

## Research Article

### LEGAL MECHANISM FOR ECOLOGY TOURISM ACTIVITIES IN RESERVE FORESTS IN VIETNAM

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#### ABSTRACT

Eco-tourism is a type of tourism that plays an important role in tourism development associated with environmental protection in general and forest protection in particular. This model is a popular trend not only in Vietnam but also around the world. However, if there is no strict management, it can cause adverse effects on the natural environment. Following that approach, in this article, the author will analyze Vietnamese laws and regulations on forest protection requirements when conducting eco-tourism activities in reserve forests. In the end, the author also recommends a number of legal solutions to ensure sustainable eco-tourism development in reserve forests in Vietnam for the next period. The article uses a combination of many research methods such as document retrospective methods, analytical and proofs methods; statistical method, synthesis; Comparative method and scientific forecasting method to evaluate as well as recommend suitable solutions to solve the related problems.

**Keywords:** Legal mechanism, Eco-tourism, Reserve forests, Vietnam.

#### INTRODUCTION

The growing popularity of eco-tourism in different countries of the world shows a steady growth with a positive outlook for the coming decades. At the beginning of this century, the development of eco-tourism was largely due to people's awareness of the negative results of their activities, which led to the degradation of the natural environment, and from 2020 – and a powerful social and psychological stress due to the corona virus pandemic, which forced governments of different countries to respond to it with lockdowns and quarantines. Meanwhile, ecotourism in all its diversity can significantly increase the growth of regional revenues from domestic and inbound tourism, some of which countries direct to measures to protect and restore the ecological status of the natural environment in order to preserve its potential for future generations. Ecotourism has been developing widely in the world and is considered a type of tourism of the future due to its superiority and response to the new trend of tourists. This type of tourism based on indigenous nature and culture, associated with environmental education, contributes to conservation and sustainable development with active participation of local communities. Thus, ecotourism is nature-based tourism, oriented towards nature. It stimulates visitors to explore the special features, new elements of nature, conquer wild resources. Eco-tourism in special-use forests is one of ecotourism activities and it is increasingly developing with the need to immerse in nature of people in modern society. This activity may have negative impacts on special-use forests, so it should be strictly controlled by law. In Vietnam, out of the existing 167 special-use Forests, 61 zones have organized eco-tourism business (including 25/34 national parks and 36/133 nature reserves). National parks and nature reserves are organizing eco-tourism activities in 3 forms: self-organizing (56 zones); Joint ventures, associates (11 zones); Lease of forest environment (13 zones). Thus, up to 92% of National Parks and Nature Reserves organize tourism businesses, some of which combine with joint ventures, linkages or lease of forest environments to develop ecological tourism. These data show that ecotourism is gradually developing in protected areas in order to bring significant

benefits to local communities as well as to contribute positively to conservation. However, the risk of negative impacts on the environment, landscape and biodiversity in national parks and protected areas during the implementation of eco-tourism activities is unavoidable if not possible effective management. Therefore, to protect special-use forests, it is necessary to have appropriate legal provisions to exploit eco-tourism while preserving and promoting the sustainable values of national parks and nature conservation. On the legal aspect, sharing efforts to conserve biodiversity with other countries in the world, on 16<sup>th</sup> November 1994, Vietnam joined the international convention on biodiversity of the United Nations. Pursuant to Article 10 of this Convention on the sustainable use of the constituent parts of biodiversity, Viet Nam has an obligation to take measures related to the sustainable use of biological resources in order to avoid or reduce minimal negative impacts on biodiversity. Along with that, the use of biological resources must be protected and encouraged in accordance with traditional cultural practices that are similar to the requirements of conservation or sustainable use. Internalizing these commitments, Vietnam's specific regulations on eco-tourism in reserve forests have been issued to ensure ecotourism development on the basis of sustainable use and reduction of minimum level of adverse impacts on reserve forests. The aim of this work was performed an exploration, description and analysis of the potential for ecological tourism in Vietnam. For this purpose, it was applied a test, as the semi structured format, on the governmental agencies and institutes directly related to the ecological tourism activities in order to list the most important points for tourist who enjoys ecological activities.

