

Developing Livelihood in Harmony with Forest Protection and Adaptation of Legal System in Vietnam

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Abstract

Vietnam has a rich and diverse forest ecosystem with a large number of inhabitants who are living in the forest. They protect the forest and also directly destroy it to earn a living. Therefore, ensuring sustainable livelihoods for them not only helps them to have a better life but also protects the forest. This article explores the practice on implementation of livelihood development in harmony with forest protection in Vietnam. Besides, the article also mentions changes in Vietnam's forest protection legal system on this issue. To conclude, it proposes some suggestions to be considered in order to get the desired results.

Keywords: Forest protection; developing livelihood; legal system in Vietnam; livelihood.

1. Introduction

Forest is the environment in which humans and many other organisms arise and develop, however, the forest environment also has the ability to interact and improve other types of environment in the same living space such as air, soil, and water. Not only providing materials and fuels for daily activities and production of humans, forest also plays a very important role in ensuring ecological balance. Therefore, the proportion of forested land in each country is considered an important indicator to assess the quality of its environment. In addition, in the context that the whole world is trying to respond to climate change, the protection and development of forest resources becomes especially important for all countries (Bui Van Tran, 2010).

In Vietnam, about 27% of the population depends on the forest. Nearly 10% of them are poor residents and ethnic minorities living in or near natural forests with their lives as well as cultures significantly depend on the stated surrounding environment. They have lived with forests for thousands of generations and, consequently, have formed their own cultural identities and customs according to each region, which lead to a close relationship between deforestation and forest protection with the livelihood of the denizens. Therefore, securing the livelihood of forest-dependent people for hunger eradication, poverty reduction, and protection of forest resources has been implementing in Vietnam.

In that context, the article explores the practice of developing livelihood in harmony with forest protection in Vietnam in recent years and the adaptation of forest protection legislation together with recommendations to improve the efficiency of this activity in the future.

2. Practice on implementation of livelihood development in harmony with forest protection in Vietnam

In recent years, a lot of projects and programs to support livelihood development for communities, especially ethnic minorities, have been implemented in Vietnam in many forms. Specifically, they are as follows:

2.1. Livelihood development based on the indigenous knowledge potential of the ethnic minorities

Knowledge and ecology are two of the four aspects that make up an effective livelihood policy (Ian, 2015). Therefore, developing livelihood based on the potential of existing indigenous knowledge of ethnic minorities is one of the wise approaches to protect forest resources in particular and natural resources in general.

Indigenous knowledge is the knowledge that people in a community have accumulated during a long history of formation and development. Therefore, most of the indigenous knowledge is related to the environment, methods of production, husbandry and cultivation (Ngo Quang Son, 2014). The life of the community, especially the ethnic minorities, is always closely associated with nature so the methods of exploiting, using, protecting and managing natural resources are always highly prioritized. Therefore, developing livelihood based on the potential indigenous knowledge of ethnic minorities is one of the options for ensuring a livelihood in harmony with nature in Vietnam in recent years, in which two following cases are typical examples.

Case 1: The Dao ethnic group possesses knowledge of medicinal herb bathing as a method of healing by traditional medicine, which has been passed down through many generations. Accordingly, they collect all kinds of leaves from forest trees (about 15 to 20 kinds of leaves) to use as raw materials for medicinal herb.

On the basis of that indigenous knowledge, the project on “*Contribution to the conservation of medicinal plant genetic source of the Dao people and improvement of the community's livelihood through the medicinal herb bathing service and medicinal plant products in Quan Ba - Ha Giang*” was initiated with the fund of the Global Environment Fund. The project was implemented for a period of 24 months (starting from March, 2016) with the objectives of: Maintaining and preserving products from Dao bath remedy; organizing the medicinal herb bathing service which rely on mobilizing human resources from the community; professionalizing the service delivery and sales of bath remedy combined with local tourism.

