></p> <p><b>Circular 201/2013/TT-BTC</b> dated 20 December 2013</p> <p><a href="http://www.moit.gov.vn/vn/pages/ChiTietVanBan.aspx?vID=13922">http://www.moit.gov.vn/vn/pages/ChiTietVanBan.aspx?vID=13922</a></p> <p><b>Decree 40/2007/ND-CP</b> - provides guidelines on the Customs valuation for import duties in the case where buyers and suppliers are considered related parties with respect to capital participation,</p>	<p>Non-Government sources</p> <ul style="list-style-type: none"> <li>- Vietnam transfer pricing landscape in 2014: a half-time review - <a href="http://www.lexology.com/library/detail.aspx?g=583c43b9-71cf-4da2-ae52-78c3851a908b">http://www.lexology.com/library/detail.aspx?g=583c43b9-71cf-4da2-ae52-78c3851a908b</a></li> <li>- PWC, 2012. PKN/TCDR Alert Vietnam - Tax authorities to ramp up tax and transfer pricing. Accessed 16 February 2015 at <a href="http://www.pwc.com/en_GX/gx/tax/newsletters/pricing-knowledge-network/assets/pwc-Vietnam-transfer-pricing-audits.pdf">http://www.pwc.com/en_GX/gx/tax/newsletters/pricing-knowledge-network/assets/pwc-Vietnam-transfer-pricing-audits.pdf</a>.</li> <li>- KPMG, 2013. Transfer Pricing in Vietnam. Accessed 16 February 2015 at</li> </ul>	<p>Overview of Legal Requirements</p> <p>The Vietnamese transfer pricing regulations under Circular 66 are modelled on the Organization for Economic Co-operation and Development (OECD) Guidelines. Circular 66 adopts the arm's-length principle and the transfer pricing methods set out in the OECD Guidelines.</p> <p>The number of transfer pricing audits of companies in various industries has been rising since the release in 2010 of Vietnam's revised transfer pricing regulations (Circular 66/2010/TT-BTC). The first four months of 2014 resulted in tax adjustments of VND 759 billion (approximately USD 36 million). These</p>

	<p>management, business relationships and family relationships.</p> <p><a href="http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=14405">http://www.moj.gov.vn/vbpq/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=14405</a></p> <p>The guidelines for the application of Mutual Agreement Procedures (MAP) under <b>Circular 205/2013/TT-BTC</b> dated 24 December 2013.</p> <p><a href="http://thuvienphapluat.vn/archive/Thong-tu-205-2013-TT-BTC-huong-dan-Hiep-dinh-tranh-danh-thue-hai-lan-Viet-Nam-voi-cac-nuoc-vb217929.aspx">http://thuvienphapluat.vn/archive/Thong-tu-205-2013-TT-BTC-huong-dan-Hiep-dinh-tranh-danh-thue-hai-lan-Viet-Nam-voi-cac-nuoc-vb217929.aspx</a></p> <p><b>Legal Authority</b></p> <p>General Department of Taxation</p> <p>The various departments within the GDT that are presently handling transfer pricing matters are the Policy, Tax Reform and Modernisation Department, the Inspectorate (i.e. Inspection Department) and the International Cooperation (i.e. the International Taxation Department).</p> <p><b>Legally required documents or records</b></p> <p>Corporate taxpayers with related party transactions need to comply with the following:</p> <ul style="list-style-type: none"> <li>- Complete and submit the annual disclosure of</li> </ul>	<p><a href="https://www.kpmg.com/VN/en/IssuesAndInsights/ArticlesPublications/Documents/Tax/Transfer%20Pricing-web%20secured.pdf">https://www.kpmg.com/VN/en/IssuesAndInsights/ArticlesPublications/Documents/Tax/Transfer%20Pricing-web%20secured.pdf</a>.</p> <ul style="list-style-type: none"> <li>- Tran Dong Binh, 2014. Transfer pricing audits: assessment or adjustment. Vietnam Investment Review. Available at <a href="http://www.vir.com.vn/transfer-pricing-audits-assessment-or-adjustment.html">http://www.vir.com.vn/transfer-pricing-audits-assessment-or-adjustment.html</a>.</li> <li>- PWC (2007). International Transfer Pricing Summary for Vietnam - <a href="http://www.pwc.com/gx/en/international-transfer-pricing/assets/vietnam.pdf">http://www.pwc.com/gx/en/international-transfer-pricing/assets/vietnam.pdf</a></li> <li>- Doanh Nhan (20 April 2015). 'Foreign giants roll sticky "messy" transfer pricing'. Accessed 9 September 2015 &lt;<a href="http://tbdn.com.vn/diem-danh-hung-dai-gia-ngoai-dinh-quot-lum-xumquot-chuyen-gia-n4782.html">http://tbdn.com.vn/diem-danh-hung-dai-gia-ngoai-dinh-quot-lum-xumquot-chuyen-gia-n4782.html</a>&gt;.</li> <li>- Thanh Nien (15 April 2014). 'A series of FDI transfer pricing and tax evasion'. Accessed 9 September 2015 &lt;<a href="http://www.thanhvien.com.vn/kinh-te/hang-loat-doanh-nghiep-fdi-chuyen-gia-tron-thue-83030.html">http://www.thanhvien.com.vn/kinh-te/hang-loat-doanh-nghiep-fdi-chuyen-gia-tron-thue-83030.html</a>&gt;.</li> <li>- Kinhdoanhnet (21 April 2015). 'Metro transfer pricing and tax</li> </ul>	<p>adjustments arose from 20 audits, mostly in the textile and leather industries. As a consequence, approximately VND 230 billion (USD 11 million) in additional tax was levied and VND 12 billion (USD 571,000) of compliance penalties were applied.</p> <p>Persistent loss-making entities are still easy targets for transfer pricing scrutiny. However, specific industries that have been recently targeted include electrical equipment manufacturing, real estate and construction companies, as well as companies in export processing zones. It has also been reported that automotive companies will be investigated.</p> <p>To date, no legal cases concerning transfer pricing have been decided by the courts. Any cases involving disputes relating to transfer pricing issues have so far been settled out of court and the details have not been published.</p> <p>Description of Risk</p> <p>Formally, no industry or transactions are classified as particularly high risk from the transfer pricing audit or investigation perspective (PWC 2012). However, companies producing high-value goods and having significant, related party transactions (such as in automobile and</p>
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	<p>inter-company transactions in the prescribed form (Appendix 1-GCN/CC) – Form 01, which is the disclosure of related party transactions which is required to be submitted annually together with the company’s tax finalization return; and</p> <ul style="list-style-type: none"> <li>- to prepare and maintain contemporaneous transfer pricing documentation to support the 'arm's length' nature of their inter-company transactions.</li> </ul> <p>The transfer pricing documentation must be prepared at the time of the related party transactions and shall be updated during the performance of the transactions. Also, this documentation must be submitted to the tax authority within 30 working days upon the tax authority’s request.</p>	<p>evasion of more than 500 billion?'. Accessed 9 September 2015 &lt;<a href="http://kinhdoanhnet.vn/tin-tuc/xa-hoi/metro-chuyen-gia-tron-thue-hon-500-ty-dong_t114c13n19648">http://kinhdoanhnet.vn/tin-tuc/xa-hoi/metro-chuyen-gia-tron-thue-hon-500-ty-dong_t114c13n19648</a>&gt;.</p> <ul style="list-style-type: none"> <li>- Transparency International's Corruption Perceptions Index 2016 - <a href="http://www.transparency.org/country/VNM">http://www.transparency.org/country/VNM</a></li> <li>- Forest Legality Alliance, 2015. Risk Tool - Vietnam. Accessed 5 February 2015 at <a href="http://www.forestlegality.org/risk-tool/country/vietnam#tab-management">http://www.forestlegality.org/risk-tool/country/vietnam#tab-management</a>.</li> <li>- World Bank, 2015. Worldwide Governance Indicators - Vietnam 1996–2015. Accessed 27 April 2017 at <a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a></li> <li>- Expert consultation conducted by NEPCon in Vietnam from 2015-2016.</li> </ul>	<p>motorbike manufacturing and related parts manufacturing) would likely be a high-risk industry (PWC 2012). In practice, a company that posts continuous losses (e.g. for three continuous years) and/or large companies with significant, related party transactions are likely to be challenged by the tax authorities, in particular where the company carries out business with related parties located in a tax havens (PWC 2012).</p> <p>In 2015, The Ministry of Finance conducted a number of inspections of the financial industry and detected 'many violations' relating to transfer pricing (Kinhdoanhnet 2015). After two months of inspections, the financial industry found many violations in business, request handling, arrears paid into the state budget of 507 billion. Of these, the most notable violations of foreign retail giants are transfer pricing activities related to transactions with the parent company in Germany. Total losses unreasonable that Metro had to drop after the inspection is 335 billion (Kinhdoanhnet 2015). The results of a thematic inspection of the tax on the transfer price has been described as really "shocking" as there are hundreds of businesses (DN) foreign investment (FDI) in the country who are continuously showing losses and tax evasion, with the amount of</p>
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			<p>arrears/reimbursements up to a trillion VND.</p> <p>There is a general risk of corruption in Vietnam. Transparency International's 2015 Corruption Perceptions Index ranked Vietnam 113th out of 177 countries assessed and scored a corruption index of 33, meaning it has a high perception of corruption.</p> <p>The 2015 World Bank Worldwide Governance Indicators (WGI) gave Vietnam the following ranks out of 100: Voice and Accountability: 10.84; Political Stability and Absence of Violence: 48.57; Government Effectiveness: 55.29; Regulatory Quality: 33.69; Rule of Law: 46.15 and Control of Corruption: 39.42.</p> <p>Although the reports reviewed here do not mention a specific risk for the forest sector, given the reports of the high level of risk across Vietnam, this indicator has been assessed as Specified.</p> <p>Risk Conclusion</p> <p>This indicator has been evaluated as specified risk: Threshold (2) is met": Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
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<p>1.19 Custom regulation s</p>	<p><b>Applicable laws and regulations</b></p> <p><b>Article 7 of the Circular 88/2011 / TT-MARD</b> dated 28/12/2011</p> <p><a href="http://www.fistenet.gov.vn/b-van-ban-phap-luat/thong-tu-huong-dan-thuc-hien-nghi-111inh-so-12-2006-n111-cp-ngay-23-01-2006-cua-chinh-phu-quy-111inh-chi-tiet-thi-hanh-luat-thuong-mai-ve-hoat-111ong-mua-ban-hang-hoa-quoc-te-va-cac-hoat-111ong-111ai-ly-mua-ban-gia-cong-va-qua-can-hang-hoa-voi-nuoc-ngoai-trong-linh-vuc-nong-nghiep-lam-nghiep-va-thuy-san/">http://www.fistenet.gov.vn/b-van-ban-phap-luat/thong-tu-huong-dan-thuc-hien-nghi-111inh-so-12-2006-n111-cp-ngay-23-01-2006-cua-chinh-phu-quy-111inh-chi-tiet-thi-hanh-luat-thuong-mai-ve-hoat-111ong-mua-ban-hang-hoa-quoc-te-va-cac-hoat-111ong-111ai-ly-mua-ban-gia-cong-va-qua-can-hang-hoa-voi-nuoc-ngoai-trong-linh-vuc-nong-nghiep-lam-nghiep-va-thuy-san/</a></p> <p><b>Decree 12/2006 / ND-CP</b> dated 23/01/2006. Articles 8 and 9.</p> <p><a href="http://moj.gov.vn/vbpq/Lists/Vn%20bn%20php%20ut/View_Detail.aspx?ItemID=16803">http://moj.gov.vn/vbpq/Lists/Vn%20bn%20php%20ut/View_Detail.aspx?ItemID=16803</a></p> <p><b>Circular 194/2010 / TT-BTC</b> - Paragraph 1 of Article 11</p> <p><a href="http://www.customs.gov.vn/Lists/VanBanPhapLuat/ViewDetails.aspx?ID=5836">http://www.customs.gov.vn/Lists/VanBanPhapLuat/ViewDetails.aspx?ID=5836</a></p> <p>or <b>Circular 196/2012 / TT-BTC</b> - Article 8 - dated 11/15/2012 of the Ministry of Finance on electronic Customs procedures for export and import trade goods (e-customs procedures).</p>	<p>Government sources</p> <p>- See Decision No. 1565/QĐ -BNN-TCLN at <a href="http://vietnamforestry.org.vn/mediastore/fsspco/2013/07/31/Decision_1565_QD-BNN-TCLN_MARD_Approval_Forestry_restructure.pdf">http://vietnamforestry.org.vn/mediastore/fsspco/2013/07/31/Decision_1565_QD-BNN-TCLN_MARD_Approval_Forestry_restructure.pdf</a>. 25 See <a href="http://vietnam-redd.org/Web/Default.aspx?tab=newsdetail&amp;zoneid=107&amp;subzone=157&amp;itemid=719&amp;lang=en-US">http://vietnam-redd.org/Web/Default.aspx?tab=newsdetail&amp;zoneid=107&amp;subzone=157&amp;itemid=719&amp;lang=en-US</a>.</p> <p>Non-government sources</p> <ul style="list-style-type: none"> <li>World Trade Organization WTO (2013). Trade Policy Review - Report by the Secretariat - Vietnam. Accessed 9 September 2015 &lt;<a href="http://www.wto.org/english/tratop_e/tpr_e/s287_e.pdf">http://www.wto.org/english/tratop_e/tpr_e/s287_e.pdf</a>&gt;.</li> <li>Buhmann, K. &amp; Iben Nathan (2013). Plentiful forests, happy people? The EU's FLEGT approach and its impact on human rights and private forestry sustainability schemes. Nordic Environmental Law Journal, Vol. 4, No. 2: 53–82 &lt;<a href="http://www.rightsandresources.org/documents/files/doc_6056.pdf">http://www.rightsandresources.org/documents/files/doc_6056.pdf</a>&gt;</li> </ul>	<p>Overview of Legal Requirements</p> <p>It is illegal to export logs and sawn wood from domestic natural forests in Vietnam (Circular No. 12/2006/ND-CP). Any enterprise interested in exporting goods must hold the relevant legal business registration certificates and import and export licenses to operate, including a business registration certificate (awarded by the District People's Committee for household businesses, or the provincial Department of Planning and Investment for organizational business-enterprises); tax code; and import and/or export license (issued by the Ministry of Trade). Export documents must be up-to-date and correct. Valid documents must include: the bill of lading; packing lists for the sawn timber or wood products; and chain-of-custody records indicating the origin of logs used to produce wood products.</p> <p>Exports are highly encouraged in Vietnam. Therefore taxes are levied only on certain commodities, mainly natural resources such as minerals and forest products. Export taxes range from 0 to 45%. However, there are a number of policies and regulations issued to regulate and promote wood processing and exports. Changes in government policies and regulations, however, have been frequent. In 2008, Vietnam removed</p>
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<p><a href="http://www.customs.gov.vn/Lists/VanBanPhapLuat/ViewDetails.aspx?ID=6608">http://www.customs.gov.vn/Lists/VanBanPhapLuat/ViewDetails.aspx?ID=6608</a></p> <p><b>Circular 01/2012/TT-BNNPTNT</b> of January 4, 2012. Articles 11 and 12.</p> <p><a href="http://www.moit.gov.vn/vn/Pages/ChiTietVanBan.aspx?viD=11997">http://www.moit.gov.vn/vn/Pages/ChiTietVanBan.aspx?viD=11997</a></p> <p><b>Decree 154/2005/NĐ-CP</b> - Articles 7, 8, 9 on procedures to report to Customs department</p> <p><a href="http://www.moj.gov.vn/vbpg/Lists/Vn%20bn%20ph%20lut/View_Detail.aspx?ItemID=16971">http://www.moj.gov.vn/vbpg/Lists/Vn%20bn%20ph%20lut/View_Detail.aspx?ItemID=16971</a></p> <p><b>Circular 128/2013/TT-BTC</b> dated 10/9/2013 on import tax</p> <p><a href="http://www.customs.gov.vn/Lists/VanBanPhapLuat/ViewDetails.aspx?ID=6957">http://www.customs.gov.vn/Lists/VanBanPhapLuat/ViewDetails.aspx?ID=6957</a></p> <p><b>Decree 187/2013/NĐ-CP</b> dated 20/11/2013 on implementation of international trading law</p> <p><a href="http://www.customs.gov.vn/Lists/VanBanPhapLuat/ViewDetails.aspx?ID=7089">http://www.customs.gov.vn/Lists/VanBanPhapLuat/ViewDetails.aspx?ID=7089</a></p> <p><b>Circular 40/2013/TT-BNNPTNT</b> dated 5/9/2013 at Appendix I, II, III on list of species included in</p>	<ul style="list-style-type: none"> <li>• Sun Mountain International and the Cadmus Group, Inc. (2013). Vietnam Tropical Forests and Biodiversity Assessment - 2013, US Foreign Assistance Act, Section 118/119 Report August, 2013. Accessed 9 September 2015 &lt;<a href="https://www.usaid.gov/sites/default/files/documents/1861/Vietnam_118_119FinalDraft%2015Oct2013%20(Public%20Version).pdf">https://www.usaid.gov/sites/default/files/documents/1861/Vietnam_118_119FinalDraft%2015Oct2013%20(Public%20Version).pdf</a>&gt;</li> <li>• World Bank (2010). Socialist Republic of Vietnam: Forest Law Enforcement and Governance, Washington DC: The World Bank.</li> <li>• Transparency International's Corruption Perceptions Index 2016 - <a href="http://www.transparency.org/country/VNM">http://www.transparency.org/country/VNM</a></li> <li>• Forest Legality Alliance, 2015. Risk Tool - Vietnam. Accessed 5 February 2015 at <a href="http://www.forestlegality.org/risk-tool/country/vietnam#tab-management">http://www.forestlegality.org/risk-tool/country/vietnam#tab-management</a>.</li> <li>• World Bank, 2015. Worldwide Governance Indicators - Vietnam 1996–2015. Accessed 27 April 2017 at <a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a></li> </ul>	<p>its 5–10% export tax levied on timber and wooden products.</p> <p>Customs officials at Vietnam's major importing ports and border points are given training on how to implement new policies, including timber import and export controls. As of May 2010, the General Department of the Customs Legal Department has been responsible for that training, which is considered to be of reasonably good quality. According to the FPD, the number of violations related to the transportation of and trade in timber has gradually decreased – from 20,106 in 2008 to 14,300 in 2012. Similarly, the volume of timber seized during the transport, purchase or sale of timber decreased from 44,112 m<sup>3</sup> in 2008 to 35,556 m<sup>3</sup> in 2012. Most of the transportation- and trade-related violations involved wood that had been domestically sourced, while the volume of timber imports is negligible. This is because imports are deemed legal as long as they have met Vietnam's import requirements, which are minimal. First, the import duty for logs is zero, so there is no risk of tax evasion. Second, although imported timber must be accompanied by paperwork demonstrating the completion of the exporting country's customs procedures (a certificate of origin, a purchase agreement, and, where relevant, a certificate of plant quarantine)</p>
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	<p>international agreement on trading endangered wild species, part H on plants.</p> <p><a href="http://thuvienphapluat.vn/archive/Thong-tu-40-2013-TT-BNNPTNT-Danh-muc-dong-thuc-vat-hoang-da-nguy-cap-vb207245.aspx">http://thuvienphapluat.vn/archive/Thong-tu-40-2013-TT-BNNPTNT-Danh-muc-dong-thuc-vat-hoang-da-nguy-cap-vb207245.aspx</a></p> <p><b>Circular 13/2014 /TT-BTC</b> Prescribing customs procedures for goods processed with foreign traders</p> <p><a href="http://haiquanbinhduong.gov.vn/EN/vanban/TT13.2014.doc">http://haiquanbinhduong.gov.vn/EN/vanban/TT13.2014.doc</a></p> <p>and <b>Circular 116/2008/TT-BTC</b> Guiding customs procedures for goods processed for foreign traders.</p> <p><a href="http://www.lawfirm.vn/?a=doc&amp;id=1458">http://www.lawfirm.vn/?a=doc&amp;id=1458</a></p> <p>These 2 circulars work together with <b>Circular 194/2010 / TT-BTC</b>. Producer import material must report inputs, outputs, CF, stocktaking and material stock balance because import tax applied to material is zero.</p> <p><b>Legal Authority</b></p> <p>Ministry of Agriculture and Rural Development (MARD)</p>	<ul style="list-style-type: none"> <li>Expert consultation conducted by NEPCon in Vietnam from 2015-2016.</li> </ul>	<p>these documents are not systematically validated; and it is not clear if they would be able to provide evidence of legal origin even if they were subject to such validation.</p> <p>Description of Risk</p> <p>Various in-country sources suggest that the illegal timber trade still occurs in some parts of Quang Binh, Ha Tinh and Nghe An provinces, which are on the Vietnam–Lao PDR border, and that most of that trade is in precious species that are listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). It is reported that logs are transported to timber-craft villages to produce furniture, primarily for domestic use but also for export to China. The Vietnamese government provides no data on CITES infractions or seizures. Customs is a sector with reportedly one of the biggest corruption risks and most legislation handling in Vietnam. Violations in the timber trade are not as frequent or serious as drug trafficking, trade of wild animals and plants, but it is still an area of high risk. There is a daily risk of corruption and the biggest cases often involve high level officials so they are frequently ignored.</p>
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	<p>Ministry of Finance (MOF)</p> <p><b>Legally required documents or records</b></p> <p><b>Imports:</b>  Legal import Dossier  • Declaration for imported timber products validated by Customs;  • Sales contract;  • Trading invoice;  • Bill of lading (or other shipping document of equivalent value in accordance with legal regulations);  • Packing list of imported forest products  • CITES Permit of export country for the case of timber under Appendix I, II of CITES.  • Import Permit issued by Viet Nam's Ministry of Industry and Trade (for timber imported from Cambodia).  Phyto-sanitation  • Notification paper on exemption from quarantine for timber and timber products subject to quarantine exemption in accordance with legal regulations  • Quarantine certificate issued by Viet Nam's Quarantine Authority  Log identity linked to timber documents  • Record of placing forest hammer marks completed by residential forest rangers.  • Packing list validated by residential forest rangers  Legal tax dossiers  • Dossier on declaration of import, export tax (for</p>		<p>There is a general risk of corruption in Vietnam. Transparency International's 2015 Corruption Perceptions Index ranked Vietnam 113th out of 177 countries assessed and scored a corruption index of 33, meaning it has a high perception of corruption.</p> <p>The 2015 World Bank Worldwide Governance Indicators (WGI) gave Vietnam the following ranks out of 100: Voice and Accountability: 10.84; Political Stability and Absence of Violence: 48.57; Government Effectiveness: 55.29; Regulatory Quality: 33.69; Rule of Law: 46.15 and Control of Corruption: 39.42.</p> <p>Weak forest governance in neighboring countries coupled with a strong market demand from Vietnam's wood-processing industry for cheap products motivates illegal trade, and corruption of Customs and other government officials permits illegal timber trade to persist (World Bank 2010). According to Sun Mountain International (2013), illegal cross-border traffic is possible in Vietnam because of poor Customs enforcement in ports, airports and along the nation's porous borders and it is driven by the high profits that the illegal trade in plants and animals generates.</p>
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	<p>organizations involved in import and export)  Tax payment records</p> <ul style="list-style-type: none"> <li>• Import, export tax receipt or payment note if tax is paid by bank transfer</li> </ul> <p><b>Export</b></p> <p>Legal export Dossier</p> <ul style="list-style-type: none"> <li>• Customs clearance declaration for export timber products made by exporter (original)</li> <li>• Packing list of forest products for export</li> <li>• Packing list of forest products harvested from plantation forest</li> <li>• Packing list of unprocessed exported timber forest products which are legally imported.</li> <li>• Packing list of processed timber harvested from domestic native forests.</li> <li>• Packing list of processed forest products which are derived from imported timber, addressing confiscated timber</li> <li>• Packing list of forest products for processing, trading entities complying with State regulations</li> <li>• Packing list of forest products for processing, trading entities violating State regulations on dossiers of forest products or not fully complying with State regulations</li> <li>• Sales contract or other papers of equivalent legal value</li> <li>• Permit of CITES Monitoring Authority of Viet Nam for products made from timber under Appendix II of CITES.</li> </ul> <p><b>Phyto-sanitation</b></p> <ul style="list-style-type: none"> <li>• Quarantine certificate issued by Viet Nam's Quarantine Authority in situations where the certificate is a requirement of the import country</li> </ul> <p>Legal tax dossiers</p>		<p><b>Risk Conclusion</b></p> <p>This indicator has been evaluated as specified risk: Threshold (2) is met": Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities</p>
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	<ul style="list-style-type: none"> <li>• Dossier on declaration of import, export tax (for organizations involved in import and export)</li> <li>Tax payment records</li> <li>• Import, export tax receipt or payment note if tax is paid by bank transfer</li> <li>• Sales contract (for timber, and exported timber products subject to export tax)</li> </ul> <p>Export invoice (for timber, exported timber products subject to export tax)</p> <p>Packing list</p>		
1.20 CITES	<p><b>Applicable laws and regulations</b></p> <p>CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora)</p> <p><b>Decree 187/2013 / ND-CP</b> of the Government dated 20.11.2013</p> <p><a href="http://www.itpc.gov.vn/investors/how_to_invest/law/Decree_No.187_2013/mldocument_view/?set_language=en">http://www.itpc.gov.vn/investors/how_to_invest/law/Decree_No.187_2013/mldocument_view/?set_language=en</a></p> <p><b>Circular 04/2014 / TT-BCT</b> dated 01.27.2014 of the Ministry of Industry and Trade guiding some content regulation</p> <p><a href="http://www.dncustoms.gov.vn/web_english/english/btc/04_TT_BCT_27_01_2014.htm">http://www.dncustoms.gov.vn/web_english/english/btc/04_TT_BCT_27_01_2014.htm</a></p> <p><b>Decree No. 32/2006</b> dated 30/3/2006 regarding forest vegetation management, endangered wildlife, including appendix of rare groups IA, IB,</p>	<p>Non-Government sources</p> <ul style="list-style-type: none"> <li>• APHIS CITES Timber Species Guide - <a href="http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/cites.pdf">http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/cites.pdf</a></li> <li>• CITES Species Checklist - <a href="http://checklist.cites.org/#/search/country_ids[]=245&amp;cites_appendices[]=I&amp;cites_appendices[]=II&amp;cites_appendices[]=III&amp;output_layout=alphabetical&amp;level_of_listing=0&amp;show_synonyms=1&amp;show_author=0&amp;show_english=1&amp;show_spanish=1&amp;show_french=1&amp;scientific_name=Plantae&amp;page=1&amp;per_page=20&amp;locale=en">http://checklist.cites.org/#/search/country_ids[]=245&amp;cites_appendices[]=I&amp;cites_appendices[]=II&amp;cites_appendices[]=III&amp;output_layout=alphabetical&amp;level_of_listing=0&amp;show_synonyms=1&amp;show_author=0&amp;show_english=1&amp;show_spanish=1&amp;show_french=1&amp;scientific_name=Plantae&amp;page=1&amp;per_page=20&amp;locale=en</a></li> <li>• Species+ Database - <a href="http://www.speciesplus.net/">http://www.speciesplus.net/</a></li> <li>• CITES Country Profile: Viet Nam -</li> </ul>	<p>Overview of Legal Requirements</p> <p>Vietnam ratified the Convention in 1994. There are two commercially traded timber species now listed on CITES Appendix II from Vietnam: <i>Aquilaria</i> spp., and <i>Dalbergia cochinchinensis</i> (Thailand Rosewood). These Appendix-II listings are NOT a ban on trade. To conduct international commercial trade in these listed species, it is necessary to ensure all the proper CITES documentation from the exporting or re-exporting country is compiled and accurate.</p> <p><i>Aquilaria</i> spp: Harvest and trade of <i>Aquilaria crassna</i>, the main Vietnamese species, has been banned since 1992. However, Vietnam also has several plantations of <i>Aquilaria crassna</i>, the products from which are legal to trade with proper CITES permits.</p> <p>According to the Environmental Investigation Agency (EIA), <i>Dalbergia</i></p>



	<p>2A, 2B depending on the extent of prohibited or restricted commercial use</p> <p><a href="http://tongcuclamnghep.gov.vn/nghi-dinh/nghi-dinh-32-2006-nd-cp-ngay-30-3-2006-cua-chinh-phu-ve-quan-ly-thuc-vat-rung-dong-vat-rung-nguy-cap-quy-hiem-a639">http://tongcuclamnghep.gov.vn/nghi-dinh/nghi-dinh-32-2006-nd-cp-ngay-30-3-2006-cua-chinh-phu-ve-quan-ly-thuc-vat-rung-dong-vat-rung-nguy-cap-quy-hiem-a639</a></p> <p><b>Legal Authority</b></p> <p>Ministry of Finance</p> <p><b>Legally required documents or records</b></p> <p>Permit of CITES Monitoring Authority of Viet Nam for products made from timber under Appendix II of CITES</p>	<p><a href="http://www.cites.org/eng/cms/index.php/component/cp/country/VN">http://www.cites.org/eng/cms/index.php/component/cp/country/VN</a></p> <ul style="list-style-type: none"> <li>Establishing the CITES Management Authority of Vietnam - <a href="http://vbpl.vn/tw/Pages/vbpgen-toanvan.aspx?ItemID=4320&amp;Keyword=CITES">http://vbpl.vn/tw/Pages/vbpgen-toanvan.aspx?ItemID=4320&amp;Keyword=CITES</a></li> <li>U.S. Fish &amp; Wildlife Service Notice Letter: CoP16 Listing of Dalbergia spp. (2013) - <a href="https://www.fws.gov/international/pdf/letter-rosewood-and-ebony-2013.pdf">https://www.fws.gov/international/pdf/letter-rosewood-and-ebony-2013.pdf</a></li> <li>Environmental Investigation Agency, 2014. 'Routes of Extinction, the corruption and violence destroying Siamese rosewood in the Mekong' accessed 27 April 2016 at &lt; <a href="https://eia-international.org/wp-content/uploads/Routes-of-Extinction-FINAL-lo-res.pdf">https://eia-international.org/wp-content/uploads/Routes-of-Extinction-FINAL-lo-res.pdf</a>&gt; .-</li> <li>Expert consultation conducted in Vietnam in 2014-2015.</li> </ul>	<p>cochinchinensis: Listed in 2013, Thailand Rosewood is found in Cambodia, Thailand, Lao PDR and Vietnam. This valuable wood has been subject heavy unchecked illegal logging in the Dangrek Mountains between Cambodia and Thailand. The logs cut on the Cambodian side are usually smuggled into Thailand by the hundreds. It is also listed as vulnerable in Vietnam by the IUCN Red List. Being highly valued in the wood carving and furniture industries, the Vietnamese population of this species is also threatened.</p> <p>Description of Risk</p> <p>The risks associated with the trade of CITES species are concentrated on the trade in wildlife parts such as ivory, rhino horn which are traded through Vietnam. For these products there is a considerable risk of corruption (according to stakeholders consulted in the preparation of this report). Although the reports of significant issues associated with the trade of CITES species don't usually focus on the trade of timber species, Vietnam does not have effective policies to curb smuggling of endangered CITES species, including timber species.</p> <p>There is a general risk of corruption in Vietnam. Transparency International's</p>
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			<p>2015 Corruption Perceptions Index ranked Vietnam 113th out of 177 countries assessed and scored a corruption index of 33, meaning it has a high perception of corruption.</p> <p>The 2015 World Bank Worldwide Governance Indicators (WGI) gave Vietnam the following ranks out of 100: Voice and Accountability: 10.84; Political Stability and Absence of Violence: 48.57; Government Effectiveness: 55.29; Regulatory Quality: 33.69; Rule of Law: 46.15 and Control of Corruption: 39.42.</p> <p>Risk Conclusion</p> <p>This indicator has been evaluated as specified risk: Threshold (2) is met": Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities</p>
<b>Diligence/du e care procedures</b>			
1.21 Legislation requiring due diligence/ due care procedures	<p><b>Applicable laws and regulations</b></p> <p>N/A</p> <p><b>Decision 47/1999/QD-BNN-KL</b> issuing the Regulations on inspection, transportation, production and business of timber and forests products; articles in decision.</p>	<p>– EU FLEGT Facility – Vietnam: <a href="http://www.euflegt.efi.int/vietnam">http://www.euflegt.efi.int/vietnam</a></p>	<p>Overview of Legal Requirements</p> <p>The Vietnamese government and the European Union (EU) announced the start of formal negotiations for a Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreement (VPA) on 18 August 2010. The aim of this Agreement is to ensure</p>

	<p><a href="http://thuvienphapluat.vn/archive/Quyiet-dinh/47-1999-QD-BNN-KL-vb80034t17.aspx">http://thuvienphapluat.vn/archive/Quyiet-dinh/47-1999-QD-BNN-KL-vb80034t17.aspx</a></p> <p><b>Legal Authority</b></p> <p>N/A</p> <p><b>Legally required documents or records</b></p> <p>N/A</p>		<p>the legality of timber products entering the EU market, while at the same time it could help in maintaining and expanding the export of timber and timber products from Vietnamese enterprises, which will be subject to the changing EU market requirement as of March 2013.</p> <p>The fifth draft of Viet Nam's legality definition on timber and timber products, attached to a list of timber and timber products, has been published for broad consultation (<a href="http://bit.ly/JJqyd">http://bit.ly/JJqyd</a>). VNGO–FLEGT have fed back some initial comments on this (an English translation of which has been uploaded onto this site, available at: <a href="http://bit.ly/KRuVag">http://bit.ly/KRuVag</a>) but is hoping to broaden consultation to communities they have links with across six provinces, something that will take time to organize.</p> <p>In addition, VNFOREST is preparing for development of the Timber Legality Assurance System (TLAS). At the beginning of 2012, Circular No. 01/2012/TT-BNNPTNT in the document bundle of legal forest products and examination of forest product origin was approved by MARD, as an important part of the TLAS legal system (<a href="http://bit.ly/KRnH61">http://bit.ly/KRnH61</a>).</p> <p>To date, there are no legally binding due diligence requirements in force in</p>
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			<p>Vietnam. It is likely that due diligence requirements will be incorporated into the TLAS implemented through the VPA with the EU.</p> <p>This indicator is not applicable.</p>
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### Recommended control measures

Indicator	Recommended control measures
1.1 Land tenure and management rights	<p><b>Generic</b></p> <ul style="list-style-type: none"> <li>- Land registry shall confirm ownership and validity of property deed.</li> <li>- Tax authorities shall confirm valid tax registration.</li> <li>- The business register shall confirm valid business licenses to operate within the jurisdiction.</li> <li>- In areas with land ownership conflicts, consultation with neighbours, local communities and others shall confirm that land tenure rights are clear.</li> <li>- Stakeholder consultation shall confirm that registration of Forest Management Enterprise has been granted following legally prescribed processes.</li> <li>- Stakeholder consultation shall confirm that legal status of the operation or rights for conducting the established activities are not subject to court orders or other legally established decisions to cease operations.</li> <li>- The management contract or other agreements with the owner shall indicate clear management rights.</li> <li>- Valid business registration documents shall exist.</li> <li>- The issuance of legal rights and registration shall be subject to public disclosure prior to commencement of any activities within FMUs.</li> <li>- Inspections of harvesting sites shall confirm that harvesting takes place within property limits (including felling, extraction and log landings).</li> </ul> <p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>• Every household or State forestry companies should physically possess the land-use certificate or land lease agreement to demonstrate their land-use right to the land. The land-use certificate or land lease agreement should cover the correct area. The land-use certificate or land lease agreement shows the area of land covered and is approved and signed off by the Local Authority.</li> <li>• If the land-use certificate (so called as Red Book) was issued prior to 2000, the land measurements and borders may not be included. Although the pre-2000 Red Books still constitute legal proof of land-use rights, care should be taken when relying on them as proof of land use rights as there is an increased risk of conflicting land-use rights where the borders are uncertain.</li> <li>• A forest owner must pay for a copy of the Red Book, so there are instances where small landowners or households cannot afford to pay for their Red Book and it is kept in the District Office. In these cases, the forest owner should still have a 'Decision' from the District Staff which shows they have a Red Book for that land.</li> <li>• The local tax department will have the records of land tax receipts.</li> <li>• To verify whether there are conflicting land-use claims to a forest area, stakeholder consultation on the ground should be carried out. This should include discussions with the Local Authorities.</li> </ul>

Indicator	Recommended control measures
1.6 Value added taxes and other sales taxes	<ul style="list-style-type: none"> <li>• To verify the Business registration certificate: check document is still valid, authentic with DPI/HEPZAs or PPC signature and stamps.</li> </ul> <p>Generic</p> <ul style="list-style-type: none"> <li>- Sales documents shall include applicable sales taxes.</li> <li>- Receipts for payment sales taxes shall exist.</li> <li>- Volumes, species and qualities given in sales and transport documents shall match the fees paid.</li> <li>- Sales prices shall be in line with market prices.</li> <li>- Harvested species, volumes and qualities shall match the sales documents.</li> <li>- Authorities shall confirm that operation is up-to-date in payment of applicable sales taxes.</li> <li>- Consultation with financial authority to verify that all required income and profit taxes have been paid.</li> </ul> <p>Country specific</p> <ul style="list-style-type: none"> <li>• Detecting corruption and the payment of bribes is very difficult. In addition to obtaining the necessary proof of payment of taxes (see below list), it is also possible to seek confirmation from authorities about the usual rates of VAT that should have been paid.</li> <li>• Sales documents shall include applicable sales taxes.</li> <li>• Receipts for payment sales taxes shall exist.</li> <li>• Crosschecking that the volumes, species and qualities given in sales and transport documents match the fees paid is as option, but frequently these documents may also have been falsified.</li> <li>• Verify that the harvested species, volumes and qualities match the sales documents.</li> <li>• Authorities may be able to confirm that an operation is up-to-date in payment of applicable sales taxes. Consultation with financial authorities can verify that all required taxes have been paid.</li> </ul>
1.7 Income and profit taxes	<p>Generic</p> <ul style="list-style-type: none"> <li>- Consultation with financial authority to verify that all required income and profit taxes have been paid</li> </ul> <p>Country specific</p> <ul style="list-style-type: none"> <li>• Detecting corruption and the payment of bribes is very difficult. In addition to obtaining the necessary proof of payment of taxes (see below list), it is also possible to seek confirmation from authorities about the usual rates of income tax that should have been paid.</li> <li>• Receipts/records for payment of income taxes shall exist.</li> <li>• Authorities may be able to confirm that operation is up-to-date in payment of applicable income taxes.</li> </ul>
1.10 Environmental requirements	<p>Generic</p> <ul style="list-style-type: none"> <li>- Environmental impacts of forest operations to communities shall be mitigated.</li> <li>- Environmental Impact Assessment (EIA) shall be conducted prior to commencement of site disturbing operations to identify potential negative impacts.</li> <li>- Effective actions shall be implemented to mitigate and repair occurred negative impacts.</li> <li>- Environmental risks when using chemicals shall be minimized.</li> </ul> <p>Country specific</p> <ul style="list-style-type: none"> <li>• Check regulations held by the forest organization - verify that these regulations cover the EIA.</li> </ul>

