

THE GOVERNMENT

DECREE No. 23/2006/ND-CP OF MARCH 3, 2006, ON THE IMPLEMENTATION OF THE LAW ON FOREST PROTECTION AND DEVELOPMENT

THE GOVERNMENT

Pursuant to the December 25, 2001 Law on Organization of the Government;

Pursuant to the November 26, 2003 Land Law;

Pursuant to the December 3, 2004 Law on Forest Protection and Development;

At the proposal of the Minister of Agriculture and Development,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Regulation scope

1. This Decree provides for forest protection and development plannings and plans; forest assignment, lease and recovery, change of forest use purposes, exchange, transfer and donation; recognition, registration, sub-lease, mortgage, guarantee, capital contribution with, and bequeathal of, forest use rights or ownership rights over planted production forests; statistics, inventory and monitoring of changes in forest resources; organization of forest management, protection, development and use.

2. Matters which are not provided for in Clause 1 of this Article shall comply with the provisions of other legal documents.

Article 2.- Application subjects

This Decree applies to state agencies; organizations; population communities in villages, hamlets or equivalent units (hereinafter called village population communities for short), domestic households and individuals; overseas Vietnamese; foreign organizations and individuals involved in forest management, protection, development and use in Vietnam.

Article 3.- The Ministry of Agriculture and Rural Development's responsibilities for state management of forest protection and development

The Ministry of Agriculture and Rural Development shall take responsibility before the Government for unifying the state management of forest protection and development nationwide. Concretely:

1. To submit to the Government or the Prime Minister for promulgation or promulgate according to its competence legal documents, regulations, procedures, processes, standards and econo-technical norms on forest protection and development, organize and direct the implementation thereof.

2. To elaborate the national forestry development strategy, national and regional forest protection and development plannings and plans, planning on the system of protection forests and special-use forests of national or inter-provincial importance, and submit them to the Prime Minister for approval; to organize the implementation of the strategy, plannings and plans already approved by the Prime Minister.

3. To guide the survey, determination and delimitation of boundaries of forests of all kinds on maps and on field for uniform implementation nationwide.

4. To guide and direct the statistics, inventory and monitoring of changes in forest resources and afforestation land, and the compilation of forest management dossiers.

5. To guide and direct forest assignment, lease and recovery, and change of forest use purposes; to compile and manage dossiers on assignment and lease of forests and afforestation land.

6. To grant and guide the grant and withdrawal of forest protection and development permits of all types: permits for import and/or export of forestry varieties, permits of the Vietnamese agency representing the Convention on International Trading of Endangered Species (CITES).

7. To organize and direct scientific and technological research and transfer, human resource training and international cooperation in the domain of forest protection and development.

8. To guide and direct the propagation and dissemination of legal documents on forest protection and development.

9. To direct and carry out the examination and inspection of legal documents, regulations, technical

procedures and rules on forest protection and development.

Article 4.- Provincial/municipal People's Committees' responsibilities for state management of forest protection and development

1. To promulgate according to their competence and organize the implementation of legal documents on forest protection and development in localities.

2. To elaborate, approve and decide on forest protection and development plannings, plans of provinces or centrally-run cities (hereinafter referred to as provincial-level People's Committees) according to the provisions of Article 18 of the Law on Forest Protection and Development.

To direct People's Committees of rural districts, urban districts, provincial towns or cities (hereinafter referred to collectively as district-level People's Committees) to elaborate forest protection and development plannings and plans and submit them to provincial-level People's Committees for approval.

3. To organize the classification of forests, delimitation of boundaries of forests of all kinds in localities; to establish local protection forests, special-use forests and production forests under the guidance of the Ministry of Agriculture and Rural Development.

4. To organize the statistics, inventory and monitoring of changes in forest resources in provinces or cities under the guidance of the Ministry of Agriculture and Rural Development.

To direct district-level People's Committees to carry out the statistics, inventory and monitoring of changes in forest resources, and make sum-up reports to provincial-level People's Committees.

5. To guide the elaboration of forest assignment plans for districts and communes; to organize forest assignment, lease and recovery, change of forest use purposes, recognition of forest use rights and ownership rights over planted production forests for organizations, overseas Vietnamese, foreign organizations and individuals to execute forestry investment projects in Vietnam; to organize the compilation and management of dossiers on assignment and lease of forests and afforestation land.

To direct district-level People's Committees in assigning forests to village population communities and assigning and leasing forests to households and individuals.

6. To grant and withdraw assorted permits on forest protection and development under the provisions of law.

7. To organize and direct scientific and technological transfer, human resource training and international cooperation in the domain of forest protection and development.

8. To organize and direct the propagation and dissemination of legal documents on forest protection and development.

9. To direct and carry out examination and inspection of the observance of legal documents, standards, norms, regulations, technical procedures and processes on forest protection and development; to handle administrative violations in the domain of forest protection and development according to their competence.

10. Presidents of provincial-level People's Committees shall be answerable to the Government and the Prime Minister for management of all national forest forestland resources in their respective provinces or cities.

Article 5.- District-level People's Committees' responsibilities for state management of forest protection and development

1. To promulgate according to their competence and organize the implementation of legal documents on forest protection and development in localities.

2. To elaborate district-level forest protection and development plannings and plans to be submitted to competent state agencies for approval according to the provisions of Article 18 of the Law on Forest Protection and Development and organize the implementation of forest protection and development plannings and plans which have been approved.

To direct People's Committees of communes, wards or townships (hereinafter referred to collectively as commune-level People's Committees) in elaborating forest protection and development plannings and plans and submitting them to district-level People's Committees for approval.

3. To classify forests, delimit boundaries of forests of all kinds in localities under the direction of provincial-level People's Committees.

4. To conduct statistics, inventory and monitoring of changes in forest resources in localities and periodically report thereon to provincial-level People's Committees.

5. To organize forest assignment or lease to, recovery from, households, individuals and village population

communities.

To direct commune-level People's Committees in elaborating schemes on forest assignment and lease, in monitoring and inspecting the implementation of regulations and contracts on forest assignment, lease and contracting to organizations, village population communities, households and individuals in localities.

6. To organize and direct the compilation and management of dossiers on forest assignment and lease, recognition of forest use rights and ownership rights over planted production forests for households, individuals and village population communities.

7. To grant and withdraw assorted permits on forest protection and development according to the provisions of law.

8. To organize and direct scientific and technological application, human resource training and international cooperation in the domain of forest protection and development.

9. To organize and direct the propagation and dissemination of legal documents on forest protection and development.

10. To examine and inspect the implementation of legal documents on forest protection and development in localities; to handle administrative violations in the domain of forest protection and development according to their competence.

11. Presidents of district-level People's Committees shall be answerable to presidents of provincial-level People's Committees for illegal forest destruction, forest fires, loss of forests or use of forestry land for improper purposes in their respective localities.

Article 6.- Commune-level People's Committees' responsibilities for state management of forest protection and development

1. To direct, guide and organize the implementation of legal documents on forest protection and development in communes.

2. To elaborate local forest protection and development plannings and plans, submit them to competent state agencies for approval and organize the implementation thereof.

3. To delimit boundaries of forests of all kinds on maps and on field under the direction of district-level People's Committees.

4. To conduct statistics, inventory and monitoring of

changes in forest resources in localities and report thereon to district-level People's Committees.

5. To hand over forests on field to, and acknowledge boundaries of forests on field for, forest owners.

To formulate schemes on forest assignment and lease to be submitted to competent state agencies for approval and draw up plans to be submitted to district-level People's Committees for putting to use forest areas which have not yet been assigned or leased by the State.

