

Hanoi, 21 December 1998

DECISION OF THE PRIME MINISTER ON
THE IMPLEMENTATION OF STATE MANAGEMENT RESPONSIBILITY
ON FOREST AND FORESTRY LAND AT ALL LEVELS

PRIME MINISTER

Basing on Law on Governmental Organisation issued on 30 September 1992;

Basing on Law on Forest protection and development issued on 12 August 1991;

Basing on Land Law issued on 14 July 1993;

Basing on the Ordinance on concrete tasks and authority of People's Council, People's Committee at different level issued on 25 June 1993;

In order to concretize the implementation of the Decree No. 17/HĐBT dated 17 January 1992 of Ministerial Council (now called as Government) on the implementation of the Law on forest protection and development and on the implementation of the renovation strategy in forestry sector in the new phase;

Upon the request of the Minister of Ministry of Agriculture and Rural development (MARD), Director of Governmental Committee on Organisation and Personnel (GCOP) and the General Director of General Department of Cadastral.

HEREBY DECIDED

Article 1: This Decision is aimed at concrete regulations on State management responsibility of all authorised levels towards forest and forestry land to contribute to the prevention of illegal activities that could destroy forest and forestry land resources so as to facilitate every organisation, household as well as individual to actively participate in forest protection and development.

Article 2: State management contents on forest and forestry land:

1. Survey and define types of forest, fix forest and forestry land boundary on the map, on the field as well as the administration unit at communal level and at the same time to calculate and monitor forest progress and forestry land changes.
2. Formulate land use planning and plan to protect, develop forest and utilize forest and forestry land in the whole country in general and in individual locality in particular.
3. Promulgate legal documents on forest protection, management and development as well as on the utilization of forest and forestry land and at the same time to organise the implementation of the enacted legal documents in accordance with the authority regulated by the Law.

4. Allocate forestry land and forest, revoke forest and forestry land
5. Register, formulate and manage cadastral book, provide land use rights certification.
6. Check, inspect and deal with cases that break legal regulations on implementation of the Law; policies on forest protection and development as well as on the utilization of forest and forestry land.
7. Solve conflicts on forest and forestry land

Article 3: State management responsibility on forest and forestry land of relevant Ministries and sectors with regard to forest protection and management; forest fire prevention and forest construction and development especially in remote, bordering areas and islands should be closely connected with National security.

1. MARD is authorised by Government (GOV) to be responsible for state management on forest.

a) Periodically survey, re-check and classify forest category and at the same time to update the statistics on area and potential of each forest category and map forest and forestry land in the whole country.

b) Carry out land use planning and work out plan to protect, develop and utilize forest for a long term in all the country to submit to the Government for approval.

Appraise land use planning as well as forest protection and development plan in addition with forest and forestry land utilization plan of provinces and cities under Central level before submitting to the Government.

c) Submit to the Government the annual legal exploited and consumed wood in natural forest in the whole country for approval.

Appraise the proposal on exploitation design of natural forest and promulgate Decision on forest exploitation for provinces and cities under Central level.

d). Propose the GOV to establish National Parks, Nature Preservation Areas and protection forests that play a very important role or situated in the territory of many provinces and National seed forest on one hand and to assign units under MARD and other relevant sectors or Provincial People's Committee to manage, protect and construct on the other hand.

e). Formulate bylaw documents to submit the Government for promulgation and at the same time to enact, within the authority, policies, regulations, principals as well as technical procedures concerning to forest protection, management, development and forest and forestry land utilization in the whole country.

f). Organise and coordinate with state inspectors to inspect and check state management on forest of authority agencies at all levels and at the same time to inspect the implementation of forest Law of all organisations, households and individuals that have been allocated forest and forestry land.

g). Solve forest conflicts, coordinate with General Department of Cadastral to solve forestry land conflicts between forest owners in different provinces, remunerate organisations, households and individuals who achieve great success.

h). Coordinate with Ministry of Defence, Ministry of Police in special cases to conduct effectively activities with regard to forest protection and forest fire prevention.

Conduct Forest Protection Department under MARD to punish or prosecute illegal activities that destroy forest resources consistence with regulations stipulated by Law.

2. The General Department of Cadastral is authorised by the GOV to be responsible for state management on forestry land.

3. Ministry of Defence, Ministry of Police on one hand take over the task of conducting local units to coordinate with Forest Protection force to arrest people who exploit forest illegally so as to ensure good protection and fire prevention and one the other hand to coordinate with all the Agriculture and Rural Development Departments (DARD) to construct and develop forest. Especially, activities relating to forest protection and development in remote, bordering areas and island should be closely linked with National security.

Article 4: State management responsibility on forest and forestry land of provincial People's Committees and cities under Central level (PPC).

1. PPC is authorised by the Prime Minister to be responsible for forest protection, development and forest and forestry land utilization within his territory.

a). Organise forest inventory, classify forest category, up date statistics on area and potential of each forest category and map forest and forestry land within provincial area according to the guidance of MARD and the General Department of Cadastral.

Conduct PC at district level to monitor forest resources progress and (structure, area and forest potential), forestry land to revise and report to provincial level.

b). Carry out land use planning and work out plan on forest protection and development as well as forest and forestry land utilization within provincial area to submit to Provincial People's Council for approval before submitting to the Government.

Conduct PC at district level to formulate land use planning and plan on forest protection, development and forest and forestry land utilization then approve these proposals.