Indicator	Recommended control measures
1.11 Health and safety	<ul style="list-style-type: none"> <li>• On site verification to ensure the environmental requirements are being complied with in practice.</li> </ul> <p>Generic</p> <ul style="list-style-type: none"> <li>- All safety and health regulations shall be followed and all required safety equipment shall be used.</li> <li>- Occupational health and safety requirements shall be observed by all personnel involved in harvesting activities.</li> <li>- Interviews with staff and contractors shall confirm that legally required protective equipment is required/provided by the organization.</li> <li>- All requirements on prevention of air and water pollution shall be followed and are verified through reports monitoring pollution (when applicable).</li> </ul> <p>Country specific</p> <ul style="list-style-type: none"> <li>• Check the employment contracts for the employees held by the forest company - verify that these contracts cover the training and PPE requirements.</li> <li>• Ask the relevant Union for results of annual inspections for the company.</li> <li>• On site verification of workers to ensure the PPE and training requirements are being complied with in practice.</li> </ul>
1.12 Legal employment	<p>Generic</p> <ul style="list-style-type: none"> <li>- All workers are employed according to the regulation and required contracts are in place</li> <li>- Persons involved in harvesting activities shall be covered by obligatory insurances.</li> <li>- Persons involved in harvesting activities shall hold required certificates of competence for the functions they carry out.</li> <li>- At least the legally established minimum salaries shall be paid for personnel involved in harvesting activities.</li> <li>- Salaries shall be paid officially and declared by the employer according to requirements for personnel involved in harvesting activities.</li> <li>- Minimum age shall be observed for all personnel involved in harvesting activities.</li> <li>- Minimum age shall be observed for all personnel involved in hazardous work.</li> <li>- Stakeholders shall confirm that forced or compulsory labour is not involved in harvesting activities.</li> </ul> <p>Country specific</p> <ul style="list-style-type: none"> <li>• Social insurance office/department (at provincial or district level) should be able to provide a copy of the social insurance records for the forest company. Verify that the company has the requisite social insurance for their workers.</li> <li>• Check the employment contracts for the employees held by the forest company - verify that these contracts cover the training and PPE requirements.</li> <li>• Ask the relevant Union for results of annual inspections for the company.</li> <li>• On site verification of workers to ensure the employment conditions are observed in practice.</li> </ul>
1.17 Trade and transport	<p>Generic</p> <ul style="list-style-type: none"> <li>- Requirements related to transport means (e.g. trucks) shall always be followed.</li> <li>- Species and product types shall be traded legally.</li> <li>- Required trade permits shall exist and be documented.</li> <li>- All required transport documents shall exist and be documented.</li> <li>- Volumes, species and qualities shall be classified according to legal requirements.</li> <li>- Documents related to transportation, trade or export shall be clearly linked to the specific material in question.</li> </ul> <p>Country specific</p>

Indicator	Recommended control measures
	<ul style="list-style-type: none"> <li>• License registration - Transportation companies and individuals must be licensed to transport timber. A copy of the license registration is housed at the provincial Department of Transport.</li> <li>• Carriers must possess valid license documents:</li> <li>• Vehicle registration (year and vehicle type)</li> <li>• Vehicle load capacity</li> <li>• Documents stating it is a company owned/contractor vessel or truck</li> <li>• Two licenses are required as issued by the Transportation Agency and the Public Security Agency for each vessel or truck the company or individual operates. Organizations, individuals operating vessels or trucks for transporting forest products from the forest must have relevant licenses.</li> </ul> <ul style="list-style-type: none"> <li>- Evidence to show legal process: transportation, delivery bills, list of products, time, volume, places, types and quality of material</li> <li>- Check the border-crossing points.</li> <li>- Products shall be correctly classified (species, quantities, qualities etc.) on sales documents, custom declarations and other legally required documents</li> <li>- Evidence shall be provided upon request (photographs or labeling)</li> <li>- Physical control where it should be verified that the present material is equivalent to what has been invoiced and marked</li> </ul>
1.18 Offshore trading and transfer pricing	<p>Generic</p> <ul style="list-style-type: none"> <li>- If illegal in the country of the supplier or sub-supplier, the products shall not have been traded through countries known as 'tax havens'.</li> <li>- There shall be no illegal manipulation in relation to the transfer pricing</li> </ul> <p>Country specific</p> <ul style="list-style-type: none"> <li>• Determine if the company has any affiliates/subsidiaries in known tax havens (see <a href="http://www.financialsecrecyindex.com/">http://www.financialsecrecyindex.com/</a>).</li> <li>• Obtain copies of the annual disclosure of inter-company transactions in the prescribed form (Appendix 1-GCN/CC) and contemporaneous transfer pricing documentation to support the arm's-length nature of their inter-company transactions.</li> <li>• Review any transactions that have taken place between the company you are purchasing from and the affiliate in the known tax haven.</li> <li>• Can information be obtained relating to prices at which similar transactions have been entered into by unrelated parties. How do those prices compare?</li> <li>• Were the profits from this particular deal reasonable?</li> </ul>
1.19 Custom regulations	<p>Generic</p> <ul style="list-style-type: none"> <li>- Products shall be correctly classified (type, custom code, species, quantities, qualities, etc.).</li> <li>- All required import and exports permits shall be in place.</li> </ul> <p>Country specific</p> <ul style="list-style-type: none"> <li>• Products shall be correctly classified (type, custom code, species, quantities, qualities, etc.).</li> <li>• All required import and exports permits shall be in place.</li> </ul>

Indicator	Recommended control measures
	<ul style="list-style-type: none"> <li>• The licensing procedures for export of produced forest products include: registration, declaration, tax, commodity contracts and design shall be in place for the importer:               <ul style="list-style-type: none"> <li>- Check the document has been signed correctly</li> <li>- Monitoring the quality and volume of signed</li> </ul> </li> </ul>
1.20 CITES	<p>Generic</p> <ul style="list-style-type: none"> <li>- All cross border-trade of CITES-listed species shall be documented and accompanied by required export, import and re-export certificates issued by competent authorities (CITES Management Authorities).</li> </ul> <p>Country specific</p> <ul style="list-style-type: none"> <li>• All cross border-trade of CITES-listed species shall be documented and accompanied by required export, import and re-export certificates issued by competent authorities (CITES Management Authorities).Note that there is a risk that permits have been obtained fraudulently.</li> </ul>



## Controlled wood category 2: Wood harvested in violation of traditional and human rights

### Risk assessment

Indicator	Sources of Information	Functional scale	Risk designation and determination
2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.	See detailed analysis below.	Country	<p>Risk determination: Low risk</p> <p>Justification: All 'low risk thresholds' (1, 2, 3, 4 and 5) are met. None of the 'specified risk thresholds' are met.</p>
2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.	See detailed analysis below.	Country	<p>Risk determination: Specified risk</p> <p>Justification: Specified risk threshold 14 and 15 apply,</p>
2.3. The rights of Indigenous and Traditional Peoples are upheld.	See detailed analysis below.	<p>Specified risk for traditional territories of indigenous peoples (ethnic minorities) in mountainous areas in the country</p> <p>All other areas</p>	<p>Risk determination: Specified risk for traditional territories of indigenous peoples (ethnic minorities) in mountainous areas in the country.</p> <p>Low risk for all other areas of the country.</p> <p>Justification: The specified risk thresholds 23, 24 and 26 apply.</p> <p>Because traditional territories of indigenous peoples (ethnic minorities) in mountainous areas are not clearly mapped, further assessment is needed to conclude what exactly are the borders of the customary forests of indigenous or traditional peoples.</p>

## Recommended control measures

Indicator	Recommended control measures
2.2	CM should be based on clear evidence that the Organization has policies in place that guarantee core labour rights.
2.3	Clear evidence that a forest operation is not taking place in traditional territories of indigenous or traditional peoples. Or, Clear evidence that the FMU is managed by the governance structures of indigenous or traditional peoples, Or, Clear evidence that the involved indigenous or traditional peoples have freely ceded their territorial and/or use rights in an agreement or settlement with the government, Or an (FPIC) agreement with the involved indigenous or traditional peoples with customary forest rights in the forest management unit, after a fair, transparent, cultural appropriate and inclusive procedure.

## Detailed analysis

Sources of information	Evidence	Scale of risk assessment	Risk indication <sup>1</sup>
<b>Context</b> (the following are indicators that help to contextualize the information from other sources) <ul style="list-style-type: none"> <li>Searching for data on: level of corruption, governance, lawlessness, fragility of the State, freedom of journalism, freedom of speech, peace, human rights, armed or violent conflicts by or in the country, etc.</li> </ul>			
World Bank: Worldwide Governance Indicators - the WGI's report aggregate and individual governance indicators for 215 countries (most recently for 1996–2012), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption <a href="http://info.worldbank.org/governance/wgi/index.aspx#home">http://info.worldbank.org/governance/wgi/index.aspx#home</a>	<a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a> (click on table view tab and select Country) In 2014 (latest available year) Vietnam scores between 9.85 (for Voice and Accountability) and 52.40 (for Government effectiveness) on the percentile rank among all countries for all six dimensions (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).		

<sup>1</sup> A risk indication is provided for each source analyzed, except in the first part that addresses the general country context as that is not a risk indicator. A cumulative risk assessment for each risk indicator is provided in the row with the conclusion on each risk indicator, based on all the sources analyzed and evidence found.

<p>World Bank Harmonized List of Fragile Situations: <a href="http://siteresources.worldbank.org/EXTLICUS/Resources/511777-1269623894864/Fragile_Situations_List_FY11_%28Oct_19_2010%29.pdf">http://siteresources.worldbank.org/EXTLICUS/Resources/511777-1269623894864/Fragile_Situations_List_FY11_%28Oct_19_2010%29.pdf</a></p>	<p>Vietnam does not feature on this list</p>		
<p>Committee to Protect Journalists: Impunity Index  CPJ's Impunity Index calculates the number of unsolved journalist murders as a percentage of each country's population. For this index, CPJ examined journalist murders that occurred between January 1, 2004, and December 31, 2013, and that remain unsolved. Only those nations with five or more unsolved cases are included on this index.  <a href="http://cpj.org/reports/2014/04/impunity-index-getting-away-with-murder.php">http://cpj.org/reports/2014/04/impunity-index-getting-away-with-murder.php</a></p>	<p>Vietnam does not feature on this list</p>		
<p>Carleton University: Country Indicators for Foreign Policy: the Failed and Fragile States project of Carleton University examines state fragility using a combination of structural data and current event monitoring <a href="http://www4.carleton.ca/cifp/ffs.htm">http://www4.carleton.ca/cifp/ffs.htm</a></p>	<p><a href="http://www4.carleton.ca/cifp/app/serve.php/1419.pdf">http://www4.carleton.ca/cifp/app/serve.php/1419.pdf</a>  Vietnam scores 'medium-low' on State fragility map 2011.</p>		
<p>Human Rights Watch: <a href="http://www.hrw.org">http://www.hrw.org</a></p>	<p><a href="https://www.hrw.org/world-report/2015">https://www.hrw.org/world-report/2015</a>  "The human rights situation in Vietnam remained critical in 2014. The Communist Party of Vietnam (CPV) continued its one-party rule, in place since 1975. Maintaining its monopoly on state power, it faced growing public discontent with the lack of basic freedoms. While fewer bloggers and activists were arrested than in 2013, the security forces increased various forms of harassment and intimidation of critics. Denial of rights and endemic official corruption are widely seen as stifling Vietnam's political and economic progress. The growth of critical discourse on blogs, Facebook, and other forms of social media has challenged the government's ability to dominate public opinion. Anti-China sentiment has continued to grow as the maritime dispute between Vietnam and China has intensified. In May 2014, violent protests against China erupted in Binh Duong and Ha Tinh provinces, causing the death of four Chinese nationals and the destruction of facilities of many foreign-owned companies, including Chinese, Taiwanese, South Korean, and Japanese businesses.</p>		

	<p>Vietnam accepted 182 of the 227 recommendations made by the United Nations Human Rights Council (HRC) at its June 2014 periodic review of Vietnam’s human rights record, but rejected crucial recommendations such as release of political prisoners and people detained without charge or trial, legal reform to end politically motivated imprisonment of people for their peaceful exercise of fundamental human rights, the creation of an independent national human rights institution, and other steps to promote public political participation. In November, the National Assembly ratified the UN Convention against Torture and the Convention on the Rights of Persons with Disabilities (CRPD).” (p. 614)</p> <p><b>“Political Prisoners and Misuse of the Criminal Justice System</b> Vietnamese courts lack independence and continue to be used as political tools of the CPV against critics. Trials are often marred by procedural and other irregularities to achieve a politically pre-determined outcome.” (p. 614)</p> <p><b>[...] “Freedom of Assembly, Association, and Movement</b> Vietnam bans all independent political parties, labor unions, and human rights organizations. Authorities require official approval for public gatherings and re- fuse to grant permission for meetings, marches, or protests they deem politically or otherwise unacceptable.” (p. 617)</p> <p><b>[...] “Freedom of Religion</b> The government monitors, harasses, and sometimes violently cracks down on religious groups that operate outside official, government-registered, and government-controlled religious institutions.” (p. 617)</p> <p><b>[...] “Abuses in Detention and Prison</b> Police brutality, including deaths in police custody, are an increasing source of public concern in Vietnam. In 2014, even the heavily controlled state media frequently published reports about police abuse. In many cases, those killed in police custody were being held for minor infractions.” (p. 618)</p> <p><b>[...] “Abuses in Drug Detention Centers</b></p>		
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	<p>People dependent on drugs, including children, continue to be held in government detention centers where they are forced to perform menial work in the name of "labor therapy." Violations of center rules and failure to meet work quotas are punished by beatings and confinement to disciplinary rooms where detainees claim they are deprived of food and water." (p. 618)</p>		
<p>US AID: <a href="http://www.usaid.gov">www.usaid.gov</a>  Search on website for [country] + 'human rights' 'conflicts' 'conflict timber'</p>	<p><a href="https://www.usaid.gov/sites/default/files/documents/1861/111915_Vietnam_CLEARED.pdf">https://www.usaid.gov/sites/default/files/documents/1861/111915_Vietnam_CLEARED.pdf</a>  "Country Profile  Vietnam has undergone an economic transformation in recent decades and has risen to the status of a lower middle-income country. However, sustained progress is threatened by poor governance, a weak business environment, limited transparency, and health and environmental problems."</p> <p><a href="https://www.usaid.gov/asia-regional/sustainable-mekong">https://www.usaid.gov/asia-regional/sustainable-mekong</a>  Sustainable Mekong – 24 November 2015  "The Lower Mekong Subregion, an area comprised of five Southeast Asian countries (Burma, Thailand, Cambodia, Vietnam, and Laos), covers 1.9 million square kilometers and has a combined population of approximately 235 million.  Rapid economic growth in the Lower Mekong Subregion over the past two decades has reduced poverty rates, but has also accelerated an infrastructure development trajectory that, if unchecked, will cause irrevocable harm to the region's natural resources and environment.</p> <p>New investments—especially in large-scale infrastructure and agriculture—can have significant social, environmental, and economic impacts over the short and long term. Without sound social and environmental safeguards, projects such as hydropower dams in the Lower Mekong River Basin (Thailand, Cambodia, Vietnam, and Laos) will disrupt the river's major fisheries and degrade the food security, livelihoods, income opportunity, water availability, and transportation options for approximately 60 million people. Similarly, the conversion of natural forests into palm oil, rubber, timber and other commercial agricultural commodities, as well as for the development of roads, dams, mines and pipelines, threaten biodiversity in the Lower Mekong countries.</p>		

	<p><a href="https://www.usaid.gov/news-information/congressional-testimony/aug-21-2015-aa-jonathan-n-stivers-house-asia-pacific-property-rights">https://www.usaid.gov/news-information/congressional-testimony/aug-21-2015-aa-jonathan-n-stivers-house-asia-pacific-property-rights</a>  <i>Testimony of Assistant Administrator Jonathan N. Stivers before the House Subcommittee on Asia and the Pacific - August 21, 2015</i>      “In Vietnam, the legal framework is often thwarted by general lack of awareness and resources to enforce women’s property rights at the provincial level. USAID is addressing this through a targeted program aimed at increasing awareness among women farmers of their land rights and how to exercise them. The centerpiece of the program is the mobilization and training of 60 community volunteers for gender equality from four communes across two provinces.”</p> <p><a href="https://www.usaid.gov/sites/default/files/documents/1861/Vietnam118_119FinalDraft%2015Oct2013%20%28Public%20Version%29.pdf">https://www.usaid.gov/sites/default/files/documents/1861/Vietnam118_119FinalDraft%2015Oct2013%20%28Public%20Version%29.pdf</a>  <i>VIETNAM TROPICAL FOREST AND BIODIVERSITY ASSESSMENT</i>      September 23, 2013      “Forests are estimated to cover approximately 13,800, 000 ha. of Vietnam’s land surface. Naturally regenerated forest accounts for approximately 10, 200,000 ha. (74%), and planted forests accounts for another 3,500,000 ha. (35%). Primary forests are estimated to represent only 80,000 ha. (1%) of Vietnam’s forest cover. Proximate causes (drivers) of forest and biodiversity loss include: 1) land-use change; 2) illegal trade in wildlife; 3) illegal logging; 4) over-exploitation of non-timber forest products; 5) pollution; 6) infrastructure development without proper impact avoidance or mitigation measures; 7) weak protected area management; and 8) weak enforcement of existing legislation. The country is also losing its agro-biodiversity due to the widespread adoption of high yielding varieties. In the long term the loss of agro-biodiversity will compromise Vietnam’s ability to adapt to climate change.”      [...]”the root cause for the precipitous loss of biodiversity and tropical forest degradation in Vietnam is the country’s dysfunctional environmental governance system in the context of a fast-evolving national and global economy.” (p. viii)</p>		
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	<p>The principal elements of Vietnam's poor environmental governance are:</p> <ul style="list-style-type: none"> <li>•Confusing, conflicting and overlapping institutional and legal frameworks;</li> <li>•Lack of coordination among agencies that have a bearing on the environment;</li> <li>•Lack of a bona fide system of protected areas;</li> <li>•Inadequate enforcement of existing environmental laws and regulations;</li> <li>•Lack of appreciation by decision makers of the importance of biodiversity and environmental services to sustainable development;</li> <li>•Weak implementation, monitoring and enforcement of environmental impact assessment regulations;</li> <li>•Inadequate capacity to implement conservation strategies and plans;</li> <li>•Inexistence of a strategy and mechanisms to engage local communities in the conservation of biodiversity and tropical forests;</li> <li>•Weak environmentally oriented civil society organizations;</li> <li>•Weak border controls and illegal trade of endangered species (timber, animals and parts, plants (ornamental and medicinal));</li> <li>•A flawed decentralization of tropical forest and biodiversity conservation responsibilities. “ (p. ix)</li> </ul> <p>“Illegal logging Vietnam's wood processing industry required about 6.4 million m3 of roundwood equivalent (RWE) in 2010, only 1.6 million of which came from domestic supply. The remainder was imported from 26 other countries, principally Cambodia, Lao PDR, China, Malaysia and Thailand (To Xuan &amp; Canby, 2011). Much of the timber exported from these countries is illegally logged from natural forests and trafficked for export due to high levels of corruption, particularly in Lao PDR, Cambodia and Malaysia.” [...] There is clear evidence that domestic illegal logging is largely run by organized criminal groups. Forestry department efforts to control illegal logging have had limited success. Hundreds of attacks on forestry officials were reported in the first six months of 2009 (IRIN, 2009). In fact, less than 200,000 m3 of RWE timber are confiscated each year (To Xuan Phuc &amp; Canby, 2011). Finally, Illegal logging by local residents for firewood, construction and</p>		
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	<p>other uses is widespread and has significant local impact [...]” (p. 48-49)</p>		
<p>Global Witness: <a href="http://www.globalwitness.org">www.globalwitness.org</a>  Search on website for [country] + ‘human rights’  ‘conflicts’ ‘conflict timber’</p>	<p><a href="https://www.globalwitness.org/en/blog/chance-vietnam-clean-its-business-abroad/">https://www.globalwitness.org/en/blog/chance-vietnam-clean-its-business-abroad/</a>  <i>A Chance for Vietnam to Clean up its Business Abroad - April 29, 2014</i>  “Past Global Witness exposés have shown how some Vietnamese companies operating abroad have been disregarding human rights and causing brutal environmental destruction, which they have done at the expense of both their reputation and profits. [...] Two of Vietnam’s most prominent rubber companies Hoang Anh Gia Lai (HAGL) and Vietnam Rubber Group (VRG) are cases in point. HAGL was one of two Vietnamese companies that Global Witness exposed last year for a range of environmental and human rights abuses in our report Rubber Barons. [...] Like HAGL, the rubber plantations of state-owned VRG had systematically ignored legal protections in Cambodia and Laos. Following our exposé, the company has taken a number of steps to address these concerns, including developing a community consultation process in selected plantations. Nonetheless, in December 2013, VRG had its certification under the Forest Stewardship Council suspended, thus limiting its access to a number of markets.”</p> <p><a href="https://www.globalwitness.org/en/press-releases/vietnam-rubber-group-stripped-forest-stewardship-council-certification-forest-destruction-illegal-land-grabs-and-human-rights-abuses/">https://www.globalwitness.org/en/press-releases/vietnam-rubber-group-stripped-forest-stewardship-council-certification-forest-destruction-illegal-land-grabs-and-human-rights-abuses/</a>  <i>Vietnam Rubber Group stripped of Forest Stewardship Council certification for forest destruction, illegal land grabs and human rights abuses - Press release / Oct. 26, 2015</i>  Rubber giant Vietnam Rubber Group (VRG) has been expelled from the world’s leading forest certification body, the Forest Stewardship Council (FSC), following an investigation into illegal land and forest clearance in Cambodia. Responding to a complaint submitted by Global Witness last November, the FSC found that the state-owned company had illegally destroyed at least 50,000 hectares of forest for its rubber plantations in Cambodia alone, including wildlife sanctuaries and protected areas.  [...] The Panel concluded that VRG and its subsidiaries in Cambodia routinely ignored indigenous land claims, permitted illegal loggers on</p>		



	<p>the concessions and allowed armed government-backed military police to threaten protesters. During the conversion process VRG also destroyed thousands to tens of thousands of resin trees, which are an important source of income communities. This was done without providing adequate compensation, under a 'take it or leave it' arrangement that left local communities with little choice but to accept low payments.”</p>		
<p><a href="http://wwf.panda.org/about_our_earth/about_forests/deforestation/forest_illegal_logging/">http://wwf.panda.org/about_our_earth/about_forests/deforestation/forest_illegal_logging/</a></p>	<p><a href="http://wwf.panda.org/about_our_earth/deforestation/deforestation_causes/illegal_logging/">http://wwf.panda.org/about_our_earth/deforestation/deforestation_causes/illegal_logging/</a> Vietnam not mentioned in article</p> <p><a href="http://indicators.chathamhouse.org/sites/files/reports/Tackling%20Illegal%20Logging%20and%20Related%20Trade_0.pdf">http://indicators.chathamhouse.org/sites/files/reports/Tackling%20Illegal%20Logging%20and%20Related%20Trade_0.pdf</a> Vietnam does not feature on the map: Countries with higher rates of illegal logging.</p> <p><a href="http://indicators.chathamhouse.org/sites/files/reports/Tackling%20Illegal%20Logging%20and%20Related%20Trade_0.pdf">http://indicators.chathamhouse.org/sites/files/reports/Tackling%20Illegal%20Logging%20and%20Related%20Trade_0.pdf</a> <i>Tackling Illegal Logging and the Related Trade What Progress and Where Next?- July 2015</i> “This second Chatham House assessment is based on research on nine producer countries (Brazil, Cameroon, the Democratic Republic of the Congo [DRC], Ghana, Indonesia, Laos, Malaysia, Papua New Guinea [PNG] and the Republic of the Congo), three processing countries (China, Thailand and Vietnam) and seven consumer countries (France, India, Japan, the Netherlands, South Korea, the UK and the US). It charts the progress in tackling illegal logging and related trade since 2000. (p. 8)</p> <p>“[...]the quantity of illegal products imported by the emerging economies of China, India and Vietnam increased by over 50 per cent [during the period 2000–13, LV]” (p. 9)</p> <p>“The second big change has been the growth of the Chinese market. Since 2000 China has emerged as the main processing hub for the world’s forest sector (Vietnam is another important processor, albeit on a smaller scale).” (p. 18)</p>		

	<p>“However, as is evident from Figure 15, nearly all of this increase is accounted for by the rise in illegal imports into China, which have almost doubled in volume during the period 2000–13: from 17 million m3 to 33 million m3. India and Vietnam, too, have seen significant growth in illegal imports, although the volumes are much smaller: such imports into India are estimated to have increased from 1 million m3 to 4 million m3 over the same period, and those into Vietnam from 1 million m3 to 2 million m3.” (p. 20)</p> <p>“The proportion of total trade in wood-based products estimated to be illegal has declined for most countries (see Figure 16). This has been most marked for the ‘non- sensitive’ markets, including those countries that have seen an increase in the absolute volume of such imports.</p> <p>Thus, in the case of China, the proportion of illegal imports is estimated to have declined from 26 per cent to 17 per cent of the total during the period 2000–13, in India from 27 per cent to 17 per cent, and in Vietnam from 22 per cent to 18 per cent.” (p. 20)</p> <p>“For the three processing countries in this assessment (China, Thailand and Vietnam), the two main sources of illegal products are Indonesia and Russia (see Figure 18)” (p. 22)</p> <p>“Strengthening systems for data collection and reporting and enabling cross-checking of information are important steps in helping to detect and clamp down on illegal trade. They are priorities not only for countries that have legislation prohibiting the trade in illegal timber, but also for those wishing to export to such markets – the former must be able to determine the legality of their own imports and/or distinguish them from domestically produced timber. This is an important issue in Vietnam’s VPA negotiations because its forest-sector trade is dominated by the export of products manufactured from imported raw materials.” (p. 32)</p>		
<p>Chattam House Illegal Logging Indicators Country Report Card  <a href="http://www.illegal-logging.info">http://www.illegal-logging.info</a></p>	<p><a href="http://www.illegal-logging.info/sites/files/chlogging/VIETNAM%20-%20ForestryRiskProfile-1%20June%202015.pdf">http://www.illegal-logging.info/sites/files/chlogging/VIETNAM%20-%20ForestryRiskProfile-1%20June%202015.pdf</a>  <i>Forestry Risk Profile for Vietnam – Ver. 1.0 April 2015</i>  “Domestic harvesting: All species from natural forest are considered high risk.</p>		

	<p><b>Imported timber:</b> Vietnam imports large volumes of timber from countries such as Myanmar, Laos and Cambodia. Imports from these countries are considered high risk.</p> <p>VPA STATUS - In negotiation of a Voluntary Partnership Agreement with the EU.</p> <p>LOGGING AND EXPORT BAN - Ban covers logs and sawn wood from domestic natural forests.</p> <p>The natural forests of Vietnam have been highly degraded. A logging ban is currently in place for natural forest, protected forest and special purpose forest. Households are allowed to conduct non-commercial harvesting activities. An export ban is also in place covering logs and sawn wood from domestic natural forests (not plantations). Vietnam is a net importer of timber, the domestic supply of timber only covers 20-30% of the raw material demand for the Vietnamese timber industry (EFI, 2011). The major sources of timber imports are: Laos, China, USA, Malaysia, Thailand, New Zealand, Myanmar, Cambodia, Cameroon and Brazil. Up to 18% of these timber imports are thought to be illegal (Chatham House 2014), and much of the illegal timber flowing into Vietnam is produced in Laos (EIA 2012, EIA 2011). Vietnam does not have the necessary legislative measures to block illegal imports (Chatham House 2010). [...]</p> <p>Domestic Material</p> <p>The logging ban on commercial logging for a great part of the natural forest area (4.8 mill ha) (UNOCD 2012; Xuan &amp; Silkor 2006) has resulted in a rise in illegal activities. Reports and articles continue to claim uncontrolled illegal logging from natural forest areas, including national parks and protected areas (Hardwood Floors 2012; TalkVietnam 2013). Risks of illegality have been specified in the following areas of law in Vietnam in 2015 (NEPCon CNRA 2015, Forest Trends 2013 and Xuan and Canby, 2011):</p> <ul style="list-style-type: none"> <li>• Land tenure and management rights - Including a lack of formal land-use rights issued to local people living in or near the forest. [...]</li> <li>• Legal Employment - Frequent breaches, including a lack of employment contracts and a disparity between written contracts and the situation in practice.</li> </ul>		
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	<p>• Land Conversion - Corruption and bribery associated with issuing permits for land conversion to rubber plantations.</p> <p>[...]The timber produced in plantations may be lower risk than other sources in some legal categories since the control of plantation land is better defined and enforced. However, there are still specified risks in many areas.”</p> <p><a href="http://www.illegal-logging.info/sites/files/chlogging/CHHJ2362_Vietnam_Logging_Research_Paper_FINAL.pdf">http://www.illegal-logging.info/sites/files/chlogging/CHHJ2362_Vietnam_Logging_Research_Paper_FINAL.pdf</a></p> <p><i>Trade in Illegal Timber: The Response in Vietnam – December-2014</i></p> <p>The Vietnamese government has made some progress towards tackling illegal logging and the associated trade. It has negotiated a voluntary partnership agreement (VPA) with the EU, a process that has prompted a review of relevant legislation and improved the government’s engagement with civil society. In addition, it has signed agreements with Lao PDR and Cambodia in which it has committed to coordination on forest management and trade. However, there has been little progress in policy reform, and there is still no legislation regulating illegal timber imports. There is a high level of awareness of illegal logging and associated trade within the private sector: Forest Stewardship Council (FSC) chain-of-custody (CoC) certification has increased rapidly, particularly in the furniture sector. But efforts are hampered by poor access to third-party verified raw material. Both trade data discrepancies and analysis of trade flows indicate that illegal trade remains a serious problem. The volume of imports of wood-based products at a high risk of illegality is estimated to have increased since 2000, while its share in the volume of total imports of wood-based products gradually declined until 2009 and then increased slightly: they are estimated to have comprised 18 per cent of the total by volume in 2013.”</p>		
<p>Transparency International Corruption Perceptions Index  <a href="http://cpi.transparency.org/cpi2013/results/">http://cpi.transparency.org/cpi2013/results/</a></p>	<p><a href="https://www.transparency.org/cpi2014/results">https://www.transparency.org/cpi2014/results</a></p> <p>Vietnam scores 31 points on the Corruption Perceptions Index 2014 on a scale from 0 (highly corrupt) to 100 (very clean). Vietnam ranks 119 out of 175 with rank nr. 1 being the most clean country.</p>		
<p>Amnesty International Annual Report: The state of the world’s human rights -information on key</p>	<p><a href="https://www.amnesty.org/en/documents/pol10/0001/2015/en/">https://www.amnesty.org/en/documents/pol10/0001/2015/en/</a>  <i>State of the Human Rights Report 2014/15</i></p>		

<p>human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights  <a href="https://www.amnesty.org/en/documents/pol10/0001/2015/en/">https://www.amnesty.org/en/documents/pol10/0001/2015/en/</a>  <i>State of the Human Rights Report 2014/15</i></p>	<p>“Severe restrictions on freedoms of expression, association and peaceful assembly continued. The state continued to control the media and the judiciary, as well as political and religious institutions. Scores of prisoners of conscience remained imprisoned in harsh conditions after unfair trials in previous years. They included bloggers, labour and land rights activists, political activists, religious followers, members of ethnic groups and advocates for human rights and social justice.<sup>1</sup> New arrests and trials of bloggers and human rights activists took place. The authorities attempted to curtail the activities of unauthorized civil society groups through harassment, surveillance and restrictions on freedom of movement. Security officers harassed and physically attacked peaceful activists, and held them in short-term detention. The death penalty was retained for a wide range of offences.”</p>		
<p>Freedom House  <a href="http://www.freedomhouse.org/">http://www.freedomhouse.org/</a></p>	<p><a href="http://www.freedomhouse.org/report-types/freedom-world#.U-3g5fl_sVc">http://www.freedomhouse.org/report-types/freedom-world#.U-3g5fl_sVc</a>  The status of Vietnam on the <b>Freedom</b> in the World index 2015 is ‘not free’.  <a href="https://freedomhouse.org/report/freedom-net/freedom-net-2015">https://freedomhouse.org/report/freedom-net/freedom-net-2015</a>  The status of Vietnam on the <b>Freedom on the Net</b> is ‘not free’.  <a href="https://freedomhouse.org/report/freedom-press/freedom-press-2015#.VoJLcVmkaf4">https://freedomhouse.org/report/freedom-press/freedom-press-2015#.VoJLcVmkaf4</a>  The status of Vietnam on the <b>Freedom of the press</b> is ‘not free’.</p>		
<p>Reporters without Borders: Press Freedom Index  <a href="https://index.rsf.org/#/">https://index.rsf.org/#/</a></p>	<p><a href="https://index.rsf.org/#/">https://index.rsf.org/#/</a>  <i>2015 World Press Freedom Index</i>  <b>Vietnam ranks nr. 175 out of 180</b> with a score of 72.63 on the 2015 World Press Freedom Index, which ranks it among the countries with the worst press freedom in the world.</p>		
<p>Fund for Peace - Fragile States Index - the Fund for Peace is a US-based non-profit research and educational organization that works to prevent violent conflict and promote security. The Fragile States Index is an annual ranking, first published in 2005 with the name Faile Staes Index, of 177 nations based on their levels of stability and capacity  <a href="http://fsi.fundforpeace.org/">http://fsi.fundforpeace.org/</a></p>	<p><a href="http://fsi.fundforpeace.org/">http://fsi.fundforpeace.org/</a>  <i>Fragile States Index 2015</i>  <b>Vietnam is ranked 97 out of 178 countries</b> on the Fragile States Index 2015. (nr 1 being the most failed state). <b>This ranks Vietnam in the category ‘warning’.</b></p>		
<p>The Global Peace Index. Published by the Institute for Economics &amp; Peace, This index is</p>	<p><a href="http://static.visionofhumanity.org/sites/default/files/Global%20Peace%20Index%20Report%202015_0.pdf">http://static.visionofhumanity.org/sites/default/files/Global%20Peace%20Index%20Report%202015_0.pdf</a></p>		

<p>the world's leading measure of national peacefulness. It ranks 162 nations according to their absence of violence. It's made up of 23 indicators, ranging from a nation's level of military expenditure to its relations with neighbouring countries and the level of respect for human rights.</p> <p>Source: The Guardian:  <a href="http://economicsandpeace.org/research/iep-indices-data/global-peace-index">http://economicsandpeace.org/research/iep-indices-data/global-peace-index</a></p>	<p><i>2015 Global Peace Index</i>  <b>The state of Peace in Vietnam is labelled 'High'</b> with Vietnam ranking number 56 out of 162 countries (nr. 1 being the most peaceful country) with a score of 1.848 (p. 9).</p>		
<b>Additional sources of information</b> (These sources were partly found by Googling the terms '[country]', 'timber', 'conflict', 'illegal logging')	<b>Evidence</b>	<b>Scale of risk assessment</b>	<b>Risk indication</b>
<p>Ecosystem Marketplace – A Forest Trends Initiative</p>	<p><a href="http://www.ecosystemmarketplace.com/articles/small-scale-illegal-logging-in-vietnam-br-implications-for-flegt-and-redd/">http://www.ecosystemmarketplace.com/articles/small-scale-illegal-logging-in-vietnam-br-implications-for-flegt-and-redd/</a>  <i>Small Scale Illegal Logging In Vietnam: Implications for FLEGT And REDD+ - 8 July 2013</i>  “Key results from a Forest Trends paper on the government of Vietnam’s Forest Law Enforcement, Governance and Trade (FLEGT) and the country’s REDD+ initiatives finds that <b>illegal logging can only be curtailed with policies promoting small scale forest use and management that benefit the local communities.</b>  [...] The brief examines <b>two case studies from Hoa Binh and Binh Dinh provinces that illustrate how differences in the allocation of clear and secure tenure and use rights affected the prevalence of illegal logging.</b> In the small Dao village of Ban Y (all village names have been changed), villagers were not given meaningful tenure rights to the local forest. <b>Villagers can only derive benefit from the forest if they actively participate in illegal logging.</b> In the Kinh village of Phuc Minh, <b>villagers received full tenure rights, with the result that the villagers themselves protected local forests against outside encroachment guaranteeing a sustainable timber harvest and long term benefits.</b>”</p>		
	<p><a href="http://news.mongabay.com/2010/11/illegal-logging-rampant-in-vietnam/">http://news.mongabay.com/2010/11/illegal-logging-rampant-in-vietnam/</a>  <i>Illegal logging rampant in Vietnam – November 2010</i>  “<b>Illegal logging is rampant in Vietnam</b>, according to a new report from the the Ministry of Agriculture and Rural Development’s General Forestry Department.  As reported by Viet Nam News, there have been <b>2,463 illegal logging cases across Vietnam so far this year.</b> Action to address logging has resulted in <b>44 forest rangers being injured and four deaths.</b>”</p>		