The result obtained from the project is the successful conservation of the diversity of medicinal plant genetic sources. The local people now understand sustainable harvesting methods; properly preserving several medicinal plants by planting medicinal plants that are in danger of exhaustion in the wild. The members of the cooperative have an initial income from the medicinal herb bathing service with the gradual rise in revenues. The project also attracts many women of ethnic minorities at a rate of 70-90% and most of the local members participating in the project are Dao ethnic people. These subjects are mainly between the ages of 18 and 35 (Project Management Unit, 2019).

Case 2: Project “*Strengthening management and equitable benefit sharing for natural medicinal product chains in Vietnam*”. The project is funded by Traffic International Vietnam (Traffic International is a non-profit agency operating on a global scale to protect wildlife), and implemented in communes of Ban Thi, Xuan Lac of Nam Xuan Lac species and habitat reserve; communes of Lang San and Luong Thanh of Kim Hy natural reserve. The goal of the project is to support the livelihood of the people to minimize overexploitation and unsustainable trade of medicinal resources. After more than 2 years of implementation (October, 2015 – March, 2018), the project has supported the establishment of one cooperative and 15 sustainable medicinal plant harvesting groups, supported the promotion of activities of one cooperative, and helped to create jobs and increase incomes (Phan Quy, 2018).

Thus, from the good economic development thanks to the exploitation of indigenous knowledge, ethnic minorities are more aware of the forest protection, development, and environmental protection while ensuring a sustainable livelihood.

2.2. Livelihood fund development by creating alternative livelihoods to substitute for exploiting forest products

Reality shows that it is very important to preserve forest, develop the greenery of bare land and bare hills to respond to climate change. However, if local people's income cannot be raised, it will be difficult to preserve forest. With this mindset, livelihood fund development by creating alternative livelihoods is a fairly effective solution that has been deployed in Vietnam in recent years. Several specific examples are as follows:

Example 1: “*Capacity building for the development of a sustainable livelihood model to reduce the dependency on special-use forests in the buffer zone of Bach Ma National Park*” is a project which has been implemented in two communes of Thuong Nhat and Huong Loc, Nam Dong District, Thua Thien - Hue Province since March 2016. The project's objective is to raise awareness, skills, and experience in managing funds for sustainable development and livelihood models have been developed for the communities in the buffer zone of Bach Ma National Park, serving the protection of special-use forest resources. One of the important contents of this project is to develop a livelihood fund for the Co Tu and Kinh ethnic communities who depend on the exploitation of products from natural forests. The livelihood fund is funded by the Global Environment Fund, which helps people create alternative livelihoods to substitute for forest products such as breeding chickens, pigs, buffaloes and cows; planting Gac fruit, flowers and sugarcane. The project has had the impact on reducing the number of illegal forest exploitation in the project area and ensuring increased income, improving material and spiritual living conditions for the local people. (Center for Rural Development, 2018).

Example 2: Bac Kan has three nature reserves with thousands of ethnic minority households living in the core zone with difficult lives. In order to support the people to gradually get stable jobs, from 2018, Bac Kan Forest Ranger has planted a trial of some medicinal species under the special-use forest canopy. In addition, the province has also implemented the rice support scheme, submitted to the Ministry of Agriculture and Rural Development for consideration. Accordingly, focusing on supporting 607 villages of region II, region III of 100 communes and towns with 23,465 participating households, including 103,819 people, including villages in special-use forest areas is also considered one of the main tasks. The rice allowance level is determined for each household based on the area of afforestation and forest protection (Phan Quy, 2019).

Similar to the two cases mentioned above, in recent years, many models of enrichment from forests and agricultural cultivation on forested lands, farm development in association with forest have become effective farming methods to help millions of farm households in remote to get enrichment. These are also encouraging results for the sustainable development of the forestry economy, improving the material and spiritual lives of forest dependent people.