6. To compile and manage dossiers on assignment or lease of forests and afforestation land; contracts on forest lease or contracting between organizations, village population communities, households and/or individuals in communes.

7. To guide people in implementing forest protection and development plannings and plans, carrying out forestry production in combination with agriculture and fishery; in tilling fields, sedentarization, intensive farming, crop rotation and grazing animals under the approved forest protection and development plannings and plans.

8. To direct villages, hamlets and equivalent units in elaborating and implementing regulations on forest management, protection and development; to organize and mobilize local people to coordinate with forest rangers, police and army forces in localities in detecting and promptly preventing acts of damaging forests.

9. To inspect and administratively sanction acts of violating forest protection and development law according to their competence.

10. To organize the propagation and dissemination of legal documents on forest protection and development.

11. Presidents of commune-level People's Committees shall be answerable to presidents of district-level People's Committees for illegal forest destruction, forest fires, loss of forests or use of forestry land for improper purposes in their respective localities.

Article 7.- Forest protection and development responsibilities of ministries and ministerial-level agencies

1. The Ministry of Natural Resources and Environment shall have the responsibility:

To organize the unified management of land in accordance with forest protection and development plannings and plans. To assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development and concerned agencies in,

assigning land together with forests, leasing forests, recovering forests or changing forest use purposes; recognizing forest use rights and ownership rights over planted production forests as well as the exchange, transfer, donation and bequeathal thereof.

2. The Ministry of Public Security shall have the responsibility:

a/ To direct the police force to coordinate with local forest rangers and inter-branch forces in smashing and eliminating spots of illegal exploitation, trading or transportation of forest products; illegal hunting, trading or transportation of wildlife.

b/ To perform the state management of forest fire prevention and fighting; to identify causes of forest fires and handle violations according to its competence and the provisions of law.

c/ To directly conduct investigation or take charge of investigative work and handle according to its competence crimes in the domain of forest management, protection and development.

d/ To foster legal and professional knowledge on criminal investigation, forest fire prevention and fighting for forest rangers.

3. The Ministry of Defense shall have the responsibility:

a/ To manage and direct army units in managing, protecting and developing forests assigned by the Prime Minister.

b/ To mobilize forces to participate in forest-fire fighting, salvage, rescue and smashing of organizations and individuals that destroy forests; to participate in the prevention and combat of acts of violating forest protection and development law.

c/ To organize propagation and mobilization of people to actively participate in forest protection and development in border provinces, islands and strategic defense and security areas.

4. The Ministry of Culture and Information shall have the responsibility:

a/ To elaborate planning on cultural and historical works related to forests and submit them to the Prime Minister for approval.

b/ To direct and organize the conservation of cultural and historical values of works within special-use forests being landscape-protection zones.

5. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, have to

coordinate with the Ministry of Agriculture and Rural Development in performing the state management of forest protection and development.

Article 8.- Forestry-specialized state management agencies

Forestry-specialized state management agencies shall be uniformly organized from the central to district level, including:

1. The central-level forestry-specialized state management agency, which is the Ministry of Agriculture and Rural Development.

2. Agencies assisting provincial-level People's Committees in performing the forestry-specialized state management, which are provincial/municipal Agriculture and Rural Development Services.

3. Agencies assisting district-level People's Committees in performing the forestry-specialized state management, which are the assigned functional agriculture and rural development divisions (referred to as functional divisions in this Decree) and district-level forest rangers.

4. Communes (where exist forests) shall have specialized forestry personnel to assist presidents of commune-level People's Committees in performing professional tasks on forest protection and development.

5. The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with the Ministry of Home Affairs in, guiding the functions, tasks and organization of the forestry-specialized state management agencies in localities.

6. The Government shall issue separate regulations on functions and tasks of forest rangers.

Article 9.- Funding for state management of forest protection and development

Funding for the performance of state management tasks, non-business activities, execution of programs and projects on forest protection and development shall be assured by the state budget and other sources prescribed by law, which includes:

1. Funding for the performance of state management of forest protection and development as stipulated in Articles 3, 4, 5 and 6 of this Decree.

2. Funding for the performance of non-business activities:

a/ Investigating, surveying, measuring to formulate assorted maps on forest protection and development.

- b/ Forestry promotion activities.
- c/ Other non-business activities on forest protection and development.
- 3. Funding for execution of programs and projects:
 - a/ Protection and development of special-use forests, protection forests, forest plant nurseries and breeding forests.
 - b/ Support for protection and enrichment of production forests being poor natural forests, plantation of production forests of big, precious timber or specially trees.
 - c/ Protection and development of precious and rare plant and animal species.
 - d/ Scientific and technological research, application and development and human resource training for forest protection and development.
 - e/ Formulation of a system of forest management, statistics, inventory and monitoring of changes in forest resources.
 - f/ Building of the specialized forest fire fighting force.
 - g/ Investment in material and technical foundations and equipment of facilities for forest fire fighting, prevention and elimination of organisms harmful to forests.

Chapter II

FOREST PROTECTION AND DEVELOPMENT PLANNINGS AND PLANS

Article 10.- Elaboration of forest protection and development plannings and plans

1. Principles, bases and contents for elaboration of forest protection and development plannings and plans shall comply with the provisions of Articles 13, 14 and 15 of the Law on Forest Protection and Development.

2. Forest protection and development planning and plan periods:

a/ A forest protection and development planning period shall be ten (10) years.

b/ A forest protection and development plan period shall be five (5) years and this plan shall be concretized into annual plans.

3. The time limit for elaboration, approval of forest protection and development plannings and plans shall comply with the schedule for elaboration of national socio-economic development plannings and plans approved by the Prime Minister.

Article 11.- Order of, procedures for, the elaboration,

adjustment and approval of national forest protection and development plannings and plans

1. Elaborating forest protection and development plannings and plans

In the last year of a forest protection and development planning or plan period, the Ministry of Agriculture and Rural Development shall have to coordinate with concerned ministries, branches and provincial-level People's Committees in assessing the results of implementation of forest protection and development planning and plan in that period; elaborate national and regional forest protection and development plannings or plans for the subsequent period; send drafts thereof to ministries, branches and localities for finalization of national forest protection and development plannings and plans.

2. Submitting and approving forest protection and development plannings and plans:

a/ The Ministry of Agriculture and Rural Development shall have to compile dossiers of national forest protection and development plannings and plans to be submitted to the Prime Minister for approval. Such a dossier shall comprise:

- An exposition to the Prime Minister for approval of the national forest protection and development planning and plan.

- A principal report and brief report on the national forest protection and development plannings and plans.

- A map on the current status of forests, a map of forest protection and development planning.

b/ The Prime Minister shall approve national forest protection and development plannings and plans.

3. Adjusting forest protection and development plannings and plans

Where it is necessary to adjust national forest protection and development plannings and plans, the Ministry of Agriculture and Rural Development shall have to make a report thereon, gather comments of the concerned ministries, branches and provincial-level People's Committees involved in the adjustment of forest protection and development plannings, and compile dossiers to be submitted to the Prime Minister for approval. The order, procedures and dossiers thereof shall comply with the provisions of Clauses 1 and 2 of this Article.

Article 12.- Order of, procedures for, the elaboration, adjustment, approval of provincial-level forest protection and development plannings and plans

1. Elaborating forest protection and development plannings and plans.

Provincial-level People's Committees shall have to organize the elaboration of forest protection and development plannings and plans of their respective localities.