Approve the exploitation design on natural forest prepared by forest owners; promulgate Decision to provide exploitation licence after the exploitation design is appraised and the Decision on forest exploitation is enacted by MARD

c). Define protection forests, nature preservation areas as well as cultural, historical and tourism areas in the province after receiving the agreement paper from MARD and other relevant agencies and then assign units under PPC to construct and manage these areas.

d). Allocate forestry land and forest, revoke forestry land and forest, provide land use certification in accordance with the regulations stipulated by Law and at the same time to

conduct PC at district level to allocate forest and forestry land to households and individuals.

Assign PC at communal level to manage and work out utilization plan of all forests and forestry land that have not been allocated to any organisations and households or individuals for management and utilization.

- e). Organise activities relating to fire and pest control within management area
- f). Organise forest protection force, mobilise all forces to coordinate with forest protection force to prevent all forest damage caused actions in the whole province.
- g). Organise management of protection and special-use forests in the whole province within the authority
- h). Promulgate legal documents within the authority to conduct PC at district and communal levels as well as organisations, households and individuals in the province to implement the stipulated law, policies, regulations and principles of the State on forest management, protection, construction and development.
- i). Monitor and inspect the implementation of Law on forest protection and development within the province. Punish administration breaking in the field of forest management and protection in accordance with the regulations stipulated by Law.
- k). Solve all conflicts with regard to forest and forestry land use rights in accordance with regulations stipulated by Law.

2. DARD assists PPC in implementing state management responsibility on forest and forestry land.

3. Forest Protection Sub-department (FPsd) is responsible for supervising and monitoring the implementation of Law on forest protection and management in provincial area. In special cases, to coordinate with army or police force in the area to patrol and arrest people who exploit forest illegally so as to protect forest and prevent fire effectively.

4. Cadastral department consults PPC to implement state management responsibility on forestry land

Article 5: State management responsibility on forest and forestry land of PC at district level:

1. Chairman of PC at district level is authorised by Chairman of PPC to be responsible for forest protection, development and forest and forestry land utilization within district area.

- a). Base on the land use planning and forestry development plan in the province to formulate land use planning as well as plan on forest management, protection, development and forest and forestry land utilization in district area to submit to People's Council in the district for approval before submitting to PPC.

Conduct and approve the proposal of land use planning as well as plan on forest protection, development and forest and forestry land utilization prepared by PC of commune or town under the district.

b). Monitor forest resources progress and forestry land changes within the district area and report periodically to PPC.

c). Organise forest and forestry land allocation and at the same time to revoke forest and forestry land; provide and revoke forestry land use rights to all organisations within the authority of PC in district.

d). Organise forest protection force; mobilize all forces in the area to coordinate with forest protection force to prevent all forest damages caused actions on one hand and coordinate with forest owners on the other hand to prevent and distinguish forest fire as well as to control pest.

e). Promulgate legal documents within the authority to conduct the implementation of Law, policies, regulations and state principles on forest management, protection, development and utilization of forest and forestry land in district.

g). Supervise and inspect the implementation of law, policies, regulations and principles on forest and forestry land management, protection, development and utilization of all organisations, households, individuals as well as inhabitant community in district area. Punish administration violence on forest management and protection in accordance with the existing Law.

h). Solve conflicts with regard to forest and forestry land use rights in accordance with the regulations stipulated by Law.

2. Section of Agriculture and Rural development (SARD) consults PC at district level to implement state management responsibility on forest.

3. Forest protection section in district is responsible for supervising and monitoring the implementation of forest protection, management and development in district area.

4. Cadastral section assists PC at district level in implementing state management on forestry land.

Article 6: State management responsibility on forest and forestry land of PC in commune, town under district (PC at communal level).

Chairman of PC at communal level is authorised by Chairman of PC at district level to be responsible for forest protection and development as well as forestry land utilization in commune area.

a). Manage forest and forestry land in commune area in the hereby mentioned sectors: List of forest owners; area; forest boundary; forest allocation paper; contracts for forest protection, regeneration and afforestation signed between organisations, households and individuals in commune.

- b). Conduct villages, hamlets to formulate and implement agreement on management, protection and utilization of forest in commune area in accordance with the existing Law.
- c). Base on the land use planning and plan of the district to carry out land use planning and work out plan to protect, develop forest and utilize forest and forestry land and at the same time to develop forest and forestry land allocation method to submit to Communal People's Council for approval before submitting to PC at district level. To organise the implementation of forestry land allocation to organisations, households as well as individuals in compliance with the conduction of PC at district level on one hand and confirm forest and forestry land boundary of forest owners on the field on the other hand.
- d). Monitor forest resources progress as well as forestry land changes so as to report to relevant units at district level meanwhile to supervise forest and forestry land utilization of organisations, households and individuals in commune.
- e). Coordinate with forest protection, police and army forces in the area to conduct mass organisations to protect forest in commune area. In parallel with that, to discover and prevent timely all negative actions cause forest damages.
- g). Propagandise, encourage and conduct people to implement measures to prevent and distinguish forest fire and at the same time to mobilize all forces to assist forest owners in distinguishing fire in commune area.
- h). Punish administration violence on forest management and protection within authority.
- i). Solve conflicts with regard to forest and forestry land in the area.

Article 7: This Decision comes into full force after 15 days since the date of signing, other regulations that issued previously and that are contrary with this Decision are hereby abrogated.

Article 8: Ministers of Ministries, Leaders of Agencies at Ministerial level, Leaders of Governmental agencies, Chairmen of People's Committee in provinces and cities under Central level are responsible for implementing this Decision./.

Prime Minister
(signed)

Phan Van Khai