	<p>Illegal logging was worst in the northern provinces of Bac Kan, Lang Son and Thai Nguyen; the central provinces of Quang Binh, Quang Nam and Khanh Hoa; and the Central Highland province of Dak Lak. according to the report.</p> <p>Despite the report, Vietnam has seen a reversal in net forest loss in recent years due to reforestation. According to the FAO, forest cover increased by roughly 50 percent between 1990 and 2010, including 2.5 million hectares of new planted forests. But old growth forests have continued to fall, with primary forest cover plunging 79 percent over the period. Today about 80,000 hectares of primary forest remains in Vietnam.”</p>		
From national CW RA: Info on illegal logging	NA		
<p><b>Conclusion on country context:</b>  Vietnam has a one party rule, bans all independent political parties, labor unions, and human rights organizations and implements severe restrictions on freedoms of expression, association and peaceful assembly. The country scores low on most indicators reviewed in this context section related to issues such as good governance and freedom, and scores high on corruption indicators. Bloggers, labour and land rights activists, political activists, religious followers, members of ethnic groups and advocates for human rights and social justice are harassed, arrested and imprisoned after unfair trials. The death penalty is retained for a wide range of offences. Despite a logging ban for natural forest, protected forest and special purpose forest and an export ban covering logs and sawn wood from domestic natural forests, illegal logging in Vietnam is significant and Vietnam is also a large importer of timber from countries with a high risk for illegal logging. Although the Vietnamese government has made some progress towards tackling illegal logging and the associated trade, and has ongoing VPA negotiations with the EU, both trade data discrepancies and analysis of trade flows indicate that illegal trade remains a serious problem. The root cause for the precipitous loss of biodiversity and tropical forest degradation in Vietnam is described as the country’s dysfunctional environmental governance system in the context of a fast-evolving national and global economy.</p>		Country	
<p><b>Indicator 2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.</b></p>			
<p><b>Guidance</b></p> <ul style="list-style-type: none"> <li>• Is the country covered by a UN security ban on exporting timber?</li> <li>• Is the country covered by any other international ban on timber export?</li> <li>• Are there individuals or entities involved in the forest sector that are facing UN sanctions?</li> </ul>			
<p>Compendium of United Nations Security Council Sanctions Lists  <a href="https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/consolidated.pdf">https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/consolidated.pdf</a></p> <p>US AID: <a href="http://www.usaid.gov">www.usaid.gov</a></p> <p>Global Witness: <a href="http://www.globalwitness.org">www.globalwitness.org</a></p>	<p>There is no UN Security Council ban on timber exports from Vietnam.</p> <p>Vietnam is not covered by any other international ban on timber export.</p> <p>There are no individuals or entities involved in the forest sector in Vietnam that are facing UN sanctions</p>	Country	Low risk

From national CW RA	NA	-	-
<b>Guidance</b> <ul style="list-style-type: none"> <li>Is the country a source of conflict timber? If so, is it at the country level or only an issue in specific regions? If so – which regions?</li> <li>Is the conflict timber related to specific entities? If so, which entities or types of entities?</li> </ul>			
<a href="http://www.usaid.gov">www.usaid.gov</a>  Conflict Timber is defined by US AID as: - conflict financed or sustained through the harvest and sale of timber (Type 1), - conflict emerging as a result of competition over timber or other forest resources (Type 2) Also check overlap with indicator 2.3	No information on conflict timber related to Vietnam found after searching Vietnam + 'conflicts' 'timber conflicts'	Country	Low risk
<a href="http://www.globalwitness.org/campaigns/environment/forests">www.globalwitness.org/campaigns/environment/forests</a>	No information on conflict timber related to Vietnam found after searching Vietnam + 'conflicts' 'timber conflicts'	Country	Low risk
Human Rights Watch: <a href="http://www.hrw.org/">http://www.hrw.org/</a>	No information on conflict timber related to Vietnam found after searching Vietnam + 'conflicts' 'timber conflicts'	Country	Low risk
World Resources Institute: Governance of Forests Initiative Indicator Framework (Version 1) <a href="http://pdf.wri.org/working_papers/gfi_tenure_indicators_sep09.pdf">http://pdf.wri.org/working_papers/gfi_tenure_indicators_sep09.pdf</a> Now: PROFOR <a href="http://www.profor.info/node/1998">http://www.profor.info/node/1998</a>	<a href="http://www.profor.info/node/1998">http://www.profor.info/node/1998</a> This work resulted in a publication: Assessing and Monitoring Forest Governance: A user's guide to a diagnostic tool (available on this page) published by PROFOR in June 2012. <b>This tool has not yet been applied to Vietnam.</b>	Country	Low risk
Amnesty International Annual Report: The state of the world's human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights <a href="http://www.amnesty.org">http://www.amnesty.org</a>	<a href="https://www.amnesty.org/en/documents/pol10/0001/2015/en/">https://www.amnesty.org/en/documents/pol10/0001/2015/en/</a> No information on conflict timber related to Vietnam found after searching Italy + 'conflicts' 'timber conflicts'	Country	Low risk
World Bank: Worldwide Governance Indicators - the WGIs report aggregate and individual governance indicators for 213 economies (most recently for 1996–2012), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption	<a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a> In 2014 (latest available year) <b>Vietnam scores 46.12 for Political Stability and Absence of Violence/</b> on the percentile rank among all countries <b>(the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).</b>	Country	Specified risk on violence



<a href="http://info.worldbank.org/governance/wgi/index.aspx#home">http://info.worldbank.org/governance/wgi/index.aspx#home</a> Use indicator 'Political stability and Absence of violence' specific for indicator 2.1			
Greenpeace: <a href="http://www.greenpeace.org">www.greenpeace.org</a> Search for 'conflict timber [country]'	<a href="http://www.greenpeace.org">www.greenpeace.org</a> No information on conflict timber related to Vietnam found after searching Vietnam + 'conflicts' 'timber conflicts'	Country	Low risk
CIFOR: <a href="http://www.cifor.org/">http://www.cifor.org/</a> <a href="http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm">http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm</a>	No information on conflict timber related to Vietnam found after searching Vietnam + 'conflicts' 'timber conflicts'	Country	Low risk
Google the terms '[country]' and one of following terms or in combination 'conflict timber', 'illegal logging'	No information on conflict timber related to Vietnam found after searching Vietnam + 'conflicts' 'timber conflicts'	Country	Low risk
From national CW RA	NA	-	-
<b>Conclusion on indicator 2.1:</b> Although several sources mention illegal timber and import of illegal timber in Vietnam (see section on country context), no information was found on Vietnam as a source of conflict timber and the forest sector is not associated with any violent armed conflict in Vietnam.  <b>The following low risk thresholds apply:</b> (1) The area under assessment is not a source of conflict timber ; AND (2) The country is not covered by a UN security ban on exporting timber; AND (3) The country is not covered by any other international ban on timber export; AND (4) Operators in the area under assessment are not involved in conflict timber supply/trade; AND (5) Other available evidence does not challenge 'low risk' designation.		Country	Low risk
<b>Indicator 2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.</b>  <b>Guidance</b> <ul style="list-style-type: none"> <li>• Are the social rights covered by the relevant legislation and enforced in the country or area concerned? (refer to category 1)</li> <li>• Are rights like freedom of association and collective bargaining upheld?</li> <li>• Is there evidence confirming absence of compulsory and/or forced labour?</li> <li>• Is there evidence confirming absence of discrimination in respect of employment and/or occupation, and/or gender?</li> <li>• Is there evidence confirming absence of child labour?</li> <li>• Is the country signatory to the relevant ILO Conventions?</li> <li>• Is there evidence that any groups (including women) feel adequately protected related to the rights mentioned above?</li> <li>• Are any violations of labour rights limited to specific sectors?</li> </ul>			
<b>general sources from FSC-PRO-60-002a V1-0 EN</b>	<b>information found and specific sources</b>	<b>scale of risk assessment</b>	<b>risk indication</b>
Status of ratification of fundamental ILO conventions: <a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:11001:0::NO::">http://www.ilo.org/dyn/normlex/en/f?p=1000:11001:0::NO::</a>	<a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103004">http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103004</a>	Country	Specified risk for

<p>or use: ILO Core Conventions Database:  <a href="http://www.ilo.org/ilolex/english/docs/declworld.htm">http://www.ilo.org/ilolex/english/docs/declworld.htm</a>  C29 Forced Labour Convention, 1930  C87 Freedom of Association and Protection of the Right to Organize Convention, 1948  C98 Right to Organize and Collective Bargaining Convention, 1949  C100 Equal Remuneration Convention, 1951  C105 Abolition of Forced Labour Convention, 1957  C111 Discrimination (Employment and Occupation) Convention, 1958  C138 Minimum Age Convention, 1973  C182 Worst Forms of Child Labour Convention, 1999</p> <p>Ratification as such should be checked under Category 1. In Cat. 2 we take that outcome into consideration. Refer to it.</p>	<p><b>Vietnam has ratified 5 of the 8 ILO core conventions.</b> The status on the ILO website for these 5 Conventions is 'in force'.</p> <p><b>Vietnam did not ratify:</b>  <b>C87</b> Freedom of Association and Protection of the Right to Organize Convention, 1948  <b>C98</b> Right to Organize and Collective Bargaining Convention, 1949  <b>C105</b> Abolition of Forced Labour Convention, 1957</p> <p>Regarding C138 Minimum Age Convention, 1973 the Minimum age specified is: 15 years.</p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3142477:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3142477:NO</a>  <i>Observation (CEACR) - adopted 2013, published 103rd ILC session (2014)</i>  <i>Forced Labour Convention, 1930 (No. 29) - Viet Nam (Ratification: 2007)</i></p> <p>“Articles 1(1) and 2(1) of the Convention. <b>Work exacted in drug rehabilitation centres.</b> The Committee previously noted that the Decree on regulating in detail the implementation of the law to amend and supplement a number of articles of the Law on drug prevention regarding post-rehabilitation management (No. 94/2009/ND-CP) states that <b>persons in drug rehabilitation centres must actively participate in labour and production and complete assigned target volume and quality of work</b> (sections 26(2) and 34(1)(b)) and that the director of the centre has the authority to apply coercive measures against those failing to comply with the centre’s rules and regulations regarding education, learning and labour (section 43(1)(a)). Noting that work is part of the treatment in these centres, the Committee requested information on how persons enter these centres. [...] With reference to paragraph 52 of its 2007 General Survey on the eradication of forced labour, the <b>Committee reminds the Government that Article 2(2)(c) of the Convention provides that work can only be exacted from a person as a consequence of a conviction in a court of law.</b> In this respect, it recalls that compulsory labour imposed by administrative or other non-judicial bodies or authorities is not compatible with the Convention. Therefore, <b>noting that persons are sent to drug rehabilitation centres following an administrative decision, the Committee urges the Government to take the necessary measures, in both law and practice, to ensure that persons detained in drug rehabilitation centres who have not been convicted by a court of law may not be subject to the obligation to perform work.</b> In this regard, the</p>	<p>Country</p>	<p>freedom of association, right to organize and collective bargaining and for forced labour</p> <p>Specified risk for forced labour</p>
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	<p>Committee requests the Government to provide information on <b>how, in practice, the free and informed consent to work of persons in drug rehabilitation centres is formally obtained, free from the menace of any penalty and taking into account the situation of vulnerability of such persons.</b>”</p> <p>“Article 2(2)(a). <b>Compulsory military service.</b> The Committee previously noted that article 77 of the Constitution provides for compulsory military service and participation in building a national defence among citizens’ obligations. [...] the Committee noted that, pursuant to the Ordinance on militia and self defence forces 2004, <b>all Vietnamese citizens were obliged to serve for five years in the militia or self-defence force, and that this service included the active implementation of socio-economic development programmes in localities.</b> [...] Between July 2010 and December 2012, the militia and self defence forces had <b>163,124 enlisted persons who worked 2,508,812 public working days.</b> The Committee also notes the Government’s indication that the Ordinance on militia and self-defence forces of 2004 has been replaced by the Law on militia and self-defence forces of 2009. Section 8(3) of the Law on militia and self-defence forces of 2009 states that the tasks of the militia and self-defence forces include, inter alia, <b>protecting forests and preventing forest fires,</b> protecting the environment and the construction and socio-economic development of localities and establishments. <b>The Government indicates that this work includes</b> dredging canals, building roads, supporting the economic development of households, <b>planting trees</b> and contributing to reducing and eliminating poverty.</p> <p>In this regard, the <b>Committee observes that these tasks do not appear to be work of a military character,</b> and once again recalls that, under Article 2(2)(a) of the Convention, work or service exacted by virtue of compulsory military service legislation which is not of a purely military character is incompatible with the Convention.”</p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3142589:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3142589:NO</a>  <i>Observation (CEACR) - adopted 2013, published 103rd ILC session (2014) Minimum Age Convention, 1973 (No. 138) - Viet Nam (Ratification: 2003)</i>  “Application of the Convention in practice. The Committee previously noted that, according to the joint ILO, UNICEF and World Bank report on Understanding Children’s Work (UCW) in Viet Nam of <b>April 2009, an estimated 1.3 million children between the ages of 6 and 17 years were involved in child labour.[...].</b> However, the <b>Government also indicates that the number of</b></p>	Country	Specified risk for forced labour
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	<p>children subjected to heavy labour and in hazardous and dangerous conditions, while decreasing, was as high as 68,000 in 2005 and 25,000 in 2010. In this regard, the Government provides information on the new penalties provided in Decree No. 91/2011/ND-CP of 17 October 2011 and imposed in various cases of child labour, aimed at deterring the use of child labour in the country. [...]The Committee takes due note of the Government's information regarding the measures adopted to combat child labour. However, the Committee notes that, in its concluding observations of 15 June 2012 (CRC/C/VNM/CO/3-4, paragraph 68), the Committee on the Rights of the Child expresses its concern that child labour remains widespread in the country, in particular in the informal economy, and that labour inspection outreach is limited. The Committee therefore observes that the statistics provided by the Government and taken from the labour inspection reports may not take into account the high number of children working in the informal economy in Viet Nam, as reflected in the joint ILO, UNICEF and World Bank report on UCW of April 2009. It must therefore once again express its deep concern at the prevalence of child labour in the country. The Committee urges the Government to intensify its efforts to ensure the effective elimination of child labour."</p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3142628:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3142628:NO</a>  <i>Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014) Worst Forms of Child Labour Convention, 1999 (No. 182) - Viet Nam (Ratification: 2000)</i>  "Parts III and V of the report form. Court decisions and application of the Convention in practice. Following its previous comments, the Committee notes that, in the framework of the ILO–IPEC project "Support to the Design and Implementation of National Programmes on the Elimination of the Worst Forms of Child Labour", a national study on child labour (NCLS) was conducted in eight provinces and cities in Viet Nam with support from the Statistical Information and Monitoring Programme on Child Labour (SIMPOC). According to the Government, the NCLS shows that about 50 per cent of child labourers are working in conditions which have an adverse impact on their physical and mental development and that the average income of these children is very low."</p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699114:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699114:NO</a></p>	Country	Specified risk for child labour
		Country	Specified risk for child labour

	<p><i>Observation (CEACR) - adopted 2011, published 101st ILC session (2012) Equal Remuneration Convention, 1951 (No. 100) - Viet Nam (Ratification: 1997)</i></p> <p>“Assessment of the gender wage gap. The Committee recalls its previous comments in which it noted that in the public sector, the average monthly income of women amounted to 92 per cent of men’s, while in the private sector and in the foreign invested sector it accounted, respectively, for 75.9 per cent and 65.5 per cent of men’s income. The Committee also previously noted the findings of the Viet Nam Country Gender Assessment of 2006 according to which the gender wage gap existing in the country resulted from sex-based labour market segregation due, inter alia, to “widespread discrimination against women in recruitment” and the “low value attached to women’s work in particular sectors”. The Committee notes from the statistics provided by the Government that during 2007 and 2008, women accounted for 49.3 per cent of the total workforce and represented approximately 50 per cent of workers in most sectors of economic activity. The Government states that this is evidence that sex-based discrimination in recruitment and employment is not problematic. No information is provided on the evaluation of the gender wage gap or measures taken or envisaged to address the wage gap.”</p>	Country	Specified risk for gender wage gap
<p>ILO Declaration on Fundamental Principles and Rights at Work. Country reports.  <a href="http://www.ilo.org/declaration/lang--en/index.htm">http://www.ilo.org/declaration/lang--en/index.htm</a>  Source of several reports. Search for 'racial discrimination', 'child labour', 'forced labour', 'gender equality', 'freedom of association'</p>	<p><a href="http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/briefingnote/wcms_410196.pdf">http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/briefingnote/wcms_410196.pdf</a>  PAY EQUITY A KEY DRIVER OF GENDER EQUALITY – April 2015  “Gender inequalities in pay are often assessed through an indicator known as the gender pay gap. The gender pay gap measures the difference between male and female average earnings as a percentage of the male earnings.<sup>2</sup> Overall, features such as differences in educational levels, qualifications, work experience, occupational category and hours worked account for the “explained” part of the gender pay gap. The remaining and more significant part, the “unexplained” portion of the pay gap, is attributable to the discrimination – conscious or unconscious – that is pervasive in workplaces.<sup>3</sup> [...] Globally, the gender pay gap is estimated to be at 22.9 per cent.<sup>4</sup> While the gap has been gradually closing over the last decades, there is still a substantial gender pay gap in many countries, ranging from a few per cent to over 40 per cent.” (p. 2)  Vietnam has a gender pay gap of 10% (Table gender wage gap by economic activity, ILO statistical database, June 2014, on p. 2)</p>	Country	Low risk for gender pay gap

<p>ILO Child Labour Country Dashboard:  <a href="http://www.ilo.org/ipec/Regionsandcountries/lang-en/index.htm">http://www.ilo.org/ipec/Regionsandcountries/lang-en/index.htm</a></p>	<p><a href="http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=25015">http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=25015</a>  <b>VIET NAM NATIONAL CHILD LABOUR SURVEY 2012 Main findings</b>          “It should be noted, however, that the concept of child labour (CL) does not encompass all working children. Given that Viet Nam’s economy is characterized by the major role played by households and underdeveloped labour forces, children of suitable age groups can perform certain work as long as it does not have a negative impact on their health, education and general development. Yet, <b>many children have been engaged in excessive work or in haradouz-at-risk jobs that deprive them of education and adversely affect their health and physical development.</b> To address these challenges, State policies are needed to prevent, intervene and support children to build an enabling environment for their comprehensive development.” (p. 1)</p> <p>“As of 2012, there were <b>more than 18.3 million children in the 5-17 age group</b> (child population) in Viet Nam, with boys making up 52.3per cent and girls 47.7per cent. The child population accounts for 20.7per cent of the national population.          [...] However, <b>nearly 10per cent of those in the 6-17 age group do not attend school, 4.7per cent of whom will never attend school.</b>          [...] More than half of children do 5-20 hours of household chores per week. Generally, children in rural areas tend to engage in household chores more than those in cities, girls work more than boys and the number of working hours increases with age.          [...] Out of Viet Nam’s child population of 18.3 million, one-sixth (<b>2.83 million</b>) <b>are currently engaged in some forms of economic activities (EA)</b>, 42.6per cent of whom are girls. Nearly 86per cent of these working children live in rural areas and two-thirds belong to the 15-17 age group. The slow rate of economic development in some parts of Viet Nam means children as young as 12-years-old can be involved in EA. However, their engagement in EA affects their schooling. Specifically, <b>about 41.6per cent of working children do not attend school (more than 2per cent of whom never attend school).</b> A number of children work relatively long hours, as <b>27.4per cent of such children on average work more than 40 hours per week.</b> In detail, <b>more than 70per cent work in the agricultural sector and 74per cent do unpaid household work.</b> Of the 120 types of EA children are engaged in, <b>15 EA attract more than 82per cent of working children - crop cultivation and animal husbandry.</b> Regarding work venues, the <b>majority of work is done at home and on paddy fields, while less work is observed in construction sites, hotels and restaurants, production establishments, offices, the street or stone quarries.</b> Payment for working</p>	<p>Country</p>	<p>Specified risk for child labour</p>
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	<p>children is relatively high with 38per cent on average earning more than VND4.5 million per month.</p> <p>[...]Some 1.75 million working children are categorized as “child labourers”, accounting for 9.6per cent of the national child population or 62per cent of children engaged in EA. Bringing child labourers further into the spotlight, 40.2per cent are girls, nearly 85per cent of these children live in the rural areas and 60per cent belong to the 15-17 age group. Some children start work as young as 12-years-old and nearly 55per cent do not attend school (5per cent of whom will never attend school). Regarding the composition of sectors, about 67per cent work in agriculture while 15.7per cent in construction/manufacturing and 16.7per cent in services. Regarding the secondary economic sector, these children work in 111 EA in all three economic sectors, but the majority (81per cent) are engaged in 17 EA that are in open-air workplaces that demand great mobility and expose children to activities with high accident risks, extreme temperatures and toxic environments which can inflict injuries and damage children’s physical development. Regarding payment, 38.2per cent of the households with child labourers earn an average monthly salary of VND4.5 million (62.1per cent of these children belong to the 15-17 age group).”</p> <p>[...]Of the children found working in 97 specific activities, more than 80per cent are engaged in just 17 activities, with 11 in the agricultural sector, three in construction/manufacturing and three in services. Common workplaces are plantation fields/farms/gardens, at home or mobile venues. Importantly, children’s health and physical development is likely to be adversely affected by these forms of employment.</p> <p>[...]Out of 1.75 million child labourers, nearly 569,000 (32.4per cent) work an average of more than 42 hours per week. These long work hours severely limit schooling, with 96.2per cent of these children not attending school.</p> <p>[...]Of the 1.75 million child labourers, about 1.315 million (i.e. 75per cent, 46.5per cent and 7.2per cent of child labourers, working children and the 5-17 age group, respectively) are identified as children who are AT RISK of engagement in activities prohibited for adolescent workers or in hazardous working environments as outlined in Circular No.09/TT-LB, dated 13 April 1995.” (p. 2-3)</p> <p>58 079 children work in Logging, exploitation of timber and other forest products . 54 124 children work in Industrial plant propagation and tending, 24 377 children work in in making furniture, 16 870 children work in Small forestry products collection (Table 4.4 on p. 29).</p>	Country	Specified risk for child labour
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<p>ILO Helpdesk for Business on International Labour Standards:  <a href="http://www.ilo.org/empent/areas/business-helpdesk/lang-en/index.htm">http://www.ilo.org/empent/areas/business-helpdesk/lang-en/index.htm</a></p>	<p>No additional information found on serious violations of labour rights in Vietnam.</p>	<p>Country</p>	<p>-</p>
<p>Global March Against Child Labour:  <a href="http://www.globalmarch.org/">http://www.globalmarch.org/</a></p>	<p><a href="http://www.globalmarch.org/content/european-multinationals-attack-minimum-wage-vietnam">http://www.globalmarch.org/content/european-multinationals-attack-minimum-wage-vietnam</a>  <i>European multinationals attack minimum wage in Vietnam – November 2010</i>          “The General Secretary of the European Trade Union Confederation (ETUC), Mr John Monks has described as “totally unacceptable” the position of the European Chamber of Commerce in Vietnam (EuroCham) threatening withdrawal of European investment in the country if minimum wages are raised. The General Secretary of the International Trade Union Confederation (ITUC) Ms Sharan Burrow has described EuroCham’s intervention as “offensive”.          [...] On learning of the situation, Global March Chairperson Kailash Satyarthi expressed full support for the ETUC letter and for the comments of the ITUC: “In all our processes of dialogue with multinational companies and key actors in trade development, we emphasize the importance of decent work and education in tackling the incidence of child labour. Vietnam is a country which has a child labour problem and threats such as those of EuroCham are inevitably going to create a situation of fear and confusion for the Vietnamese government, social partners and people – all of which could exacerbate the child labour problem. It is highly irresponsible of EuroCham and we urge these comments to be withdrawn immediately.”</p>	<p>Country</p>	<p>Specified risk for child labour</p>
<p>Office of the United Nations High Commissioner for Human Rights (OHCHR), Committee on Rights of the Child:  <a href="http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx">http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx</a></p>	<p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fvNM%2fCO%2f3-4&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fvNM%2fCO%2f3-4&amp;Lang=en</a>  <i>Committee on the Rights of the Child - Consideration of reports submitted by States parties under article 44 of the Convention - Concluding observations: Viet Nam - 22 August 2012</i>  <b>“Economic exploitation, particularly child labour</b>          69. The Committee is highly concerned that child labour remains widespread in the State party, in particular in the informal sector; that the minimum age for labour remains relatively low (12 years for light work); that labour inspections outreach is limited; and that child inmates in drug detention centres are obliged to work and thus subject to forced labour.          70. The Committee recommends that the State party:          (a) Take immediate and effective measures to eliminate child labour in unacceptable conditions, including at an early age and under dangerous conditions;</p>	<p>Country</p>	<p>Specified risk for child labour</p>



	<p>(b) Implement effective measures to address the deep-rooted socioeconomic factors that push children into the workforce, in particular to increase the school attendance rate and reduce the school dropout rate with a view to avoiding child labour;</p> <p>(c) Take necessary measures to harmonize national laws and regulations with ILO Convention No. 138 (1973) concerning Minimum Age for Admission to Employment by, inter alia, amending Circular No. 21/1999/TT-BLDTBXH and providing that children are allowed to be employed in “light work” only from the age of 13 years, and strengthen the enforcement of labour laws to protect children and to ensure prosecution of those who make use of forced labour of children, and provide reparation and sanctions;</p> <p>(d) Improve labour inspections to ensure that these comprehensively monitor all aspects of the work environment, including the use of forced child labour in drug detention centres and child labour in the informal sector;</p> <p>(e) Take effective measures, including through the legal revision of Decree No. 135 of 2004, to prevent and end the practice of forced child labour in drug detention centres, in line with ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;</p> <p>(f) Seek technical assistance from the ILO International Programme on the Elimination of Child Labour in this regard.</p>		
<p>Committee on the Elimination of Discrimination against Women  <a href="http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx">http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx</a>          (Use the link to ‘Key documents’ on the left hand side. Go to ‘observations’ and search for country.) (Refer to CW Cat. 1)          Or:          Right top select country click on CEDAW treaty, click on latest reporting period and select concluding observations</p>	<p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fVNM%2fCO%2f7-8&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fVNM%2fCO%2f7-8&amp;Lang=en</a>  <i>Committee on the Elimination of Discrimination against Women - Concluding observations on the combined seventh and eighth periodic reports of Viet Nam - 29 July 2015</i>  <b>“Employment</b>          28. The <b>Committee</b> welcomes the State party’s ratification of the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), of the International Labour Organization, as well as its adoption of the revised Labour Code (2012), but <b>is concerned about:</b>          (a) The <b>persistent gender wage gap</b>;          (b) The lower retirement age for women and the extensive list of occupations prohibited for women;          (c) The concentration of women in low-paid jobs in the informal sector without access to social protection and outside the scope of the Labour Code;</p>	Country	Specified risk for gender wage gap

	<p>(d) <b>Discriminatory practices against women by employers based on maternity and pregnancy.</b></p> <p>29. The Committee recommends that the State party:</p> <p>(a) Reduce the gender wage gap, including by addressing the occupational segregation of women in the public and private sectors and promoting women's access to higher-paid jobs and decision-making positions;</p> <p>(b) Adopt the same age of mandatory retirement for women and men and review and reduce the list of occupations prohibited for women;</p> <p>(c) Provide a regulatory framework for the informal sector, with a view to providing women in the sector with access to social protection and other benefits;</p> <p>(d) Strengthen the regulation and inspection of employers to enforce compliance with labour standards and the prohibition of discrimination against women." (p. 14-15)</p>	Country	Specified risk for gender discrimination in workplace.
Human Rights Watch: <a href="http://www.hrw.org/">http://www.hrw.org/</a>	<p><a href="https://www.hrw.org/news/2015/12/13/hrw-submission-eu-bilateral-dialogue-vietnam">https://www.hrw.org/news/2015/12/13/hrw-submission-eu-bilateral-dialogue-vietnam</a>  <i>HRW Submission to EU on Bilateral Dialogue with Vietnam – 13 December 2015</i></p> <p>"Despite renewed economic growth and progress on a number of social indicators in 2015, Vietnam's record on civil and political rights remained dismal. The ruling Communist Party has a monopoly on political power and allows no challenge to its leadership. Basic rights, including freedoms of speech, opinion, press, association, and religion, are restricted. Rights activists and dissident bloggers face constant harassment and intimidation, including physical assault and imprisonment. Farmers continue to lose land to development projects without adequate compensation and <b>workers are not allowed to form independent unions.</b>"</p> <p>2. Repression of freedom of speech and freedom of association  Vietnam continues to suppress dissent by peaceful dissidents and activists and punishes them for forming organizations that the government views as hostile to its interests. <b>The government bans all political parties, unions, and human rights organizations that are independent of the government or the Party.</b>  With the spotlight on labor rights, in June 2014 Vietnam released labor activist Do Thi Minh Hanh, who was arrested and charged in 2010 under article 89 of the 2009 penal code for helping organize a wildcat strike. But <b>other labor activists including Nguyen Hoang Quoc Hung and Doan Huy Chuong are still serving harsh prison sentences. On November 22, 2015, the police of Dong</b></p>	Country	Specified risk for freedom of association, right to organize and collective bargaining

	Nai province detained and assaulted Do Thi Minh Hanh for helping workers at Yupoong Company to exercise their rights.”		
Child Labour Index 2014 produced by Maplecroft. <a href="http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/">http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/</a>	Vietnam scores 'extreme risk' on the Child Labour Index 2014	Country	Specified risk on child labour
<a href="http://www.verite.org/Commodities/Timber">http://www.verite.org/Commodities/Timber</a>  (useful, specific on timber)	<a href="http://www.verite.org/Commodities/Timber">http://www.verite.org/Commodities/Timber</a> (link has been removed from internet since 01-01-2017 onwards) “Timber and Conflict Timber can be linked with conflict. One report on the issue states “governments are almost always complicit in conflict timber activities” with the conflict taking one of two forms, either providing financial means of sustaining conflict (as in Burma or Liberia) or as a <b>source of conflict when ownership is disputed (as in Vietnam).</b> ”	Country	No information on labour rights
The ITUC Global Rights Index ranks 139 countries against 97 internationally recognized indicators to assess where workers' rights are best protected, in law and in practice. The Survey provides information on violations of the rights to freedom of association, collective bargaining and strike as defined by ILO Conventions, in particular ILO Convention Nos. 87 and 98 as well as jurisprudence developed by the ILO supervisory mechanisms. <a href="http://www.ituc-csi.org/new-ituc-global-rights-index-the?lang=en">http://www.ituc-csi.org/new-ituc-global-rights-index-the?lang=en</a>	<a href="https://www.ituc-csi.org/IMG/pdf/survey_global_rights_index_2015_en.pdf">https://www.ituc-csi.org/IMG/pdf/survey_global_rights_index_2015_en.pdf</a> The 2015 ITUC Global Rights Index - THE WORLD'S WORST COUNTRIES FOR WORKERS <b>No information on Vietnam in this report.</b>  <a href="http://survey.ituc-csi.org/Vietnam.html?lang=en#tabs-1">http://survey.ituc-csi.org/Vietnam.html?lang=en#tabs-1</a>  <b>The ITUC does not have an affiliate in Vietnam.</b>	Country	-
Gender wage gap (in OECD countries) <a href="http://www.oecd.org/gender/data/genderwagegap.htm">http://www.oecd.org/gender/data/genderwagegap.htm</a>	Vietnam is not a member of the OECD	Country	-
World Economic Forum: Global Gender Gap Index 2014  <a href="http://reports.weforum.org/global-gender-gap-report-2014/rankings/">http://reports.weforum.org/global-gender-gap-report-2014/rankings/</a> Search for country rankings for the adjusted and the unadjusted pay gap	<a href="http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=VNM">http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=VNM</a> <i>Global Gender Gap Index 2014.</i> <b>Vietnam ranks no. 76 out of 142 countries</b> with a score of 0.692 (The highest possible score is 1 (equality) and the lowest possible score is 0 (inequality)).  On the <b>more specific sub-index on Economic participation and opportunity</b> Vietnam ranks no. 41 with a score of 0.726.  Within that index, the most specific and relevant indicator is the <b>Wage equality for similar work.</b> Here Vietnam ranks no. 79 (of 142 included countries) with a score of 0.63.	Country	Specified risk for gender wage discrimination





	<p>concern industrial relations. Furthermore, strikes that involve more than one enterprise are illegal, as are strikes called in public services or state-owned enterprises. Strikes are also banned in sectors considered important to the national economy and defence, a definition which currently covers a total of 54 sectors. The Prime Minister can suspend a strike considered detrimental to the national economy or public security. Finally, if a strike is ruled illegal, the union and the individuals involved are liable for compensation to the employer for "losses and damages".</p> <p>[...]Workers who take part in strikes that do not have government approval risk sanctions, but the <b>conditions to be met for organising a strike legally are so restrictive it is almost impossible to respect them</b>. There was a <b>huge increase in the number of illegal strikes</b> during the year from 423 the previous year to <b>nearly 1,000 in 2011</b>. Most strikes are linked to the fact that workers wages have not kept up with inflation, which reached 18%."</p> <p><a href="http://laborrightsblog.typepad.com/international_labor_right/2011/09/forced-labor-in-vietnam-a-violation-of-ilo-convention-29-.html">http://laborrightsblog.typepad.com/international_labor_right/2011/09/forced-labor-in-vietnam-a-violation-of-ilo-convention-29-.html</a>  <i>Forced Labor in Vietnam: A Violation of ILO Convention 29 - September 07, 2011</i></p> <p>"In detention centers all over Vietnam, <b>some 40,000 men, women, and children who have been caught Map of Vietnam using drugs are held against their will, with no hearing or trial in a court of law</b>, according to a report released by Human Rights Watch on September 7th. The 121-page report titled, "The Rehab Archipelago: Forced Labor and Other Abuses in Drug Detention Centers in Southern Vietnam" details the atrocities in Vietnam's drug treatment centers. The report includes <b>accounts from several former detainees who were forced to perform labor for little or no pay and were detained in the centers for 2 to 5 years, sometimes longer</b>.</p> <p>[...] The <b>type of labor performed in the centers includes farming</b>, sewing clothing and shopping bags, <b>working in construction</b>, and <b>manufacturing products made from wood, plastic, bamboo, and rattan</b>. However, the <b>most common form of forced labor</b> (found in 11 of the 16 centers in Ho Chi Minh City) <b>is processing cashews</b>, the second largest agricultural export to the United States."</p> <p><a href="http://laborrights.org/sites/default/files/publications/VN_Forced_Labor_Centers_wr.pdf">http://laborrights.org/sites/default/files/publications/VN_Forced_Labor_Centers_wr.pdf</a></p>	Country	Specified risk for forced labour
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	<p><i>VIETNAM'S FORCED LABOR CENTERS - INTERNATIONAL LABOR RIGHTS FORUM – Januari 2014</i></p> <p>In 2011, Human Rights Watch released a shocking report on how Vietnamese citizens struggling with drug addiction were being beaten, tortured and forced to work in compulsory drug detention centers.<sup>1</sup> Vietnamese officials reacted defensively, dismissing the report as “groundless” and asserting that the drug centres are an effective, humane method of dealing with a growing drug problem.</p> <p>But new interviews with recently released drug center detainees confirm that forced labor, torture, and other human rights abuses continue in the centers, despite the government’s pledge to scale up voluntary forms of drug treatment. ILRF partners interviewed fifteen former detainees between June 2012 and June 2013. 14 of the 15 former detainees reported being forced to produce goods for private companies and over half had either witnessed a beating or been beaten themselves simply for missing an assigned work quota.”</p> <p><a href="http://vietnamnews.vn/society/258266/women-face-discrimination-at-work.html">http://vietnamnews.vn/society/258266/women-face-discrimination-at-work.html</a></p> <p><i>Women face discrimination at work - August, 01 2014</i></p> <p>“HA NOI (VNS) — Female workers in Viet Nam still find themselves at a disadvantage when it comes to wage payment, working environment and training and promotion opportunities, even though the country is one of Southeast Asia's best in terms of fostering gender equality, according to an assessment by the United Nations Development Programme.</p> <p>[...] Moreover, traditions and gender stereotypes – such as the commonly held belief by employers that men were more productive— hindered women's access to varied career choices and opportunities to raise their knowledge and skills.</p> <p>In 2012, the average monthly salary of female workers was VND3.2 million (over US\$150), while men received more than VND3.8 million (\$180), said Thuy.</p> <p>In most economic sectors, the average monthly wage of female workers was lower than that of men. The greatest wage gap was found in the FDI sector, where female workers earned only half what male employees were paid.</p> <p>In the private sector, these roles were reversed: women working for private companies earned slightly more than their male counterparts.</p> <p>[...] Yet in enterprises, women held only about 6.3 per cent of leadership positions. This proportion is considered high in Southeast Asia, but is much lower than many countries such as the US, where it is 17 per cent, according to Intelligent Financial Research and Consulting.</p>	Country	Specified risk for forced labour
	<p>Country</p> <p>Specified risk for gender discrimination in labour market</p>	Country	Specified risk for gender discrimination in labour market

	<p>Some enterprises still hold back from recruiting young women without children and ask female workers to delay their plans to have children, Thien added.”</p> <p><a href="http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2011/11/14/000333038_20111114003420/Rendered/PDF/655010WP0P12270essment.0Eng.0Final.pdf">http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2011/11/14/000333038_20111114003420/Rendered/PDF/655010WP0P12270essment.0Eng.0Final.pdf</a>  <i>Vietnam Country Gender Assessment – 2011</i></p> <p>“Viet Nam has also made remarkable progress on gender equality, but important gender differences still remain. On the positive side Viet Nam has had considerable progress in addressing gender disparities in education, employment and health. The gender gap in earnings is lower in Viet Nam than in many other East Asian countries. Indeed by a number of measures, women’s outcomes have improved significantly. However, upon deeper examination of the data, a number of challenges still remain. [...]Also, the regulation regarding retirement age is an example of direct discrimination that requires women retire at age 55 while men retire at 60. This not only terminates women’s careers at an earlier age than men, but has knock-on effects on other aspects of their careers, such as whether they are selected for advanced training later in their careers.” (p. 9-12)</p> <p>Ethnic minorities also face greater constraints than the majority group in their livelihood options (World Bank, 2009). Ethnic minorities are more likely to live in remote and difficult terrain than their Kinh counterparts and less likely to travel to their local district town, let alone to the provincial capital or other regions and the larger cities.</p> <p>[...]Ethnic minority people are less likely to engage in wage employment, but the correlation between ethnicity and wage employment is weaker for women than for men. This is because men in the Kinh ethnic group are more likely to hold jobs in wage-employment as compared to agricultural self-employment, but women from both majority and minority ethnic groups are more likely to be self-employed in agricultural activities. However, within the ethnic minorities, all groups have a higher incidence of agricultural self-employment as compared to wage-employment, with the ethnic groups who experience the highest poverty rates (Northern Mountain and Central Ethnic groups) also reporting the lowest rates of wage-employment. The female disadvantage in access to wage employment holds across ethnic groups. Both ethnic men and women are thus</p>	Country	Low risk for gender wage gap
	<p>[...]Ethnic minority people are less likely to engage in wage employment, but the correlation between ethnicity and wage employment is weaker for women than for men. This is because men in the Kinh ethnic group are more likely to hold jobs in wage-employment as compared to agricultural self-employment, but women from both majority and minority ethnic groups are more likely to be self-employed in agricultural activities. However, within the ethnic minorities, all groups have a higher incidence of agricultural self-employment as compared to wage-employment, with the ethnic groups who experience the highest poverty rates (Northern Mountain and Central Ethnic groups) also reporting the lowest rates of wage-employment. The female disadvantage in access to wage employment holds across ethnic groups. Both ethnic men and women are thus</p>	Country	Ethnic groups less likely to engage in wage employment