2.3. Livelihood development through the community forest model

Experiences on biodiversity conservation from many countries around the world have shown that community-based approach will become the core of on-site biodiversity conservation efforts (IUCN, 2008). As for forest ecosystem conservation, community forest management is a practice that has appeared for a long time and has become an effective method of forest management that many countries pay attention and encourage to develop. This method of forest management is very dynamic, diverse and effective in forest management and community livelihood development in upland communities. It meets the livelihood needs in remote and isolated areas of ethnic minorities where there are traditional practices, underdeveloped production and market conditions, and low management skills.

In Vietnam, community forests have been formed for a long time, under many management forms with different origins. Over the past years, many programs, schemes and projects on community forest management of the Government and international organizations have been implemented in many places with promising results. Many activities on community forest management carried out across the country have brought a lot of success because of communal conventions, equal obligations and interests of community members, community members are aware of forest protection with their own voluntariness, by the discipline of the community and by faith or spirituality (Nguyen Ba Ngai, 2009). According to the survey data of Panature Vietnam (Statistics in 24 provinces of Son La, Lai Chau, Dien Bien, Yen Bai, Lao Cai, Bac Kan, Ha Giang, Cao Bang, Lang Son, Bac Ninh, Bac Giang, Thai Nguyen, Quang Ninh, Thanh Hoa, Quang Binh, Quang Tri, Thua Thien Hue, Quang Nam, Binh Dinh, Dak Lak, Lam Dong, Gia Lai, Dak Nong and Kon Tum), forests have been allocated to village communities as of 2017 to be 7297 communities with an area of nearly 1,277,966 hectares. In which, the number of communities assigned to manage forests in the provinces is: Son La (2508 communities), Cao Bang (1988 communities) Ha Giang (1412 communities), Other provinces (1377 communities). Area of community forests allocated for management: Son La (524800.7 ha), Cao Bang (133949.7 ha), Ha Giang (240715.6 ha), other provinces (378500.5) (Dang Xuan Truong, 2018). To get the above results, many projects have been implemented. The instances are as follows:

The Community Forestry Pilot Program is funded by a Trust Fund for Forestry with a total budget of EUR1,463,000. The project was started in September 2006 and lasted until the end of June 2009 in 10 provinces: Dien Bien, Son La, Yen Bai, Cao Bang, Lang Son, Nghe An, Quang Tri, Thua Thien-Hue, Gia Lai and Dak Nong. As a result, by the end of 2008, 64 communities have completed their forest protection and development conventions recognized by the district people's committee. Communities have been implementing their own forest protection and development conventions associated with benefit sharing. Community forest protection and development funds of 38 communes and of 64 villages/ mountainous villages have been established. Communities have been implementing forest management plans (propagating, patrolling and protecting forests, nurturing forests, creating seedlings to prepare for afforestation according to the plan), implementing conventions and managing the use of Community forest protection and development fund, printing over 5,000 copies of forest protection and development conventions hung at communal houses and distributed to households for monitoring and implementing together (Luu Thi Thua, 2009).

The Project on Strengthening Community Forestry in Vietnam (Phase II) is funded by Trust Fund for Forestry. The project was launched from June 2012 to December 2013. The main objective of the project is to facilitate the active participation of local communities in Vietnam in ecological sustainability and equitable management of natural forest resources; contributing to increasing incomes and reducing poverty for forest-dependent communities.

Son La is one of 9 provinces establishing the project. Since there are many ethnic minorities living closely with the forest, the development of community forest model to ensure their livelihood in harmony with forest protection is a matter of focus in this locality. After nearly 2 years of implementing the project in 4 upland communes of Na Ot, Phiang Chin, Muong Do, Muong Lang, the Project has encouraged local people to actively participate in the management of forest resources and, at the same time, contributed to the improvements of incomes, hunger eradication, and poverty reduction for the forest dependent community of the project. By participating in the project, people can discuss and contribute ideas to develop local forest protection conventions and regulations. Along with that, the Project has also supported the community to build 42 firewood-saving stoves in order to limit the deforestation for fuel. Promoting the results of the project, by 2016, Son La had a very large proportion of community forests, accounting for 40% of the total forestry land area of the province (Trinh Hai Van, 2018).

