

# Implementation of the Convention on Biodiversity in Vietnam

*Pham Viet Hong and Vu Minh Hoa*

*Respectively, National Environmental Agency (NEA), Vietnam and IUCN Vietnam Office*

## 1.0 Introduction

Vietnam is a country rich in tropical rainforests, monsoon savannahs, sub-alpine scrubland and river deltas. It has a wealth of diverse natural and biological resources that represent a unique physical environment developed over tens of thousands of years of adaptation. The biodiversity that has emerged through this process now exists side by side with one of the densest human populations on Earth. This, of course, has placed tremendous pressure on a vast number of species.

Vietnam has recognised the economic and cultural importance of its biodiversity. Over the past decade, Vietnam has already taken a number of steps to preserve its resources. It has developed several strategic planning documents for conservation including the National Conservation Strategy (1985) and the National Plan for Environment and Sustainable Development (1991). As soon as the President of Vietnam ratified the Convention on Biological Diversity (CBD) in October 1994, Vietnam began actively carrying out its work programmes relating to the CBD's implementation. These programmes were co-ordinated with the actions to implement other important treaties Vietnam has become a contracting party to including the:

- Ramsar Wetlands Convention;
- World Heritage Convention;
- Convention on International Trade in Endangered Species of Wild Fauna and Flora; and
- United Nations Convention on the Law of the Sea.

At the regional level, Vietnam also signed the ASEAN Agreement on the Conservation of Nature and Natural Resources.

The National Assembly of Vietnam has issued a number of fundamental laws to strengthen the national legal framework to conserve biological resources. These include the:

- Law on Forest Resources Protection and Development;
- Law on Land;
- Law on Environmental Protection;
- Ordinance on Fishery Resources Protection; and
- Ordinance on Plant Quarantine.

In December 1995, the Government of Vietnam approved the Vietnam Biodiversity Action Plan. This is the plan upon which different national economic sectors can build-up partnerships to protect natural resources important for the country.

## **2.0 Some Major Issues for the Biodiversity Convention's Implementation in Vietnam**

### ***2.1 Incorporating the obligations of the CBD into domestic law***

As with many developing countries, Vietnam faces the challenge of implementing the international conventions to which it is a party. The CBD only provides guidelines - it is up to the country to formulate the specific means to meet its obligations. This will allow Vietnam to consider its particular environmental, social and economic conditions when it strives to implement the Convention. Vietnam has already approved its Biodiversity Action Plan. The challenge now is to implement it.

However, even before the issue of implementation arises, there is the preliminary question of how international conventions are incorporated into Vietnamese law. No steps appear to have been taken to incorporate the CBD into Vietnamese law. Therefore, the procedure for incorporating international conventions into Vietnamese law is a question that has to be resolved.

### ***2.2 Co-ordination between central government agencies and between the central government and the provincial governments***

Co-ordination between different ministries and departments at the horizontal level is very critical. In Vietnam today, in the field of conservation, the Ministry of Science, Technology and Environment (MOSTE) is in charge of general environmental matters. The Ministry of Agriculture and Rural Development (MARD) is in charge of agricultural and forestry issues. The Ministry of Fisheries is in charge of fishery issues. From this it is evident that implementing the various

nature conservation conventions comes under the charge of the different ministries.

The government body responsible for implementing the CBD is the National Environmental Agency (NEA) of MOSTE. As we all know all nature conservation conventions are inter-linked. Therefore, to effectively implement the Biodiversity Action Plan, there is a critical need for co-ordination and co-operation between the different ministries in Vietnam, especially between MOSTE and MARD. In Vietnam, closer co-operation between the ministries can be achieved with close relationships between NEA (MOSTE) and the environment units of the relevant line ministries.

Co-ordination must also be ensured between the central authorities and the provincial governments. In a large country like Vietnam, the provincial governments are always the ultimate law enforcers. The majority of natural resource problems like biodiversity loss occur in the rural areas far away from the major cities. Thus, the People's Committee of the provinces must be adequately informed and educated on their roles in carrying out the obligations of the Convention.

### **2.3 Conservation of and access to genetic resources**

Vietnam has developed a national system to conserve genetic resources. This system involves thirty scientific research institutions and production units. They carry out genetic conservation of agro-plants and animals, medicinal plants and forest trees. So far, sixteen colonies of agro-plants are being conserved.

Vietnam possesses three thousand two hundred plant species that have been used traditionally for medicines. Their usefulness is well known. But only five hundred species with commercial and medicinal values have been conserved so far. Loss of valuable herb or plant species is driven by the continuing loss of natural forests.

For forest trees, genetic resources conservation efforts concentrate on native species with reforestation potential, those that grow fast or those that are in danger of extinction. Other groups, such as essential oil or dye-producing plants, are conserved mainly in situ in protected areas.

For domestic animals, genetic resources conservation efforts focus on native species of domestic animals and poultry and on preventing the depletion of these species due to their low productivity and the ignorance of local people.

Though the Government of Vietnam has given due attention to the conservation of genetic resources, the constraint of limited financial and technical investments, the lack of highly qualified staff and incomplete technical facilities make it impossible to meet the requirements for modern genetic resources conservation.

In addition, Vietnam's initial efforts to conserve genetic resources have not yet reached the CBD provisions on access to genetic resources and the equitable sharing of benefits derived from their use (article 15). The laws and policies on this subject in Vietnam are not very developed.

For instance, plant species are often under forestry laws. These usually relate only to collecting forest products; regulations on genetic resources are lacking. Or legislation on species is restricted to hunting, fishing and endangered species; legislation to protect all other species is generally lacking. Therefore, more effort is needed for scientists and policy makers to study issues related to access to genetic resources, traditional knowledge and benefit sharing from their use. This is an area Vietnam's Biodiversity Action Plan has not sufficiently considered.

### **3.0 Conclusion**

As previously mentioned, Vietnam has been identified as having an average level of biodiversity in terms of species when compared to other regional countries. Importantly, however, its wildlife is highly endemic. Vietnam possesses many values of biological diversity that are still undiscovered in different territorial areas of the country. Vietnam, therefore, hopes to receive further assistance from other countries, international organisations and agencies to strengthen its capacity to conserve biodiversity in general and to conserve genetic resources in particular.

This workshop is a valuable opportunity for Vietnam to learn about and share experiences with other countries within the region on this subject. We wish the workshop every success and we wish you all good health and good luck.