	<p>disproportionately concentrated in informal self-employment in the agricultural sector.” (p. 72-74)”</p> <p><a href="http://www.ilo.org/hanoi/Informationresources/Publicinformation/Pressreleases/WCMS_206104/lang--en/index.htm">http://www.ilo.org/hanoi/Informationresources/Publicinformation/Pressreleases/WCMS_206104/lang--en/index.htm</a></p> <p><i>Despite high labour force participation rate for women, gender pay gap on the rise – 7 March 2013</i></p> <p>“Gender pay gap has expanded in Viet Nam where the labour force participation rate of women stands high in the world. About 72 per cent of women are in the labour force in Viet Nam, which means far more Vietnamese women have a job than most of other countries around the globe. However, Viet Nam is among a few countries in the world where gender pay gap has been widening while the gap has declined in most nations in the 2008-11 period compared to 1999-2007 according to the ILO Global Wage Report 2012-13. A 2 per cent increase in the gap was recorded in Viet Nam in the period.</p> <p>The 2011 General Statistical Office data showed that women earn 13 per cent less than men. The 2012 survey on workers’ salaries carried out by the Vietnam General Confederation of Labour (VGCL) in enterprises nationwide revealed that female workers’ salaries are only 70-80 per cent of their male colleagues’. The global average gender pay gap is hovering around 17 per cent.</p> <p>[...] Meanwhile according to the VGCL survey, women usually hold lower positions whereas most of management posts belong to men. VGCL Vice President Nguyen Thi Thu Hong said female workers often have fewer training opportunities before and during their work career compared to their male colleagues and women with families even face more difficulties.”</p> <p><a href="https://www.fes.de/gewerkschaften/common/pdf/2014_09Vietnamese_TU_in_Transition.pdf">https://www.fes.de/gewerkschaften/common/pdf/2014_09Vietnamese_TU_in_Transition.pdf</a></p> <p><i>Trade Unions in Transition – Changing industrial relations in Vietnam – September 2014</i></p> <p>“Since the economic reform process was not accompanied by political reforms and the VGCL still perceives itself as a transmission belt of the Communist Party of Vietnam, trade unions have not really been able to establish themselves as an independent representation of workers. On the other hand, in some fields the VGCL has made important steps to a more genuine trade union organization that protects its members in conflicts with employers</p>	<p>Country</p> <p>Country</p> <p>Country</p>	<p>Low risk for gender pay gap</p> <p>Specified risk for gender discrimination in workplace</p> <p>Specified risk for freedom of association, right to organize</p>
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	through a countrywide system of legal aid offices or is increasingly able to conclude collective agreements that are significantly better than the provisions in the labour law. Since the political system is a given fact, <b>the efforts of the VGCL to improve legal protection and collective bargaining should be supported.</b> However, <b>lawmakers should change the provisions in the law that prevent the trade unions to use industrial actions and strikes as a legitimate means of last resort in negotiations with the employers.</b> Otherwise, the relations between employers and workers in Vietnam will never reach a level playing field.” (p. 10)		and collective bargaining
<b>Additional general sources</b>	<b>Additional specific sources</b>		
United Nations Committee on the Elimination of Racial Discrimination	<a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fVNM%2fCO%2f10-14&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fVNM%2fCO%2f10-14&amp;Lang=en</a> <i>Concluding observations of the Committee on the Elimination of Racial Discrimination - Viet Nam - 16 April 2012</i> “16. The Committee takes note of the State party’s assurance that the right to freedom of belief and religion of ethnic minorities is well protected under article 70 of the Constitution and other relevant laws and policies (arts. 2, 4 and 5 (a), (b) and (d)). <b>The Committee is nevertheless concerned at: [...]</b> (c) <b>The household registration system (hộ khẩu), which results in discrimination against ethnic minorities belonging to “unrecognized” religious groups in the fields of employment, social security, health services, education and the right to freedom of movement;</b> (p. 5) 19. <b>The Committee is deeply concerned about the lack of acknowledgement, by governmental officials and the general public, of the existence of racial discrimination and inequality between ethnic groups, as well as the persistence of negative societal attitudes and stereotypes against persons of minority ethnic origin</b> (art. 7). <b>The Committee recommends that the State party take effective steps, including educational campaigns, to eradicate misperceptions and discriminatory stereotypes that stigmatize and marginalize ethnic minorities, in order to enhance the capacity of government officials to better protect the rights and interests of minority groups.”</b> (p. 6)	Country          Country	Specified risk of discrimination of IPs in labour market          Specified risk of discrimination of ethnic minorities
Vietnam Committee on Human Rights	<a href="http://www2.ohchr.org/english/bodies/cerd/docs/ngos/VCHR_VietNam_CERD80.pdf">http://www2.ohchr.org/english/bodies/cerd/docs/ngos/VCHR_VietNam_CERD80.pdf</a> <i>“Violations of the Rights of Ethnic and Religious Minorities in the Socialist Republic of Vietnam” – 2012</i> There are a number of control mechanisms which severely restrict the exercise of human rights. <b>Ethnic and religious minorities are especially penalised by</b>		



	in the Central and Northern Highlands are mostly farmers and peasants working under State-sponsored development plans. Since they have no form of independent representation, they have no mechanisms to protect them against exploitation or mismanagement by the State.” (p. 28)		
From national CW RA	NA	Country	-
<p><b>Conclusion on Indicator 2.2:</b></p> <ul style="list-style-type: none"> <li>Not all social rights are covered by the relevant legislation and enforced in Vietnam, in particular in relation to freedom of association, right to organize and collective bargaining, forced labour, child labour and gender discrimination. (refer to category 1)</li> <li>Right to freedom of association and collective bargaining is not upheld; The government bans all unions that are independent of the government or the Party, workers who have attempted to form labor organizations outside of the official union structure dominated by the state and the Communist Party have been prosecuted and jailed on criminal charges in retaliation for their efforts, conditions to be met for organizing a strike legally are so restrictive it is almost impossible to respect them and workers who lead ‘wild cat’ strikes can suffer firing, blacklisting, physical violence and imprisonment.</li> <li>There is evidence confirming compulsory and/or forced labour, in particular in so-called drug rehabilitation centres and this includes work in the timber sector and a five year obligated military service includes active implementation of socio-economic development programmes.</li> <li>There is evidence confirming discrimination in respect of employment and/or occupation, and/or gender: Even though the country is one of Southeast Asia’s best in terms of fostering gender equality and the gender wage gap is much lower than the global average, there is evidence of gender discrimination in the labour market: regulation regarding retirement age is an example of direct discrimination that requires women retire at age 55 while men retire at 60; enterprises hold back from recruiting young women without children and ask female workers to delay their plans to have children; women usually hold lower positions whereas most of management posts belong to men; female workers often have fewer training opportunities before and during their work career compared to their male colleagues and women with families even face more difficulties; in enterprises, women held only about 6.3 per cent of leadership positions. The household registration system (hộ khẩu), results in discrimination against ethnic minorities belonging to “unrecognized” religious groups in the fields of employment and there is a general concern regarding the existence of racial discrimination and inequality between ethnic groups, as well as the persistence of negative societal attitudes and stereotypes against persons of minority ethnic origin. In rural areas, ethnic minorities are much less likely to have written work contracts, receive pay-slips or have social security benefits.</li> <li>There is evidence confirming child labour: As of 2012, some 1.75 million working children are categorized as “child labourers”, accounting for 9.6per cent of the national child population or 62per cent of children engaged in Economic Activities; A significant number of these children work in the forestry and timber sector.</li> <li>The country is signatory to only 5 of the 8 fundamental ILO Conventions which are all in force: Vietnam did not ratify C87 Freedom of Association and Protection of the Right to Organize Convention, 1948, C98 Right to Organize and Collective Bargaining Convention, 1949 and C105 Abolition of Forced Labour Convention, 1957.</li> <li>There is evidence that any groups (including women) do not feel adequately protected related to the rights mentioned above: see information on gender and ethnic minorities above.</li> <li>Violations of labour rights are not limited to specific sectors: Examples of violations were found in relation to agriculture including forestry, domestic services, construction and others.</li> </ul> <p><b>The following specified risk thresholds apply:</b></p>		Country	Specified risk

(14) The applicable legislation for the area under assessment contradicts indicator requirement(s);  
AND  
(15) There is substantial evidence of widespread violation of key provisions of the ILO Fundamental Principles and Rights at work.

**Indicator 2.3. The rights of Indigenous and Traditional Peoples are upheld.**

**Guidance:**

- Are there Indigenous Peoples (IP), and/or Traditional Peoples (TP) present in the area under assessment?
- Are the regulations included in the ILO Convention 169 and is UNDRIP enforced in the area concerned? (refer to category 1)
- Is there evidence of violations of legal and customary rights of IP/TP?
- Are there any conflicts of substantial magnitude [footnote 6] pertaining to the rights of Indigenous and/or Traditional Peoples and/or local communities with traditional rights?
- Are there any recognized laws and/or regulations and/or processes in place to resolve conflicts of substantial magnitude pertaining to TP or IP rights and/or communities with traditional rights?
- What evidence can demonstrate the enforcement of the laws and regulations identified above? (refer to category 1)
- Is the conflict resolution broadly accepted by affected stakeholders as being fair and equitable?

general sources from FSC-PRO-60-002a V1-0 EN	information found and specific sources	scale of risk assessment	risk indication
ILO Core Conventions Database <a href="http://www.ilo.org/ilolex/english/docs/declworld.htm">http://www.ilo.org/ilolex/english/docs/declworld.htm</a> - ILO Convention 169	<a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103004">http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103004</a> Vietnam did not ratify ILO Convention 169.	Country	Specified risk
Survival International: <a href="http://www.survivalinternational.org/">http://www.survivalinternational.org/</a>	No specified risk information found	Country	Low risk
Human Rights Watch: <a href="http://www.hrw.org/">http://www.hrw.org/</a>	No specified risk information found	Country	Low risk
Amnesty International <a href="http://amnesty.org">http://amnesty.org</a>	No specified risk information found	Country	Low risk
The Indigenous World <a href="http://www.iwgia.org/regions">http://www.iwgia.org/regions</a>	<a href="http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2015/Vietnam_IW2015_web.pdf">http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2015/Vietnam_IW2015_web.pdf</a> <b>Indigenous peoples in Vietnam</b> “As a multi-ethnic country, Vietnam has 54 recognized ethnic groups; 53 are ethnic minority groups with an estimated 13 to 14 million people, accounting for around 14% of the country’s total population of 90 million. Each ethnic minority group has its own distinct culture and traditions. The ethnic minorities live scattered throughout the country but are concentrated mostly in the Northern Mountains and in the Central Highlands (Tay Nguyen) in the south. The Vietnamese government does not use the term “indigenous		

	<p>peoples” for any groups but it is generally the ethnic minorities living in the mountainous areas that are referred to as Vietnam’s indigenous peoples. The term ethnic minorities is thus often used interchangeably with indigenous peoples in Vietnam. Poverty is still high among ethnic minorities. While the national poverty rate fell from 14.2% in 2010 to 9.6% in 2012, in the north-western mountains, mostly inhabited by ethnic minorities, it was still 28.55%. All ethnic minorities have Vietnamese citizenship, and Vietnam’s constitution recognizes that all people have equal rights. <b>There is no specific law on ethnic minorities but a ministry-level agency, the Committee on Ethnic Minority Affairs, is in charge of ethnic minority affairs.</b> The Government of Vietnam has not ratified ILO Convention 169 but <b>voted in favour of the UNDRIP, although it does not recognize ethnic minorities as indigenous peoples.”</b></p> <p>Ministry-level agencies issued five documents of importance to ethnic minorities. [...] A decision was made to approve implementation of the project “Propagandizing and disseminating laws for the ethnic minorities”, which seeks to generate an awareness of and knowledge about national laws among ethnic minorities and, finally, a Joint Circular was produced with guiding principles for identifying and recognizing elders and customary leaders within ethnic minority groups.”</p> <p><b>REdd+ and ethnic minority rights and roles</b></p> <p>Three-quarters of the territory of Vietnam is mountainous, covered with forest and inhabited by ethnic minorities. Since 2009, Vietnam has been one of the pilot countries implementing a national REDD+ (Reduced Emissions from Deforestation and Forest Degradation) programme. Vietnam was a pioneer with regard to implementing Free, Prior and Informed Consent (FPIC) in REDD+, with the K’Ho indigenous group in Lam Dong province. After the pilot FPIC process was conducted, draft guidelines were completed in late 2013 and tested in 2014 in Dien Bien, Lam Dong and Quang Binh provinces. [...]The National REDD+ Action Programme (NRAP) included most of the REDD+ network recommendations on ethnic minority peoples’ roles in forest management and development programmes, and on safeguard measures in the implementation of REDD+, among other things.</p> <p>According to the decisions of the United Nations Framework Convention on Climate Change (UNFCCC) at the 16<sup>th</sup> Conference of the Parties in 2010, social and environmental safeguards (SES) are one of the mandatory requirements for implementing REDD+. The safeguards include several provisions important for indigenous peoples, e.g. on participation and tenure</p>	Country	Specified risk for rights of IPs
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	<p>Rural Development and presented at a workshop in September 2014, the implementation of PFES has contributed positively to forest protection.</p> <p>According to the mid-term assessment of the Forest Carbon Partnership Facility (FCPF), despite attempts to promote the participation of ethnic minorities and other forest-dependent people in its REDD+ programme, they have only played a role of passive implementers at the local level and have not participated in decision making at all levels. <b>There have been no representatives of ethnic minorities either on the National REDD+/FCPF Executive Committee or on the Provincial REDD+ Executive Committee in the NRAP. The programmes lack specific plans for building representative mechanisms for ethnic minorities at the decision-making level and strengthening the capacities of local people to ensure the full and effective participation of ethnic minorities in REDD+.</b></p> <p><b>Universal Periodic Review of Vietnam</b>  Vietnam underwent its second periodic review at the United Nations Human Rights Council (UNHRC) in Geneva on 5 February 2014. Vietnam's record came under fire from several countries during the review, and many of the diplomats who attended condemned Hanoi's continued restrictions on freedom of expression. The UNHRC issued a list of 227 recommendations aimed at improving Vietnam's human rights record, including calls to abolish the death penalty, improve freedom of religion and end harassment of government critics. <b>Vietnam rejected 45 of the recommendations and accepted the remaining 185 at the June 20 meeting of the UN Human Rights Council in Geneva, which concluded the Universal Periodic Review (UPR) process.</b> Among other things, Vietnam rejected recommendations to sign the Optional Protocols to the International Covenant on Civil and Political Rights and other international human rights treaties it has ratified. The Optional Protocols are very important because they enshrine the right of individuals to make complaints against the government for violations of these treaties. <b>Several of the recommendations are important for indigenous peoples in Vietnam, particularly those regarding freedom of expression, freedom of religion and an end to the prosecution of peaceful protesters.</b> In the Central Highlands, in particular, <b>indigenous peoples have in past decades suffered a lack of these rights due to their opposition to the dispossession of their land and resources and suppression of their religious beliefs.</b> “</p>	Country	Specified risk for participation in decision making
		Country	Specified risk for land use and resources rights and for conflict resolution



	<p><a href="http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2014/VietnamIW2014.pdf">http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2014/VietnamIW2014.pdf</a></p> <p><b>Vietnam ratifies revised Constitution 2013 and Land Law</b></p> <p>“The revised 2013 Constitution was launched on 8 December 2013. This is the first time civil and human rights have been affirmed in the Constitution. Disappointing for advocates of human rights and general political and economic reform, however, was the fact that a number of provisions - some of them rather controversial - remained unchanged, such as: <b>the Communist Party of Vietnam remains the only party</b>, leading the State and society; <b>all land is public property managed by the State</b>; State entrepreneurs play a key role in the national economy. <b>Most relevant to indigenous peoples is Article 5, which continues to affirm that Vietnam is a united nation of all ethnic groups living in Vietnam’s territory; all ethnic groups are equal and ethnic discrimination and division are prohibited.</b> While Viet is still declared the national language, all ethnic groups have the right to use their own language and script, to preserve their ethnic identity, and to promote their “positive” customs, practices, traditions and cultures, which implies that <b>some of the traditional practices and customs are not considered “positive” and thus not worth preserving.</b> The State is mandated to implement comprehensive development policies and to support ethnic minorities to “promote their internal strengths” for development to bring them on a par with the whole nation. Articles 42, 58 and 61 ensure ethnic minorities’ right to determine their ethnicity, use their mother tongue and choose their language of communication, and prioritise the development of education, healthcare and vocational training in mountainous areas and in ethnic minority areas. However, the <b>new constitution does not recognize the right of ethnic minorities to an education in their own language.</b> Article 25 states that: “Citizens have freedom of speech, press, access to information, meetings, the establishment of associations and protest” but the <b>reality is different and freedom of expression, association and peaceful assembly are still violated.</b></p> <p>The <b>new Land Law 2013 was adopted on November 26th</b> by the 11th National Assembly. The most crucial article on land ownership still remains unchanged: <b>land is public property and the State is in charge of land management. Communities are recognized as one category of land users and the new constitution states that all proper land users shall be given land-use certificates.</b> Item 4, incorporating Articles 38 to 45, refers to land recovery. <b>The constitution still maintains provisions that give the State the right to recover land for purposes of national defence and security, for national benefit and</b></p>	<p>Country</p> <p>Country</p> <p>Country</p> <p>Country</p>	<p>Specified risk for recognition as indigenous peoples</p> <p>Specified risk for traditional practices and costumes</p> <p>Specified risk for conflict resolution</p> <p>Low risk for land-use rights</p>
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	<p>economic development. The inclusion of “economic development” has been a big disappointment for rights advocates since it has been the main cause of compulsory land recovery, long unsolved conflicts and violent confrontations between private companies and landholders. Land recovery by the State has, in recent years, been the cause of more than 70% of social conflicts in Vietnam.”</p> <p><b>Land allocation and opportunities for legal and policy reforms</b>  Studies conducted in Son La and Lam Dong provinces and other mountainous areas show that land consolidation is one of the reasons that has led to the gradual loss of land tenure among ethnic minorities. Companies growing rubber, coffee, tea, vegetables and flowers have misappropriated thousands of hectares of fertile land from the local people. In Lam Dong, as in other parts of Vietnam, forest land is not allocated to local people but given as a priority to private companies. Moreover, State-run agro-forestry farms have managed large areas of land ineffectively, without creating any positive changes in the life of the forest-dependent communities living in these areas. In the Northern provinces, forests have been continuously cleared for rubber plantations. Representatives of the Vietnam Rubber Corporation stated that although planting rubber in the Northwest region is risky, with low productivity, they still have to do it because of their “social responsibility”!  Recent research on and evaluations of the implementation of land allocation Policies concluded that the legal framework does not recognize the traditional territory and land management systems of ethnic minorities or their livelihood practices, and that they have suffered from the negative impact of hydropower and mining projects and ineffective land use on the part of State farms. The researchers recommended that the government should re-allocate forests currently managed by State forest enterprises to ethnic minority communities and households, legalize customary ownership of land and forests and support the development of community forest management. The development of guidelines on the implementation of the revised Land Law and the upcoming revision of the Law on Forest Protection and Development will provide opportunities for the much-needed legal and policy reforms.  At the Vietnam Development Partnership Forum 2013, Vietnamese NGOs stated that media, policy and public discourses still contain misunderstandings of, and prejudices and discrimination against, ethnic minority cultures and do not consider them agents of development. This impedes people’s participation and voice and diminishes the effectiveness of the government’s development</p>	Country	Specified risk for land use rights
		Country	Specified risk for land use rights
		Country	Specified risk for land use rights
		Country	Specified risk for discrimination against IPs

	<p>programs which, in the long run, may lead to their overdependence on external assistance.”</p> <p><a href="http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2013/Vietnam.pdf">http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2013/Vietnam.pdf</a></p> <p><b>“Land allocation for ethnic minorities</b></p> <p>According to a government report to the Standing Committee of the National Assembly on 13 December 2012, 326,909 ethnic minority households (around 2 million people) need to be supported to obtain residential land and productive land by 2016. Mr. Phuoc, Chairman of the Ethnic Minority Council, added that the situation “is more serious in rocky mountainous areas such as Cao Bang, Ha Giang...” The report pointed out that, in many places, <b>the land to be allocated to the people is not available or is very little. In some places, land reclamation requires huge investments. The scattered landholdings and lack of water lead to inefficient production.</b> In addition to pointing to the limited availability of land, the report also mentioned a number of reasons for the scarcity of land, including infrastructure development on productive and residential land; relocation and resettlement after infrastructure construction; and mining that disregards the culture, customs and production conditions of the people concerned. <b>Other reasons for land scarcity are: inadequate land management; the loss of land due to sale; and mortgaging.</b> One of the solutions presented in the report is that uncultivated, inefficiently or improperly used lands (of which there are more than 4 million hectares) should be taken back from state-owned farms and allocated to ethnic minority people. However, according to Mr. Phuoc, <b>no solution has yet been found in practice, either at central or local level in terms of allocating residential and agricultural land to ethnic minorities.</b> These difficulties are exacerbated by the increasing migration to ethnic minority areas. Mr. Phuoc emphasized that this is a very important issue because ethnic minorities are of vital significance to national defence and security.</p> <p><b>Weakening of customary law</b></p> <p><b>Customary law has long regulated social relationships within indigenous communities but is now rapidly vanishing. It is not recognized and under pressure because it is considered outdated, inappropriate and not compatible with national statutory law. In the 1980s, many customs and habits were prohibited by law. Conversely, many laws have been passed without the knowledge of the ethnic minorities.</b> In the past, disputes within communities were resolved through application of customary law by recognized village</p>	Country	Specified risk for land use rights
		Country	Specified risk for customary law

	<p>elders. As this form of social control and conflict resolution is no longer effective, indigenous communities are faced with an increase in conflicts and serious crimes such as theft and even murder. Along the Vietnam-Laos border in Son La and Dien Bien provinces, many Thai and Hmong men are arrested for drug smuggling.</p> <p><b>Lack of awareness of legal rights</b>  The “law blindness” among ethnic minorities is mainly a result of the fact that all laws are written in the majority Kinh language while the educational level of ethnic minorities is very low. Commune judicial officers hardly ever provide advice to local people, and there is a general lack of ethnic minority lawyers. In response to this situation, the Ministry of Justice issued a circular in December 2012 on the provision of legal aid and the enhancement of people’s awareness, respect and observance of the law among ethnic minorities”</p>	Country	Specified risk for awareness of rights
<p>United Nations Special Rapporteur on the rights of indigenous peoples  <a href="http://www.ohchr.org/en/issues/ipeoples/srindigenoupeoples/pages/sripeoplesindex.aspx">http://www.ohchr.org/en/issues/ipeoples/srindigenoupeoples/pages/sripeoplesindex.aspx</a></p>	<p><a href="http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/CountryReports.aspx">http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/CountryReports.aspx</a>  No country report available on Vietnam.</p> <p><a href="http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/173/83/PDF/G1517383.pdf?OpenElement">http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/173/83/PDF/G1517383.pdf?OpenElement</a></p> <p><a href="http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/117/35/PDF/G1411735.pdf?OpenElement">http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/117/35/PDF/G1411735.pdf?OpenElement</a></p> <p>No references to Vietnam in latest annual reports</p>	Country	-
<p>UN Human Rights Council Universal Periodic Review  <a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx">http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx</a></p>	<p><a href="http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/183/23/PDF/G1318323.pdf?OpenElement">http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/183/23/PDF/G1318323.pdf?OpenElement</a>  <i>Human Rights Council, Working Group on the Universal Periodic Review - Summary of 59 stakeholders’ submissions1 to the universal periodic review of Viet Nam - 4 November 2013</i></p> <p><b>“Minorities and indigenous peoples</b>  76. Joint Submission 2 (JS2) noted that Viet Nam was among the nations endorsing the “UN Declaration on the Rights of Indigenous Peoples”, yet it had declared that there were “no indigenous peoples in Viet Nam,” and until today, no translation of the UN Declaration into Vietnamese or any indigenous languages had ever been made by the Vietnamese authorities. Few Vietnamese citizens knew anything about the UN Declaration.118 JS2 and Unrepresented Nations and Peoples Organization (UNPO) recommended that Viet Nam recognize the Montagnards, Khmer Krom, Cham and other</p>	Country	Specified risk for rights of IPs and for awareness of rights

	<p>indigenous peoples as indigenous with the rights accorded to them under the Declaration. JS2 recommended that the UN Declaration be translated on all Vietnam Government websites in the languages of indigenous peoples.119 77. JS2 stated that the <b>Government continued to arrest, torture and jail Montagnard Christians</b>. There were currently over 400 Montagnard Christians in prison for their religious or political beliefs. Between 2001 and 2004, over 400 Montagnard house churches were destroyed, and <b>hundreds of Montagnards were arrested and imprisoned for their participation in demonstrations that objected to the policy of land confiscation and religious rights</b>. Most of these house churches remained closed and practically all Montagnard prisoners remained in detention to date. Montagnard Christians were often forced to renounce their faith, and they were beaten. Many suffered solitary confinement and torture.120 UNPO recommended that Viet Nam allow full, impartial and transparent investigations into reports of violence against indigenous and minority communities, and ensure that perpetrators of such violence are brought to justice.121 78. Joint Submission 7 (JS7) noted that <b>lack of secure land tenure as well as unlawful appropriation of land by government officials and their associates had led to loss of farm land and increased poverty among the Hmong in their traditional home provinces in the Northern Highlands</b>.122 JS7 recommended that Viet Nam create a process and mechanism to return the ancestral lands of the Hmong that have been confiscated against their will and without fair compensations.123” (p. 10-11)</p>	<p>Montagnards people in country</p> <p>Hmong in provinces in the Northern Highlands</p>	<p>Specified risk for land and religious rights</p> <p>Specified risk for land rights</p>
<p>UN Human Rights Committee  <a href="http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx">http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx</a>  search for country  Also check: UN Committee on the Elimination of All Forms of Racial Discrimination  <a href="http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx">http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx</a></p>	<p><a href="http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=VNM&amp;Lang=EN">http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=VNM&amp;Lang=EN</a>  Latest available Concluding Observations of the UN Human Rights Committee on Vietnam is from 2002, which is outdated. <b>Vietnam’s report was due in 2004, but no report has been submitted at date of checking (6 January 2016)</b>.  <a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fVNM%2fCO%2f10-14&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fVNM%2fCO%2f10-14&amp;Lang=en</a>  <i>Concluding observations of the Committee on the Elimination of Racial Discrimination - Viet Nam - 16 April 2012</i>  “12. While the State party supported the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, <b>the Committee notes the State party’s reluctance to engage in open and inclusive discussions on the recognition of indigenous peoples</b>. The Committee welcomes the commitment made by the delegation that the State party would consider comments by its</p>	<p>Country</p> <p>Country</p>	<p>-</p> <p>Specified risk on rights of IPs</p>

	<p>members on the need to promote the right to self-identification of such peoples in accordance with international standards (arts. 2 and 5).</p> <p><b>The Committee recommends that the State party respect and protect the existence and cultural identity of all ethnic groups within its territory. In particular, recalling its general recommendations No. 21 (1990) on the right to self-determination and No. 23 (1997) on indigenous peoples, the Committee invites the State party to pay greater attention to the principle of self-identification by individuals concerned, including Khmer Krom and Degar (Montagnard), and to consider ratifying International Labour Organization Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries.</b></p> <p>[...]15. The Committee notes with concern the displacement of minorities and the confiscation of ancestral lands without prior consent and appropriate compensation for confiscated lands (art. 5).</p> <p><b>The Committee calls on the State party to adopt measures to safeguard indigenous rights over ancestral lands and pursue efforts, together with communities affected, towards adequate resolution of land disputes, including the provision of appropriate compensation, giving due consideration in this respect to general recommendation No. 23.” (p. 3-4)</b></p> <p>“16. The Committee takes note of the State party’s assurance that the right to freedom of belief and religion of ethnic minorities is well protected under article 70 of the Constitution and other relevant laws and policies (arts. 2, 4 and 5 (a), (b) and (d)). The Committee is nevertheless concerned at:</p> <p>(a) Numerous and consistent reports of discrimination and restriction on religious practices faced by some Christian and Buddhist denominations among Khmer Krom, Degar (Montagnard) and Hmong, through legislation, registration requirements, surveillance and imprisonment;</p> <p>(b) Provisions that appear to be discriminatory on both ethnic and religious grounds, including articles 8 and 15 of the Ordinance on belief and religion (2004), which forbid religious activities deemed to “violate national security” and “negatively affect the unity of the people or the nation’s fine cultural traditions”;</p> <p>(c) The household registration system (hộ khẩu), which results in discrimination against ethnic minorities belonging to “unrecognized” religious groups in the fields of employment, social security, health services, education and the right to freedom of movement;” (p. 4-5).</p> <p><a href="http://www2.ohchr.org/english/bodies/cerd/docs/ngos/VCHR_VietNam_CERD80.pdf">http://www2.ohchr.org/english/bodies/cerd/docs/ngos/VCHR_VietNam_CERD80.pdf</a></p>	Country	Specified risk on land rights of IPs
	<p>“16. The Committee takes note of the State party’s assurance that the right to freedom of belief and religion of ethnic minorities is well protected under article 70 of the Constitution and other relevant laws and policies (arts. 2, 4 and 5 (a), (b) and (d)). The Committee is nevertheless concerned at:</p> <p>(a) Numerous and consistent reports of discrimination and restriction on religious practices faced by some Christian and Buddhist denominations among Khmer Krom, Degar (Montagnard) and Hmong, through legislation, registration requirements, surveillance and imprisonment;</p> <p>(b) Provisions that appear to be discriminatory on both ethnic and religious grounds, including articles 8 and 15 of the Ordinance on belief and religion (2004), which forbid religious activities deemed to “violate national security” and “negatively affect the unity of the people or the nation’s fine cultural traditions”;</p> <p>(c) The household registration system (hộ khẩu), which results in discrimination against ethnic minorities belonging to “unrecognized” religious groups in the fields of employment, social security, health services, education and the right to freedom of movement;” (p. 4-5).</p>	Country	Specified risk of discrimination against IPs







	<p>lands. During their absence, their lands were occupied by ethnic Kinh, and they returned home to find themselves landless. A study by the Institute of Ethnic Minorities describes the landlessness and seasonal migration of this Khmer Krom population in the Mekong Delta.<sup>52</sup></p> <p>Vietnam's Hunger Eradication and Poverty Reduction Programme (HEPR) has not targeted this group for assistance, and many Khmer households live in poverty (Ravillon and van Walle, 2006). Overall, the government's policies of forced resettlement, State-appropriation of land, expropriation and population displacement have effectively deprived the ethnic minorities of the right to own and inherit ancestral homelands. This widespread policy, coupled with the spontaneous and State-sponsored migration of ethnic Vietnamese into highland areas, is undermining the traditional culture and social organization of ethnic minorities. The State confiscation of ancestral Montagnard lands to plant cash crops such as coffee is also a discriminative policy, since the profits from these crops enrich ethnic Kinh rather than the Montagnards." (p. 21-22)</p> <p><a href="http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/VNM/INT_CERD_NGO_VNM_80_10317_E.pdf">http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/VNM/INT_CERD_NGO_VNM_80_10317_E.pdf</a></p> <p><i>Alternative Report submitted to the UN Committee on the Elimination of Racial Discrimination at the 80th Session during the consideration of the 10th to 14th Periodic Reports of the Socialist Republic of Viet Nam – UNPO – January 2012</i></p> <p>"This alternative report will focus on the situation of indigenous and ethnic minority peoples in Viet Nam, looking specifically at the experiences of the Khmer Krom, the Degar Montagnards, and the Hmong, [...] The Khmer Krom and Degar Montagnards as indigenous ethnicities of Viet Nam with specific rights will be referred as such in this report. The Hmong, who are considered a distinct indigenous ethnicity from Laos, constitute a sizable minority population within Viet Nam and face challenges similar to the Khmer Krom and the Degar Montagnards. All three groups are disenfranchised within Viet Nam, where they experience systematic discrimination at political, social and economic levels." (p. 3)</p> <p>"However, Viet Nam does not have a separate law on discrimination and does not specify what constitutes discrimination under the law.<sup>2</sup> The lack of a clear definition, as noted by the Committee, demonstrates that Viet Nam is not</p>		
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	<p>appropriately considering the situation of racial discrimination in its country.” (p. 5)</p> <p>“Viet Nam does not recognize the indigenous nature of the Khmer Krom and the Degar Montagnard peoples, despite having endorsed and ratified the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). In 2010, a representative from the Vietnamese Mission to the United Nations attempted to block the participation of an NGO representing the indigenous Montagnard people in Viet Nam at the UN Conference on the Expert Mechanism on the Rights of Indigenous Peoples. The representative was cited as saying that because there were no indigenous peoples in Viet Nam, the NGO in question had no right to attend. [...]The state’s refusal to recognize the indigeneity of certain groups means these indigenous groups are not offered special protection in Vietnamese law, despite their historic status and contemporary marginalization. Vietnamese law makes no provisions for the recognition of indigenous peoples, nor does it provide for the recognition of any specific rights for ethnic minorities regarding land, cultural protection and free socio-economic development ” (p. 6)</p> <p>“Under the guise of vaguely-defined national security charges, Khmer Krom, Degar Montagnard and Hmong individuals and activists have been sentenced long prison terms after trials often distorted by political influence, endemic corruption and inefficiency.<sup>9</sup> Additionally, credible reports have surfaced that Vietnamese officials pressured defense lawyers not to take as clients any religious or democracy activists facing trial. Several lawyers who took such cases experienced harassment, arrest, conviction, and even disbarment.” (p. 7)</p> <p>“There have been numerous reports of extreme police force used against indigenous peoples practicing their rights and engaging in peaceful protests. In spite of the national prohibition on the unlawful use of force by law enforcement agencies against citizens, clear violations of fundamental rights, including arbitrary arrest, imprisonment, and torture are common during government-coordinated crackdowns on unauthorized political and religious activity.” (p. 8)</p> <p>“Intrinsically linked to high unemployment and poverty rates is lack of access to fertile cultivation soils. Landlessness has increased among ethnic minorities.<sup>23</sup> This is further complicated by Vietnamese land reforms in 1975 which placed ownership of land with the State, which in turn assigns usage rights to</p>		
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	<p>individuals. Natural resources which are abundant in ancestral domains are therefore no longer available for indigenous communities' use because they are subject to government allocation.<sup>24</sup> Despite Viet Nam's requirement to adhere to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)<sup>25</sup>, indigenous groups such as the Khmer Krom and the Degar Montagnards report that large tracts of fertile farms and valuable forest lands have been confiscated and reallocated to ethnic Kinh without fair compensation. In many instances, the indigenous families are relocated to areas that lack access to basic infrastructure and services, including schools and healthcare facilities. This in turn leads to further marginalization of indigenous communities." (p. 10)</p>		
Intercontinental Cry <a href="http://intercontinentalcry.org/">http://intercontinentalcry.org/</a>	<p><a href="http://www.scribd.com/doc/216154458/Indigenous-Struggles-2013">http://www.scribd.com/doc/216154458/Indigenous-Struggles-2013</a>  <u>No information found on Vietnam</u></p> <p><a href="http://intercontinentalcry.org/wp-content/uploads/2013/01/Indigenous-Struggles-2012.pdf">http://intercontinentalcry.org/wp-content/uploads/2013/01/Indigenous-Struggles-2012.pdf</a>  <u>No information found on Vietnam</u></p>	Country	Low risk
Forest Peoples Programme: <a href="http://www.forestpeoples.org">www.forestpeoples.org</a> FPP's focus is on Africa, Asia/Pacific and South and Central America.	<p><a href="http://www.forestpeoples.org/sites/fpp/files/publication/2011/11/chapter-3-oil-palm-development-vietnam.pdf">http://www.forestpeoples.org/sites/fpp/files/publication/2011/11/chapter-3-oil-palm-development-vietnam.pdf</a>  <i>Oil Palm Expansion in South East Asia: Trends and implications for local communities and indigenous peoples – November 2011</i>  <u>"Ethnic minorities in Vietnam</u></p> <p>It is widely reported that ethnic minorities in Vietnam have gained less security in land and forests than the national majority (Kinh). Officials too admit a growing wealth disparity between Kinh and ethnic minorities.<sup>13</sup> State policies are still aimed at putting an end to swidden farming and bringing these ethnic minorities out of their „backward“ state. Traditional forest-related knowledge and customary systems of land use are not promoted. Although rights recognition in forests and land allocations have been to individuals, ethnic minorities have tended to be excluded from their share of entitlements, in particular, ethnic minority women, some of whom have reported feeling disenfranchised by the land allocation process.</p> <p>The individualization of land tenure in the agrarian reforms has caused ethnic minorities to lose access to land in the land markets that ensued, as has been reported among the Hmong, Vietnam's largest ethnic minority. This is both because poor people have sold land to get out of short-term financial difficulties and because the new system requires that the individual farmer or property-owner has a sound knowledge of management and, preferably,</p>	Country	Specific risk for land rights of IPs

	<p>good „connections“. Inevitably, many ethnic minority people are destined to lose out in this competition over scarce resources.<sup>14</sup> Policies encouraging capital investment and allowing joint ventures and corporations to control lands and forests, and engage in commercial plantations in areas inhabited by ethnic minorities for generations, are now expanding.” (p. 105)</p> <p><u>“Community use rights</u> Vietnam’s Constitution mandates that land belongs to all the people with the state acting as their representative. However, the following legal issues related to community use rights must be noted: The Civil Code 2005 does not recognise the community as subject of a civil legal relationship although legislation provides for common ownership by the community. This is particularly problematic in the light of customary notions of land as collectively owned and managed, as described above. The Land Law and the Forest Protection and Development Law give the community the same rights and responsibilities as other land users (i.e. it can exploit and enjoy of the benefits of the resource in question), but it cannot exchange, transfer, lease or donate its land use rights. In addition, it cannot mortgage, provide guarantees or use the land under its management as a contribution to joint investment. Nor can the community divide its forests among its members.” (p. 107)</p> <p><u>“Problems with land tenure and security</u> One of the difficulties with the existing land tenure system is that despite constitutional and legal authority to transfer land use rights, vague administrative procedures coupled with the doctrine of “state land management” impose an “administrative consent on transfer”.<sup>17</sup> Previous land reform projects have concluded that unless the concessionary approach to land management changes, bureaucrats would continue to violate or neglect statutory rights to land. Overall, land rights in practice remain insecure as local authorities have retained control over land through their control of titling, land use restrictions and land appropriation for infrastructure projects. Moreover, little is known about the extent to which such tenure reform has worked in practice and how it has affected local people’s livelihoods and wellbeing.<sup>18</sup> The Land Law of 1993 has not been evenly implemented and varies largely across regions. Problems in the implementation of the Land Law include ambiguous and inconsistent land legislation, inconsistent</p>	Country	Specific risk for land rights of IPs
		Country	Specific risk for land rights of IPs