2.4. Livelihood development through payment for forest environment service

Payments for forest environment service is a payment service mechanism between users and suppliers of forest environment services in order to socialize the forest protection and promote economic values of the forest environment in the context of exhausted natural forest timber resources and limited state budget investments in forest protection (Hoang The Lien, 2017).

In other words, payments for forest environment services is an effective way to protect forests on the basis of linking the interests of the forest owners with the communal interests in exploiting, using and preserving values of forest environment services. Therefore, among activities aimed at developing livelihood in harmony with nature in Vietnam, payments for forest environment services is an increasingly important issue.

According to current regulations, the mobilization of revenues from forest environment services is applied to three types of revenue: hydroelectricity, treated water and tourism. By the end of 2016, the amount of forest environment services spent was VND 4,688.99 billion, of which payment to forest owners was VND 4,304.73 billion, accounting for 91.8%. In 2017, VND 1,189.3 billion was disbursed to more than 136,000 forest owners in the entire country. This amount has helped to manage and protect 5,985 million hectares of forest, accounting for 45% of the total national forest area, and, at the same time, supported livelihood, helped people to become fond of forest protection (Mai Quyen, 2018). According to the latest data, until mid-2019, the forest area, which was paid with forest environment services was 5.2 million hectares of forest out of a total of 6.3 million hectares receiving forest environment service, accounting for 43% of the total national forest area. Of the 5.2 million hectares mentioned above, 2.839 million hectares of forest have been contracted for management and protection for 29,947 individuals, households, communities, groups of households and other organizations by forest owners. By the end of April 10, 2019, 692 mandate contracts for payment for forest environment service have been signed with 432 hydropower plants, 159 water treatment plants and 73 tourism units, 28 factories in the entire country. In 2018, VND 2,937.9 billion for forest environment services was collected all over the country. By the end of the first quarter of 2019, VND 690.28 billion was collected in the whole country (Forest Protection and Development Fund, 2019).

Thus, in the past time, payments for forest environment services in Vietnam have contributed significantly in supporting forest owners to have funds for forest management and protection; supporting the Forestry Companies as well as the Forest Management Board to stop the exploitation of natural forest and timely assisting the mountainous people who protect the forest to have money to improve their lives in the context of limited state budget.

3. Adaptation of Vietnamese law to develop livelihood in harmony with forest protection

Recognizing the role of forest protection and development in efforts to meet the requirements of sustainable development, in recent years, many legal documents on forest resource protection have been promulgated and continuously developed in Vietnam. The system of regulations on forest protection, uses and developments has really become an important legal basis for the national forest protection and development.

On November 15, 2017, the Law on Forestry (Law No. 16/2017 / QH14) was passed by the 14th National Assembly of the Socialist Republic of Vietnam at its 4th session and took effect from January 1, 2019. The law includes 12 chapters, 108 articles on forest management, protection, development and use; processing and trading in forest products. This law also opens a new period for fundamental changes in the way of forest protection combined with forestry development and livelihood improvement for sustainable developments in Vietnam for the next period. It reflects the timely adaptation of the forest protection legislation in Vietnam to the requirements of ensuring sustainable development in the region as well as in the world. Specifically, they are as follows:

3.1. Changing approach towards forest protection associated with forest exploitation and use.

Under this approach, forestry is considered to be a socio-economic sector and it is implemented on the basis of strong integration with the requirements of forest protection. Previous legal documents on forest protection and development only specified issues related to forest protection and development in terms of protection and development of a natural resource. The Law on Forestry issued in 2017 has taken a broader approach. Accordingly, this law has extended to the fields of processing and trading, science and technology, and international cooperation. Thus, it is different from Law on Forest Protection and Development dated 1991 as well as the one dated 2004 and the guiding documents of the Law on Forestry 2017 affirm that forestry is an economic and social sector, which has the connection with the value chain of forest products from forest management, protection, development and use to forest product processing and trading; affirm that the forestry sector both performs economic developments and promotes social values with the requirements of sustainable management. Accordingly, forestry is a specific socio-economic sector, including all activities associated with the production of goods and services related to forests. This approach shows a binding between the objective of forest protection with the goal of socio-economic development associated with forest, including ensuring sustainable livelihood development.