2. Appraising and submitting forest protection and development plannings and plans:

a/ Provincial-level People's Committees shall send dossiers on forest protection and development plannings of their respective localities to the Ministry of Agriculture and Rural Development for appraisal, each comprising a written request for the Ministry of Agriculture and Rural Development's appraisal; a principal report and a brief report on the local forest protection and development planning.

b/ The Ministry of Agriculture and Rural Development shall have to appraise local forest protection and development plannings. The appraisal shall cover the following contents:

- The implementation of the forest protection and development planning in the preceding period.

- The compatibility between the provincial-level forest protection and development planning and the national forestry development strategy; with the national and regional forest protection and development planning and plan.

- Solutions for implementation of the planning and its feasibility.

c/ Provincial-level People's Committees shall study to accept appraising comments of the Ministry of Agriculture and Rural Development, and organize the finalization of local forest protection and development plannings.

d/ Submitting local forest protection and development plannings and plans to the People's Councils of the same level for adoption. A dossier therefor shall comprise:

- A written request to the People's Council for ratification of the local forest protection and development planning and plan.

- A principal report and a brief report on the local forest protection and development planning and plan.

3. Approving and deciding on forest protection and development plannings and plans:

a/ Provincial-level People's Councils shall approve forest protection and development plannings and plans of their respective localities.

b/ After a forest protection and development planning or plan has been approved by the provincial-level People's Council, the signing for approval of the planning and the deciding of the plan are provided for as follows:

- The president of the provincial-level People's Committee shall approve the local forest protection and development planning.

- The provincial-level People's Committee shall decide on the five-year forest protection and development plan, detail it into annual plans and organize and direct the implementation thereof.

4. Adjusting forest protection and development plannings and plans

Where it is necessary to adjust provincial-level forest protection and development plannings or plans, the adjustment order and procedures shall comply with the provisions of Clauses 1, 2 and 3 of this Article.

Article 13.- Order of, procedures for, the elaboration, adjustment and approval of district-level forest protection and development plannings and plans; and commune-level forest protection and development plannings and plans

1. Elaborating forest protection and development plannings and plans

a/ District-level People's Committees shall have to organize the elaboration of forest protection and development plannings and plans of their respective localities; the elaboration of such plannings and plans must be participated in by commune-level People's Committees within each district.

b/ Commune-level People's Committees shall have to organize the elaboration of forest protection and development plannings and plans of their respective localities; the elaboration of such plannings and plans must be participated in mass organizations and representatives of village population in each commune.

2. Appraising forest protection and development plannings:

a/ District-level People's Committees shall have to send dossiers on forest protection and development plannings of their respective localities to the provincial/ municipal Agriculture and Rural Development Services for appraisal.

b/ Commune-level People's Committees shall have to send dossiers on forest protection and development plannings and plans of their respective localities to the district-level functional divisions for appraisal.

c/ Such a dossier shall comprise:

- A written request of the district-level People's Committee to the provincial/municipal People's Committee for appraisal of the forest protection and development planning or a written request of the commune-level People's Committee to the district-level functional division for appraisal.*

- A principal report and a brief report on the local forest protection and development planning.

d/ Provincial/municipal Agriculture and Rural Development Services shall have to appraise forest protection and development plannings and send written appraisal results to district-level People's Committees; the functional divisions shall have to appraise forest protection and development plannings and send written appraisal results to commune-level People's Committees. The appraisal contents shall cover:

- The implementation of the forest protection and development planning of the preceding period.

- The compatibility of the subsequent forest protection and development orientations and objectives with the local overall socio-economic development planning.

- The compatibility of the district-level planning with the plannings for the three kinds of forest and the provincial-level forest protection and development planning; of the commune-level planning with the plannings for the three kinds of forest and the district-level forest protection and development planning.

- The compatibility of the forest protection and development planning with the land-use planning.

- Solutions for implementation of the planning and its feasibility.

e/ District- or commune-level People's Committees shall have to study, accept and finalize forest protection and development plannings of their respective localities.

3. Submitting and approving forest protection and development plannings, deciding on forest protection and development plans:

a/ Submitting and approving forest protection and development plannings:

- District-level People's Committees shall submit dossiers to the provincial-level People's Committees for the approval of their respective forest protection and development plannings.

- Commune-level People's Committees shall submit dossiers to the district-level People's Committees for the approval of their respective forest protection and

development plannings.

- Such a dossier shall comprise a report to the superior People's Committee which directly approves the forest protection and development planning; a principal report and a brief report on the forest protection and development planning.

- Provincial-level People's Committees shall have to approve district-level forest protection and development plannings; district-level People's Committees shall have to approve commune-level forest protection and development plannings.

b/ Submitting and approving forest protection and development plans:

- District- or commune-level People's Committees shall submit dossiers to the People's Councils of the same level for the approval of their respective forest protection and development plans. Such a dossier shall comprise a report to the People's Council of the same level for adoption of the forest protection and development plan; a principal report and a brief report on the forest protection and development plan.

- District- or commune-level People's Committees shall decide on forest protection and development plans of their respective localities after such plans have been adopted by the People's Councils of the same level, detail five-year plans into annual plans and organize and direct the implementation thereof.

4. Adjusting forest protection and development plannings and plans

Where it is necessary to adjust district- or commune-level forest protection and development plannings or plans, the adjustment order and procedures shall comply with the provisions of Clauses 1, 2 and 3 of this Article.

Article 14.- Publication of forest protection and development plannings and plans

Within 30 (thirty) working days after receiving the written approval of forest protection and development plannings and plans from competent state agencies, such plannings and plans must be publicized according to the following regulations:

1. The Ministry of Agriculture and Rural Development shall publicize national and regional forest protection and development plannings and plans on the mass media. Planning and plan documents; the archival and publication of plannings and plans shall comply with regulations of the Minister of Agriculture and Rural Development.

2. Provincial-, district- and commune-level People's Committees shall publicize their respective forest protection and development plans and plans on the local mass media and keep them at People's Committee offices throughout the planning and plan periods, and create conditions for convenient reference by organizations and individuals interested therein.

Article 15.- Establishment of protection forests, special-use forests and production forests

Decision on the establishment of protection forests, special-use forests and production forests must ensure the following principles:

1. To be-established forests must be compatible with forest protection and development plans already approved by competent state agencies.

2. Forests of each kind must attain criteria and indices set for such kind; the Ministry of Agriculture and Rural Development shall have to specify such criteria and indices and methods of determining the criteria and indices for use as bases for establishment of protection forests, special-use forests and production forests for uniform application nationwide.

3. Competence to establish forests:

a/ The Prime Minister shall decide on the establishment of inter-provincial forests, inter-provincial special-use forests and special-use forests being national parks or nature conservation zones at the proposal of the Ministry of Agriculture and Rural Development.

b/ Provincial-level People's Committees shall decide on the establishment of special-use forests being landscape protection zones, forests for scientific research and experimentation; protection forests or production forests within localities and under the competence of local authorities.

c/ The authority that decides on the establishment of forests shall have to arrange funding for investment in the protection and development of such forests according to its competence.

Article 16.- Order of, procedures for, the establishment of protection forests and special-use forests under the Prime Minister's competence

1. Elaborating forest establishment projects:

a/ The Ministry of Agriculture and Rural Development shall, on the basis of the national forest protection and development planning, have to organize the investigation, survey and elaboration of inter-provincial

special-use forests, special-use forests being national parks or nature conservation zones, inter-provincial protection forests, and send the drafts of such projects to the concerned ministries, ministerial-level agencies and provincial-level People's Committees for comments.

b/ Ministries, ministerial-level agencies and provincial-level People's Committees shall, within 30 (thirty) working days after receiving the drafts of projects, have to send their written comments to the Ministry of Agriculture and Rural Development.

c/ The Ministry of Agriculture and Rural Development shall have to sum up and study before accepting opinions of ministries, ministerial-level agencies and provincial-level People's Committees and finalize projects on the establishment of forests.