	<p>local decisions and guidelines, complicated implementation procedures, a top-down approach, and shortcomings in governance.<sup>19</sup> One consequence of this has been that local people appear to have a very limited understanding and awareness of their land and resource rights. Compounded to this is the serious lack of information available related to conflict or dispute resolution and mechanisms of redress for local people whose rights to land and resources may be violated.” (p. 108)</p> <p><u>“Forestry-related problems</u> Despite a relative devolution of forest management to local people and the integration of poverty alleviation measures into forestry activities, a number of local communities still face obstacles in terms of their understanding of and ability to implement their rights to land and resources. Areas of concern include: Inconsistencies between different legal documents: Some provisions in different legal documents are contradictory. For example, local communities are legally recognized as owners of forest under the Forest Protection and Development Law but not under the 2005 Civil Code. Ambiguity and changes in state forestry legislation: The system of normative legal documents for forest management is complex and subject to frequent changes. Some provisions are still general and lack implementing guidelines. Others, including those on forest valuation, the value of forest use rights, and the value of planted production forests, are too complex to allow widespread understanding and compliance.<sup>21</sup> Confusion means that local authorities are unable to implement some state policies, particularly policies regarding changing forest uses, benefit-sharing with households and individuals, and regeneration and forest planting. An unclear legal framework: Many legal documents are subject to varying interpretations, largely because of their complicated language. Decision 178/2001/QD-TT, for example, is meant to regulate the entitlements and obligations of forest owners, but many people report finding the formula for calculating benefits for specific owners too complicated to understand.<sup>2</sup>” (p. 109)</p> <p><u>“The Five Million Hectare Reforestation Programme (5MHRP)</u> Aims: -Efficiently protect the existing 9.3 million ha of forest;</p>	Country	Specified risk for awareness of rights
		Country	Specified risk for rights of IPs
		Country	Specified risk for awareness of rights

	<p>-Create two million hectares of special use and protection forests, as watershed protection and to protect against wind, sand and waves. One million hectares of the total area is to be established through natural regeneration and one million through plantations;</p> <p>-Create three million hectares of production forest, of which two million hectares is to be plantations to provide raw material for paper, pit-props for mines, timber, and one million hectares of long-term industrial crops and fruit trees;</p> <p>- 50 million trees per year to be planted around houses, offices, schools and along roads and dykes to provide fuel wood and material for domestic furniture;</p> <p>-Speed up forest plantation, re-green bare land, protect existing forests as well as new forests, and increase the forest cover to more than 40% of the country;</p> <p>-Create employment, increase rural incomes, develop production and ensure national defence and security;</p> <p>-Create raw material areas and develop industries to process forest products and;</p> <p>-Create new forests through a number of local projects designed in close cooperation with the local people since people are the driving force for the establishment, protection, and regeneration of forests and are entitled to enjoy benefits from forest-related activities.</p> <p><u>Problems with the 5MHRP</u></p> <p>The 5MHRP includes highly ambitious proposals for increasing the area of commercial plantations. Yet, more than two years into the programme, there has been apparently no study of what these plantations are for. An additional cause of concern is that Vietnam's policy makers, and their international advisors and funders, appear to show little interest in studying the impacts of commercial plantations on local people, their livelihoods and their environment.<sup>24</sup></p> <p>The 5MHRP is not only aimed at increasing the area of industrial tree plantations. It also states that "land allocation must be conducted openly and democratically".<sup>25</sup> However, the projects under the programme must ultimately be approved by the Ministry of Agriculture and Rural Development (MARD). This means that the projects must fit in with the bureaucratic requirements of Hanoi-based officials. There is thus a danger that local people's knowledge and skills will be excluded from the design of such projects. In particular, when government officials carry out land allocation and land use planning in indigenous peoples' areas, the assumption that ethnic minority groups practicing "slash and burn" agriculture</p>	Country	Specified risk for land rights of IPs
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	<p>destroy forested areas tend to predominate.<sup>26</sup> To many government officials, fallows are simply "unused lands". Local people thus lose part of their farmland when it is targeted for reforestation. If fallow areas are planted with trees, farmers have no choice when the time comes to re-use the land other than to clear another area for their crops or to cut down the planted trees. Furthermore, current tenure regulations do not permit joint ownership by communities. Common land is therefore at risk of being privatised through the land allocation programme.<sup>27</sup> (p. 110-111)</p> <p><u>“Customary land use</u> Local authorities in Vietnam regularly find themselves grappling with the complex issues involved in reconciling the 1993 Land Law with customary land-use patterns and rights. The scope for disputes is large since customary owners may vigorously contest the allocation of individual rights due to its divergence from customary common land use and ownership. In areas populated by ethnic minorities, the trend has been one of increased control by the State over land through administrative controls. As a result, the role of community management has been seriously undermined. While this trend may enhance the role of the State, contributing to the society order and security, it may also create new loopholes, posing a threat as a new source of inequity, particularly for rural ethnic minorities. Since statutory law does not recognise traditional rules, local people who follow customary law are in fact violating the law and this practice is considered illegal.</p> <p>Among such groups, public ownership is the most frequent customary approach to land and resources. Public land is understood as the common land of a village, or of some villages, or land of a certain family. In customary public land ownership, the community has total rights to land management such as determining dwelling areas, cultivation areas, areas for cemeteries, etc. and is entitled to punish violators of the above regulations. Individuals have the rights to use the land only, the rights to inheritance, to exploitation of natural products but have no rights to transfer or sell the land to people outside the community.</p> <p>Conflict between current government policies and traditional conceptions of land tenure and use rights is considered to be one of the major causes of disputes in Vietnam’s upland regions over the past decade.<sup>29</sup></p>	Country	Specified risk for land rights of IPs
		Country	specified risk for land rights of IPs
			specified

	<p>Conflict usually occurs where traditional forest land is allocated under statutory laws to outsiders or even to community households. The new formal land tenure regime of the State, known as “public ownership of land”, has led to traditional community land ownership and use rights being transferred to households and economic organizations. Customary land use rights have been restricted. Moreover, customary benefit-sharing arrangements are not formally recognised under statutory law. Customary laws control benefit-sharing within the community, whereas statutory law prescribes benefit-sharing methods which are complex and left largely unexplained to local inhabitants. Moreover, land and forest administrators at different levels are sometimes unaware of the role and significance of customary systems for controlling land and resources, and their lack of knowledge limits the extent to which the positive features of customary norms and rules can be incorporated into formal land management practices. Although some forest policy makers and administrators do recognize the existence of customary law, many view it as an obstacle rather than an aid to implementing statutory law on forest management and development.</p> <p>In addition, although village forest protection regulations tend to be developed in consultation with villages, villagers often regard them as another form of externally imposed statutory law, possibly inconsistent with customary rules. Most village communities have not received legal recognition of their customary forest land rights, and often see forest protection under village regulations as a means for “others” to gain financial benefit.<sup>30</sup> In addition, village regulations are decided by a state-nominated village head rather than customary village leaders, causing frictions in terms of who gives consent, on whose behalf, and in whose interests ” (p. 112-113)</p>	Country	risk for land rights of IPs
<p>Society for Threatened Peoples:  <a href="http://www.gfbv.de/index.php?change_lang=english">http://www.gfbv.de/index.php?change_lang=english</a></p>	<p><a href="https://www.gfbv.de/fileadmin/redaktion/UN-statements/2012/Vietnam_Khmer_Krom_und_Hmong_in_Vietnam.pdf">https://www.gfbv.de/fileadmin/redaktion/UN-statements/2012/Vietnam_Khmer_Krom_und_Hmong_in_Vietnam.pdf</a></p> <p><i>NGO written statement to the UN Human Rights Council by Society for Threatened Peoples on Religious Persecution of the Indigenous groups in the Socialist Republic of Vietnam: Hmong and Khmer Krom 05-03-2015</i></p> <p>“The Socialist Republic of Vietnam is a multi-ethnic country with 54 recognized ethnic groups. However, these ethnic groups are basically the indigenous groups which the Vietnamese government has officially classified as ‘ethnic groups’. The Kihn (Viet) constitutes as the largest group (86%) while the remaining 14% of the population is made up of ethnic minorities, among them are the Khmer Krom (1.4%) and the Hmong (1%). Over the years, the ethnic minorities of Vietnam have braced widespread</p>		



	<p>human rights violations at the hands of the socialist regime. They are often subjected to restriction on freedom of speech, religion and movement. The government of Vietnam has also systematically initiated different assimilation programmes that are leading to a slow destruction of their culture. <b>Moreover, by classifying these indigenous minorities as 'ethnic minorities', the government has been depriving these indigenous groups their right to self-determination.</b></p> <p>For the 21st session of the UNHRC, the Society for Threatened Peoples would particularly like to highlight the current and <b>grim situation of the indigenous groups Khmer Krom and the Hmong, who among other minority groups face blatant discrimination and recurrent persecution.</b>"</p> <p><a href="https://www.gfbv.de/fileadmin/redaktion/UN-statements/2014/Vietnam_STP_26th_HRC_Written_Statement_Viet_Nam.pdf">https://www.gfbv.de/fileadmin/redaktion/UN-statements/2014/Vietnam_STP_26th_HRC_Written_Statement_Viet_Nam.pdf</a>  <i>Human Rights Situation in Viet Nam - Written statement* submitted by Society for Threatened Peoples to the UN Human Rights Council - 26 May 2014</i></p> <p><b>"Many of the 53 ethnic minorities living in Vietnam (approximately 12 million people) must fear persecution due to ethnicity and religious belief.</b> They are often followers of prohibited Christian or other churches. Additionally, following the coffee boom beginning in 1996, more than 400,000 members of the majority Kinh population have been settling in the Dak Lak province in the Central Highlands. There, the number of the minorities living here has been steadily reduced, from originally 99 percent to barely 30 percent of the total population. Over the past years, there have been countless repossessions of farm land due to coffee cultivation. The farmers who traditionally lived from the subsistence economy are steadily driven out by the new settlers from the plains, who take over the most fertile tracts."</p>	Country	Specified risk for rights of IPs
	<p><b>These courts have no jurisdiction in Vietnam.</b></p>	Country	Specified risks for rights of IPs
<p>Regional human rights courts and commissions:</p> <ul style="list-style-type: none"> <li>- Inter-American Court of Human Rights <a href="http://www.corteidh.or.cr/index.php/en">http://www.corteidh.or.cr/index.php/en</a></li> <li>- Inter-American Commission on Human Rights <a href="http://www.oas.org/en/iachr/">http://www.oas.org/en/iachr/</a> <a href="http://www.oas.org/en/iachr/indigenous/">http://www.oas.org/en/iachr/indigenous/</a></li> <li>- <a href="#">African Commission on Human and Peoples' Rights</a></li> <li>- <a href="#">African Court on Human and Peoples' Rights</a></li> <li>- <a href="#">European Court of Human Rights</a></li> </ul>		Country	-
Data provided by National Indigenous Peoples', Traditional Peoples organizations;	<b>Montagnard Foundation Inc.</b>		

	<p>(montagnard-foundation.org expired on 02 January 2016 and is pending renewal or deletion.)</p> <p><a href="http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/VNM/INT_CERD_NGO_VNM_80_10316_E.pdf">http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/VNM/INT_CERD_NGO_VNM_80_10316_E.pdf</a></p> <p><i>Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) for its 80th Session Review of Viet Nam. Montagnard Foundation Inc. Dedicated to the preservation of the Indigenous People of Vietnam's Central Highlands <a href="http://www.montagnard-foundation.org">www.montagnard-foundation.org</a> – February 2012</i></p> <p>“The Degar Montagnards are the indigenous peoples of South-East Asia who for over 1000 years inhabited the “Central Highlands” a region geographically located in the western mountains (bordering Cambodia and Laos) of the Socialist Republic of Vietnam. Estimates indicate the Degar Montagnard population is over one million persons (UNDP figures). Often called „Hill Tribes” the Degar Montagnard people include over two dozen ethnic groups and sub groups that are distinct from the lowland Vietnamese and recognized as indigenous peoples by the United Nations Working Group on Indigenous Populations. Historically the Degar Montagnard world revolved around remote village communities where they practiced traditional agriculture, hunting and gathering.</p> <p>[...] Today in 2012 the communist authoritarian regime perpetuates severe economic exploitation of the Degar Montagnard”s homelands resulting in increasing ethnic Vietnamese immigration and economic expansion that marginalizes the indigenous Degar Montagnard population. The Vietnamese government also continues with religious persecution that involves severe human rights abuses including killings, torture and imprisonment. These systematic human rights violations namely ongoing political and religious repression (arrests, torture, killings and imprisonment) has resulted in severe violations of racial/ethnic discrimination and persecution against the Degar Montagnards. In fact the decades of persecution is nothing short of a blueprint for ethnic cleansing of one of Asia”s oldest indigenous races of people.” (p. 3)</p> <p>“The Vietnamese government has long discriminated against Degar Montagnard people and implemented arrests and imprisonment upon our people for non-violent offences. Vietnam has conducted most of the sentencing of Degar Montagnards in closed secret one day trials. The quote below from the US State Department sums up this lack of justice and equality inherent in the Vietnamese court system.</p>	<p>Montagnard’ s homelands in the “Central Highlands” a region geographically located in the western mountains (bordering Cambodia and Laos)</p> <p>Montagnard’ s homelands</p>	<p>Specified risk for rights of IPs</p> <p>Specified risk for dispute resolution</p>
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	<p>Indigenous Peoples of Kampuchea-Krom are the Khmer-Krom, the ancient descendents of the people of Nokor Phnom (or Funan in the Chinese translation) empire. Throughout history, the identity and name of the Khmer-Krom people and their ancestral lands have been changed and/or referred to differently by various colonizing forces. Under the colonization of France, Kampuchea-Krom was called Cochin China. The terms Khmer, Khmer-Krom and Vietnamese of Khmer origin are used interchangeably when referring to the people of Funan.</p> <p>On the June 4, 1949, Kampuchea-Krom was transferred to Vietnam by the French colonial government without the consent of the Indigenous Khmer-Krom Peoples. The land is still inhabited by approximately 7 million Khmer-Krom people who remain deeply attached to their culture, religion, customs, traditions, and ancestral lands even as they have been facing severe policies of assimilation and elimination from their ancestral land.</p> <p>“Paragraph 37 of CERD/C/VNM/10-14 mentions having an agency to ensure that “the rights and interests of ethnic minorities as is guaranteed by the law.” In reality, Vietnam uses the so called “ethnic minority agency” (Ban Dân Tộc) to propagate the state’s policies and uses the indigenous peoples who work for that agency to oppress its own people if their people stood up for their rights: Mr. Huynh Ba, a Khmer-Krom land rights activist, led the Khmer-Krom farmers from Soc Trang province to demand returning their confiscated farmlands many time at the ethnic minority agency in Can Tho province. The ethnic minority agency has no power to resolve any issue and threatens the Khmer-Krom farmers to go back to their village or face arrest. Because Mr. Huynh Ba was the leader, he was arrested on May 30, 2009 and released on February 2011 without a free and fair trial. As of today, the confiscated farmlands of the Khmer-Krom farmers have not yet been returned. The Khmer-Krom farmers have nowhere to turn to for justice. (p. 2)</p> <p>“Vietnamese government continues to erase the identity of Khmer-Krom people as Indigenous Peoples. Vietnam forbids the Indigenous Khmer-Krom Peoples to be referred to as “Khmer-Krom” and label them as “Dân Tộc Thiểu Số Khmer” (ethnic minority Khmer). Vietnam teaches false history of the Khmer-Krom in public school. Vietnam does not allow Khmer-Krom to call their village, districts, and provinces in their Khmer language.” (p. 4)</p> <p>“Paragraph 113 states that “Ethnic minorities have the right to ownership of lawful incomes, savings, housing, personal belonging”. In reality, when the</p>	<p>traditional homeland of Khmer-Krom</p> <p>traditional homeland of Khmer-Krom</p> <p>traditional homeland of Khmer-Krom</p>	<p>Specified risk on rights of IPs</p> <p>Specified risk on rights of Ips</p> <p>Specified risk for access to justice</p>
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	<p>Khmer-Krom have a dispute with Vietnamese citizens or the Vietnamese government, the Khmer-Krom victims have no right to file complaints to seek justice. When they stand up for their rights, they face imprisonment” (p. 6)</p> <p><b>SUPREME NATIONAL COUNCIL OF KAMPUCHEA-KROM</b>  <a href="http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/VNM/INT_CERD_NGO_VNM_80_10314_E.pdf">http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/VNM/INT_CERD_NGO_VNM_80_10314_E.pdf</a>  <i>Letter to the President, Committee on the Elimination of Racial Discrimination from SUPREME NATIONAL COUNCIL OF KAMPUCHEA-KROM – February 2, 2012</i></p> <p>“The SNC-KK was founded in August 2005 in order to find a legal and effective way to save our race from the continuous racial "purging", systematically being carried out by all levels of Vietnamese authorities, aimed at our innocent people. The SNC-KK has been registered with the UN Department of Economic and Social Affairs since 2009, and has since attended the Permanent Forum on Indigenous Issues (PFII) and the UN Experts Mechanism on the Rights of Indigenous Peoples (EMRIP).</p> <p>[...] 2. No Khmers-Krom may hold any important position in the central and provincial government.</p> <p>[...] Up until now, the Vietnamese government has created no official translation of the UN Declaration on the Rights of Indigenous Peoples into Vietnamese or any other ethnic languages. Therefore, only very few Khmer-Krom individuals are even aware of the Declaration. Another 53 races, including the Vietnamese themselves, are also poorly informed and unaware of the Declaration as well.</p> <p>[..] 12. In Geneva on July 15, 2010, in a speech in front of the 3rd Session of the Experts Mechanism on the Rights of Indigenous Peoples, a Vietnamese government representative declared that there were no indigenous peoples in Vietnam. This clearly shows Vietnam evading responsibility after having endorsed the Declaration on September 13, 2007.”</p> <p><b>The Montagnard Human Rights Organization (MHRO)</b>  <a href="http://www.mhro.org">http://www.mhro.org</a>  “The MHRO vision is: Peace and freedom for the Montagnards, the “Anak Cu Chiang” indigenous peoples of the Central Highlands, to live in their ancestral homeland, self-governed as an independent, sovereign nation, living in a</p>	<p>Country</p> <p>Country</p> <p>Country</p>	<p>Specified risk for participation in decision making</p> <p>Specified risk for awareness of rights</p> <p>Specified risk for rights of Ips</p>
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	<p>peaceful, cooperative relationship with Vietnam and other countries of SE Asia and the world, according to the principles outlined in the UN Declaration on the Rights of Indigenous Peoples and the UN Charter.”</p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fNGO%2fVNM%2f80%2f10312&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fNGO%2fVNM%2f80%2f10312&amp;Lang=en</a>  <i>Letter to the President of the Committee on the Elimination of Racial Discrimination and Committee Members from The Montagnard Human Rights Organization (MHRO) – February 2, 2012</i></p> <p>“c) Ethnic Cleansing- Vietnam has intentionally created systematic socio-economic policies that have intensified poverty among the indigenous peoples, promoted government land seizure of Montagnard ancestral lands and private farms, blocked education, obstructed development assistance for the Montagnards and encouraged State sponsored migration of Vietnamese into Montagnard ancestral lands resulting in further marginalization and assimilation of the tribes peoples.” (p. 2)</p> <p>Causes of their struggles  The highlands of Central Vietnam, an area of 54,639 km2, include five provinces including Dac Lac, Gia Lai, Kon Tum, Dac Nong and Lam Dong with a population of about 5.2 million inhabitants. This population indicates a huge surge from 1,225 million in 1976 (consisting of various indigenous total of 853,820, or 69.7%) and 4,668 million in 2004 (consisting of indigenous total of 1,181,337, or 23.3%), as a result of aggressive mass migration since then. Consequently, the indigenous ethnics became minorities who suffer strict control by the new authorities, especially in regard to their land, natural resources, affected culture, faith, and religion.” (p. 4)</p> <p>“The indigenous Montagnards do not share a cultural bond with the lowlander Vietnamese or Kinh peoples and the history between the two races has been filled with mistrust and profound discrimination targeting the highlanders for over a century. The original tribal inhabitants of the Central Highlands, often called “Montagnards” or sometimes referred to as Dega People or the “Anak Cu Chiang,” (which means “Sons and Daughters of the Highlands/Mountains”) have an ancient Malayo-Polynesian and Mon Khmer background, unlike the Vietnamese or Kinh peoples whose ancient ancestry is tied to China.” (p. 7)</p> <p>“LAND AND AGRICULTURAL POLICY</p>	<p>Montagnard ancestral lands</p> <p>Montagnard ancestral lands</p> <p>Montagnard ancestral lands</p> <p>Montagnard ancestral lands</p>	<p>Specified risk for IP rights</p> <p>Specified risk for IP rights</p> <p>Presence of IPs confirmed</p> <p>Specified risk for land rights of IPs</p>
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	<p>The government's policies of forced resettlement, State-appropriation of land and population displacement have taken away the Montagnards right to own and inherit their ancestral homelands. These policies constitute "ethnic cleansing" as the tribal peoples experience their entire way of life, their cultural "soul" being eradicated by the government and its policies to confiscate ancestral Montagnard lands. Such policies by the government have deepened the level of poverty experienced by the Montagnards in the Central Highlands and have impacted all aspects of the quality of life and health of the highlander peoples. This is evidence of a dramatic and systematic Hanoi government policy since 1975 intended to de-stabilize, damage, and quietly destroy the indigenous populations.</p> <p>Today the Montagnard indigenous peoples are desperate to have land to farm, to hold on to their family farm or to buy a small piece of land from the government or from a North Vietnamese who has resettled in the Central Highlands. The government has seized so much land from the indigenous peoples. For these reasons, the Montagnards are often beaten or killed as a consequence of land rights disputes with Vietnamese police or settlers who now reside in the Central Highlands on Montagnard ancestral land. The government of Vietnam ignores the pleas for justice and land rights and they retaliate by arrests and imprisonment of hundreds who simply want the right to farm and to survive.</p> <p>This practice of ethnic cleansing includes the government making subtle, but very intentional changes to official maps of Vietnam in the last decade. Former Montagnard names of rivers, forests, provinces, towns, and hamlets are now being "Vietnamized" into names that have transformed. It is a very apparent assimilation technique which corrupts the tribal language into a name that is not quite tribal, yet has Vietnamese language characteristics. This report urges the UN Committee to be aware that an entire culture and race of people is being destroyed through policies of ethnic cleansing. [...]The local governments and "Peoples committees" almost always support the new Vietnamese settlers in land conflicts or political issues. Meanwhile, the government clears and demolishes all the forests and jungles which have a devastating impact on the tribal peoples, in emotional, cultural and socio-economic ways." (p. 7-8)</p> <p>"CULTURAL ASSIMILATION POLICY/ ENVIRONMENTAL IMPACT</p>	<p>Country</p> <p>Montagnard ancestral lands</p> <p>Montagnard ancestral lands</p> <p>Montagnard ancestral lands</p>	<p>Specified risk for access to justice</p> <p>Specified risk for IP rights</p> <p>Specified risk for IP rights</p> <p>Specified risk for cultural rights of IPs</p>
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	<p>-The Montagnard Indigenous Peoples traditions and customs were systematically abolished because the government says they were different and “uncivilized customs”. It was at this time that the Montagnard traditional clothing was replaced.</p> <p>-The sacred burial plots of the Central Highlands Indigenous Peoples known as ‘msat’ have often been violated by the Government of Vietnam and local provincial cadre or Vietnamese settlers who are guilty of stealing precious cultural artifacts or destroying burial land for private development. There is further exploitation by the government which uses the Montagnard sacred burials and ancient wooden sculptures (that sometimes border the graves in more remotes areas) as a showcase of “ethnic minority culture.</p> <p>-Villages in the Central Highlands that once used elephants in the traditional way of farming, logging and transportation, are now used by State-sponsored tourist groups that promote “elephant rides” and “authentic” ethnic minority culture. The indigenous peoples often do not benefit from the profits of such tourist initiatives. Elephants, which were once an integral part of Montagnard village life, spirituality and culture in certain areas, have now almost disappeared due to killing for their tusks or the loss of habitat. This is particularly true in the Ban Don area.</p> <p>-International environmental groups and other organizations have noted that the extreme logging of hardwood forests in the Central Highlands and the intensified development and extensive mining operations (current and future) will have a long-term, devastating environmental and socio-economic impact on those remaining indigenous populations struggling to survive in the Central Highlands. Such mining will adversely affect the water quality of aquifers, rivers, soils, and ecosystem. Precious species of animals and plants have already been lost or are endangered in the Central Highlands. Vietnam’s policies of ethnic violations include the environmental violations that impact the indigenous populations of the Central Highlands.” (p. 10)</p> <p><b>Council of Indigenous Peoples in Today’s Vietnam</b>  <a href="http://www.cip-tvn.org/">http://www.cip-tvn.org/</a>      “We, Khmers-Krom, represented by the Supreme National Council of Kampuchea-Krom (SNC-KK); Chams, by the Council for Social and Cultural Development of Champa (CSCD-Champa); and the Montagnards*, by the People’s Congress of “Pays Montagnards du Sud” (PMS)** met and</p>	<p>Montagnard ancestral lands</p> <p>Traditional territories of Khmers-Krom,</p>	<p>Specified risk for rights of IPs</p> <p>Specified risk for rights of IPs</p>
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	<p>unanimously adopted a political measure based on the UN Declaration on the Rights of Indigenous Peoples. This measure is intended to urgently find solutions to save our nations from the danger of total assimilation of our races which is being carried out by the present Vietnamese government.</p> <p>As a result, a multiracial leadership organization was founded and named the “Council of Indigenous Peoples in Today’s Vietnam” (CIP-TVN) with the specific mission, but not limited to, as follows:</p> <p>“The Council endorses and advocates for helping implement the UN Declaration on the Rights of Indigenous Peoples, as mandated, in the colonized homelands of the Council’s members. The Council not only recognizes and supports the political visions and aspirations of its members, but also champions its members to obtain the rights to self-determination and self-government for them as well. The Council equally honors the Khmer-Krom, and Montagnard people’s visions for sovereign nation states as their ultimate goals: Kampuchea-Krom (former French Cochinchina) for the Khmer-Krom people; and former French “Pays Montagnards du Sud” for the Montagnard people.”</p> <p>On September 14-15, 2013 the Council of Indigenous Peoples in Today’s Vietnam (CIP-TVN) celebrated the First Anniversary in San Jose, California, USA.</p> <p><a href="http://www.cip-tvn.org/wp-content/uploads/2013/11/Report-Final-CIP-TVN-to-UN-Special-Rapporteur-on-Cultural-Rights.pdf">http://www.cip-tvn.org/wp-content/uploads/2013/11/Report-Final-CIP-TVN-to-UN-Special-Rapporteur-on-Cultural-Rights.pdf</a>  <i>Report To The Un Special Rapporteur On Cultural Rights Submitted by THE COUNCIL OF INDIGENOUS PEOPLES IN TODAY’S VIETNAM (CIP-TVN) November 6, 2013</i></p> <p>“The report describes the extreme violations of culture experienced by the Cham, Khmer Krom, and Montagnard indigenous peoples of today’s Vietnam. [...] The Cham are an indigenous people in Vietnam whose earliest recorded history in the region dates to 142 A.D. Our indianized Kingdom of Champa was an important component of the political and cultural history of Southeast Asia and a major trading region on the sea route between China and India. We built the longest continuously occupied temple complex in Southeast Asia called, My Son. Many others are the foremost Hindu temple complexes of the region, are now famous as an architectural and sculptural monuments, which are still standing strong along the central coast of today’s Vietnam.</p>	Chams and Montagnards	
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	<p>[...]According to the economic “socialist” system, the new Vietnamese authorities no longer recognized the right to land ownership. In 1975, the government of Vietnam confiscated all private land belonging to the Cham, along with communal lands used for the maintenance of religious sites, and turned them into land owned by the the Vietnamese state. Stripped of their lands, the Cham people became a proletarian group. Because the Cham have been stripped of their communal lands, they no longer have the financial means to accomplish the great rituals that marked their religious calendar.</p> <p>[...]The Khmers-Krom people are those who live in the southernmost part of the present day Vietnam – from Bien Hoa province (north of Ho Chi Minh City) down to the cape of Camau province in the Mekong Delta. They are native to the land, and descendants of the Khmer people of the Great Khmer Empire. They have been living on this ancestral land for thousands of years. These people have their own distinct ways of life, language, custom, tradition, and culture which are identical to those of Cambodians’ in Cambodia or Kampuchea. Since the territory had once belonged to Kampuchea before the France colonization in 1859, it is now known to all Khmer people as Kampuchea-Krom.</p> <p>[...]All the governmental regimes of Vietnam of, from the Republic of South Vietnam to the present Socialist Republic of Vietnam, utilize the same oppression and marginalization policies toward all of the country’s indigenous peoples. Besides the gross violation of citizens’ human rights, in general, the government of Vietnam continues violating the culture rights of the Khmer-Krom people [...].</p> <p>[...] The French term” Montagnard” refers to the highlander Indigenous Peoples in the Central Highlands of today’s Vietnam. We are the “Anak Cu Chiang”, which means “children of the mountains”. We, the Indigenous Peoples, refer to ourselves in this way and we have always asserted our rights for independence and self-rule. Our language, heritage and culture are distinctly different from the Vietnamese (or Kinh) peoples who now occupy most of Vietnam and who have unlawfully seized our ancestral lands.</p>		
<p>Data provided by Governmental institutions in charge of Indigenous Peoples affairs;</p>	<p><a href="http://chinhphu.vn/portal/page/portal/English/TheSocialistRepublicOfVietnam/AboutVietnam/AboutVietnamDetail?categoryId=10000103&amp;articleId=10002652">http://chinhphu.vn/portal/page/portal/English/TheSocialistRepublicOfVietnam/AboutVietnam/AboutVietnamDetail?categoryId=10000103&amp;articleId=10002652</a>  <i>THE SOCIALIST REPUBLIC OF VIETNAM – Governmental portal</i>          “The voice of each ethnic group creates different languages, but due to Vietnamese ethnic groups live closely, one ethnic group may know languages of some others whom has regular relationship while their own culture</p>		

	<p>character. The diversification culture of ethnic groups is put in general unification rule - the rule of advanced growth of country, like a united particularity in the common of philosophy category.</p> <p>Vietnam is a multi-nationality country with 54 ethnic groups. The Viet (Kinh) people account for 87% of the country's population and mainly inhabit the Red River delta, the central coastal delta, the Mekong delta and major cities. The other 53 ethnic minority groups, totaling over 8 million people, are scattered over mountain areas (covering two-thirds of the country's territory) spreading from the North to the South.</p> <p>Among ethnic minorities, the largest ones are Tay, Thai, Muong, Hoa, Khmer, and Nung with a population of around 1 million each, while the smallest are Brau, Roman, Odu with several hundred people each.”</p> <p>[...]Each group has its own culture, diverse and special. Beliefs and religions of the Vietnamese ethnic minority groups were also disparate from each other.</p> <p>However, a fundamental solidarity among ethnic groups has been established on top of this difference as a result of a century-long cooperation on the soil of Vietnam. Right in the first century of the history, a mutual supplement in economic relationship between lowland people and mountainous people was formed. This solidarity had been unceasingly strengthened during wars of resistance for defending the country. Through the shared struggle for defending and building of the country and the mutual assistance for co-existence and development, a common community between the Viet people and other ethnic minority peoples had been established and continuously consolidated and developed.</p> <p>Nonetheless, an evident gap in the material and moral life has indeed still existed between peoples living in the deltas and those living in mountain areas as well as among ethnic minorities themselves. The Vietnamese government has worked out specific policies and special treatments in order to help mountainous people catching up with lowland people, and made great efforts to develop and preserve traditional cultural identities of each ethnic minority group. At present, the programs of providing iodized salt for remote villages, equipping village's health care and hygienic station, fighting malaria, building free schools for ethnic minority children, settled agriculture and fixed residence, and projects of creating new writing scripts for minority peoples and studying</p>	Country	Presence of ethnic minorities confirmed
	<p>Nonetheless, an evident gap in the material and moral life has indeed still existed between peoples living in the deltas and those living in mountain areas as well as among ethnic minorities themselves. The Vietnamese government has worked out specific policies and special treatments in order to help mountainous people catching up with lowland people, and made great efforts to develop and preserve traditional cultural identities of each ethnic minority group. At present, the programs of providing iodized salt for remote villages, equipping village's health care and hygienic station, fighting malaria, building free schools for ethnic minority children, settled agriculture and fixed residence, and projects of creating new writing scripts for minority peoples and studying</p>	Country	Low risk for IPs cultural rights

	<p>and developing traditional culture of each ethnic minority group have obtained satisfactory results.”</p> <p><b>Committee for Ethnic Minorities Affairs</b>  <a href="http://www.cema.gov.vn">www.cema.gov.vn</a>  <a href="http://www.cema.gov.vn/wps/portal/cema/document/detail!/ut/p/c5/hY7NDolwAIOfyKxjZO66wBjzh8UhClzMDsYsEfBgfH4hXtBobl9fm5a0ZHTvH-Hi72Ho_ZXUpOWnRMs8Xm4AraolhiMWJXNMCz7yZs6FS2F20SF1SIFk9E_7OO3NEraoKExp7VZnCQPw4vghiY_-I_13bqWaHmBfrFcUZUSKfOjO5NbVCGYhnwdD2-8l/dl3/d3/L0IDU0IKSWdrbUEhIS9JRFJBQUlpQ2dBek15cXchLzRCRwo4bzBGbEdpdC1iWHBBRUEhLzdfQ0dBSDQ3TDawR0VVMjBJNjA0OFMzUjNHTzYvMV9fX182/?PC_7_CGAH47L00GEU2016048S3R3GO6_WCM_CONTEXT=/wps/wcm/connect/ubdt/cemaen/sa_document/sa_aboutcema/e449030044832feab51bf7554e735d13">http://www.cema.gov.vn/wps/portal/cema/document/detail!/ut/p/c5/hY7NDolwAIOfyKxjZO66wBjzh8UhClzMDsYsEfBgfH4hXtBobl9fm5a0ZHTvH-Hi72Ho_ZXUpOWnRMs8Xm4AraolhiMWJXNMCz7yZs6FS2F20SF1SIFk9E_7OO3NEraoKExp7VZnCQPw4vghiY_-I_13bqWaHmBfrFcUZUSKfOjO5NbVCGYhnwdD2-8l/dl3/d3/L0IDU0IKSWdrbUEhIS9JRFJBQUlpQ2dBek15cXchLzRCRwo4bzBGbEdpdC1iWHBBRUEhLzdfQ0dBSDQ3TDawR0VVMjBJNjA0OFMzUjNHTzYvMV9fX182/?PC_7_CGAH47L00GEU2016048S3R3GO6_WCM_CONTEXT=/wps/wcm/connect/ubdt/cemaen/sa_document/sa_aboutcema/e449030044832feab51bf7554e735d13</a>  “Decree No. 51/2003/ND-CP of May 16, 2003 Prescribing the functions, tasks, powers and organizational structure of the Committee for Nationalities: art. 1:  “The Committee for Nationalities is a ministerial-level agency of the Government, which functions to perform the State management over the ethnic work throughout the country; the State management over public services and acts as representative of the owner of State capital portions at State-invested enterprises under its management as prescribed by law.”</p>		
Data provided by National NGOs; NGO documentation of cases of IP and TP conflicts (historic or ongoing);	See information above	-	-
National land bureau tenure records, maps, titles and registration (Google)	<a href="http://vietnamembassy-usa.org/basic-page/land-regulations">http://vietnamembassy-usa.org/basic-page/land-regulations</a> <i>EMBASSY OF THE Socialist Republic of Vietnam IN THE UNITED STATES OF AMERICA</i> “LAND REGULATIONS 1. Land Use Rights and Land Use Right Certificate Private ownership of land is not permitted in Vietnam and the people hold all ownership rights with the State as the administrator. However, the laws of Vietnam allow ownership of a right to use land. This right is called the Land Use Right (“LUR”). LUR to foreign investors allows title holders to conduct real estate transactions, including mortgages. There are three main regimes for investors to acquire LURs from the States: • Allocation: The State can allocate LURs by administrative decision to national entities only. Allocated LURs can be subject to a land use fee or not, depending on the cases.	Country	-