In addition, the Law on Forestry 2017 clearly defines the forest product development policy in the direction of supporting businesses to cooperate, enter into joint venture with forest owners to create raw material areas, sustainably manage forest, and consume products, apply advanced science and technology, high technologies, new technologies and green growth solutions, enhance added value, give priority to the development of supporting industries in forest product processing.

With these changes, conditions for finding jobs, changing forest-dependent livelihoods of communities, especially ethnic minorities in mountainous areas, have been expanded, thereby reducing demand of forest exploitation and improving forest protection efficiency.

3.2. Changing viewpoint on forest ownership problems.

The Law on Forest Protection and Development 1991 or the Law on Forest Protection and Development 2004 only show the State's rights to forests. Forest owners only have the right to use and own forests when they are assigned forests by the State, the Law on Forestry 2017 stipulates two groups of forest owning forms. They are: Forests are owned by the people, in which State acts as the owner's representative and forests are owned by organizations, households, individuals, and communities. Accordingly, the State is the owner's representative for forests ownership by the whole, including: Natural forests; planted forests which are entirely invested by the State; planted forests which are recovered by the State, donated or conveyed in accordance with regulations. Organizations, households, individuals and communities own production forests which are planted forests, including: Forests which are invested by organizations, households, individuals or communities; forests, which are conveyed, donated or inherited from other forest owners according to provisions of law (Article 7).

Thus, production forests are planted forests invested by organizations, individuals, in which whoever invest capital will be the owner of the forest. The clear definition of the above forms of forest ownership not only recognizes the achievements of labor and investment results of woodmen, but also creates incentives for organizations and individuals to invest in poor forests and benefit from forests. It ensures better and more effective forest management, linking the interests of forest owners with those of the community in the use of the values of the forest services and improving woodmen's livelihoods.

3.3. Concretization of regulations on land and forest allocation to ethnic minorities, forest dependent communities.

In order to meet the requirements of sustainable development and to link forest protection with solving socio-economic issues, the law on forest protection in Vietnam has had significant changes in recent years. Clauses 1 and 4, Article 10 of the Law on Forest Protection and Development 2004 stipulate that: the State has an investment policy for forest protection and development in combination and synchronization with other socio-economic policies, the State also prioritizes investment in infrastructure, human resources development, settle agriculture and fixed home, stabilization and improvement of mountainous people's lives or the State encourages organizations, households and individuals to receive lands to develop forests in bare lands and bare hills. It can be seen that this provision only stops at the general policy so it is completely different from the provision in Clause 6, Article 4 of the Law on Forestry 2017. Here, this issue is clearly confirmed as follows: The State ensures that ethnic minorities and forest dependent communities will be allocated forests and lands for combined forestry, agriculture and fishery production; will be allowed to cooperate and link forest protection and development with forest owners, and share benefits from forest; will be allowed to practice their cultures and beliefs associated with forest according to regulations. When allocating forests, the authorities must give priority to the allocation of forest to ethnic minorities, households, individuals and communities that have customs, practices, cultures, beliefs and traditions associated with forest, have regulations and conventions in accordance with the provisions of law.

This change is completely appropriate with the reality and contributes to ensuring a good settlement of livelihood in harmony with the forest. In fact, because 75% of the natural land area of our country is hills and mountains, they are the main living area of more than 14 million ethnic minorities, who live closely with the forest and have incomes generated mainly from forestry, from milpa cultivation (Council of Ethnic Affairs, 2017). The new provision above has shown a change in awareness of the values of this issue to forest protection and economic and cultural life of ethnic minorities. The clear policy towards ethnic minorities of practicing culture and beliefs associated with forest has reflected a positive change in the forest management approach in Vietnam. In addition, Point d, Clause 2, Article 5 of the Law on Forestry 2017 also stipulates that belief forest is one of the special-use forests with special conservation mechanism. The State's policy of supporting investment in activities of cooperation and association in forest protection and development of ethnic minorities and communities associated with the program on socio-economic development, new rural construction is also specified in Article 94 of this law.