2. Submitting and approving projects on the establishment of forests

a/ The Ministry of Agriculture and Rural Development shall have to compile dossiers of forest-establishment projects and submit them to the Prime Minister for approval. Such a dossier shall comprise:

- A report to the Prime Minister on the establishment of a forest.

- A principal report and a brief report on the forest-establishment project.

- A map on the current status and boundaries of the forest.

b/ The Prime Minister shall consider and decide on the establishment of forests.

3. Adjustment of boundaries of forests falling under the establishing competence of the Prime Minister

Where it is necessary to adjust boundaries of forests falling under the Prime Minister's competence, the Ministry of Agriculture and Rural Development shall have to compile dossiers therefor and consult the ministries, ministerial-level agencies and provincial-level People's Committees related to such adjustment; finalize dossiers and submit them to the Prime Minister. The relevant order, procedures and dossiers shall comply with the provisions of Clauses 1 and 2 of this Article.

4. After the Prime Minister has approved the establishment or adjustment of boundaries of forests falling under his competence, the Ministry of Agriculture and Rural Development and presidents of provincial-level People's Committees shall have to organize the implementation of the Prime Minister's decisions thereon and decide on the setting up of forest management

boards under the Prime Minister's authorization.

Article 17.- Order of, procedures for, the establishment of protection forests, special-use forests and production forests under the competence of provincial-level People's Committees

Provincial-level People's Committees shall have the responsibility:

1. To organize the investigation, survey, elaboration of projects or adjustment of boundaries of protection forests, special-use forests or production forests within their respective localities, which fall under their competence.

2. To approve forest-establishment projects which fall under their establishing competence.

The elaboration of forest-establishment projects and the approval thereof shall comply with the provisions of Article 15 of this Decree.

3. To send reports on forest-establishment projects, enclosed with their approving decisions to the Ministry of Agriculture and Rural Development for coordinated management and monitoring.

Article 18.- Management of forest protection and development plannings and plans

1. The Ministry of Agriculture and Rural Development shall have the responsibility:

a/ To work out plans on elaboration of forest protection and development plannings and plans and direct the implementation thereof nationwide.

b/ To guide and inspect the elaboration of forest protection and development plannings and plans for provinces, districts and communes according to the provisions of Articles 13, 14 and 15 of the Law on Forest Protection and Development.

c/ To formulate mechanisms for implementation of forest protection and development plannings and plans, to be submitted to the Prime Minister for promulgation.

d/ To monitor, inspect, sum up and assess the results of implementation of the national forest protection and development planning and plan and report to the Prime Minister thereon in the fourth quarter of the last year of the forest protection and development planning or plan period.

2. People's Committees at all levels shall have the responsibility:

a/ To organize the formulation of local forest protection and development plannings and plans under the

guidance of the Ministry of Agriculture and Rural Development.

b/ To direct and urge the implementation of local forest protection and development plannings and plans after they are approved by competent state agencies.

c/ To examine, inspect, detect and handle cases of violating forest protection and development plannings or plans in localities.

d/ Provincial-level People's Committees shall have to send reports on results of implementation of local forest protection and development plannings and plans to the Ministry of Agriculture and Rural Development in the fourth quarter of the last year of a planning or plan period and, at the same time, report to the People's Councils of the same level thereon.

District- and commune-level People's Committees shall have to report the results of implementation of forest protection and development plannings and plans of their respective localities to the immediate superiors in the fourth quarter of the last year of a planning or plan period; and, at the same time, report thereon to the People's Councils of the same level.

3. Reports on results of implementation of annual forest protection and development plans for the last year of a five-year plan period must be enclosed with sum-up reports on the implementation results of the entire five-year forest protection and development plan period.

Chapter III

ASSIGNMENT, LEASE AND RECOVERY OF FORESTS, CHANGE OF FOREST USE PURPOSES

Article 19.- Bases for forest assignment or lease

The forest assignment or lease must be based on the following:

1. Forest protection and development plannings and plans already approved or decided by competent state agencies.

2. Local production forest, protection forest and special-use forest funds.

3. Forest use demands of organizations, households, individuals and village population communities, which must be reflected in the following documents:

a/ For organizations, there must be projects approved by competent state agencies, if the projects are state budget-funded; projects and written appraisals of provincial/municipal Agriculture and Rural Development

Services, for organizations not using state budget capital; or foreign investment projects already licensed by competent state agencies.

b/ For households, individuals and village population communities, there must be applications certified by the commune-level People's Committees of localities where exist forests.

Where households or individuals request the lease of forests, they must have investment projects and written appraisals of district-level functional divisions.

4. Forest assignment and lease schemes must be formulated by commune-level People's Committees with the participation of representatives of mass organizations and commune village population and must be approved by district-level People's Committees.

Article 20.- Forest assignment

The assignment of forests to organizations, households, individuals, village population communities and overseas Vietnamese investing in Vietnam is provided for as follows:

1. Assignment of forests to households and individuals:

a/ District-level People's Committees shall assign protection forests, natural production forests and planted production forests without collection of forest use levies to households or individuals according to the provisions Article 24 of the Law on Forest Protection and Development.

b/ The forest areas assigned to households or individuals must be included in forest-assignment schemes of commune-level People's Committees, which have been approved by district-level People's Committees.

c/ Households and individuals assigned forests must live in communes where exist such forests.

2. Assignment of forests to village population communities

The assignment of forests to village population communities shall comply with the provisions of Article 29 of the Law on Forest Protection and Development and the following provisions:

a/ District-level People's Committees shall assign production forests and protection forests without collection of forest use levies to village population communities; give priority to the assignment of forests associated with customs and traditions of ethnic minority

people.

b/ The forest areas assigned to village population communities must be included in forest-assignment schemes of commune-level People's Committees, which have already been approved by district-level People's Committees.

c/ Forests assigned to village population communities must lie within the boundaries of communes.

3. Assignment of forests to economic organizations and overseas Vietnamese.

a/ Provincial-level People's Committees shall assign natural production forests and planted production forests with or without collection of forest use levies to economic organizations defined at Points a and b, Clause 3, Article 24 of the Law on Forest Protection and Development and assign planted production forests with collection of forest use levies to overseas Vietnamese defined at Point c, Clause 3, Article 24 of the Law on Forest Protection and Development.

b/ The assignment of forests with collection of forest use levies must be conducted through the auction of forest use rights and ownership rights over planted production forests; where only one organization requests to be assigned a production forest, the auction is not required.

4. Assignment of forests to domestic economic organizations in joint venture with foreign economic organizations

Where large-scale investment projects (group A) undertaken by domestic economic organizations in joint venture with foreign economic organizations are to use forestry land where exist natural and/or planted forests, they shall be assigned land and forests with collection of levies, may change the use purposes of such forests and forestry land for execution of projects according to the contents already approved by competent authorities.

5. The assignment of a forest must be based on its specific characteristics and the forest-assignment decision must state clearly the position and location of the forest, forest area, kind, status, reserves and quality at the time such decision is signed by a competent state body.

Article 21.- Forest lease

1. Organizations, households, individuals; overseas Vietnamese, foreign organizations and individuals investing in Vietnam may be leased forests by the State in accordance with the provisions of Article 25 of the Law on Forest Protection and Development.