	<ul style="list-style-type: none"> <li>• Recognition: The State can "recognize" LURs to national entities only, in which case no fee is applicable.</li> <li>• Leasing: The State can lease LURs on the basis of a contract to both national and foreign entities. LURs leases are subject to a land use rent and are the only form of land ownership available to foreigners."</li> </ul> <p><a href="http://www.gdla.gov.vn/">http://www.gdla.gov.vn/</a> The website of the General Department of Land Administration Only available in Vietnamese language</p> <p><a href="http://www.cema.gov.vn/wps/portal/cema/ethnic!/ut/p/c5/hY7NDolwAIOfyKxjZO66wBjzh8UhClzMDsYsEfBgfH4hXtBobl9fm5a0ZHTvH-Hi72Ho_ZXUpOWnRMs8Xm4AraolhiMWJXNMCz7yZs6FS2F20SF1SIFk9E_7OO3NEraoKExp7VZnCQPw4vghiY_-I_13bgWaHmBfrFcUZUSKfOjO5NbVCGYhnwdD2-8l/dl3/d3/L3dDb0EvUU5RTGtBISEvWUZSdndBISEvNI9DR0FINDdMMDBHRVUyMEk2MDQ4UzNSMzAwMA!!/">http://www.cema.gov.vn/wps/portal/cema/ethnic!/ut/p/c5/hY7NDolwAIOfyKxjZO66wBjzh8UhClzMDsYsEfBgfH4hXtBobl9fm5a0ZHTvH-Hi72Ho_ZXUpOWnRMs8Xm4AraolhiMWJXNMCz7yZs6FS2F20SF1SIFk9E_7OO3NEraoKExp7VZnCQPw4vghiY_-I_13bgWaHmBfrFcUZUSKfOjO5NbVCGYhnwdD2-8l/dl3/d3/L3dDb0EvUU5RTGtBISEvWUZSdndBISEvNI9DR0FINDdMMDBHRVUyMEk2MDQ4UzNSMzAwMA!!/</a> Contains list of all 54 recognized Vietnamese ethnic groups</p> <p>The website shows no maps of territories of ethnic groups</p> <p><a href="http://www.ifad.org/english/indigenous/pub/documents/tnotes/vietnam.pdf">http://www.ifad.org/english/indigenous/pub/documents/tnotes/vietnam.pdf</a> Country Technical Note on Indigenous Peoples' Issues – Socialist Republic of Viet Nam – IFAD, November 2012 Annex 1: Map with geographic distribution of ethnic minorities (p. 22) Source: Country Social Analysis: Ethnicity and development in Viet Nam (World Bank 2009)</p>	Country	Presence of ethnic minorities confirmed
Relevant census data	<p><a href="http://www.cema.gov.vn/wps/portal/cema/ethnic!/ut/p/c5/hY7NDolwAIOfyKxjZO66wBjzh8UhClzMDsYsEfBgfH4hXtBobl9fm5a0ZHTvH-Hi72Ho_ZXUpOWnRMs8Xm4AraolhiMWJXNMCz7yZs6FS2F20SF1SIFk9E_7OO3NEraoKExp7VZnCQPw4vghiY_-I_13bgWaHmBfrFcUZUSKfOjO5NbVCGYhnwdD2-8l/dl3/d3/L3dDb0EvUU5RTGtBISEvWUZSdndBISEvNI9DR0FINDdMMDBHRVUyMEk2MDQ4UzNSMzAwMA!!/">http://www.cema.gov.vn/wps/portal/cema/ethnic!/ut/p/c5/hY7NDolwAIOfyKxjZO66wBjzh8UhClzMDsYsEfBgfH4hXtBobl9fm5a0ZHTvH-Hi72Ho_ZXUpOWnRMs8Xm4AraolhiMWJXNMCz7yZs6FS2F20SF1SIFk9E_7OO3NEraoKExp7VZnCQPw4vghiY_-I_13bgWaHmBfrFcUZUSKfOjO5NbVCGYhnwdD2-8l/dl3/d3/L3dDb0EvUU5RTGtBISEvWUZSdndBISEvNI9DR0FINDdMMDBHRVUyMEk2MDQ4UzNSMzAwMA!!/</a> Contains list of all 54 recognized Vietnamese ethnic groups and their number of people</p>	Country	Presence of ethnic minorities confirmed
- Evidence of participation in decision making;	See information provided above	Country	-

National/regional records of claims on lands, negotiations in progress or concluded etc.	No such records found. As mentioned above: “the new Land Law 2013 was adopted on November 26th by the 11th National Assembly. The most crucial article on land ownership still remains unchanged: <b>land is public property and the State is in charge of land management</b> . Communities are recognized as one category of land users and the new constitution states that all proper land users shall be given land-use certificates.”	Country	-
Cases of IP and TP conflicts (historic or ongoing). ) Data about land use conflicts, and disputes (historical / outstanding grievances and legal disputes)	<p>Many reports cited above mention many historic and ongoing land use conflicts.</p> <p><a href="http://www.forest-trends.org/documents/files/doc_4211.pdf">http://www.forest-trends.org/documents/files/doc_4211.pdf</a>  <b>4.5 Conflicts in Vietnam’s forest areas: Implications for FLEGT and REDD+</b>  <b>“Conflicts over land are rampant in Vietnam. Some erupt into physical violence and catch the attention of the media, while others linger without attracting wider attention. Land conflicts are the subject of more than 70% of the written complaints received by Vietnamese government offices in recent years. Vietnam’s Ministry of Agriculture and Rural Development (MARD) acknowledges these conflicts in the uplands, but presents widely varying estimates (likely underestimates) of the extent of disputed land, from a mere 7,684 hectares (ha) to as much as 150,000 ha. The Vietnamese National Assembly acknowledged in late 2012 that “conflicts occur in many locations but are not adequately attended and resolved.”</b>  [...]<b>Shortly after gaining independence in 1954, Vietnam nationalized all forests and established a system of sFEs to manage large forest areas and provide for national development, local employment and social services in remote areas. By 1992, however, most of the 412 sFEs were defunct; logging quotas and central government subsidies had declined from their peak in 1976–80 (nguyen Van Dang 2001). The Government of Vietnam initiated several efforts to reform sFEs into financially independent Fcs. In 1993 the government began transferring tenure rights to local households and communities on a significant portion of sFE land. Starting in 2005, sFEs have been restructured into 148 Fcs; the number of permanent staff dropped from 16,000 in 2005 to only 3,087 in 2012 (Vietnam administration of Forestry 2012). Despite these reforms and the fact that many Fcs still receive funding from the central government or provincial authorities (e.g., through reforestation projects, forest protection programmes, or preferential access to state loans and government funding), many Fcs face financial shortfalls. They are under pressure from authorities to rent land to rubber companies while also facing an outcry from villagers who demand land for cultivation.”</b></p>	Country	-
		Country	Specified risk on land rights of IPs

	<p><u>conflicts over forest: the evidence</u>  Four case studies provide insight into the scale, nature and intensity of conflicts between Fcs and local villages. Field research was conducted in four areas in 2002–13 (Figure 1) and supplemented by interviews of forestry officials.  [...]  <u>M'Drak company in Dak Lak province</u>  This was established in 1975. Today it manages 26,769 ha of natural forest, tree plantations and barren land, for which it received a LuRc in the late 1990s. One of the five communes bordering the company's land is krong Jing. <b>About 70% of krong Jing's residents are indigenous or recently arrived ethnic minority immigrants.</b> Villagers rely on agricultural production, yet most land around the village is classified as Fc forest land and is unavailable for household cultivation. Today, six of the commune's fifteen villages grow crops on the company's land, even though the practice is illegal. Ongoing in-migration adds to the pressure. The company has stopped plantation harvesting in some cases, concerned that villagers will encroach on the land after harvest. To maintain control over the land, the company contracted approximately 1,000 villagers to work with them under sharecropping arrangements. However, most households violated their contracts and planted cassava or sugarcane for their own income instead of trees. The 3,000 ha of land that was transferred by the company as part of a restructuring program in 2007 was reserved by the District people's committee for lease to private companies. This produced a strong outcry among villagers and encouraged them to encroach on the company's land. The company called for local authorities to back their legal claims to the land, citing the LuRc. District officials say they lack the financial and technical capacity to allocate land and resolve disputes, but they support the company's efforts to enforce compliance with their legal land rights. Local officials and company staff visited households, asking them to stop cultivating and defer to company contracts for the planting of trees. Only some households complied with this request.”</p> <p>[...] <b>“Authorities lack effective mechanisms to address land conflict at the local level.</b> Even where Fcs agree to transfer land to villagers, transfers are often stalled because a) local authorities lack the human and financial resources for implementation, b) land is given to private companies, or c) land is too distant from villagers or is not productive. <b>LuRcs have been ineffective in resolving conflicts since they are often issued without due diligence and they ignore</b></p>	<p>Krong Jing village</p> <p>Country</p>	<p>Specified risk for land rights</p> <p>Specified risk for land rights</p>
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	established land uses by villagers as well as their customary rights to forest land.”		
Social Responsibility Contracts ( <i>Cahier des Charges</i> ) established according to FPIC (Free Prior Informed Consent) principles where available	Not applicable	Country	-
<p><a href="#">Google the terms '[country]' and one of following terms 'indigenous peoples organizations', 'traditional peoples organizations', 'land registration office', 'land office', 'indigenous peoples', 'traditional peoples', '[name of IPs]', 'indigenous peoples+conflict', 'indigenous peoples+land rights'</a></p>	<p><a href="http://www.ifad.org/english/indigenous/pub/documents/tnotes/vietnam.pdf">http://www.ifad.org/english/indigenous/pub/documents/tnotes/vietnam.pdf</a>  <i>Country Technical Note on Indigenous Peoples' Issues – Socialist Republic of Viet Nam – IFAD, November 2012</i>  <b>1.1 Location of ethnic minorities</b>  The Country Social Analysis of the World Bank2 reports that ethnic minorities in Viet Nam are distributed as follows:3  <u>Northern mountains:</u> The region known as the northern mountains encompasses the provinces of Tuyen Quang, Ha Giang, Cao Bang, Lang Son, Lai Chau, Lao Cai, Dien Bien, Yen Bai, Hoa Binh, Bac Thai, Son La, Quang Ninh, Phu Tho and Bac Giang (sometimes the provinces of Lai Chau, Dien Binh, Son La and Hoa Binh are divided into the category of “north-west mountains”). Most of the provinces with a large minority population are located in this region; Cao Bang, for example, stands out with over 95 per cent of the population belonging to an ethnic minority group. The population of Kinh in this region increases dramatically as one moves from the Chinese border south into the provinces ringing the Red River delta and Hanoi.  <u>Red River delta:</u> There are virtually no minorities in this region, with the exception of some Dao groups on the western edge of Ha Tay province near Ba Vi National Park, and Chinese and minority civil servants who live in the capital city of Hanoi.  <u>North-central coast:</u> This region includes the provinces of Thanh Hoa, Nghe An, Ha Tinh, Quang Binh, Quang Tri and Thua Thien Hue. Minorities tend to be found in low population numbers along the Annamite Mountains, which run along the western edge of Viet Nam bordering Laos. Many minorities found in this region are also found in Laos in significant numbers. There is a fairly clear dividing line between the groups found north of Ha Tinh province (in Nghe An and Thanh Hoa) – who are similar to groups found in the northern mountains (Hmong, Dao, Thai) – and those in the provinces south of Ha Tinh, where mostly Mon-Khmer speaking minorities (who are unrelated to those in the north) live.  <u>Central highlands:</u> This region is a group of provinces that form a high plateau bordering Cambodia and Laos. The area is called Tay Nguyen (the Western Plateau) in Vietnamese, and consists of four provinces: Dak Lak, Dak Nong, Gia Lai and Kon Tum. (In the past, the province of Lam Dong was often</p>	Country	Presence and location of ethnic minorities confirmed



	<p>considered to be in the central highlands, but was recently transferred to the south-east region by the Government. Additionally, Dak Lak used to be one province, but several districts were carved off for the new province of Dak Nong in 2003). Before the twentieth century, the central highlands were almost entirely populated by minorities like the Ede, Gia Rai, Mnong, Xe Dang and Ba Na, with little Kinh in-migration. That changed after the reunification of Viet Nam in 1975, however, and immigration to the region was significant. Currently only about 33 per cent of the total population in the central highlands are ethnic minorities. Kon Tum is the only province in the region that still retains a majority of ethnic minorities. However, even within Kon Tum, Kinh remain the single largest ethnic group.</p> <p><u>South-central coast:</u> A number of smaller ethnic groups, of both the Austronesian and Mon-Khmer language families, live in western edges of the provinces of Quang Nam, Quang Ngai, Binh Dinh, Phu Yen and Khanh Hoa, where these provinces border the central highlands. Poverty rates among these groups are some of the highest in the country (Turk 2006). We probably know the least about the ethnic minority populations in this region because of a lack of research.</p> <p><u>South-east:</u> This region has the second lowest numbers of minorities in the country after the Red River delta; however, with the recent transfer of the province of Lam Dong from the central highlands region to this one, there are some minorities here. Dong Nai, Binh Phuoc, Ninh Thuan and Binh Thuan also have small numbers of minority groups such as Raglai, Coho and Xtieng. Cham are prominent in several areas of Ninh Thuan and Binh Thuan. There are also large numbers of ethnic Chinese (nearly half a million) living in Ho Chi Minh City, especially in Cho Lon quarter.</p> <p><u>Mekong delta:</u> The main ethnic minorities found in the Mekong are Chinese, Khmer and Cham. Khmer are the largest group, at more than 1 million people, accounting for 10 per cent of the delta's population. Khmer communities are found primarily in the provinces of Soc Trang, Tra Vinh and Kien Giang, with considerably smaller populations in An Giang, Bac Lieu, Ca Mau, Can Tho, Hau Giang and Vinh Long. There are also roughly 13,000 Cham people, mostly in An Giang province, although they are also found elsewhere (particularly the south-central coastal area). There are also around 210,000 Chinese living in all 13 provinces in the Mekong delta, primarily in towns and cities.</p>		
<b>Additional general sources for 2.3</b>	<b>Additional specific sources</b>	<b>scale of risk assessment</b>	<b>risk indication</b>
No additional sources found		-	-

From national CW RA	NA	country	-
<p><b>Conclusion on Indicator 2.3:</b></p> <ul style="list-style-type: none"> <li>• Vietnam has 54 recognized ethnic groups; 53 are ethnic minority groups with an estimated 13 to 14 million people, accounting for around 14% of the country's total population of 90 million. Each ethnic minority group has its own distinct culture and traditions. The ethnic minorities live scattered throughout the country but are concentrated mostly in the Northern Mountains and in the Central Highlands (Tay Nguyen) in the south. The Vietnamese government does not use the term "indigenous peoples" for any groups but it is generally the ethnic minorities living in the mountainous areas that are referred to as Vietnam's indigenous peoples. The Hmong are considered a distinct indigenous ethnicity from Laos, constituting a sizable minority population within Viet Nam.</li> <li>• The ILO Convention 169 is not ratified and UNDRIP is endorsed, but not effectively enforced; Vietnam does not recognize ethnic minorities as indigenous peoples. There is no specific law on ethnic minorities but a ministry-level agency, the Committee on Ethnic Minority Affairs, is in charge of ethnic minority affairs. Vietnam lists extensive laws and policies adopted in the last decade as evidence that the State protects minority rights. In practice, however, many of these laws are not implemented, or arbitrarily interpreted at local levels due to vague and imprecise wording. The revised 2013 Constitution maintains that the Communist Party of Vietnam remains the only party and that all land is public property managed by the State; Article 5 continues to affirm that Vietnam is a united nation of all ethnic groups living in Vietnam's territory and determines that all ethnic groups are equal and ethnic discrimination and division are prohibited. However, many reports mention widespread prejudices and discrimination against ethnic minority cultures and peoples. The most crucial article on land ownership in the new Land Law 2013 still remains unchanged: land is public property and the State is in charge of land management. Communities are recognized as one category of land users and the new constitution states that all proper land users shall be given Land-Use Right Certificates. The constitution still maintains provisions that give the State the right to recover land for purposes of national defense and security, for national benefit and economic development. The inclusion of "economic development" has been the main cause of compulsory land recovery, long unsolved conflicts and violent confrontations between private companies and landholders. Land recovery by the State has, in recent years, been the cause of more than 70% of social conflicts in Vietnam. The legal framework does not recognize the traditional territory and land management systems of ethnic minorities or their livelihood practices. Customary law has long regulated social relationships within indigenous communities but is now rapidly vanishing. It is not recognized and under pressure because it is considered outdated, inappropriate and not compatible with national statutory law. A positive development is that the Dien Bien provincial government has authorized the communities' right to use natural forests. Quang Binh, Quang Tri and Dak Nong provinces are planning to acquire forest land owned by state enterprises and allocate it to local households and communities. Vietnam is one of the leading countries in implementing Payment for Forest Environmental Services (PFES). PFES has been paid directly to ethnic minority and other forest owners, while in provinces where forests are not allocated to households, PFES is paid to state forest management boards who then pay the ethnic minority people, as forest protection contractors. (refer to category 1).</li> <li>• There is significant evidence of violations of legal and customary rights of IPs; Forest land is not allocated to local people but given as a priority to private companies. Moreover, State-run agro-forestry farms have managed large areas of land ineffectively, without creating</li> </ul>		<p>Traditional territories of indigenous peoples (ethnic minorities) in mountainous areas in the country</p> <p>All other areas.</p>	<p>Specified risk for traditional territories of indigenous peoples (ethnic minorities) in mountainous areas in the country</p> <p>Low risk for all other areas.</p>

any positive changes in the life of the forest-dependent communities living in these areas. Although rights recognition in forests and land allocations have been to individuals, ethnic minorities have tended to be excluded from their share of entitlements. Ethnic minorities, who live primarily in wooded, highland areas are far more dependent on forestry than the majority Kinh people. Yet in the Central Highlands, only 3% of households have long-term rights to forestry land. In particular, ethnic minority women have reported feeling disenfranchised by the land allocation process. The government implements a policy of population transfer specifically targeting the ethnic minorities. Overall, the government's policies of forced resettlement, State-appropriation of land, expropriation and population displacement have effectively deprived the ethnic minorities of the right to own and inherit ancestral homelands.

- There are conflicts of substantial magnitude<sup>2</sup> pertaining to the rights of Indigenous and/or Traditional Peoples and/or local communities with traditional rights. Conflicts over land are rampant in Vietnam. Some erupt into physical violence and catch the attention of the media, while others linger without attracting wider attention. Land conflicts are the subject of more than 70% of the written complaints received by Vietnamese government offices in recent years. Extreme logging of hardwood forests in the Central Highlands have a long-term, devastating environmental and socio-economic impact on those remaining indigenous populations struggling to survive in the Central Highlands. Sacred burial plots of the Central Highlands Indigenous Peoples known as 'msat' have often been violated. Major government programs to protect the forests and prevent deforestation, such as the Forest Strategy 2006-2020 have also negatively impacted ethnic minorities because these programs are decided at a national level with very limited consultation with local residents. There are numerous reports of extreme police force and arbitrary trials and detention used against indigenous peoples practicing their rights and engaging in peaceful protests.
- There are no recognized laws and/or regulations and/or processes in place to resolve conflicts of substantial magnitude pertaining to TP or IP rights and/or communities with traditional rights; The Vietnamese National Assembly acknowledged in late 2012 that "conflicts occur in many locations but are not adequately attended and resolved." Land-Use Right Certificates have been ineffective in resolving conflicts since they are often issued without due diligence and they ignore established land uses by villagers as well as their customary rights to forest land. Village regulations are decided by a state-nominated village head rather than customary village leaders, causing frictions in terms of who gives consent, on whose behalf, and in whose interests. Local people appear to have a very limited

<sup>2</sup> For the purpose of the Indicator 2.3, a conflict of substantial magnitude is a conflict which involves one or more of the following:

- a) Gross violation of the legal or customary rights of indigenous or traditional peoples;
- b) Significant negative impact that is irreversible or that cannot be mitigated;
- c) A significant number of instances of physical violence against indigenous or traditional peoples;
- d) A significant number of instances of destruction of property;
- e) Presence of military bodies;
- f) Systematic acts of intimidation against indigenous or traditional peoples.

Guidance:

In the identification of conflicts of substantial magnitude one must also be aware of possible parallel activities of other sectors than the forest sector that also impact the rights of indigenous/traditional peoples and that there can be a cumulative impact. This cumulative impact can lead to a 'gross violation of indigenous peoples' rights' or 'irreversible consequences' but the extent of the contribution of forest management operations needs to be assessed. The substance and magnitude of conflicts shall be determined through NRA development process according to national/regional conditions. NRA shall provide definition of such conflicts.

understanding and awareness of their land and resource rights. Compounded to this is the serious lack of information available related to conflict or dispute resolution and mechanisms of redress for local people whose rights to land and resources may be violated. All laws are written in the majority Kinh language while the educational level of ethnic minorities is very low. Commune judicial officers hardly ever provide advice to local people, and there is a general lack of ethnic minority lawyers. Moreover, local governments and "Peoples committees" almost always support the new Vietnamese settlers in land conflicts or political issues.

- The participation of ethnic minority groups at a local level is very low. Whereas many ethnic minorities have their own village constitution and regulations, these are not recognised in Vietnamese law. Ethnic minorities have little say in the selection of their representatives, nor opportunity to participate in the decision-making process about policies that affect them. A positive development is that draft guidelines for implementing free prior informed consent were completed in late 2013 and tested in 2014 in Dien Bien, Lam Dong and Quang Binh provinces, in the context of REDD+. Implementing social and environmental safeguards (SES) are one of the mandatory requirements for implementing REDD+. The safeguards include several provisions important for indigenous peoples, e.g. on participation and tenure security, among other things. A draft roadmap for implementing SES measures as part of the NRAP was introduced at the fifth meeting of the technical sub-group on SES in 2013, but thus far the roadmap has not yet been officially approved. There have been no representatives of ethnic minorities either on the National REDD+/FCPF Executive Committee or on the Provincial REDD+ Executive Committee in the NRAP. The programmes lack specific plans for building representative mechanisms for ethnic minorities at the decision-making level and strengthening the capacities of local people to ensure the full and effective participation of ethnic minorities in REDD+.

**The following specified risk thresholds apply, based on the evidence:**

(23) The presence of IP and/or TP is confirmed or likely within the area. The applicable legislation for the area under assessment contradicts indicator requirement(s) (refer to 2.2.6); AND

(24) Substantial evidence of widespread violation of IP/TP rights exists; AND

(26) There is evidence of conflict(s) of substantial magnitude pertaining to the rights of IP and/or TP. Laws and regulations and/or other legally established processes do not exist that serve to resolve conflicts in the area concerned, or, such processes exist but are not recognized by affected stakeholders as being fair and equitable. Note under threshold No 20 applies.

## Controlled wood category 3: Wood from forests in which high conservation values are threatened by management activities

### Overview

In Vietnam, forested lands in general are understood to be State property. The history of forest management in Vietnam has gone through various periods, including French colonization (prior to 1945), followed by national independence (1946-1974), and then the reunification (since 1975). Forest management governance and institutions varied with each historical period (3; 9).

In the past four decades, over-exploitation of forest resources combined with ineffectual forest management and protection, have led to the loss of millions of hectares of natural forest in Vietnam. There are a number of reasons for loss of forest including population increase, natural forest conversion to cultivated land, over-exploitation of natural forest resources, and forest fire. In addition, forests in Vietnam were severely damaged by the two long-lasting wars. In 1943, the forest area was about 14.3 million hectares (ha) with forest cover of 43% its land territory; and by 1990 the forest area was only 9.18 million ha with forest cover of about 28% its land territory (42). Thus, over a span of about 50 years, an area of more than 5 million ha of forest was lost (4).

Vietnam is divided into eight eco-regions: 1) North-West 2) North-East 3) Red River Delta 4) North-Central 5) Central Highlands 6) South-Central Coast 7) South-East and 8) Mekong River Delta. The total area of Vietnam is 33.1 million ha. Vietnam's total forest area – both natural forests and plantations – currently accounts for approximately 41% of the total land area of the country (2) and provides some level of subsistence to 25 million people (6). The total area of forest is 13.95 million ha, of which 10.40 million ha are natural forests and 3.55 million ha are forest plantations.

Current forest governance in Vietnam is structured as follows: at the central level, Vietnam Administration of Forestry (VNFOREST) is under the Ministry of Agriculture and Rural Development (MARD). VNFOREST advises and assists MARD in implementing State forestry management tasks, and managing and providing instruction relating to public service activities. Under VNFOREST, there are nine State management agencies (e.g. Forest Protection Department (FPD)) and six administration agencies. Together with VNFOREST, the Forest Inventory and Planning Institute (FIPI) is also under MARD. FIPI provides advice and assists VNFOREST and MARD implement State management of forest protection, and ensuring legal enforcement of forest protection, development and forest product management. FIPI's functions include carrying out basic inventory of forest resources, planning, survey, design of forest plantations and forestry land. At the provincial level, the Sub-Department of Forestry under the Department of Agriculture and Rural Development (DARD) performs state administration tasks relating to forestry development; and the Provincial Sub-Department of Forest Protection under DARD performs state administration tasks in the context of forest protection and biodiversity conservation (6).

Vietnam's forests are classified into three types based on major forest use: special-use, protection, and production forests.

1) Special-use forests are used mainly: i) to preserve nature, natural ecosystems and the genetic diversity of fauna and flora; ii) for research purposes; iii) to protect historical and cultural relics and landscapes; and iv) to support recreation and tourism. Special-use forests are normally managed by Forest Management Boards under Provincial FPD or DARD or the National FPD of the MAR. The special-use forest area is 2.08 million ha, representing 15% of the total forest cover and 6% of total natural land area.

2) Protection forests are used to protect ecosystem services to minimize natural disasters, to regulate the climate, and to contribute to environmental protection through a variety of means including protection of water sources, prevention of soil erosion, provision of wind and sand breaks, wave breaks and coastline protection, preventing desertification, etc. Protection forests are mainly managed by households, Communal People's Committee (CPC), or Forest Management Boards under the Provincial FPDs. Protection forests cover slightly over 4.56 million ha, accounting for about 33% of the total forest area (2).

3) Production forests are used mainly for the production of timber and non-timber forest products (NTFP), but also provide environmental protection. Production forests are normally managed by the State Forest Companies (SFC), households, private companies, or other institutions or organizations. Production forests cover about 7.00 million ha, accounting for about 50% of the total forest area (2).

The proportion of forest users in 2014 was as follows: Forest Management Boards: 34%; Households: 24%; State Forestry Companies: 14%; Other Economic Organizations: 2%; Armed Forces: 2%; Communities: 4%; Other Organizations: 4% and Commune Peoples' Committees: 16% (2).

A logging ban has been in place since 1997, covering natural forests in most Vietnamese provinces. In 2012, the Prime Minister closed all natural forests to harvesting, apart from two companies managing FSC-certified natural forests (note: in the future forest management in natural forests under PEFC certification may be allowed as these areas would also be exempted from the ban). This ban also applies to NTFP collection from natural forests in some provinces. Most of the natural forests contain Category 1 to 6 HCVs. However, there is no formal assessment (based on the six attributes of HCVs) by forest managers or the authorities, except for those areas that are FSC-certified. Generally, the main threats to HCVs today are from illegal activities such as harvesting in natural forests, hunting, trapping, forest fire, etc.

Governed under the 'Law of Biodiversity' (in place since 2008), special-use forests include national parks, nature reserves, wildlife reserves/species management areas, and landscape conservation areas. In Vietnam, all special-use forests are assessed and mapped as high conservation value forests (HCVs 1- 4).

Additional comments on forest protection in Vietnam: To date, Vietnam has 164 protected areas. Between now and 2020, Vietnam plans to increase this number to 176 protected areas with a total of 2.4 million ha (2). Vietnam is one of the world's ten most biologically diverse countries, supporting about 10% of the world's species although covering less than 1% of global land area (6). Vietnam is listed in the list of Global 200 Priority Ecoregions compiled by WWF (13).

In addition to the national protected areas system, two Natural World Heritage Sites, one mixed Natural and Cultural World Heritage Site, five ASEAN Natural Heritage Parks, six Ramsar Wetlands and eight Biosphere Reserves have been internationally recognized (39). In situ conservation takes many different forms, ranging from species and population conservation to landscape, ecosystem and ecoregion conservation. Particular importance for biodiversity conservation has been attached to ecosystem-based landscape planning through strengthening natural connections (green corridors) and linking protected areas. Advanced technologies (e.g. remote sensing, geographical information systems (GIS), and trapping cameras) have been applied to biodiversity monitoring activities and produced encouraging results. However, a long-term, systematic and comprehensive plan for nationwide biodiversity monitoring does not yet exist.

#### Experts consulted

No.	Name	Organization	Area of expertise (category/sub-category)
1.	Dr. Nguyen Nghia Bien	FIPI	Environment and Forestry
2.	Dr. Le Khac Coi	CH8 CO, LTD	Forestry Economic
3.	Dr. Ho Van Cu	TFT	Social Forestry and Conservation
4.	Dr. Nguyen Quoc Dung	FIPI	Forest Tree Identification, HCV consultant.
5	MSc. Mai Ky Vinh	ICEM	Forestry, GIS & Remote Sensing
6	Dr. Nguyen Manh Ha	USAID	Mammal Identification

#### Risk assessment

Indicator	Sources of Information	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
3.0	1, 2, 4, 6 – 30, 34 – 39, 42 – 49	<b>Occurrence</b> For all HCVs: <ul style="list-style-type: none"> <li>Viet Nam High Conservation Value Forest Toolkit.</li> </ul>		Low risk: Thresholds (1) and (2) are met: Data available are sufficient for determining HCV presence within the

		<ul style="list-style-type: none"> <li>• HCV assessments of FSC certified companies from FSC public summary reports</li> <li>• Various Government reports – covering proxy data on HCVs as well as information on safeguards and threats by forest management activities: <ul style="list-style-type: none"> <li>○ National report on biodiversity.</li> <li>○ Forest sector manual- Chapter: Sustainable forest management.</li> <li>○ Introduction to the forests and forestry sector of Viet Nam.</li> <li>○ Vietnam forestry development strategy.</li> </ul> </li> </ul> <p>HCV 1</p> <ul style="list-style-type: none"> <li>• The IUCN Red List</li> <li>• Vietnam Red Data Book</li> <li>• BirdLife’s Sourcebook of Existing and Proposed Protected Areas in Vietnam</li> <li>• Decree 32/2006/NĐ-CP or Decree 160/2014/NĐ-CP on endangered species</li> <li>• Convention on Biodiversity Viet Nam - Country Profile</li> </ul> <p>HCV 2</p> <ul style="list-style-type: none"> <li>• Global Forest Watch maps; Intact Natural Forest Landscapes</li> </ul> <p>HCV 3</p> <ul style="list-style-type: none"> <li>• Vietnam Red Data Book</li> <li>• BirdLife’s Sourcebook of Existing and Proposed Protected Areas in Vietnam</li> <li>• Decree 32/2006/NĐ-CP or Decree 160/2014/NĐ-CP on endangered species</li> <li>• Convention on Biodiversity Viet Nam - Country Profile &amp; Vietnam’s Fifth CBD National Report</li> </ul> <p>HCV 4</p>		<p>area under assessment; AND Data available are sufficient for assessing threats to HCVs caused by forest management activities.</p>
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		<ul style="list-style-type: none"> <li>• WWF Vietnam HCV Assessments reports of Protection Forests</li> </ul> <p>HCV 5 FSC plantation forest management public assessment reports were used as a proxy to help identify potential HCV 5 values in uncertified plantations. The Ministerial-level Circular (Circular No. 10/2014/TT-BNNPTNT) was also used as proxy for identifying HCV 5 presence and safeguards as this requires forest buffer zones along riparian zones and this circular is required for special-use forests and nature reserves. However, in the case of production forests including plantations Circular No. 10/2014/TT-BNNPTNT is not currently required although the use of buffer zones is common practice and was considered a safeguard proxy for community water quality and resource needs. Other information used in the assessment was based on general observed corroborated by a HCV expert review.</p> <p>HCV 6 Information for HCV 6 special cultural areas outside those set aside and protected under law of Forest Protection and Development (2004) by the government, was gathered for the HCV 6 assessment based on general observed corroborated by a HCV expert review.</p> <p>Most of the natural forests contain category 1 to 6 HCVs. However, there is no formal assessment (based on the six attributes of HCVs) by forest managers or the authorities, except for those areas that are FSC-certified.</p> <p>Lastly, governed under the ‘Law of Biodiversity’ (in place since 2008), special-use forests include national parks, nature reserves, wildlife reserves/species management areas, and landscape conservation areas. In Vietnam, all special-use forests are assessed and mapped as high conservation value forests (HCVs 1- 4).</p>		
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		<p>Plantations HCV (note: the only material source available in Vietnam outside of FSC certified areas in natural forests).</p> <p>According to HCV assessment reports of FSC-certified plantation companies (e.g. Ba To, La Nga, Hoa Binh, Gia Lai, Ben Hai, Trieu Hai, Duong 9 and Hai Vuong plantation companies), HCV 5 occurrences within some certified plantations include: provision of drinking water, fuelwood and honey; and NTFPs for ethnic local communities living nearby. Using the evidence from these reports we are using these identified values as a proxy for HCV5 potentially found in forest plantation that are not certified.</p> <p>If there are streams and/or rivers running through the plantation, local people use the water for cultivation and for daily needs; local ethnic people can also collect or keep bees inside the plantation as this activity is generally supported by plantation companies/ owners.</p> <p>HCV 6 - It is known that some plantations contain important ethnic group village cultural houses (e.g. Nha Rong residing in the Central Highlands) and cultural sites such as grave sites of the ethnic minority peoples who lived in the area in the past and/or currently.</p> <p><b>Threats</b></p> <p>Main data sources:</p> <ul style="list-style-type: none"> <li>• HCV assessments of FSC certified companies from FSC public summary reports</li> <li>• Various Government reports – covering proxy data on HCVs as well as information on safeguards and threats by forest management activities: <ul style="list-style-type: none"> <li>○ National report on biodiversity.</li> </ul> </li> </ul>		
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		<ul style="list-style-type: none"> <li>○ Forest sector manual- Chapter: Sustainable forest management.</li> <li>○ Introduction to the forests and forestry sector of Viet Nam.</li> <li>○ Vietnam forestry development strategy.</li> <li>● General observations corroborated by a HCV expert review</li> </ul> <p>A logging ban has been in place since 1997, covering natural forests in most Vietnamese provinces. In 2012, the Prime Minister closed all natural forests to harvesting, except for two companies managing FSC-certified natural forests. This ban also applies to NTFP collection from natural forests in some provinces.</p> <p>The main threats to HCVs in natural forests are from illegal activities. Given that it is illegal to source material from natural forests there is not much information on threats of forest management to HCVs in natural forest areas. Moreover, most data are related to the rate and incidents of illegal logging verses information related to impacts to HCVs in natural forests. Nevertheless, a few sources, including Vietnam's 5<sup>th</sup> National CBD report and information on the World Wildlife CarBi project, linked generic illegal logging impacts to habitat degradation, deforestation and threats to endangered wildlife and were used in the threat assessment for HCVs in natural forest areas.</p> <p>Threats to HCV 5 are mainly linked to the fact that the majority of uncertified plantation material sources do not have procedures covering chemical use and handling and checks of compliance (Government Decree No. 108/2008/ND-CP) are infrequent. Also, Household and Community plantation managers/ owners are purchasing chemical with unknown 'hazardous' levels from unauthorized sellers is known to be a frequent and widespread practice throughout Vietnam.</p>		
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		For plantations and natural forests as the data available are sufficient for determining HCV presence within the area under assessment and the data available are sufficient for assessing threats to HCVs caused by forest management activities this indicator is considered low risk.		
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3.1 HCV 1	1, 2, 5, 6, 7, 8, 12,13,15 – 28, 39, 41– 49	<p>HCV occurrence</p> <p>1. Special-use forests: Protected areas are designed to protect biodiversity, historical relics and landscape. In Vietnam, a system of special-use forests (national parks, nature reserves, species/habitat conservation sites, landscape protection areas, research and experimental forests) is vital for the conservation of biodiversity values. All protected areas contain HCV 1, with a proposal for protection outlining a forest area’s biodiversity values and why it should be classified and protected as a protected area (27). Specifically, this includes outcomes of a biodiversity (fauna and flora) survey along with a list of RTE (rare, threatened and endangered) species identified by the IUCN Red List or the Vietnam Red Data Book (8). The Vietnam Red Data Book (2007) includes 407 RTE animal species and 448 plant species. Thus, knowledge relating to occurrence of HCVs in special-use forests is comprehensive and overall there are no major knowledge gaps associated with HCVs. In addition, for most of Vietnam’s national parks and nature reserves, biodiversity-related monitoring is carried out as a management responsibility (8). The HCV 1 occurring within special-use forests include areas that contain all protected species including in the IUCN Red List, Vietnam Red Data Book or Decree 32/2006/NĐ-CP or Decree 160/2014/NĐ-CP on endangered species</p> <p>2. Protection forests: some protection forests may have occurrences of HCV 1 if the natural forests are in good condition; this is because natural forests in Vietnam are associated with high biodiversity values (28).</p> <p>3. Production forests: there are not enough recent data to assess the occurrence of HCVs because it is not required nor is it common practice for the owners of production forests to conduct biodiversity surveys. Some forest owners have recently conducted HCV assessments including biodiversity surveys as a</p>	<p>Natural forests</p> <p>Plantations</p>	<p>Natural forests: Specified risk. Threshold (8) is met: HCV 1 is identified in the area under assessment and it is threatened by management activities.</p> <p>Plantations: Low risk. Threshold (5) is met: There is no HCV 1 identified in the area under assessment and its occurrence is unlikely.</p>
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		<p>part of their efforts to attain FSC forest certification and the findings can be used as HCV proxy information. Some natural forests under the management of State Forestry Companies (SFCs) are production forests and contain HCV 1 – as recorded by WWF, TFT, and GIZ when carrying out the HCV assessments for the SFCs (for example, Truong Son, Huong Son, So Pai, Ha Nung, Dak To) as part of the FSC certification process. Of these, Truong Son and Dak To SFCs are now managing FSC-certified forest (32).</p> <p>In Vietnam, most of the production plantations are planted only with commercial species such as acacia, eucalyptus, or pine; these commercial species are not listed as protected species under Decree No. 32 of Government. Furthermore, there is no well-known or established evidence of plantations’ supporting HCV 1.</p> <p><b>Threat and safeguard assessment</b></p> <p>Overall threats to HCV 1 are:</p> <ul style="list-style-type: none"> <li>- Forest fires - causing habitat loss and fragmentation (27, 46-48)</li> <li>- Illegal logging - causing habitat removal and fragmentation (12, 27, 42-45)</li> <li>- Forest conversion to agriculture land which is also linked to population growth – causing habitat loss and fragmentation. (12, 27)</li> <li>- New road and infrastructure development – causing habitat loss and fragmentation. (12, 27)</li> </ul> <p>The main threat to HCV 1 in natural forests occurs from illegal logging which is attributing to forest degradation through habitat loss and destruction. The latter impacts are also associated with decreasing wildlife numbers (49) including HCV 1 forest species (12, 17).</p>		
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		<p><b>Safeguards:</b>  There is a logging ban for all natural forests in the country. However, it is reported that there are severe cases of illegal logging that cannot be controlled. The illegal logging activities occur in all types of natural forests. They are particularly challenging in the Special Use Forests of the Protected Areas system. The construction of new roads as part of the national development process have also provided easier access for timber transport, wildlife hunting and exploitation of non-timber forest products. This has resulted in additional pressure on wild fauna and flora (12).</p> <p><b>Conclusion:</b>  As HCV 1 is identified in natural forests and it is threatened by illegal logging it is considered Specified risk (threshold (8) is met).</p> <p>As plantations, do not contain HCV 1 values in Vietnam it is consider Low risk for this indicator. Low risk threshold (5) is met – there is no HCV 1 identified in plantations and its occurrence is unlikely.</p>		
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2, 3, 12, 14, 16-27, 32, 39, 42-49, 52	HCV 2	<p>HCV occurrence</p> <p>1. Special-use forests: The types of HCVs occurring within special-use forests include:</p> <p>HCV 2 – Landscape-level ecosystems and mosaics including:</p> <p>Forests recognized as being regionally significant at the bioregion (39, 52)</p> <p>Landscape-scale natural forests that have experienced lesser levels of past human disturbance (e.g., minimal timber harvesting) or other management (e.g. fire suppression) (39, 52)</p> <p>Forests that provide regionally significant habitat connectivity between larger forest areas or between refugia and mosaics (39, 52)</p> <p>There are three Intact Forest Landscapes located in natural forest areas in the North West of the country and one in the south of the country. (14)</p> <p>2. Protection forests: Some protection forests may have occurrences of HCV 2 landscape-level ecosystems and mosaics if the natural forests are in good condition (28).</p> <p>3. Production forests: Some natural forests under the management of State Forestry Companies (SFCs) are production forests and contain HCV 2 ( such as forests recognized as being regionally significant at the bioregion and/or landscape-scale natural forests that have experienced lesser levels of past human disturbance) – as recorded by WWF, TFT, and GIZ when carrying out the HCV assessments for the SFCs (for example, Truong Son, Huong Son, So Pai, Ha Nung, Dak To) as part of the FSC certification process. Of these, Truong Son and Dak To</p>	Natural forests  Plantations	<p>Natural forests: Specified risk. Threshold (12) is met: HCV 2 is identified in the area under assessment and it is threatened by management activities.</p> <p>Plantations: Low risk. Threshold (9) is met: There is no HCV 2 identified in the area under assessment and its occurrence is unlikely.</p>
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	<p>SFCs are now managing FSC-certified forest (32). This proxy HCV 2 data can be used to indicate that there may be other HCV 2 located in Vietnam in production forests that have not been certified to date.</p> <p>In Vietnam, most of the production plantations are planted only with commercial species such as Acacia, Eucalyptus, or pine. Furthermore, there no well-known or established evidence of plantations' supporting HCVs 2.</p> <p>Threat and safeguard assessment</p> <p>Overall threats to HCV 2 include:</p> <ul style="list-style-type: none"> <li>- New road and infrastructure development – causing habitat loss and fragmentation. (12, 27)</li> <li>- Illegal logging (12, 14, 27; 42-45)</li> </ul> <p>Threats to HCV 2 can be linked to illegal logging and/or forest conversion. Vietnam's 5th National CBD report identifies that illegal logging and road construction are linked to habitat degradation and fragmentation. It also cites that population growth may lead to uncontrolled deforestation linked to the need of many people clearing land for farming and livestock. Furthermore, the Global Forest Watch Intact Forest Landscape loss map layer from 2000 to 2013 indicates IFL loss in all existing IFL areas in Vietnam and loss of one whole IFL areas during this period. The loss in two of these IFLs areas where in national parks which indicates the IFL loss was due to illegal logging.</p> <p>Safeguards: please see indicator 3.1</p> <p>Conclusion:</p>		
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		<p>HCV 2 is identified in the area under assessment and it is threatened by illegal logging activities thus is considered specified risk for natural forests (threshold 12 is met).</p> <p>As plantations do not contain HCV 2 values in Vietnam, it is considered low risk for indicator 3.2 (threshold 9 is met).</p>		
1, 2, 3, 6, 7, 8, 11-13, 16-27, 39, 41-45	HCV 3	<p>HCV occurrence</p> <p>1. Special-use forests: Protected areas are designed to protect biodiversity, historical relics and landscape. In Vietnam, a system of special-use forests (national parks, nature reserves, species/habitat conservation sites, landscape protection areas, research and experimental forests) is vital for the conservation of biodiversity values. All protected areas contain HCVs, with a proposal for protection outlining a forest area's biodiversity values and why it should be classified and protected as a protected area (27). Specifically, this includes outcomes of a biodiversity (fauna and flora) survey along with a list of RTE (rare, threatened and endangered) species identified by the IUCN Red List or the Vietnam Red Data Book (8). The Vietnam Red Data Book (2007) includes 407 RTE animal species and 448 plant species. Knowledge relating to occurrence of HCVs in special-use forests is comprehensive and overall there are no major knowledge gaps associated with HCVs. HCV 3 are present in these forests. (8).</p> <p>2. Protection forests: Some protection forests may have occurrences of HCV 3 if the natural forests are in good condition; this is because natural forests in Vietnam are associated with high biodiversity values (28).</p> <p>3. Production forests: there are not enough recent data to assess the occurrence of HCVs because it is not required nor is it common practice for the owners of production forests to conduct biodiversity surveys. Some forest owners have recently</p>	<p>Natural forests</p> <p>Plantations</p>	<p>Natural forests: Specified risk. Threshold (17) is met: HCV 3 is identified in the area under assessment and it is threatened by management activities.</p> <p>Plantations: Low risk. Threshold (13) is met: There is no HCV3 identified in the area under assessment and its occurrence is unlikely.</p>