#### RESEARCH METHODOLOGIES

##### Methodological basis

Methodology is the theory of the method that includes a system of methods, world-views and human-views of the method user and principles to solve the posed problems. Scientific research methodologies are divided into general methodologies for the sciences and methodologies for each science subject. The general methodology is based on Mac-Leninism. Methodologies for each

science subject are specific methods based on the research object of each science subject and have suitable research methods.

## Research Methods

To study this paper, the author used the combination of theoretical research methods such as the synthesis-analysis method, the interpretation-inductive method, the statistical method, the comparative comparison method, etc. to go from study the actual developments to generalize and make an assessment of the general trend. The methodology of this paper includes the analysis of various written data concerning the effects of tourism relationship with the ecosystem, that is, the basic elements of the environment. The current status of ecosystem values in some tourism destinations will be attempted by synthesizing and displaying the collected data. The analysis of data in the paper can serve as a good model for defining the role and significance of ecosystems in creating tourism activities and will be compared with the results obtained by the author's survey regarding the opinions of tourists towards ecosystems within protected natural areas of Vietnam.

## RESULT AND DISCUSSION

### Laws and Regulations on eco-tourism activities in special-used forests in Vietnam

Eco-tourism and special-used forests are two terms that have been clearly explained in the Vietnamese legal system. According to the 2017 Law on Tourism, eco-tourism is a type of tourism based on nature, associated with local cultural identity, participation of the population community, combined with education on environmental protection. According to the 2017 Law on Forestry, special-used forests are forests used mainly to conserve natural forest ecosystems, forest biological genetic resources, scientific research, and preserve historical-cultural relics and beliefs scenic spots combined with eco-tourism; convalescence and entertainment, except strictly protected sub-zones of special-use forests; providing forest environment services. Used forests include: National Park; Nature reserves; Species-habitat conservation area; Landscape protection areas (including forests that preserve historical-cultural relics, scenic spots; forests of beliefs; forests that protect the urban environment, industrial parks, export processing zones, economic zones, public zones high technology); Research forest, scientific experiment, national botanical garden, national seed forest. Among the above-mentioned special-use forests, national parks, nature reserves and species-habitat conservation areas (hereinafter collectively referred to as nature reserves) are special-use forests that are heavily affected most from eco-tourism. To protect the special-use forest associated with ecotourism development, the Vietnam Tourism Development Strategy to 2030 defines: Sustainable and inclusive tourism development, on the basis of green growth, maximizing the contribution of tourism to the United Nations' sustainable development goals; effective management and use of natural resources, environmental protection and biodiversity, and proactive adaptation to climate change. The Law on Biodiversity also stipulates that one of the principles of biodiversity conservation is to harmoniously combine conservation with rational exploitation and use of biodiversity; between conservation, exploitation and rational use of biodiversity with hunger eradication and poverty alleviation. The 2017 Law on Tourism also stipulates: The State has an incentive policy benefits and supports for investment activities to develop new tourism products that have a positive impact on the environment, attracting the participation of the population community; investment in the development of ecotourism products, community tourism, cultural tourism and other specific tourism products. Separate adjustments to

eco-tourism activities in special-use forests, the 2017 Law on Forestry and the Government's Decree 156/2018/ND-CP dated 16<sup>th</sup> November 2018 detailing the implementation of a number of articles of the Law on Forestry Industry has specified some of the following basic issues:

### Firstly, General principles

Eco-tourism activities in special-use forests are one of tourism activities, so they must ensure general requirements on environmental protection in tourism activities for tourists, travel businesses or establishments tourist accommodation. However, with specific characteristics when it is conducted in special-use forests, this activity must also be carried out in accordance with the Forest Management Regulations. It is strictly forbidden to conduct recreational and recreational activities in the strictly protected sub-zone of the special-use forest. In addition, in order to legally implement eco-tourism activities in special-use forests, forest owners must develop an eco-tourism project in special-use forests and submit them to competent state agencies for approval. Forest owners can organize, cooperate, associate by themselves or lease the forest environment to organizations or individuals for eco-tourism business in special-use forests, but must ensure that they do not affect the conservation of ecosystems nature, biodiversity, environmental landscape and other forest functions.