Thus, it can be seen that the above changes are an important legal basis for ethnic minorities to practice their rights and obligations to the process of forest management, protection, development and use, forestry processing and trading.

Ensuring the livelihood for ethnic minorities associated with forest will significantly contribute to improving the efficiency of forest management, protection and development in association with hunger eradication and poverty reduction in the future.

3.4. Legalization of payment for forest environment service.

Forest environment services are activities that provide the usable values of forest. In terms of legislation, the Law on Forest Protection and Development 1991 and the Law on Forest Protection and Development 2004 do not mention forest environment services. The Law on Biodiversity 2008 only contains general provisions for ecosystem services. To create a unified legal basis for this issue, the Law on Forestry 2017 adjusts the payments for forest environment services by specifying the types of services, principles of payments for forest environment service; subjects and methods of payments, management and use of forest environment service charges; rights and obligations of users and suppliers of forest environment service. This provision contributes to creating a sustainable financial source for direct investments in forest, increasing incomes for woodmen, thereby contributing to poverty reduction and ensuring sustainable forest management.

4. Conclusion

Forest protection, development, and biodiversity conservation are important objectives. However, the livelihood, especially the food safety of local people, also needs to be paid attention. If not, the goal of sustainable forest protection and development will be likely infeasible. The sustainable livelihood of the people also requires other policies to invest in the infrastructure system, rationally shift the economic structure, properly promote potentials and advantages, suitable to customs, people's intellectual standard, invest in human resource development, access to commodity production, improve the lives of local people, meeting the requirements of socio-economic development in localities. For good implementation of livelihood development in harmony with forest protection, it is necessary to pay attention to the following issues:

Firstly, organizing the assessment and selecting appropriate livelihood development activities should be taken seriously. For instance, for mangroves dependent communities, local communities should be encouraged to switch to livelihoods that are less harmful to mangroves while protecting important aquatic and marine species such as fish or shrimp, and organisms living in alluvial areas, under the canopy of mangroves. Along with that, priority should be given to creating stable livelihoods for poor households, creating alternative incomes for ethnic minorities in order to avoid making a living by initiating deforestation.

Secondly, promoting the development of community forest model is also vital. In order to effectively implement this activity, it is necessary to invest in the human resources development and organization of the community. There are two important conditions for successful community forest management: (i) the necessary condition is that there is a strong community leader, who represents the will and aspirations of the villagers; (ii) the sufficient condition is that receiving forest should be an opportunity to create jobs, increase incomes for villagers, and promote awareness of forest protection. Therefore, promoting the development of community forest should focus on the human resources development and organization of the community.

Thirdly, it is crucial to apply supporting measures, including: technical assistance, legal assistance, financial assistance. Along with that, it is necessary to build financial management capacity for local people.

Fourthly, good implementation in communication and paying attention to gender issues in livelihood development, especially in remote areas where ethnic minorities account for a large number of people, and their level of awareness is limited with many depraved customs that hinder the development and assertion of the women's role. The stated problem is clearly shown in the lessons from an Oxfam funded project conducted in Lung Vai Commune, Muong Khuong District, Lao Cai Province in 1994. In this project, the women's role is confirmed and enhanced when being trained and receiving material support directly related to production development and market promotion for indigenous pork products (through the supply of breeding pigs to the female members to care for and develop, increase their income). In addition to economic development activities, through each training session, women also learn more about gender equality, women's rights as well as their roles in ensuring the household economy (Koos Neefjes, 2000).

In summary, livelihood development in combination with forest protection is a necessary but a complicated issue and requires active participation of all concerned subjects. With the change of approach and the addition of new regulations in the legal system, the efforts of forest protection and development associated with poverty reduction and the ensuring sustainable livelihood in Vietnam will surely be achieved with higher efficiency in the future.

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