		<p>conducted HCV assessments including biodiversity surveys as a part of their efforts to attain FSC forest certification. Some natural forests under the management of State Forestry Companies (SFCs) are production forests and contain HCV3 – as recorded by WWF, TFT, and GIZ when carrying out the HCV assessments for the SFCs as part of the FSC certification process. Of these, Truong Son and Dak To SFCs are now managing FSC-certified forest (32). Using this data as proxy data for HCV 3, it is believed that HCV 3 may exist in other production forest areas that have not been certified to date.</p> <p>List of 12 threatened or sensitive ecosystems from the Vietnam High Conservation Value Forest Toolkit which are considered as HCV 3 (27). According to the HCV Toolkit a sensitive ecosystem is likely to be definitely representative of a certain region and is irrecoverable if being damaged and its classification is based on two criteria: the forest type is based on the phenology, geology, hydrology and elevation of the area, whereas the forest status is determined by the area occupied and the level of disturbance. Sensitive ecosystems identified in the Vietnam HCV Toolkit include:</p> <ul style="list-style-type: none"> <li>- Natural coniferous forest</li> <li>- Natural mixed forest</li> <li>- Limestone karst forest</li> <li>- Wetland ecosystem, freshwater swamp</li> <li>- Mangrove forest</li> <li>- Lowland evergreen forest</li> <li>- Dry Dipterocarp forest</li> <li>- Semi-evergreen forest</li> <li>- Xeric dune forest</li> <li>- Dwarf upper montane forest</li> <li>- Thorn forest</li> <li>- Mossy forest</li> </ul>		
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	<p>In Vietnam, most of the production plantations are planted only with commercial species such as Acacia, Eucalyptus, or pine; with these commercial species are not listed as protected species under Decree No. 32 of Government. Furthermore, there no well-known or established evidence of plantations' supporting HCVs 3.</p> <p><b>Threat and safeguard assessment</b></p> <p>Overall threats to HCV 3 include:</p> <ul style="list-style-type: none"> <li>- Illegal logging - causing habitat removal and fragmentation (12, 27, 42 – 45)</li> <li>- Forest conversion to agriculture land – causing habitat loss and fragmentation. (12, 27)</li> <li>- New road and infrastructure development – causing habitat loss and fragmentation.(12, 27)</li> </ul> <p>Vietnam's 5th National CBD report identifies that illegal logging and road construction are linked to habitat degradation and fragmentation. It also cites that population growth may lead to uncontrolled deforestation linked to the need of many people clearing land for farming and livestock.</p> <p>The main threat to HCV 3 in natural forests occurs from illegal logging which is attributing to forest degradation through habitat loss and destruction (12).</p> <p>As of 2010, according to Vietnam's Fifth CBD National Report Vietnam's forested protected areas including Special Use Forests encompassed an area of 2,198,744 ha (encompassing 7% of Vietnam's total area), including 30 national parks, 58 nature reserves, 11 wildlife reserves, 45 protected landscape areas and 20 experimental forests for scientific research. This indicates progress against, particularly Aichi target 11, but it is yet to be fully met. Vietnam's CBD targets are not fully met yet due to a</p>		
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		<p>variety of factors including: lack of coordination among relevant ministries leading to the ineffective implementation of the key plans and strategies; monitoring, inspection and evaluation in relation to biodiversity-related law enforcement is weak monitoring inspection; integration of biodiversity and environmental protection into socio-economic development programs are not fully implemented; biodiversity-related law enforcement is limited and additional technical and financial support is needed to support Vietnam's CBD targets. (12)</p> <p>Safeguards: please see indicator 3.1</p> <p>Conclusion: HCV 3 is identified in the area under assessment and it is threatened by illegal logging activities thus is considered Specified risk for natural forests (threshold 17 is met).</p> <p>As plantations do not contain HCV 3 values in Vietnam, it is considered low risk for indicator 3.3 (threshold 13 is met).</p>		
12, 16- 27, 30,32, 42 - 45, 49 -51, 53	HCV 4	<p>HCV occurrence</p> <p>Protection forests (containing both natural and plantations) significantly overlap with protecting HCV 4 values. The data currently provide an adequate assessment of HCV 4 (Critical ecosystem services) occurrences within Protection forests. Protection forests mean the forests are used to protect ecosystem services to minimize natural disasters, to regulate the climate, and to contribute to environmental protection through a variety of means including protection of water sources, prevention of soil erosion, provision of wind and sand breaks, wave breaks and coastline protection, preventing desertification, etc. (30).</p>	Country	Specified risk. Threshold (22) is met: HCV 4 is identified in the area under assessment and it is threatened by management activities.

	<p>While protection forests are explicitly demarcated for their role in providing critical ecosystem services, special use forests in natural forests also contain HCV 4 values including protection of water ways and control of erosion of vulnerable soils and slopes. For example, special and protection forests in Lam Dong province. Sixty-one per cent of the total area is covered by forest which is of crucial importance to the level and quality of the Dong Nai river and almost all forestlands in the province are managed by 13 state entities, such as management boards of protection and special use forests. In the study, 'The Prospects for Payment for Ecosystem Services (PES) in Vietnam: A Look at Three Payment Schemes' around 516,800 ha of forest were identified as potentially providing ecosystem services including water regulation, soil protection and scenic landscape preservation. (53)</p> <p>Production forests: Some natural forests under the management of State Forestry Companies (SFCs) are production forests and contain HCVs 4 – as recorded by WWF, TFT, and GIZ when carrying out the HCV assessments for the SFCs as part of the FSC certification process. Of these, Truong Son and Dak To SFCs are now managing FSC-certified forest (32). Using this data as proxy data, it is believed HCV 4 is likely to occur in production forest areas that have not been certified to date.</p> <p>HCV 4 plantations values are mainly connected to improved soil quality and its role in reducing soil erosion. In an Australian Centre for International Agricultural Research (Aciar) Forestry publication it stated that <i>Acacia trees provide vital environmental services such as 'preventing soil erosion and providing a stepping stone to rehabilitate land that was formerly native forest.'</i> (51) Phan Minh Sang et. al study on the potential of <i>Acacia mangium</i> and <i>Eucalyptus urophylla</i> plantations across soil and climate gradients in Vietnam (the study investigated secondary forests as well) to improve a site's carbon</p>		
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		<p>sequestration ability and soil fertility levels found that appropriate reforestation does enhance soil fertility and promotes carbon sequestration on degraded tropical lands. (51)</p> <p><b>Threat and safeguard assessment</b></p> <p>Natural Forests:</p> <p>- Illegal logging - causing potential water and soil damage (12, 27, 42 -45). Illegal logging may cause increased soil erosion and reduce water quality through removing top and damaging soil structure, increasing the level soil sedimentation into waterways used by humans or increasing the level of soil compaction as result of harvesting and transport activities.</p> <p>Vietnam's 5th National CBD report identifies that illegal logging and road construction are linked to habitat degradation and fragmentation. It also cites that population growth may lead to uncontrolled deforestation linked to the need of many people clearing land for farming and livestock.</p> <p>Using the precautionary approach in the absence of data, it is assumed there could be potential impacts to HCV 4 values linked to illegal logging increasing soil erosion and decreasing water quality due to removing organic top soil and damaging soil structure, increasing the level soil sedimentation into waterways used by humans.</p> <p>Safeguards: There is a logging ban for all natural forests in the country. However, it is reported that there are severe cases of illegal logging that cannot be controlled. The illegal logging activities occur in all types of natural forests. (12).</p> <p>Plantations:</p>		
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		<p>Nambiar and Harwood (2014) reviewed the challenges, including soil impacts, and prospects for short-rotation acacia and eucalypt plantations in South-east Asia (50). They characterized nature and location Vietnam's plantations as <i>'Many of the small woodlots in central and northern parts of the country are on steep, hilly terrain, often surrounded by flatter land used for agriculture. Here, site preparation, planting, weed control, harvesting and transport to the roadside are predominantly by manual labour with simple tools. Typically, plantations are weeded manually, twice annually, up to age two years after which a diverse ground vegetation may develop. Post-harvest slash and vegetation are usually heaped and burned before replanting. In central and southern Vietnam, many plantations managed by public and private agencies are on moderately steep to undulating landscapes or on relatively flat alluvial land.'</i></p> <p>They documented and identified several practices have the potential to degrade these plantation sites in several ways (note: degradation with relation to soil impacts were extracted from the study):</p> <ul style="list-style-type: none"> <li>• After harvest, tops and branches may be removed for domestic fuel and the remaining biomass burned. Bulldozing is sometimes employed (in some cases at every rotation) even on sloping land to 'clean' the site, removing most, if not all, aboveground biomass and stumps. This increases nutrient loss and exposes the soil.</li> <li>• Windrowing operations often gather some of the surface soil into windrows and the bare soil surface is exposed to rains, inducing serious soil erosion.</li> <li>• During each rotation, sites may be ploughed both before planting and then in the inter-rows twice annually for 2–3 years to control weeds and to reduce vegetation fuel loads and fire outbreaks. Repeated ploughing is causing loss of soil structure, soil displacement, and creating pathways for surface run-off in some soils.</li> </ul>		
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		<p>Due to the lack of additional data on the scale, intensity and impact of HCV 4 values threatened by plantation management practices (akin to the threats listed above) a precautionary approach shall be adopted to specify risk.</p> <p>Conclusion: HCV 4 is identified and/or its occurrence is likely in natural forests it is threatened by illegal logging activities and HCV 4 is identified and/or its occurrence is likely in plantations and based on the precautionary approach is considered potentially threatened by forest management activities in plantations (specified risk threshold 22 is met).</p>		
3.5 HCV 5	18 – 26, 28, 29, 34, 35, 37, 38, 40, 42 – 45	<p>HCV occurrence: Sites and resources fundamental for satisfying the basic necessities of local ethnic communities</p> <p>Natural Forests:</p> <p>The Ministerial-level Circular (Circular No. 10/2014/TT-BNNPTNT) could be used as proxy for identifying HCV 5 presence and safeguards in natural forests as this requires forest buffer zones along riparian zones and this circular is required for special-use forests and nature reserves.</p> <p>However, in the case of production forests including plantations Circular No. 10/2014/TT-BNNPTNT is not currently required although the use of buffer zones is common practice and can be consider a safeguard proxy for community water quality and resource needs.</p> <p>Thus, FSC plantation forest management public assessment reports were used as a proxy to help identify potential HCV 5 values in uncertified plantations.</p>	Country	Specified risk. Threshold (26) is met: HCV 5 is identified and/or its occurrence is likely in the area under assessment and it is threatened by management activities.

		<p>Plantations:</p> <p>According to HCV assessment reports of FSC-certified plantation companies (e.g. Ba To, La Nga, Hoa Binh, Gia Lai, Ben Hai, Trieu Hai, Duong 9 and Hai Vuong plantation companies), HCV 5 occurrences (i.e., Sites and resources fundamental for satisfying the basic necessities of local ethnic communities) within some certified plantations include: provision of drinking water, fuelwood and honey; and Non-Timber Forest Products (NTFPs) for ethnic local communities living nearby. There is no official government legislation stipulating rights of local people to access water sources, NTFPs or other resources in the plantation forests. Through general observation, corroborated by expert review, most plantation companies acknowledge the traditional rights of ethnic groups. This is separate to the rights of local people as many local people are moving freely or migrating in a planned way from other provinces into the forest area (i.e., they are often moving within or adjacent to the plantation forest area). If there are streams and/or rivers running through the plantation, local people use the water for cultivation and for daily needs; local ethnic people can also collect or keep bees inside the plantation as this activity is generally supported by plantation companies/ owners.</p> <p>Threat assessment</p> <p>Water Quality Threats - linked to local communities' fundamental water needs for cultivation and for daily use:</p> <p>1) Chemical use: It is common for plantation companies (State-owned, private, military plantations) and smallholders (household, community) to use chemicals – in nurseries and for silvicultural activities – that can contaminate water. This is due to two main factors:</p>		
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	<p>i) Non-certified plantation companies do not have procedures covering chemical use and handling; and checks of compliance (Government Decree No. 108/2008/ND-CP) are infrequent. Thus it is likely (and general observation corroborates this) that common hazardous chemicals such as Diazinon (insecticide) and Glyphosate (herbicide) are used. Also, it has been generally observed that it is quite common for plantation smallholders to buy chemicals from unlicensed sellers e.g. who are often selling unauthorized chemicals originating from China.</p> <p>ii) Chemical application occurs within close proximity to the watercourses within the plantation, e.g. nurseries may be within 30 meters of the waterways, and poor handling practices can result in chemical spillage into the watercourses.</p> <p>As most managers/ owners of plantations in Vietnam do not have chemical use procedures and as a result it is assumed (with this corroborated by general observation through expert review of this risk assessment) that there is a high risk of poor handling of chemicals used in plantations including toxic chemicals and those potentially harmful to human health, e.g. Diazinon (insecticide), Glyphosate (herbicide).</p> <p>Glyphosate is rated in the World Health Organization's Pesticide Classification guidance as Class III (Slightly Hazardous) and not listed on FSC's List of 'highly hazardous' pesticides (40) – thus the risk to human health is not at a level that warrants a specified risk for Glyphosate use. Although Diazinon is rated in the World Health Organization's Pesticide Classification guidance as Class II (Moderately Hazardous), it is listed on FSC's List of 'highly hazardous' pesticides due to its potential acute toxicity to mammals, birds and aquatic organisms (40).</p> <p>2) Road infrastructure: When a plantation owner needs to build a temporary bridge over a stream in a plantation, they must follow</p>		
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	<p>the Manual for Low Impact Harvesting issued by the Vietnam Administration of Forestry (4), which requires that concrete culverts are always put under the road and designed in such a way that stream water flow is not hindered or stopped; and sedimentation levels are reduced. However, road infrastructure over streams is sometimes not well-managed and thus can cause damage to water quality due to reduced or hindered water flow and increased sedimentation levels.</p> <p>Nevertheless, based on general observation, corroborated by expert review of this HCV assessment, confirms that most plantation owners follow the Manual for Low Impact Harvesting issued by the Vietnam Administration of Forestry (4) thus the threat to water flow and sedimentation linked to local community use is mitigated.</p> <p>Buffer zone safeguards: The Ministerial-level Circular on identification and protection of buffer zones applies to special-use forests and nature reserves (MARD, 2014, Circular No. 10/2014/TT-BNNPTNT), but not to production forests. However, it is common practice for plantation companies to manage buffer zones along waterways (e.g. managing a buffer of native shrubs and vegetation between the production trees and waterways). The planted trees and native shrubs in the buffer zones are not cut during harvesting of production areas.</p> <p>In Vietnam, most production plantations are not located close to the main rivers. In most cases where streams and rivers do exist in plantations, most plantation owners have their own procedures requiring tree buffer zones along waterways, in which harvesting is prohibited.</p> <p>Conclusion: Given that the majority of uncertified plantation material sources do not have procedures covering chemical use and handling and</p>		
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		<p>checks of compliance (Government Decree No. 108/2008/ND-CP) are infrequent, there is a risk of potentially hazardous chemical use threatening HCV 5 values fundamental to the needs of local communities.</p> <p>There is a lack of information about threats to HCV 5 in natural forests coming from forest management activities as there is a logging ban in place. The main likely threat to HCV 5 values would be linked to illegal logging (42-45). The precautionary approach needs to be adopted since illegal logging may compromise the fundamental needs of indigenous peoples and local communities through removal of potential HCV 5 resources/sites found in natural forests.</p> <p>In conclusion HCV5 is identified in the area under assessment and it is threatened by management activities in both natural forests and plantations. Therefore, this indicator is considered specified risk (specified risk threshold 26 is met).</p>		
3.6 HCV 6	2, 18 – 26, 28 – 31, 34, 35, 37, 38, 42 – 45	<p>HCV occurrence: Sites of cultural and spiritual significance for local ethnic minority communities.</p> <p>Natural Forests:</p> <p>If the special cultural area is recognized by the government in natural forests, it is set aside and protected under law of Forest Protection and Development (2004). However, as identified under Category 2 the state does not officially give its ethnic minority communities special rights. As detailed under Category 2, three-quarters of the territory of Vietnam is mountainous, covered with forest and inhabited by ethnic minorities. Adopting the precautionary approach in the absence of HCV 6 specific occurrence data it is likely HCV 6 values occur in natural forests where they are not officially protected under the law of Forest Protection and Development.</p>	<p>Natural forests</p> <p>Plantations</p>	<p>Natural forests: Specified risk. Threshold (30) is met: HCV 6 is identified in the area under assessment and it is threatened by management activities.</p> <p>Plantations: Low risk. Threshold (29) is met: HCV 6 is identified but it is effectively protected from threats caused by management activities.</p>

		<p>Plantations:</p> <p>Most plantations are established on degraded land areas and bare hills including areas formerly supporting natural forests that were converted many years ago to other land uses. Thus, some areas contain important ethnic group village cultural houses (e.g., Nha Rong residing in the Central Highlands) and cultural sites such as grave sites of the ethnic minority peoples who lived in the area in the past and/or currently do so. If the special cultural area is recognized by the government, it is set aside and protected under law of Forest Protection and Development (2004) and/or areas recognized by plantation owners and local authorities will be voluntarily set aside.</p> <p>Threat assessment</p> <p>1) Access to sites of cultural and spiritual significance: Based on general observations (e.g., no widespread local ethnic community protests and disputes), corroborated by the CNRA HCV expert reviewers, there is no evidence that access by local ethnic communities to burial grounds or plantations is prohibited and thus the continued presence of the HCV 6 burial sites attested to by continued access and visitation indicates there is no widespread destruction or disturbance of rights and values under HCV 6. There are no identified laws pertaining to community rights as per legality assessment in category 1. However, as mentioned above, sites of cultural significance to local ethnic groups are not threatened by plantation management activities.</p> <p>2) Seasonal and/or youth plantations workers potentially threatening sites of cultural significance: The threat of seasonal and/or youth workers can manifest itself through the workers carrying out inappropriate or careless harvesting of plantation trees and NTFPs, e.g. plantation</p>		
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		<p>managers and/or workers cutting remnant natural trees, trees within burial ground areas and/or trees supporting beehives. This is particularly relevant to young plantation workers. Many young local people living nearby and working in the plantation lack knowledge and awareness as to maintaining the plantation's HCV cultural values. This can lead to HCV cultural values being degraded within the plantations, e.g., youth employees may cut trees that should be protected within burial grounds. The risk is elevated during harvesting and thinning operations carried out by company workers; and when seasonal local workers are employed (the latter group of workers particularly lack awareness and education about HCV 6 values).</p> <p>Despite many young workers not respecting HCV 6 values of plantations, there is no evidence that the damage by young workers is systematic and widespread within plantations. In other words, incidents of damage are infrequently observed or reported and thus destruction or disturbance of rights and values under HCV 6 by young workers is of low risk. This analysis based on general observation corroborated by the CNRA HCV expert reviewers. For plantations, HCV6 is identified in the area under assessment and there is a low risk of it being threatened by management activities (low risk threshold 29 is met).</p> <p>There is a logging ban in all natural forests and the main risk in these forests is from illegal logging (42-45). Due to the lack of evidence on threats to HCV 6 connected to illegal logging and adopting the precautionary approach that illegal logging may destroy and/or disturbance HCV 6 values it is considered specified risk for natural forests (specified risk threshold 30 is met).</p>		
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## Recommended control measures

Indicator	Recommended control measures
3.1 – 3.4 HCV 1 – HCV 4	Natural forests: Please review Category 1's control measures as the risks to HCV 1 – 4 values in natural forests are related to the logging ban enforcement in these areas and illegal logging risks.
3.4	Plantations: Seek evidence if the plantation uses inter-rotation management systems which are linked to reducing the sites soil erosion levels and increasing its productivity levels (including soil quality).
3.5 HCV 5	Natural forests: Please review Category 1's control measures as the risks to HCV 5 are related to the logging ban enforcement and illegal logging risks.  Plantations: Obtain evidence that plantation managers/ owners are not using nationally prohibited chemicals through: <ul style="list-style-type: none"> <li>• Obtaining a copy of the plantation chemical procedure and verify that the Government Decree No. 108/2008/ND-CP is being complied with.</li> <li>• List of chemicals used and authorized sellers from which they have been purchased to ensure no chemicals are on the FSC ® Standard Addendum, FSC List of 'highly hazardous' pesticides.</li> <li>• Field checks confirming that procedures are being applied.</li> </ul>
3.6 HCV 6	Natural forests: Please review Category 1's control measures as the risks to HCV 6 are related to the logging ban enforcement and illegal logging risks.

## Information sources

No.	Source of information	Relevant HCV category and indicator
1	MONRE, 2010. National report on biodiversity. Ministry of Natural Resources Management	3.0, HCV 1, HCV 3, HCV 6
2	MARD, 2014. Report of forest status in Vietnam. Ministry of Agriculture and Rural Development	3.0, HCV 1 - 3, HCV 6
3	FSSP&P, 2006. Forest sector manual- Chapter: Sustainable forest management. Forest Sector Support Program and Partnership, Hanoi.	HCV 2, HCV 3
4	Vietnam forestry development strategy 2006-2020 (2007). Government of Vietnam, Hanoi.	3.0
5	VNFOREST, 2012. Report No. 595/BC-TCLN-BCS dated 17/5/2012 of Vietnam Administration of Forestry. Vietnam Administration of Forestry, Hanoi	3.0



6	VNFOREST, 2013. Vietnam Forestry- Introduction to the forests and forestry sector of Viet Nam. Vietnam Administration of Forestry, Hanoi	3.0, HCV 1, HCV 3
7	Vietnam Biodiversity Law (2008), No. 20/2008/QH12 of Constitution of the Socialist Republic of Vietnam.	3.0, HCV 1, HCV 3, HCV 6
8	BirdLife, 2004. Sourcebook of Existing and Proposed Protected Areas in Vietnam. BirdLife International in Indochina and MARD. Second Edition	3.0, HCV 1, HCV 3
9	Development of state forest enterprises in Vietnam, in: Uibrig, H., Auch, E. (Eds.) (2014), Festschrift for Professor Dr. Jürgen Pretzsch on the occasion of his 60th Birthday. Institute of International Forestry and Forest Products, TU Dresden, Tharandt	3.0
10	Le, D., 2015. Analysis of State Forestry Companies with Emphasis on Sustainable Natural Forest Management- Case Studies from the Central Highlands, Vietnam. Institute of International Forestry and Forest Products. TU Dresden. Series No 24. ISBN 978-3-942934-07-7. EII Print. Tharandt.	3.0
11	Removing Barriers Hindering Protected Area Management Effectiveness in Viet Nam. <a href="http://www.undp.org/content/dam/vietnam/docs/Project%20Documents/31386_Protected_Area_Prodoc110124x.pdf">http://www.undp.org/content/dam/vietnam/docs/Project%20Documents/31386_Protected_Area_Prodoc110124x.pdf</a>	3.0
12	Vietnam's Fifth National Report to The United Nations Convention on Biological Diversity. Reporting Period: 2009–2013. Ministry of Natural Resources and Environment. Hanoi 2014	3.0, HCV 1, HCV 2, HCV 3, HCV 4
13	WWF Global Ecoregions. As last seen on 18th January 2016: <a href="http://wwf.panda.org/about_our_earth/ecoregions/ecoregion_list/ecoregions_country/ecoregions_country_v.cfm">http://wwf.panda.org/about_our_earth/ecoregions/ecoregion_list/ecoregions_country/ecoregions_country_v.cfm</a> Spatial files of the ecoregions can be downloaded via: Global 200 Eco-regions ( <a href="http://assets.worldwildlife.org/publications/19/files/original/global200ecoregions.zip?1343838792">http://assets.worldwildlife.org/publications/19/files/original/global200ecoregions.zip?1343838792</a> ).	3.0, HCV 1, HCV 3
14	Greenpeace Intact Natural Forest Landscapes <a href="http://www.intactforests.org/world.map.html">http://www.intactforests.org/world.map.html</a> . Global Forest Watch <a href="http://www.globalforestwatch.org/map">http://www.globalforestwatch.org/map</a>	3.0, HCV 2
15	IUCN Red List ( <a href="http://www.iucnredlist.org">http://www.iucnredlist.org</a> ).	3.0, HCV 1
16	Decision No. 2242/QD-TTg approving the scheme for strengthening the management of exploitation of timber of natural forest for the period 2014 - 2020	3.0, HCV 1 -3
17	GOV, 2006. Decision No. 32/2006/ND-CP of March 30, 2006, on management of endangered, precious and rare forest plants and animals	3.0, HCV 1 -3
18	La Nga SFC, 2011. Assessment of HCVs in La Nga State Forestry Company. La Nga, Dong Nai, Vietnam	3.0, HCV 1- 6
19	Ba To SFC, 2012. Assessment of HCVs in Ba To State Forestry Company. Ba To, Quang Ngai, Vietnam	3.0, HCV 1- 6
20	Ha Nung SFC, 2011. Assessment of HCVs in Ha Nung State Forestry Company. Ha Nung, Gia Lai, Vietnam	3.0, HCV 1- 6

21	Hoa Binh SFC, 2011. Assessment of HCVs in Hoa Binh State Forestry Company. Hoa Binh, Vietnam	3.0, HCV 1- 6
22	Hai Vuong Co., 2015. Assessment of HCVs in Hai Vuong Company. Hai Vuong Company, Binh Phuoc, Vietnam	3.0, HCV 1- 6
23	Thuy Son Co., 2015. Assessment of HCVs in Thuy Son Company. Thuy Son, Can Tho, Vietnam	3.0, HCV 1- 6
24	Ben Hai SFC, 2013. Assessment of HCVs in Ben Hai State Forestry Company. Ben Hai, Quang Tri, Vietnam	3.0, HCV 1- 6
25	Trieu Hai SFC, 2014. Assessment of HCVs in Trieu Hai State Forestry Company. Trieu Hai, Quang Tri, Vietnam	3.0, HCV 1- 6
26	Duong 9 SFC, 2014. Assessment of HCVs in Duong 9 State Forestry Company. Duong 9, Quang Tri, Vietnam	3.0, HCV 1- 6
27	WWF Vietnam, 2008. Viet Nam High Conservation Value Forest Toolkit. WWF Vietnam. Hanoi, Vietnam	3.0, HCV 1- 6
28	WWF Vietnam, 2006. Assessment of HCVs in A Vuong Protection Forest Management Board. WWF Vietnam. Quang Nam, Viet Nam	3.0, HCV 1, HCV 5, HCV 6
29	WWF Vietnam, 2006. Assessment of HCVs in Song Kon Protection Forest Management Board. WWF Vietnam. Quang Nam, Viet Nam	3.0, HCV 5, HCV 6
30	National Assembly of Vietnam, 2004. Law on forest protection and development. National Assembly of Vietnam, Hanoi	HCV 6
31	Wil de Jong, Do Dinh Sam, Trieu Van Hung. Forest Rehabilitation in Vietnam Histories, realities and future. Center for International Forestry Research 2006	HCV 6
32	FSC website where forest management public summaries are found. <a href="http://info.fsc.org/certificate.php#result">http://info.fsc.org/certificate.php#result</a>	3.0, HCV 1- 4
33	Instruction No.38/2005/CT-TTg, dated 5 December 2005, regarding to the review of planning for the three forest categories	3.0
34	MARD, 2014. Circular No. 10/2014/TT-BNNPTNT. <a href="http://www.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&amp;mode=detail&amp;document_id=173292">http://www.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&amp;mode=detail&amp;document_id=173292</a> ).	HCV 5, HCV 6
35	Manual for low impact harvesting. VNFOREST July 2007 issued by the Vietnam Administration of Forestry (VNFOREST) ( <a href="http://123doc.org/document/1123456-so-tay-huong-dan-khai-thac-go-tac-dong-thap-pdf.htm">http://123doc.org/document/1123456-so-tay-huong-dan-khai-thac-go-tac-dong-thap-pdf.htm</a> )	3.0, HCV 5, HCV 6
36	PM, 2014. Decision No. 1976/2014/QĐ-TTg issued by Prime Minister on approving special-use forest system of the country by 2020 with a vision to 2030	3.0

37	The WHO Recommended Classification of Pesticides by Hazard and Guidelines to Classification 2009. (IPCS) International Programme on Chemical Safety. (IOMC) Inter-Organization Programme for the Sound Management of Chemicals. A cooperative agreement among FAO, ILO, UNEP, UNIDO, UNITAR, WHO & OECD <a href="http://www.who.int/ipcs/publications/pesticides_hazard/en/">http://www.who.int/ipcs/publications/pesticides_hazard/en/</a>	HCV 5
38	FSC, 2015a. FSC® STANDARD ADDENDUM. FSC List of 'highly hazardous' pesticides - FSC-STD-30-001a EN. 10th February 2015 <a href="https://ic.fsc.org/preview.fsc-std-30-001a-en-fsc-list-of-highly-hazardous-pesticides.a-4060.pdf">https://ic.fsc.org/preview.fsc-std-30-001a-en-fsc-list-of-highly-hazardous-pesticides.a-4060.pdf</a>	HCV 5
39	Convention on Biodiversity Viet Nam - Country Profile. As last seen on 18th Jan 2016: <a href="https://www.cbd.int/countries/profile/default.shtml?country=vn#measures">https://www.cbd.int/countries/profile/default.shtml?country=vn#measures</a>	3.0, HCV 1, HCV 3
40	FSC, 2015b. FSC® International Standard, Indicators and thresholds for the identification of 'highly hazardous' pesticides (HHP). FSC-STD-30-001 V1-0 EN. February 2015 FSC® Standard Addendum, FSC List of 'highly hazardous' pesticides. 10th February 2015.	HCV 5
41	Vietnam Red Data Book, 2007. Vietnam Red Data Book	HCV 1, HCV 3
42	World Bank, 2015. Worldwide Governance Indicators - Vietnam 1996–2015. Accessed 27 April 2017 at <a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a>	HCV 1 – 6
43	Forest Legality Alliance, 2015. Risk Tool - Vietnam. Accessed 5 February 2015 at <a href="http://www.forestlegality.org/risk-tool/country/vietnam#tab-management">http://www.forestlegality.org/risk-tool/country/vietnam#tab-management</a>	HCV 1 – 6
44	Saunders, J. 2014. Trade in Illegal Timber - The Response in Vietnam - A Chatham House Assessment. Chatham House London. Accessed 5 January 2015 at <a href="http://www.illegal-logging.info/sites/default/files/CHHJ2362_Viet_Nam_Logging_Research_Paper_FINAL.pdf">http://www.illegal-logging.info/sites/default/files/CHHJ2362_Viet_Nam_Logging_Research_Paper_FINAL.pdf</a> .	HCV 1 – 6
45	' <i>Illegal logging cuts down national park</i> '. 30th November 2015. Viet Nam News. Article can be accessed at: <a href="http://vietnamnews.vn/environment/279204/illegal-logging-cuts-down-national-park.html#wKsJJFvuXWdj3pWL.97">http://vietnamnews.vn/environment/279204/illegal-logging-cuts-down-national-park.html#wKsJJFvuXWdj3pWL.97</a> ' <i>Illegal logging, smuggling found in protected Central Highlands forest</i> '. 21 <sup>st</sup> March 2017. Viet Nam News. <a href="http://vietnamnews.vn/environment/373183/illegal-logging-smuggling-found-in-protected-central-highlands-forest.html#Rk1rWzUdViupugPS.97">http://vietnamnews.vn/environment/373183/illegal-logging-smuggling-found-in-protected-central-highlands-forest.html#Rk1rWzUdViupugPS.97</a>	HCV 1 – 6
46	In Vietnam, information about forest fire and fire warning can be found on website of the Forest Protection Department at: <a href="http://www.kiemlam.org.vn">http://www.kiemlam.org.vn</a>	HCV 1 - 3
47	' <i>Forest fires threatens areas across country</i> ' 11 <sup>th</sup> March 2016. Article can be accessed at: <a href="http://vietnamnews.vn/society/293543/forest-fires-threatens-areas-across-country.html#epBkRm25DKZ9iMHH.99">http://vietnamnews.vn/society/293543/forest-fires-threatens-areas-across-country.html#epBkRm25DKZ9iMHH.99</a>	HCV 1 - 3
48	Widespread agricultural burning continues throughout Vietnam. The Moderate Resolution Imaging Spectroradiometer (MODIS) instrument that flies aboard NASA's Aqua satellite captured an image of smoke and fires burning on April 17 at 6:20 UTC (2:20 a.m. EDT/U.S.). The multiple red pixels are heat signatures (red) detected by MODIS. The smoke appears to be a light brown color. Image: NASA Jeff Schmaltz, MODIS Rapid Response Team. Text: NASA Goddard Space Flight Center, Rob Gutro. <i>Last Updated: July 31, 2015 Editor: Lynn Jenner</i>	HCV 1 - 3