2. The competence to lease forests shall comply with the provisions of Article 24 of this Decree.

3. Overseas Vietnamese, foreign organizations and individuals shall:

a/ Be leased planted production forests for execution of investment projects in accordance with the provisions of Vietnamese forest protection and development law and investment law.

b/ The lease of natural forests for combination with landscape, convalescence, eco-environmental tourism business or production and trading of forest products shall be stipulated by the Prime Minister.

4. The lease of forests must be conducted through auction of forest use rights and ownership rights over planted production forests; where only one organization or individual requests to be leased with a forest, the auction is not required.

5. The lease of a forest must be based on its specific characteristics and the forest lease decision or contract must state clearly the position and location of the forest, the forest area, kind, status, reserves and quality at the time the competent state agency hands over it for lease on field.

Article 22.- Limits of forests assigned to households and individuals

1. The limit of protection forests or production forests assigned to each household or individual shall not exceed 30 (thirty) hectares for each kind of forest.

Where households or individuals that have been assigned land for plantation of annual crops, aquaculture or salt making are additionally assigned protection forests or production forests, the area of such a forest additionally assigned to each household or individual shall not exceed twenty five (25) hectares.

2. Where the forest area assigned to each household or individual exceeds the limit stipulated in Clause 1 of this Article, the excessive area must be leased according to the following provisions:

a/ Households and individuals having been using forest areas prior to January 1, 1999, in excess of the set limits may continue using such areas for a duration equal to half of the duration stated in the forest assignment decisions; beyond such duration, they shall have to switch to rent forests according to Article 25 of the Law on Forest Protection and Development with regard to the excessive forest areas.

b/ Households and individuals having used forest areas from January 1, 1999, to before April 1, 2005, in excess of the set limits and having switched to rent forests shall be entitled to continue using such forests for the remaining duration of the terms stated in the forest renting contracts; where they have not yet switched to rent forests, they shall have to do so as from April 1, 2005 (the effective date of the Law on Forest Protection and Development), for the remaining duration of the terms stated in the forest assignment decisions.

c/ Households and individuals assigned forests after April 1, 2005, with areas in excess of the set limits shall have to switch to rent the excessive forest areas as from April 1, 2005, for the remaining duration of the terms stated in the forest assignment decisions.

3. The limit of bare land in the unused land category to be assigned to each household or individual for forestry production shall not exceed 30 (thirty) hectares and shall not be calculated into the limit stated in Clause 1 of this Article.

Article 23.- Term of use of forests assigned or leased by the State

1. The forest assignment or lease term is provided for as follows:

a/ The State shall assign protection forests or special-use forests to forest owners for a long-term and stable management, protection and use.

b/ The State shall assign or lease natural production forests and planted production forests to forest owners for not more than 50 (fifty) years; with regard to forest trees having a business circle of more than 50 (fifty) years and investment projects in areas meeting with socio-economic difficulties or exceptional difficulties, which need longer forest assignment or lease terms, such term shall not exceed 70 (seventy) years.

c/ The State shall lease protection forests or special-use forests to economic organizations for combination with landscape, convalescence or eco-environmental tourism business for not more than 50 (fifty) years.

d/ Upon the expiration of the forest use term, if forest owners wish to further use the forests, and during the forest use term have strictly observed the forest protection and development law and used forests in accordance with the forest protection and development plans, they shall be considered by competent state agencies for the extension of the forest use term.

2. Time point for calculation of a forest use term is

provided for as follows:

a/ For forests assigned or leased by the State, it shall be the time of signing of the forest assignment or lease decisions by competent state agencies;

b/ For forests which had been assigned or leased before October 15, 1993, but the forest assignment decisions or forest lease contracts did not specify the forest assignment or lease term, the time of forest assignment or lease shall start from October 15, 1993.

Article 24.- Competence to assign or lease forests and adjust forest assignment or lease decisions

1. The competence to assign or lease forests is provided for in Article 28 of the Law on Forest Protection and Development.

2. Competence to adjust forest assignment or lease decisions with regard to forests already assigned or leased before the effective date of the Law on Forest Protection and Development:

a/ Provincial-level People's Committees shall be the state agencies competent to adjust forest areas and forest use terms for forest owners being domestic organizations, overseas Vietnamese, foreign organizations or individuals that had received the forest assignment or lease decisions before April 1, 2005, and are subject to such adjustment.

b/ District-level People's Committees shall be the state agencies competent to adjust forest areas and forest use terms for forest owners being households, individuals or village population communities that had received the forest assignment or lease decisions before April 1, 2005, and are subject to such adjustment.

Article 25.- Extension of forest use terms

1. Conditions for extension of forest use terms

a/ Forest owners wish to further use forests.

b/ Forest owners well observe the forest protection and development law throughout the forest use terms.

c/ The current state of forest use by forest owners is compatible with the forest protection and development planning.

2. Competence to extend forest use terms: The state agency competent to assign or lease forests to a forest owner shall also be competent to decide on the extension of the forest use term for such forest owner.

Article 26.- Recovery of forests

1. The recovery of forests shall comply with the

provisions of Article 22, Clause 1 of Article 28 and Clause 3 of Article 29 of the Law on Forest Protection and Development.

2. The State shall recover forests for use for defense and/or security purposes or for national interests; for forest development for public interests or for economic development under the approved plannings or plans in accordance with the provisions of Points a and b, Clause 1, Article 26 of the Law on Forest Protection and Development in the following cases:

a/ Use of forests for defense and/or security purposes.

b/ Construction of public facilities not for business purposes.

c/ Execution of projects on population relocation or construction of new economic zones, which have been approved by competent state agencies.

d/ Construction of works under plannings already approved by competent state agencies.

3. Competence to recover forests: The state agency competent to assign or lease forests to a forest owner shall also be competent to decide on the recovery of forests from such owner.

4. Where the State recovers forests simultaneously with the recovery of land, the recovery of land and forests shall comply with the provisions of this Decree and the provisions of the land law.

Article 27.- Handling of forest use levies and forest rents in case of forest recovery by the State

1. Apart from cases where forest owners shall not be entitled to compensation upon forest recovery by the State as provided for in Clause 3, Article 26 of the Law on Forest Protection and Development, in all other cases the remaining amounts of forest use levies and forest rents which have been paid by forest owners to the State must be determined.

2. The People's Committees competent to recover forests shall have to set up valuation councils in order to:

a/ Determine the remaining amounts of forest use levies or forest rents of forest owners which have been paid to the State, provided that the paid amounts do not originate from the state budget.

b/ Determine the added value of forest use rights and value of planted production forests brought about by forest owners' investment in the construction and development of forests on the assigned or leased forest areas, provided that the investment money does not

originate from the state budget.

3. The remaining amounts of forest use levies and forest rents as well as the added value of forest use rights and value of planted production forests brought about by forest owners' investment stipulated in Clause 2 of this Article, which are under the forest owners' ownership, shall be handled as follows: *

a/ Where forests are recovered for assignment or lease to other organizations, households or individuals, such organizations, households or individuals shall have to transfer money to the State so that the latter pays the forest owners with their forests being recovered.

b/ Where forests are recovered for return to the State, the State shall have to pay money to forest owners with their forests being recovered.

4. Where forests have been recovered but forest use rights or ownership rights over planted production forests have already been transferred, the remaining amounts of forest use levies or forest, rents as well as the added value of forests shall be handled as in the cases specified in Clauses 2 and 3 of this Article.

5. In case of forest recovery, if owners of recovered forests have subleased the forests to other organizations, households or individuals or have mortgaged, guaranteed or contributed capital with forest use right value or value of planted production forests, the interests of organizations, households or individuals that have been subleased the forests, have received mortgages or guarantees or accepted capital contribution with forest use right value or value of planted production forests shall be handled in accordance with the provisions of civil law.