### Secondly, On eco-tourism project in special-use forests

The forest owner develops an eco-tourism project consistent with the approved sustainable forest management plan. The main contents of the project include: Current status of natural resources; tourism resources and eco-tourism products; Detailed explanation of the development plan for eco-tourism routes and locations, including: location, area, current class, purpose, time and method of implementation; Location and scale of construction works in service of eco-tourism; Solutions for forest protection and development, nature conservation, biodiversity and environmental protection; Organizing ecotourism monitoring; Types of maps at the scale of 1 / 5,000 or 1 / 10,000 or 1 / 25,000 according to the VN2000 reference system include: Maps of current conditions of natural resources and tourism of special-use forests; planning maps of routes, tourist attractions, resorts, entertainment, architectural space organization and tourist infrastructure of the special-use forest. After the eco-tourism project has been formulated, the forest owner is responsible for sending, directly or by post, 02 sets of documents to the Department of Agriculture and Rural Development (for special-use forests under local management) or General Department of Forestry (for special-use forests managed by the Ministry of Agriculture and Rural Development). In case the dossier is invalid, within 03 working days from the date of receipt, the dossier-receiving agency must notify the forest owner in writing for completion. Within 15 working days after receiving a complete dossier, the provincial People's Committee or the Ministry of Agriculture and Rural Development shall approve the ecotourism project. After the eco-tourism project is approved, the forest owner shall assume the prime responsibility for, and coordinate with organizations and individuals in, formulating an eco-tourism project by self-organizing, linking or leasing the forest environment in accordance with approved eco-tourism scheme. Forest owners have the responsibility to guide, inspect and supervise the organizations and individuals that hire the forest environment to implement projects according to regulations.

### Thirdly, Regarding forest environment lease for ecotourism services

Forest owners are allowed to lease the special-use forest environment to organizations and individuals to provide eco-tourism services. Lease of special-use forest environment for eco-tourism

services must be widely announced. The forest environment rental price shall be agreed upon by the parties but not less than 1% of the total revenue realized in the year by the forest environment lessee within the leased forest environment. In cases where two or more organizations or individuals request to lease the forest environment, the auction organization shall hold the auction with the starting price not lower than 1% of the total annual turnover of the forest environment lessee in the year area rented forest environment. The lease period must not exceed 30 years, every 05 years assess the performance of the contract, if the lessee completes the lease term and has a demand, the forest owner should consider extending the lease term. Before signing a forest environment lease contract, the forest owner must make an inventory of forest resources on the leased area to serve as a basis for lease and monitor and evaluate the contract performance.

#### Fourthly, Management and construction of works for eco-tourism in special-use forests

Construction works in service of ecotourism ensure that it does not affect biodiversity and natural landscape of the forest; in accordance with the eco-tourism scheme approved by the competent authority. In the subdivision regulations on the mechanism for tourism business entities to spend part of the revenue from tourism services for forest protection; sharing benefits with residential communities to attract residential communities to participate in protecting the forest environment, especially in the buffer zones. Build and issue specific regulations governing business-community-national park partnerships. This is a relationship that is considered very important to contribute to the sustainability of the eco-tourism project in the special-use forest.

### CONCLUSION AND RECOMMENDATION

Eco-tourism development is necessary, but it must be done sustainably on the basis of preserving the natural values of the SUF. In Vietnam, the laws and regulations system governing eco-tourism activities in special-use forests have been continuously improved. However, to ensure the effectiveness of the law in this area, Vietnam needs to take some of the following solutions:

- Complete the current legal system on eco-tourism activities in special-use forests in order to better control negative impacts on the forest environment;
- Focus on raising community's awareness of eco-tourism development. Besides, it is necessary to increase investment to support the development of tourism support services in tourist areas with high biodiversity;
- Implement community-based tourism development in national parks and protected areas in order to take advantage of indigenous resources and knowledge in biodiversity conservation. Along with that, research and development of specific tourism products associated with conservation and promotion of biodiversity values in national parks and protected areas;
- Expanding eco-tourism development to the buffer zone of national parks and conservation areas in order to minimize negative impacts on the ecosystem and biodiversity in the core area.

#### Declaration of Interest

The author has no relevant affiliations or financial involvement with a financial interest in or financial with the subject matter or materials discussed in the manuscript.

#### Conflicts of Interest

There is no conflict of interest.

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