	<a href="https://www.nasa.gov/image-feature/goddard/fires-in-vietna">https://www.nasa.gov/image-feature/goddard/fires-in-vietna</a>	
49	<p>A rare encounter with an endangered species, Vietnam  <a href="http://vietnam.panda.org/?208967/A-rare-encounter-with-an-endangered...">http://vietnam.panda.org/?208967/A-rare-encounter-with-an-endangered...</a></p> <p>Why CarBi Project  <a href="http://wwf.panda.org/what_we_do/where_we_work/greatermekong/our_solutions/projects/carbi/why_carbi_project_/">http://wwf.panda.org/what_we_do/where_we_work/greatermekong/our_solutions/projects/carbi/why_carbi_project_/</a></p>	HCV 1 - 4
50	Nambiar EKS, Harwood CE. 2014. Productivity of acacia and eucalypt plantations in Southeast Asia 1. Biophysical determinants of production: opportunities and challenges. <i>International Forestry Review</i> 16: 225–248	HCV 4
51	Phan Minh Sang, David Lamb, Mark Bonner and Susanne Schmidt. Carbon sequestration and soil fertility of tropical tree plantations and secondary forest established on degraded land. <i>Plant and Soil</i> . Vol. 362, No. 1/2 (January 2013), pp. 187-200 Published by: <a href="#">Springer</a> Stable URL: <a href="http://www.jstor.org/stable/42951892">http://www.jstor.org/stable/42951892</a>	HCV 4
52	<p>Global Forest Watch – Map of Protected Areas in Vietnam</p> <p><a href="http://www.globalforestwatch.org/map/8/13.12/108.73/ALL/grayscale/none/607,556,580,612?tab=analysis-tab&amp;dont_analyze=true">http://www.globalforestwatch.org/map/8/13.12/108.73/ALL/grayscale/none/607,556,580,612?tab=analysis-tab&amp;dont_analyze=true</a></p>	HCV 2
53	<p>Phuc Xuan To, Wolfram H. Dressler, Sango Mahanty, Thu Thuy Pham, and Claudia Zingerli. The Prospects for Payment for Ecosystem Services (PES) in Vietnam: A Look at Three Payment Schemes. <i>Hum Ecol Interdiscip J</i>. 2012 Apr; 40(2): 237–249. Published online 2012 Apr 1. <a href="https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3324675/">https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3324675/</a></p> <p>Vietnam Leads Southeast Asia in Payments for Ecosystem Services  Phuc Xuan and Chris Santiago  As last seen on 5<sup>th</sup> July 2017: <a href="http://www.ecosystemmarketplace.com/articles/vietnam-leads-southeast-asia-in-payments-for-ecosystem-services/">http://www.ecosystemmarketplace.com/articles/vietnam-leads-southeast-asia-in-payments-for-ecosystem-services/</a></p>	HCV 4

## Controlled wood category 4: Wood from forests being converted to plantations or non-forest use

### Risk assessment

Indicator	Source of information	Functional scale	Risk designation and determination
4.1	<p>Legislation</p> <p>Law on Forest Protection and Development in 2004, Article 27.28 stipulates the change of purpose for forest use. There are only two competent authorities eligible to make a decision - they are the Prime Minister and the Chairman of Provincial People's Committee. Provincial authorities have the power to allow change to a part or whole of a forest with a previously established purpose.</p> <p>Regulations on salvage harvesting in following clearing to construct facilities or use for other purposes -Decree No. 29/2011/ND-CP - Article 12, 18, 19, 29, 32 and 33. This</p>	-	<p><b>Assessment based on legality</b></p> <p>Content of law</p> <p>Governmental plans for the rapid expansion of rubberwood plantations will likely be a significant driver behind much of the conversion of land in Vietnam. The timber derived from this conversion is likely to enter the market throughout the next two decades. Rubber export revenue has been among the top ten in terms of dollar export earners for the country, and is now a driver for the government to expand the area allocated to rubber plantations, often at the expense of native forest. In 2009, the Prime Minister declared that rubber plantations in the country should expand to more than 150,000–200,000ha by 2020. In principle, Vietnamese laws and regulations stipulate that only degraded forests can be converted to rubber plantations.</p> <p>To ensure land conversion has been carried out legally, the following requirements shall be met:</p> <ul style="list-style-type: none"> <li>- Decision on approving environmental assessment report of Provincial People's Committee for projects that change forest use: 5ha or more for watershed protection forests, breakwater/ sea encroachment protection forests, special use forests; 10ha or more for native forests; 50ha or more for other types of forests.</li> <li>- Document on accepting environmental protection commitment of District People's Committee or Commune People's Committee for projects that change the purposes for forest use with area less than the area stipulated in the regulation.</li> <li>- Decision on approving measures on compensation for site clearance.</li> <li>- Document of District People's Committee on allowing forest conversion for changing forest use purposes.</li> <li>- List of species to be harvested</li> </ul>

<p>Decree provides for strategic environmental assessment, environmental impact assessment and commitment to environmental protection.</p> <ul style="list-style-type: none"> <li>- Decree 23/2006/NĐ-CP</li> <li>- Article 29 on forest protection and development</li> <li>- Decree 69/2009/ND-CP dated 13/8/2009, Chapter II part 3 on compensation, support, re-settlement following land being utilized for another purpose.</li> <li>- Circular No. 35/2011/TT-BNNPTNT - Article 22 regarding forest clearance for construction or other purpose</li> <li>- Circular 58/2009/TT-BNM&amp;PTNT dated 9/9/2009 regarding rubber plantations on agricultural land</li> </ul> <p>Non-government Sources</p> <ul style="list-style-type: none"> <li>• Transparency International's Corruption Perceptions Index 2014 -</li> </ul>		<ul style="list-style-type: none"> <li>- Checking and acceptance of record of product to be harvested.</li> <li>- Household harvesting registration form.</li> </ul> <p>Is the law enforced?</p> <p>In reality, however, the law is not enforced and large areas of secondary forests have already been converted into rubber plantations (Tuoitre online, 7 April 2010; Phapluat Vietnam, 17 November 2010). It was believed that the interest in developing rubber plantations and agri-business projects may be solely to allow the harvesting of the natural timber, with possible abandonment of the projects once the timber has been harvested (To and Canby, 2011, p. 16).</p> <p>Conversion for rubber plantations has primarily taken place in the last five years; prior to this, land conversion for agricultural use was common.</p> <p>Decisions made by State competent authorities at local level often lead to conversion of native forests to other uses. These decisions are likely to involve bribery and corruption, which is extremely difficult to detect. Clearing of native forest for agricultural farming systems also coincides with violation of laws on forest protection and developmental and environmental protection.</p> <p>There is a general risk of corruption in Vietnam. Transparency International's 2015 Corruption Perceptions Index ranked Vietnam 112th out of 177 countries assessed, with a corruption index of 31, meaning it has a high perception of corruption. The 2013 World Bank's Worldwide Governance Indicators (WGI) gave Vietnam the following ranks out of 100: Voice and Accountability: 11.8; Political Stability and Absence of Violence: 55.9; Government Effectiveness: 44; Regulatory Quality: 28.2; Rule of Law: 39.3; and Control of Corruption: 36.8.</p> <p><b>Assessment based on spatial data</b></p> <p>According to the Global Forest Resources Assessment 2015 for Viet Nam prepared by FAO, the natural forest area increased by 141,000 ha between the years 2010 and 2012 (from 10,283,000 to 10,424,000 ha).</p>
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<p><a href="http://www.transparency.org/country/#VNM">http://www.transparency.org/country/#VNM</a></p> <ul style="list-style-type: none"> <li>• Forest Legality Alliance, 2015. Risk Tool - Vietnam. Accessed 5 February 2015 at <a href="http://www.forestlegality.org/risk-tool/country/vietnam#tab-management">http://www.forestlegality.org/risk-tool/country/vietnam#tab-management</a>.</li> <li>• World Bank, 2013. Worldwide Governance Indicators - Vietnam 1996–2013. Accessed 5 February 2015 at <a href="http://info.worldbank.org/governance/WGI/pdf/c234.pdf">http://info.worldbank.org/governance/WGI/pdf/c234.pdf</a>.</li> <li>• Saunders, J., 2014. Trade in Illegal Timber - The Response in Vietnam - A Chatham House Assessment. Chatham House London. Accessed 5 January 2015 at <a href="http://www.illegal-logging.info/sites/default/files/CHHJ2362_Vietnam_Logging_Research_Paper_FINAL.pdf">http://www.illegal-logging.info/sites/default/files/CHHJ2362_Vietnam_Logging_Research_Paper_FINAL.pdf</a>.</li> <li>• Forest Trends, 2013. Forest Trends Information Brief No 7, February 2013 - Small-Scale Illegal Logging in Vietnam:</li> </ul>		<p>In the same report, the latest available data about deforestation is from the year 2010. In 2010, 3,942 ha were deforested while 37,000 ha were reforested. Additionally, the forest expansion was 304,473 ha (197,571ha afforestation and 106,902 ha natural forest expansion).</p> <p>As stated in the report, data of natural expansion has changed so much because Vietnam launched the 5 million ha of reforestation programme. Natural expansion forest is one component in the programme. The farmers get forestry land and they want to improve natural forest by natural regeneration.</p> <p>There is no clear data available about how much natural forest was converted to plantations, but the primary forest area remained unchanged between 2010 and 2015 (83,000 ha). The area of other naturally regenerated forest increased by 805,000 during the same period (from 10,222,000 ha to 11,027,000) (FAO 2015).</p> <p>Conforming to the spatial data provided above, conversion of natural forests to plantations or non-forest use in the area under assessment is below the threshold of 0.02% or 5000 hectares average net annual loss.</p> <p><b>Conclusion</b></p> <p>Based on the spatial information provided above, until 2015 conversion of natural forests in Viet Nam was still below the spatial thresholds of this indicator. However, according to the assessment based on legality, there is a clear intention by the government of Viet Nam to convert large forest areas to rubber plantations. Rubber export revenue has been among the top ten in terms of dollar export earners for the country. This is a significant economic driver for conversion of natural forests to rubber plantations. The timber derived from this conversion is highly likely to enter CW supply chains. In principle, the law establishes that only degraded forests can be converted, but the law is not enforced and natural forests have also been converted.</p>
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	<p>Implications for FLEGT and REDD+. February 2013. Accessed 6 February 2015 at <a href="http://www.forest-trends.org/documents/files/doc_3341.pdf">http://www.forest-trends.org/documents/files/doc_3341.pdf</a>.</p> <ul style="list-style-type: none"> <li>• Xuan, P and Canby, K. 2011. Baseline Study 3: Vietnam - Overview of Forest Governance and Trade. Forest Trends for FLEGT Asia Regional Programme April 2011. Accessed 6 February 2015 at <a href="http://www.euflegt.efi.int/documents/10180/23308/Baseline+Study+3,%20Vietnam/73bea271-0a2e-4ecb-ac4e-f4727f5d8ad9">http://www.euflegt.efi.int/documents/10180/23308/Baseline+Study+3,%20Vietnam/73bea271-0a2e-4ecb-ac4e-f4727f5d8ad9</a>.</li> <li>• FAO, 2015. Global Forest Resources Assessment 2015 Desk reference. Rome. Accessed 13 April 2017 at <a href="http://www.fao.org/3/a-i4808e.pdf">http://www.fao.org/3/a-i4808e.pdf</a></li> </ul>		<p>The existing national conditions, taking into account FSC's definition of risk<sup>3</sup> and the requirement to apply the precautionary approach in case of doubts, justify a specified risk designation.</p> <p>Risk Designation: Specified risk Threshold (7) is met: There are significant economic drivers for conversion. Data yield evidence that conversion is occurring on a widespread or systematic basis.</p>
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<sup>3</sup> Risk: The probability of an unacceptable negative impact arising from any activity in the Management Unit combined with its seriousness in terms of consequences. (Source: FSC-STD-01-001 FSC Principles and Criteria for Forest Stewardship)



**Recommended control measures**

N/A

## Controlled wood category 5: Wood from forests in which genetically modified trees are planted

### Risk assessment

Indicator	Sources of information	Functional scale	Risk designation and determination
5.1	<ul style="list-style-type: none"> <li>• <b>DECISION No. 11/2006/QD-TTg, approving a key program on biotechnological development and application in the domain of agriculture and rural development up to 2020.</b> <ul style="list-style-type: none"> <li>○ Vietnamese: <a href="http://thuvienphapluat.vn/van-ban/Cong-nghe-thong-tin/Quy-dinh-11-2006-QD-TTg-Chuong-trinh-trong-diem-phat-trien-ung-dung-cong-nghe-sinh-hoc-linh-vuc-nong-nghiep-va-phat-trien-nong-thon-den-2020/8480/loi-dung.aspx">http://thuvienphapluat.vn/van-ban/Cong-nghe-thong-tin/Quy-dinh-11-2006-QD-TTg-Chuong-trinh-trong-diem-phat-trien-ung-dung-cong-nghe-sinh-hoc-linh-vuc-nong-nghiep-va-phat-trien-nong-thon-den-2020/8480/loi-dung.aspx</a></li> <li>○ English: <a href="http://faolex.fao.org/docs/pdf/vie63505.pdf">http://faolex.fao.org/docs/pdf/vie63505.pdf</a></li> </ul> </li> <li>• <b>Decree No. 69/2010/ND-CP issued by the Government dated 21 Jun 2010 on biosafety for genetically modified organisms, genetic specimens and products of genetically modified organisms.</b> <ul style="list-style-type: none"> <li>○ Vietnamese: <a href="http://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Nghi-dinh-69-2010-ND-CP-an-toan-sinh-hoc-sinh-vat-bien-doi-gen-mau-v-107700.aspx">http://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Nghi-dinh-69-2010-ND-CP-an-toan-sinh-hoc-sinh-vat-bien-doi-gen-mau-v-107700.aspx</a></li> <li>○ English: <a href="http://faolex.fao.org/cgi-bin/faolex.exe?rec_id=081899&amp;database=faolex&amp;search_type=link&amp;table=result&amp;lang=eng&amp;format_name=@ERALL">http://faolex.fao.org/cgi-bin/faolex.exe?rec_id=081899&amp;database=faolex&amp;search_type=link&amp;table=result&amp;lang=eng&amp;format_name=@ERALL</a></li> </ul> </li> <li>• United States Department of Agriculture, Foreign Agricultural Service (2015). Vietnam: Agricultural Biotechnology Annual. Accessed 19 July 2016, available online at: <a href="http://www.fas.usda.gov/data/vietnam-agricultural-biotechnology-annual-0">http://www.fas.usda.gov/data/vietnam-agricultural-biotechnology-annual-0</a></li> <li>• <b>Circular 69/2009/TT-BNNPTNT issued by MARD on 27 Oct 2009 outlining the regulatory process for conducting agricultural biotech field trials before commercialization.</b> <ul style="list-style-type: none"> <li>○ Vietnamese: <a href="http://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Thong-tu-69-2009-TT-BNNPTNT-khao-nghiem-danh-gia-rui-ro-da-dang-sinh-hoc-moi-truong-giong-cay-trong-bien-doi-gen/96745/loi-dung.aspx">http://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Thong-tu-69-2009-TT-BNNPTNT-khao-nghiem-danh-gia-rui-ro-da-dang-sinh-hoc-moi-truong-giong-cay-trong-bien-doi-gen/96745/loi-dung.aspx</a></li> </ul> </li> </ul>	-	<p>Low risk</p> <p>There is no commercial use of GM tree species in the area under assessment and other available evidence does not challenge 'low risk' designation.</p> <p>There are a number of legal instruments in place in Vietnam regulating the use of GMO (Decision No. 11/2006/QD-TTg, Decree No. 69/2010/ND-CP, Circular 69/2009/TT-BNNPTNT, Circular 72/2009/TT-BNNPTNT, Circular 21/2012/TT-BKHCCN, Circular 8/2013/TT-BTNMT and Circular 2/2014/TT-BNNPTNT). The legislation does not include a ban for commercial use of GMO (trees). Research has not revealed any evidence of unauthorized use of GM trees, or any commercial use of GM trees. There are currently no reports of any trials of GM trees in Vietnam. The legislation requires licenses for commercial use of GM trees, but no licenses have been issued to date for GM trees.</p>

	<ul style="list-style-type: none"> <li>• <b>Circular 72/2009/TT-BNNPTNT dated 17 Nov 2009. T</b> <ul style="list-style-type: none"> <li>○ Vietnamese: <a href="http://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Thong-tu-72-2009-TT-BNNPTNT-danh-muc-loai-cay-trong-bien-doi-gen-duoc-phep-khao-nghiem-danh-gia-rui-ro-da-dang-sinh-hoc-moi-truong-muc-dich-lam-giong/97844/loi-dung.aspx">http://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Thong-tu-72-2009-TT-BNNPTNT-danh-muc-loai-cay-trong-bien-doi-gen-duoc-phep-khao-nghiem-danh-gia-rui-ro-da-dang-sinh-hoc-moi-truong-muc-dich-lam-giong/97844/loi-dung.aspx</a></li> </ul> </li>   <li>• <b>Circular 21/2012/TT-BKHCN</b> regulating the Research and Development of Genetically Modified Organisms in Vietnam. <ul style="list-style-type: none"> <li>○ Vietnamese: <a href="http://thuvienphapluat.vn/van-ban/Linh-vuc-khac/Thong-tu-21-2012-TT-BKHCN-an-toan-sinh-hoc-trong-hoat-dong-nghien-cuu-phat-trien-162295.aspx">http://thuvienphapluat.vn/van-ban/Linh-vuc-khac/Thong-tu-21-2012-TT-BKHCN-an-toan-sinh-hoc-trong-hoat-dong-nghien-cuu-phat-trien-162295.aspx</a></li> </ul> </li>   <li>• <b>Circular 8/2013/TT-BTNMT on 16 May 2013</b> providing the procedure for granting and revoking Certificates of Biosafety, reported the USDA FAS Global Agricultural Information Network. <ul style="list-style-type: none"> <li>○ Vietnamese: <a href="http://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Thong-tu-08-2013-TT-BTNMT-thu-hoi-Giay-chung-nhan-an-toan-sinh-hoc-cay-trong-189537.aspx">http://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Thong-tu-08-2013-TT-BTNMT-thu-hoi-Giay-chung-nhan-an-toan-sinh-hoc-cay-trong-189537.aspx</a></li> </ul> </li>   <li>• <b>Circular 2/2014/TT-BNNPTNT</b> to promulgate the Approval Process of Issuing and Withdrawing Certification for Genetically Modified Plants for Use as Food and Feed (see VM 4020). <ul style="list-style-type: none"> <li>○ Vietnamese: <a href="http://thuvienphapluat.vn/van-ban/Thuong-mai/Thong-tu-02-2014-TT-BNNPTNT-Giay-xac-nhan-thuc-vat-bien-doi-gen-lam-thuc-pham-thuc-an-chan-nuoi-220909.aspx">http://thuvienphapluat.vn/van-ban/Thuong-mai/Thong-tu-02-2014-TT-BNNPTNT-Giay-xac-nhan-thuc-vat-bien-doi-gen-lam-thuc-pham-thuc-an-chan-nuoi-220909.aspx</a></li> </ul> </li>   <li>• Vietnam News, 2011. <i>GM crops set for early start</i>. Available online: <a href="http://vietnamnews.vn/Agriculture/214601/GM-crops-set-for-early-start.html">http://vietnamnews.vn/Agriculture/214601/GM-crops-set-for-early-start.html</a>, accessed 2 February 2017.</li>   <li>• Agronews, 2012. <i>Vietnam still keeps cautious with GM crops</i>. Available online: <a href="http://news.agropages.com/News/NewsDetail---6828.htm">http://news.agropages.com/News/NewsDetail---6828.htm</a>, accessed 2 February 2017.</li> </ul>		
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	<ul style="list-style-type: none"> <li>• WRM, 2008. <i>Japan – WRM information sheet on GE tree research</i>. Available online: <a href="http://wrm.org.uy/fr/autres-informations-pertinentes/japan-wrm-information-sheet-on-ge-tree-research/">http://wrm.org.uy/fr/autres-informations-pertinentes/japan-wrm-information-sheet-on-ge-tree-research/</a>. Accessed 2 February 2017.</li> <li>• WRM, 2008. <i>GE Tree Research – A country by Country Overview</i>. Available online: <a href="http://wrm.org.uy/pt/files/2013/01/Briefing_GM_Trees_by_country.pdf">http://wrm.org.uy/pt/files/2013/01/Briefing_GM_Trees_by_country.pdf</a>, accessed 2 February 2017.</li> <li>• Matthias Fladung and Dietrich Ewald, 2006. <i>Tree Transgenesis: Recent Developments</i>. Relevant extract, page 16-17, available online: <a href="https://books.google.com.au/books?id=6SJKAAAAQBAJ&amp;pg=PA17&amp;pg=PA17&amp;dq=gm+tree+crops+vietnam&amp;source=bl&amp;ots=15qj3_UDQR&amp;sig=qnJFGQg-4n69JGe_RKhVROIOKes&amp;hl=en&amp;sa=X&amp;ved=0ahUKEwiY0tOVhvDRAhUEKJQKHccvB0wQ6AEIJzAD#v=onepage&amp;q=gm%20tree%20crops%20vietnam&amp;f=false">https://books.google.com.au/books?id=6SJKAAAAQBAJ&amp;pg=PA17&amp;pg=PA17&amp;dq=gm+tree+crops+vietnam&amp;source=bl&amp;ots=15qj3_UDQR&amp;sig=qnJFGQg-4n69JGe_RKhVROIOKes&amp;hl=en&amp;sa=X&amp;ved=0ahUKEwiY0tOVhvDRAhUEKJQKHccvB0wQ6AEIJzAD#v=onepage&amp;q=gm%20tree%20crops%20vietnam&amp;f=false</a>, accessed 2 February 2017.</li> <li>• B. Oyelaran-Oyeyinka, P. Gehl Sampath &amp; Padmashree Gehl Sampath, 2009. <i>The Gene Revolution and Global Food Security: Biotechnology Innovation in Latecomers</i>. Relevant extract available online: <a href="https://books.google.com.au/books?id=wUzeCwAAQBAJ&amp;pg=PT79&amp;pg=PT79&amp;dq=gm+tree+crops+vietnam&amp;source=bl&amp;ots=Z0BfMUADO5&amp;sig=9SqviU67E3q51hJajb0f-4yGaJc&amp;hl=en&amp;sa=X&amp;ved=0ahUKEwiY0tOVhvDRAhUEKJQKHccvB0wQ6AEIKTAE#v=onepage&amp;q=gm%20tree%20crops%20vietnam&amp;f=false">https://books.google.com.au/books?id=wUzeCwAAQBAJ&amp;pg=PT79&amp;pg=PT79&amp;dq=gm+tree+crops+vietnam&amp;source=bl&amp;ots=Z0BfMUADO5&amp;sig=9SqviU67E3q51hJajb0f-4yGaJc&amp;hl=en&amp;sa=X&amp;ved=0ahUKEwiY0tOVhvDRAhUEKJQKHccvB0wQ6AEIKTAE#v=onepage&amp;q=gm%20tree%20crops%20vietnam&amp;f=false</a>, accessed 20 February 2017.</li> <li>• Gilles Chaix &amp; Olivier Monteouis, 2004. <i>Forest Genetic Resources Working Papers - Preliminary review of biotechnology in forestry, including genetic modification</i>. Available online: <a href="ftp://ftp.fao.org/docrep/fao/008/ae574e/ae574e00.pdf">ftp://ftp.fao.org/docrep/fao/008/ae574e/ae574e00.pdf</a>, 2 February 2017.</li> </ul>		
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	GMO Context Question	Answer	Sources of Information (list sources if different types of information, such as reports, laws, regulations, articles, web pages news articles etc.).
1	Is there any legislation covering GMO (trees)?	YES	<p><b>DECISION No. 11/2006/QD-TTg, approving a key program on biotechnological development and application in the domain of agriculture and rural development up to 2020.</b>  This program aims to create new plant varieties, animal breeds, micro organic strains and agricultural biotechnological preparations of high yields, high quality and economic efficiency in order to well serve economic restructuring in agriculture and rural development; to raise the quality and competitiveness of commodity farm produce and the proportion of processed agricultural, forestry and aquatic products in service of domestic consumption and export.  Vietnamese: <a href="http://thuvienphapluat.vn/van-ban/Cong-nghe-thong-tin/Quy-dinh-11-2006-QD-TTg-Chuong-trinh-trong-diem-phat-trien-ung-dung-cong-nghe-sinh-hoc-linh-vuc-nong-nghiep-va-phat-trien-nong-thon-den-2020/8480/loi-dung.aspx">http://thuvienphapluat.vn/van-ban/Cong-nghe-thong-tin/Quy-dinh-11-2006-QD-TTg-Chuong-trinh-trong-diem-phat-trien-ung-dung-cong-nghe-sinh-hoc-linh-vuc-nong-nghiep-va-phat-trien-nong-thon-den-2020/8480/loi-dung.aspx</a>  English: <a href="http://faolex.fao.org/docs/pdf/vie63505.pdf">http://faolex.fao.org/docs/pdf/vie63505.pdf</a></p> <p><b>"II. MAJOR TASKS:</b>  <b>1, Basic research, applied research, scientific research and technological development (R-D) and trial production (P) for agro-bio technological development:</b>  <b>b/ Forest plants:</b>  - To conduct applied research so as to create by gene technology (gene transfer technology and molecular identification method) a number of new forest plant varieties with superior forest and biological characteristics such as high yield and high quality, stem and leaf pest-resistance and capability of coping with unfavourable environmental conditions. To create 2-4 strains of wattle and gum tree, which grow fast, turn out high-quality timber of low lignin content. To build a library of deoxyribonucleic acid (DNA) for a number of forest plants and endemic plants.  - To apply cell technology to the selection and propagation of forest trees. To create 2-3 polyploid wattle and cajeput varieties which grow fast, turn out high-quality timber and are disease- and pest-resistant. To develop the micropropagation industry and satisfy the demand for forest plant varieties by 2015.  -To conduct research and apply microbiological technology in order to produce plant protection preparations and microorganic fertilizers for forest plants. By 2010, to create 2-3 plant protection preparations and functional fertilizers for forest plants; by 201 5, to produce on an industrial scale plant protection preparations and functional fertilizers for forest plants."</p> <p><b>Decree No. 69/2010/ND-CP issued by the Government dated 21 Jun 2010 on biosafety for genetically modified organisms, genetic specimens and products of genetically modified organisms.</b>  Vietnamese: <a href="http://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Nghi-dinh-69-2010-ND-CP-an-toan-sinh-hoc-sinh-vat-bien-doi-gen-mau-v-107700.aspx">http://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Nghi-dinh-69-2010-ND-CP-an-toan-sinh-hoc-sinh-vat-bien-doi-gen-mau-v-107700.aspx</a>  English: <a href="http://faolex.fao.org/cgi-bin/faolex.exe?rec_id=081899&amp;database=faolex&amp;search_type=link&amp;table=result&amp;lang=eng&amp;format_name=@ERALL">http://faolex.fao.org/cgi-bin/faolex.exe?rec_id=081899&amp;database=faolex&amp;search_type=link&amp;table=result&amp;lang=eng&amp;format_name=@ERALL</a>  In order to make it in compliance with provision of GM food management regulated in Vietnam Food Safety Law, on November 2011 Prime Minister Dung signed Decree 108, revising Decree 69, and changing the responsible Ministry for food certification from MOH to</p>

MARD. This bureaucratically resolved a problem created when Vietnam's Food Safety Law and Decree 69 granted the authority to regulate biotech agriculture food use certification. Food use certification authority now rests with MARD.

The below report has the description of the overall Regulatory Framework regarding GM plants in Vietnam.

<http://www.fas.usda.gov/data/vietnam-agricultural-biotechnology-annual-0>

Part B: Policy (page 4 – 13).

**Circular 69/2009/TT-BNNPTNT** issued by MARD on 27 Oct 2009 outlining the regulatory process for conducting agricultural biotech field trials before commercialization. The Circular covers both confined and multi-location field trials. Circular 69 established the criteria to evaluate entities and facilities that wish to conduct biotech field trials. Based on this those criteria, MARD has approved the following MARD institutes/agencies to conduct agricultural biotech field trials:

- Agricultural Genetics Institute (AGI), and Plant Protection Institute (PPI). Both organizations are part of the MARD Vietnam Academy for Agriculture Science (VAAS)
- Northern and Southern New Seed Testing Centers, Crop Production Department, MARD
- Nha Ho Cotton Research Institute

<http://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Thong-tu-69-2009-TT-BNNPTNT-khao-nghiem-danh-gia-rui-ro-da-dang-sinh-hoc-moi-truong-giong-cay-trong-bien-doi-gen/96745/loi-dung.aspx>

MARD also regulates which GE crops are allowed for field trial, and ultimately commercialization, through **Circular 72/2009/TT-BNNPTNT dated 17 Nov 2009**. Thus far, only three GE crops namely: Corn (*Zea may L.*), Cotton (*Gossypium spp.*), and Soybean [*Glycline max (L.) Merrill*] are approved for field testing.

<http://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Thong-tu-72-2009-TT-BNNPTNT-danh-muc-loai-cay-trong-bien-doi-gen-duoc-phep-khao-nghiem-danh-gia-rui-ro-da-dang-sinh-hoc-moi-truong-muc-dich-lam-giong/97844/loi-dung.aspx>

On November 20, 2012, the Ministry of Science and Technology (MOST) issued **Circular 21/2012/TT-BKHCHN** regulating the Research and Development of Genetically Modified Organisms in Vietnam. The Circular applies to individuals and organizations conducting research and development of GMOs and genetic specimen activities within Vietnam.

<http://thuvienphapluat.vn/van-ban/Linh-vuc-khac/Thong-tu-21-2012-TT-BKHCHN-an-toan-sinh-hoc-trong-hoat-dong-nghien-cuu-phan-trien-162295.aspx>

Ministry of Natural Resources and Environment (MONRE) issued **Circular 8/2013/TT-BTNMT on 16 May 2013** providing the procedure for granting and revoking Certificates of Biosafety, reported the USDA FAS Global Agricultural Information Network. The circular which entered into force last July 1, 2013 lays out the regulatory structure to evaluate the biosafety of agricultural traits derived from biotechnology. Hence, a biosafety certificate is required before a biotech event can be cultivated in the country.

<http://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Thong-tu-08-2013-TT-BTNMT-thu-hoi-Giay-chung-nhan-an-toan-sinh-hoc-cay-trong-189537.aspx>

On January 24, 2014, the Ministry of Agriculture and Rural Development (MARD) issued **Circular 2/2014/TT-BNNPTNT** to promulgate the Approval Process of Issuing and Withdrawing Certification for Genetically Modified Plants for Use as Food and Feed

			(see VM 4020). The Circular provides the Approval Process of Issuing and Revoking the Certificate for Genetically Modified (GM) Plants to be Used as Food and Feed. The Circular entered into force on March 10, 2014. <a href="http://thuvienphapluat.vn/van-ban/Thuong-mai/Thong-tu-02-2014-TT-BNNPTNT-Giay-xac-nhan-thuc-vat-bien-doi-gen-lam-thuc-pham-thuc-an-chan-nuoi-220909.aspx">http://thuvienphapluat.vn/van-ban/Thuong-mai/Thong-tu-02-2014-TT-BNNPTNT-Giay-xac-nhan-thuc-vat-bien-doi-gen-lam-thuc-pham-thuc-an-chan-nuoi-220909.aspx</a>
2	Does applicable legislation for the area under assessment include a ban for commercial use of GMO (trees)?	NO	
3	Is there evidence of unauthorized use of GM trees?	NO	<p>There is no evidence available of unauthorized use of GM trees. Extensive research has been conducted and no reports have been found. There appears to be a relatively high level of interest from the Vietnamese media about the use of GM technology, and there is consistent reporting of activities associated with GMO. As there have been no reports of unauthorized use of gm trees, there is nothing to indicate that this is occurring.</p> <ul style="list-style-type: none"> <li>• Vietnam News, 2011. <i>GM crops set for early start</i>. Available online: <a href="http://vietnamnews.vn/Agriculture/214601/GM-crops-set-for-early-start.html">http://vietnamnews.vn/Agriculture/214601/GM-crops-set-for-early-start.html</a>, accessed 2 February 2017.</li> <li>• Agronews, 2012. <i>Vietnam still keeps cautious with GM crops</i>. Available online: <a href="http://news.agropages.com/News/NewsDetail---6828.htm">http://news.agropages.com/News/NewsDetail---6828.htm</a>, accessed 2 February 2017.</li> </ul>
4	Is there any commercial use of GM trees in the country or region?	NO	MARD regulates which GE crops are allowed for field trial, and ultimately commercialization, through <b>Circular 72/2009/TT-BNNPTNT dated 17 Nov 2009</b> . Thus far, only three GE crops namely: Corn ( <i>Zea may L.</i> ), Cotton ( <i>Gossypium spp.</i> ), and Soybean [( <i>Glycine max (L.) Merrill</i> )] are approved for field testing.
5	Are there any trials of GM	Currently NO, there are historical reports of testing by one	According to WRM (2008) Oji Paper established a field trial of GM eucalyptus in Vietnam from 1998 to 2001. There are no reports of additional field testing in Vietnam.

trees in the country or region?	Japanese company and some research work conducted into GM trees.	<ul style="list-style-type: none"> <li>WRM, 2008. <i>Japan – WRM information sheet on GE tree research</i>. Available online: <a href="http://wrm.org.uy/fr/autres-informations-pertinentes/japan-wrm-information-sheet-on-ge-tree-research/">http://wrm.org.uy/fr/autres-informations-pertinentes/japan-wrm-information-sheet-on-ge-tree-research/</a>. Accessed 2 February 2017.</li> <li>WRM, 2008. <i>GE Tree Research – A country by Country Overview</i>. Available online: <a href="http://wrm.org.uy/pt/files/2013/01/Briefing_GM_Trees_by_country.pdf">http://wrm.org.uy/pt/files/2013/01/Briefing_GM_Trees_by_country.pdf</a>, accessed 2 February 2017.</li> <li>Matthias Fladung and Dietrich Ewald, 2006. <i>Tree Transgenesis: Recent Developments</i>. Relevant extract, page 16-17, available online: <a href="https://books.google.com.au/books?id=6SJKAAAQBAJ&amp;pg=PA17&amp;lpg=PA17&amp;dq=gm+tree+crops+vietnam&amp;source=bl&amp;ots=15qj3_UDQR&amp;sig=qnJFGQg-4n69JGe_RKhVROIOKes&amp;hl=en&amp;sa=X&amp;ved=0ahUKEwiY0tOVhvDRAhUEKJQKHccvB0wQ6AEIJzAD#v=onepage&amp;q=gm%20tree%20crops%20vietnam&amp;f=false">https://books.google.com.au/books?id=6SJKAAAQBAJ&amp;pg=PA17&amp;lpg=PA17&amp;dq=gm+tree+crops+vietnam&amp;source=bl&amp;ots=15qj3_UDQR&amp;sig=qnJFGQg-4n69JGe_RKhVROIOKes&amp;hl=en&amp;sa=X&amp;ved=0ahUKEwiY0tOVhvDRAhUEKJQKHccvB0wQ6AEIJzAD#v=onepage&amp;q=gm%20tree%20crops%20vietnam&amp;f=false</a>, accessed 2 February 2017.</li> </ul> <p>According to Oyelaran-Oyeyinka et al (2009), ‘multiplication improvement, and disease elimination technology for key plants (eucalyptus, gum tree, orange tree, mandarin tree, sugar cane, banana, orchid, etc.) researched by local scientists have been applied nationwide and have become the significant technologies for agricultural improvement.</p> <ul style="list-style-type: none"> <li>B. Oyelaran-Oyeyinka, P. Gehl Sampath &amp; Padmashree Gehl Sampath, 2009. <i>The Gene Revolution and Global Food Security: Biotechnology Innovation in Latecomers</i>. Relevant extract available online: <a href="https://books.google.com.au/books?id=wUzeCwAAQBAJ&amp;pg=PT79&amp;lpg=PT79&amp;dq=gm+tree+crops+vietnam&amp;source=bl&amp;ots=Z0BfMUADO5&amp;sig=9SquiU67E3q51hJajb0f-4yGaJc&amp;hl=en&amp;sa=X&amp;ved=0ahUKEwiY0tOVhvDRAhUEKJQKHccvB0wQ6AEIKTAE#v=onepage&amp;q=gm%20tree%20crops%20vietnam&amp;f=false">https://books.google.com.au/books?id=wUzeCwAAQBAJ&amp;pg=PT79&amp;lpg=PT79&amp;dq=gm+tree+crops+vietnam&amp;source=bl&amp;ots=Z0BfMUADO5&amp;sig=9SquiU67E3q51hJajb0f-4yGaJc&amp;hl=en&amp;sa=X&amp;ved=0ahUKEwiY0tOVhvDRAhUEKJQKHccvB0wQ6AEIKTAE#v=onepage&amp;q=gm%20tree%20crops%20vietnam&amp;f=false</a>, accessed 20 February 2017.</li> </ul> <p>According to Chaix &amp; Olivier Monteuis (2004), there are few references available on their [developing countries] involvement in forestry biotechnology. The limited literature mainly refers to micropropagation in Vietnam, Malaysia, Indonesia and India. Malaysia has a reported strong oil palm molecular biology programme, including genetic modification.</p> <ul style="list-style-type: none"> <li>Gilles Chaix &amp; Olivier Monteuis, 2004. <i>Forest Genetic Resources Working Papers - Preliminary review of biotechnology in forestry, including genetic modification</i>. Available online: <a href="ftp://ftp.fao.org/docrep/fao/008/ae574e/ae574e00.pdf">ftp://ftp.fao.org/docrep/fao/008/ae574e/ae574e00.pdf</a>, 2 February 2017.</li> </ul> <p>MARD regulates which GE crops are allowed for field trial, and ultimately commercialization, through <b>Circular 72/2009/TT-BNNPTNT dated 17 Nov 2009</b>. Thus far, only three GE crops namely: Corn (<i>Zea may L.</i>), Cotton (<i>Gossypium spp.</i>), and Soybean [(<i>Glycline max (L.) Merrill</i>)] are approved for field testing.</p>
6 Are licenses required for commercial use of GM trees?	YES	<p><b>MONRE Biosafety Certification Regulation</b></p> <p>On May 16, 2013, the Ministry of Natural Resources and Environment (MONRE) published Circular 8/2013/TT-BTNMT, providing the procedure for granting and revoking Certificates of Biosafety. Circular 8 lays out the regulatory structure to evaluate the biosafety of agricultural traits derived from biotechnology. A biosafety certificate is required before an agricultural biotech event can be commercially cultivated in Vietnam. This Circular entered into force on July 1, 2013</p> <p><b>MARD approves Food/Feed Use Certification Regulation</b></p>



			On January 24, 2014, the Ministry of Agriculture and Rural Development (MARD) issued Circular 2/2014/TT-BNNPTNT to promulgate the Approval Process of Issuing and Withdrawing Certification for Genetically Modified Plants for Use as Food and Feed (see VM 4020). The Circular provides the Approval Process of Issuing and Revoking the Certificate for Genetically Modified (GM) Plants to be Used as Food and Feed. The Circular entered into force on March 10, 2014.
7	Are there any licenses issued for GM trees relevant for the area under assessment? (If so, in what regions, for what species and to which entities?)	NO	<p>Only three GE crops namely: Corn (<i>Zea may L.</i>), Cotton (<i>Gossypium spp.</i>), and Soybean [<i>Glycline max (L.) Merrill</i>] are approved for field testing.</p> <p>MARD regulates which GE crops are allowed for field trial, and ultimately commercialization, through <b>Circular 72/2009/TT-BNNPTNT dated 17 Nov 2009</b>. Thus far,</p>
8	What GM 'species' are used?	N/A	
9	Can it be clearly determined in which MUs the GM trees are used?	N/A	

#### Recommended control measures

N/A