6. Where forest owners go bankrupt and must have their forests recovered, forest use levies and forest rents shall be handled under the provisions of bankruptcy law.

Article 28.- Change of purposes of using the forests from one kind to another

1. The change of purposes of using forests from one kind to another must be compatible with the forest protection and development plannings already approved by competent state agencies.

2. The change of forest use purposes must strictly comply with the prescribed competence and is provided for as follows:

a/ The Prime Minister shall decide on the change of use purposes for the entire or part of a forest he has

established at the proposal of the Minister of Agriculture and Rural Development.

b/ The president of the provincial-level People's Committee shall decide on the change of use purposes for the entire or part of a forest he/she has established, specifically:

- To decide on the conversion of use purposes for forests of three kinds, with regard to forests falling under the establishing competence of the provincial-level People's Committee.

- Where overseas Vietnamese, foreign organizations or individuals use forests for execution of investment projects and have to change forest use purposes due to the adjustment of investment projects already approved by competent state agencies, the provincial-level People's Committee shall decide on the change of forest use purposes for such projects.

3. The change of purposes of using the forests from one kind to another must meet the criteria and indices allowed for the establishment of the latter kind of forest.

a/ The area of a special-use forest or production forest changed into a protection forest must meet the criteria and indices for recognition of protection forests.

b/ The area of a protection forest or production forest changed into a special-use forest must meet the criteria and indices for recognition of special-use forests.

c/ The area of a special-use forest or protection forest changed into a production forest must meet the criteria and indices for recognition of production forests.

Article 29.- Change of forest use purposes into non-forestry purposes

Kinds of forest permitted for the change of forest use purposes into non-forestry purposes must comply with the provisions of land law and forest protection and development law, be compatible with forest protection and development plannings already approved by competent state agencies as well as the following provisions:

1. The competence to decide on the change of forest use purposes shall comply with the provisions of Clause 2, Article 28 of this Decree.

2. There is an investment project on the forest area subject to use purpose change, which has already been approved by a competent state agency.

3. There is a report on assessment of environmental

impacts of the change of forest use purposes.

4. There is a scheme on compensation for forest ground clearance, approved by a competent state agency.

5. The agency permitting the change of forest use purposes into other purposes must ensure investment in planting new forests to replace the forest area subject to such use purpose change.

Article 30.- Responsibilities of the Ministry of Agriculture and Rural Development, the Ministry of Natural Resources and Environment and People's Committees at all levels

1. The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, guiding the assignment, lease and recovery of forests as well as the change of forest use purposes under the provisions of Articles 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 of this Decree, in association with land the assignment, lease or recovery, or land use purpose change, ensuring uniform, simultaneous and coordinated implementation throughout the country. Specifically:

a/ The Ministry of Natural Resources and Environment shall direct the determination of information and data related to assorted land of protection forests, special-use forests or production forests.

b/ The Ministry of Agriculture and Rural Development shall direct the determination of information and data related to different kinds of forest.

2. People's Committees at all levels shall have the following responsibilities:

a/ Provincial-level People's Committees shall organize and direct provincial-level functional agencies and district-level People's Committees in organizing the uniform, coordinated and simultaneous assignment, lease and recovery of land and forests as well as the change of forest or land use purposes for organizations, households and individuals in their respective localities.

b/ Commune-level People's Committees shall organize, under the direction of provincial- and district-level People's Committees, the assignment, lease and recovery of land and forests as well as the change of land or forest use purposes and coordinate with provincial- and district-level People's Committees in on-field hand-over of land and forests to organizations, households and individuals.

Chapter IV

RECOGNITION, REGISTRATION, EXCHANGE, TRANSFER, DONATION, LEASE, SUBLEASE, MORTGAGE, GUARANTEE, CAPITAL CONTRIBUTION AND BEQUEATHAL OF FOREST USE RIGHTS OR OWNERSHIP RIGHTS OVER PLANTED PRODUCTION FORESTS

Article 31.- Recognition, registration of forest use rights and ownership rights over planted production forests

1. Recognition of forest use rights and ownership right over planted production forests means that competent state agencies recognize such rights by stating such recognition in land use right certificates, cadastral dossiers or forest management dossiers in order to establish the rights and obligations of forest owners.

2. The registration of forest use rights and ownership rights over planted production forests shall comply with the law on registration of real estates.

3. Where forest use rights and ownership rights over planted production forests have been stated in land use right certificates, the grant, re-grant, renewal and withdrawal of such certificates, the grant of certificates to winners of auction of forest use rights or ownership rights over planted production forests, and the grant of certificates to forest users shall comply with judgments or decisions of people's courts or decisions of judgment-enforcement bodies in accordance with the provisions of land law.

Article 32.- Forest owners being households or individuals

Forest owners being households or individuals may exchange, transfer, donate, lease, sublease, mortgage, provide guarantee, contribute capital with, or bequeath forest use rights or ownership rights over planted production forests with regard to forests of the following kinds and in the following cases:

1. On exchange:

a/ To exchange the use rights over protection forests assigned by the State.

b/ Where households or individuals have been lawfully transferred, donated or bequeathed the forest use rights or ownership rights over planted production forests from other forest owners, they may exchange the use rights or ownership rights over such planted

production forests; if they have received such rights through exchange, they shall be allowed to exchange the rights with other households or individuals in the same communes, wards or townships.

2. On transfer:

a/ To transfer planted production forests assigned by the State and forests planted with state budget investment capital on land assigned or leased by the State for afforestation but to refund the state investment value.

b/ To transfer planted forests invested with forest owners' own capital on land assigned or leased by the State for afforestation.

3. On donation:

To donate to the State or village population communities planted production forests assigned by the State or production forests planted on land assigned or leased by the State.

4. On lease and sublease of forests: To lease/sublease planted production forests assigned or leased by the State but the lease or sublease term must not exceed the term prescribed in the decision on land assignment or land and forest lease by the State.

5. On mortgage, guarantee and capital contribution:

a/ To mortgage, provide guarantee or contribute capital with the value of planted production forests assigned by the State.

b/ To mortgage, provide guarantee or contribute capital with the added value of planted production forests leased by the State but invested by forest owners.

c/ To mortgage, provide guarantee or contribute capital with the value of planted production forests invested by forest owners on land assigned or leased by the State.

d/ For natural production forests assigned or leased by the State, to mortgage, provide guarantee or contribute capital with the added value of forest use rights, which is brought about by forest owners' own investment, compared with the value of forest use rights determined at the time of forest assignment or lease.

e/ The mortgage or guarantee may be effected only at credit institutions operating lawfully in Vietnam while the capital contribution may be made with domestic organizations, households or individuals and overseas Vietnamese.

6. On bequeathal:

a/ To bequeath the use rights over protection forests

and production forests assigned by the State in accordance with the provisions of inheritance law.

b/ To bequeath planted forests invested by individuals on land assigned or leased by the State in accordance with the provisions of inheritance law.

Article 33.- Forest owners being domestic economic organizations

Forest owners being domestic economic organizations may transfer, donate, lease, sublease, mortgage, provide guarantee or contribute capital with the value of forest use rights or ownership rights over planted production forests in the following cases:

1. On transfer:

a/ To transfer forest use rights or ownership rights over planted production forests assigned by the State with the collection of forest use levies or to be transferred the planted production forests with the paid forest use levies or transfer money not originating from the state budget.

b/ To transfer forests planted with investment capital not originating from the state budget on land assigned or leased by the State for afforestation.

2. On donation:

To donate to the State or village population communities forests planted with investment capital not originating from the state budget on the land area assigned or leased by the State for afforestation.

3. On forest lease and sublease:

a/ To lease production forests planted on land assigned by the State.

b/ To sublease forests for combined forestry-agriculture-fishery production, landscape, convalescence, eco-environmental tourism business or scientific research in cases where the State assigns production forests with collection of forest use levies, or to be transferred the production forests with the paid money does not originate from the state budget.

c/ The forest lease or sublease terms must not exceed the terms prescribed in land assignment, land lease or forest lease decisions.

4. On mortgage, guarantee and capital contribution:

a/ To mortgage, provide guarantee or contribute capital with the value of planted breeding forests invested with capital of organizations.

b/ To mortgage, provide guarantee or contribute capital with the added value of production forest use

rights, brought about by forest owners' own investments, compared with the value of forest use rights determined at the time of forest assignment, in cases where the State assigns forests with collection of forest use levies and the paid money does not originate from the state budget.

c/ To mortgage, provide guarantee or contribute capital with the added value of production forest use rights, brought about by forest owners' own investments, compared with the value of forest use rights determined at the time of forest lease by the State.

d/ To contribute capital with the value of planted production forests in cases where organizations are assigned or leased land by the State for planting production forests.

e/ The mortgage and guarantee shall only be effected at credit institutions operating lawfully in Vietnam.

Article 34.- Forest owners being overseas Vietnamese

Forest owners being overseas Vietnamese may transfer, donate, sublease, mortgage, provide guarantee, contribute capital with or bequeath forest use rights or ownership rights over planted production forests with regard to forests of the following kinds and in the following cases:

1. On transfer:

a/ To transfer forest use rights or ownership rights over planted production forests assigned by the State with collection of forest use levies or to lease planted production forests with the lump-sum payment of rents for the whole lease term.

b/ To transfer forests planted on land assigned by the State with collection of land use levies or leased by the State for afforestation.

2. On donation:

a/ To donate planted production forests assigned by the State with collection of forest use levies or leased by the State with lump-sum payment of rents for the whole lease term.

b/ To donate forests planted on land assigned by the State with collection of land use levies or leased by the State for afforestation.

c/ To donate only forests specified at Points a and b of this Clause to the State or village population communities.

3. On forest lease and sublease:

a/ To sublease planted production forests assigned

by the State with collection of forest use levies or leased by the State with lump-sum payment of rents for the whole lease term.

b/ To lease planted production forests assigned by the State with collection of forest use levies or forests planted on land leased by the State with lump-sum payment of rents for the whole lease term.

c/ To sublease planted production forests leased by the State for combined forestry-agriculture-fishery production, landscape, convalescence, eco-environmental tourism business and scientific research.

d/ The lease and sublease terms defined at Points a, b and c of this Clause shall not exceed the terms specified in the decisions on land assignment, land lease or forest lease by the State.

4. On mortgage, guarantee and capital contribution:

a/ To mortgage, provide guarantee or contribute capital with the value of forests of the following kinds:

- Planted production forests assigned by the State with collection of forest use levies.

- Planted production forests leased by the State with lump-sum payment of rents for the whole lease term.

- Planted production forests leased by the State with annual payment of rents.

b/ To mortgage, provide guarantee or contribute capital with the value of planted production forests invested by forest owners in cases where the State leases forests with annual payment of rents.

c/ To contribute capital with the value of production forests planted on land assigned by the State with collection of land use levies or on land leased by the State.

d/ The mortgage or guarantee shall be effected at credit institutions lawfully operating in Vietnam.

5. On bequeathal:

a/ To bequeath planted production forests assigned by the State with collection of forest use levies or leased with lump-sum payment of rents for the whole lease term.

b/ To bequeath production forests planted on land assigned by the State with collection of land use levies or on land leased by the State for afforestation with lump-sum payment of rents for the whole lease term.

Article 35.- Forest owners being foreign organizations or individuals

Forest owners being foreign organizations or individuals may transfer, donate, sublease, mortgage,

provide guarantee or contribute capital with the value of forest use rights or ownership rights over planted production forests in the following cases:

1. To transfer production forests planted with their own investment on land leased by the State.

2. To donate production forests planted on land leased by the State for afforestation to the State or village population communities.

3. To lease production forests planted on land leased by the State for afforestation with lump-sum payment of rents.

4. On mortgage, guarantee and capital contribution:

a/ To mortgage, provide guarantee or contribute capital with the added value of use rights over production forests, brought about by forest owners' own investments, compared with the value of forest use rights determined at the time the forests are leased.

b/ To mortgage, provide guarantee or contribute capital with the value of planted production forests in cases where forest owners plant forests on land leased by the State with annual payment of land rents.

c/ The mortgage and guarantee shall be effected only at credit institutions lawfully operating in Vietnam.

Article 36.- Order of, procedures for, the purchase, sale, donation, mortgage, guarantee, capital contribution with, or bequeathal of, forest use rights or ownership rights over planted production forests

1. The order of, and procedures for, the purchase, sale, donation, mortgage, guarantee, capital contribution with, or bequeathal of, forest use rights or ownership rights over planted production forests shall comply with the provisions of Articles 148, 149, 151, 152, 153 and 155 of Decree No. 181/2004/ND-CP of October 29, 2004, on implementation of the Land Law.

2. Agencies carrying out the exchange, transfer, donation, mortgage, guarantee, capital contribution with, or bequeathal of, forest use rights or ownership rights over planted production forests shall, after completing the procedures, have to notify in writing the provincial/ municipal Agriculture and Rural Development Services or district-level functional divisions thereof for monitoring, management and updating of forest management dossiers.

Article 37.- Performance of financial obligations by forest-using organizations, households and individuals

1. Organizations, households and individuals using

forests shall exercise the rights of forest owners and perform the following financial obligations:

a/ To pay forest use levies, forest rents and taxes related to the use of forests when assigned or leased forests by the State; when conducting the exchange, transfer, donation, lease, sublease or bequeathal.

b/ To pay charges and fees related to management and use of forests when carrying out administrative procedures.

2. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development in, providing and guiding the order of, and procedures for, the payment of forest use levies, forest rents, charges and fees related to forest protection and development.

Chapter V

FOREST INVENTORY AND STATISTICS, MONITORING OF CHANGES IN FOREST RESOURCES

Article 38.- Forest management dossiers

1. Forest management dossiers comprise data on forest areas and status and the forest management situation, enclosed with maps of forest lots. Such dossiers must be complete, accurate, updated regularly and promptly. They must be kept and managed in paper and digital form for computerized management.

2. Forest management dossiers shall be compiled for each commune whereby the smallest unit shall be forest lot, the statistical unit shall be sub-zone and the collective unit shall be commune.

3. Each forest-management dossier shall be compiled with one original set to be kept at the provincial/municipal Agriculture and Rural Development Service, and two copies for archival: one at the district-level functional division and the other at the commune-level People's Committee.

4. The Ministry of Agriculture and Rural Development shall have to promulgate regulations on contents, forms and methods of compilation of forest-management dossiers; technical rules and standards as well as economic norms for the compilation of forest management dossiers; and the regime of uniform management and use of such dossiers nationwide.

Article 39.- Forest statistics and inventory

1. Forest statistics mean annual recording and

summing up in books of area and status of forests of each kind. Forest inventory means examination and comparison between data recorded in statistical books and maps and the assigned or leased forest areas on field, which shall be conducted once every five (5) years and in the year with the unit number being zero (0) or five (5).

2. Responsibilities of forest owners and commune-level People's Committees for forest statistics and inventory:

a/ Forest owners shall have to make recording, statistics and inventory of forests under the guidance of the Ministry of Agriculture and Rural Development; report the forest statistics and inventory results to the commune-level People's Committees of the localities where exist the forests.

b/ Commune-level People's Committees shall have to carry out forest statistical work and sum up the situation of management of forests within their respective localities, including the situation of forest and afforestation land areas which have not yet been assigned or leased.

3. Reporting and announcement of forest statistic results

a/ Commune-level People's Committees shall sum up and report forest statistic and inventory results to district-level People's Committees.

b/ District-level People's Committees shall sum up and report forest statistics and inventory results to provincial-level People's Committees.

c/ Provincial-level People's Committees shall sum up and report forest statistic and inventory results to the Ministry of Agriculture and Rural Development.

d/ The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with the central statistical agency in, summing up forest statistic and inventory results of their respective localities.

e/ The Ministry of Agriculture and Rural Development shall have to announce national forest statistic and inventory results; People's Committees at all levels shall have to announce local forest statistic and inventory results.

National and local forest statistic results shall be announced in the first quarter of every year; national and local forest inventory results shall be announced in the second quarter of the first year of the subsequent inventory period.

Article 40.- Monitoring of changes in forest resources

1. Contents of monitoring of changes in forest resources cover changes in forest area, forest reserves, forest quality, quantity and composition of forest fauna and flora; changes of forests in relation with economic, social and environmental factors so as to find out laws of changes in forest resources.

2. Assessment of the monitoring of changes in forest resources shall be conducted regularly and announced once every five (5) years:

a/ Forest owners shall have to monitor changes in forest resources in the assigned or leased forest area.

b/ Commune-level People's Committees of localities where exist forests shall have to report changes in local forest resources to district-level People's Committees; grassroots forest rangers shall advise and submit sum-up reports on changes in forest resources to commune-level People's Committees.

c/ District-level People's Committees shall have to report changes in forest resources to the Ministry of Agriculture and Rural Development.

d/ Provincial-level People's Committees shall have to report changes in forest resources to the Ministry of Agriculture and Rural Development.

e/ The Ministry of Agriculture and Rural Development shall sum up and report changes in national forest resources to the Prime Minister.

Changes in national and local forest resources shall be announced at the latest by June 30 of the first year of the subsequent five-year cycle of monitoring changes in forest resources.

3. The Ministry of Agriculture and Rural Development shall have to organize the implementation of the program on investigation, monitoring and assessment of changes in forest resources nationwide and in each province, in service of the elaboration of the State's medium- and long-term socio-economic development plans.

Article 41.- Responsibility of the Ministry of Agriculture and Rural Development, concerned ministries and People's Committees at all levels for forest statistics and inventory and monitoring of changes in forest resources

1. The Ministry of Agriculture and Rural Development shall have the responsibility:

a/ To promulgate and guide contents and methods of forest statistics and inventory as well as the monitoring of changes in forest resources; direct its units and localities in conducting forest statistics and inventory and monitoring changes in forest resources; announce the

results of forest statistics and inventory as well as the monitoring of changes in forest resources nationwide.

b/ To coordinate with state statistical agencies in formulating forms on forest statistics and inventory and monitoring of changes in forest resources for uniform application nationwide in accordance with the laws on statistics and inventory. *

2. The Ministry of Natural Resources and Environment shall have to coordinate with the Ministry of Agriculture and Rural Development in comparing data on areas of forests of all kinds with areas of land of all categories in accordance with the provisions of land law and provisions of forest protection and development law.

3. The General Department of Statistics shall have the responsibility:

a/ To coordinate with the Ministry of Agriculture and Rural Development in formulating forms of statistics and inventory, guide local statistical agencies in coordinating with provincial/municipal Agriculture and Rural Development Services as well as assigned functional divisions in assisting People's Committees at all levels in conducting forest statistics and inventory.

b/ To coordinate with the Ministry of Agriculture and Rural Development in summing up forest statistic and inventory results to be reported to the Prime Ministry.

Chapter VI

ORGANIZATION OF FOREST MANAGEMENT, PROTECTION, DEVELOPMENT AND USE

Section 1. ORGANIZATION OF FOREST MANAGEMENT

Article 42.- Division, delimitation of boundaries for forest management

1. Special-use forests, protection forests and production forests must be delimited explicitly on maps and on field and must have forest management dossiers; forest boundaries on field must be identified through a system of markers and signboards; forests and land already planned for afforestation in localities must be divided into the following management units:

a/ Sub-zone means the basic unit in the forest management system, which has fixed boundaries encompassing several lots entirely and convenient for forest management; every sub-zone has an average area of one thousand (1,000) hectares; sub-zones shall be numbered in a system within the provincial scope.

b/ Plot means a forest management unit divided from a sub-zone of forest, which has stable boundaries, easy to be positioned and delimited on field, convenient for management and direction of production. Each plot shall have an average area of one hundred (100) hectares and shall be numbered based on the sub-zone it belongs to. Where a forest plot is not divided into lots, it shall be the forest statistical unit.

c/ Lot means the smallest unit in the system of forest management and forest resource statistics, which is divided from a plot. Based on the forest status, a plot shall be divided into lots, which must have the same status to ensure that they shall be subject to the uniform application of a technical measure, convenient for management and construction; the name of a forest lot shall be written based on the plot it belongs to and names of lots on the same plot must not be coincidental.

2. The division of forest management units shall be conducted uniformly within provinces and throughout the country. The Ministry of Agriculture and Rural Development shall guide in detail the division of forest management units, markers, signboards and the compilation of forest management dossiers.

3. Forest owners and organizations assigned forests by the State for management must divide the assigned or leased forests into management units according to the provisions of Clause 1 of this Article under the guidance of the Ministry of Agriculture and Rural Development.

Article 43.- Organization of management of protection forests

1. Headwater protection forests with an area of 5,000 hectares or more each or of under 5,000 hectares but important in terms of their protection function such as wind or sand shielding; protection forests for wave breaking or anti-sea encroachment as well as inter-regional and concentrated ones shall have management boards.

2. Management boards of protection forests shall operate under the financial mechanism applicable to non-business units.

3. The organization of managerial apparatus and personnel of management boards of protection forests shall comply with the Prime Minister's decisions.

4. Management boards of protection forests may contract jobs of forest protection, breeding and plantation, tending and enrichment to local households, individuals, village population communities, people's armed force units, socio-political organizations or socio-professional

organizations for forest protection and development.

5. Protection forests other than those defined in Clause 1 of this Article shall be assigned or leased by provincial-level People's Committees to other organizations; or by district-level People's Committees to households, individuals or village population communities for forest protection and management.

6. With regard to forest areas which have not yet been assigned or leased, based on the plannings already approved by competent authorities, presidents of provincial-level People's Committees shall decide to assign them to commune-level People's Committees according to the provisions of Point e, Clause 3, Article 38 of the Law on Forest Protection and Development.

Commune-level People's Committees shall have to elaborate protection schemes; forest assignment and lease schemes to be submitted to district-level People's Committees in order to step by step put forests to use according to the provisions of forest protection and development law.

Article 44.- Organization of management of special-use forests

1. Special-use forests being national parks or concentrated nature conservation zones which are landscape protection zones associated with classified historical relics may have management boards.

Special-use forests being national parks or nature conservation zones may be divided into functional zones for management, each including one or several strictly protected zones, the ecological restoration zone and the administrative service zone.

2. For special-use forests for scientific research or experimentation assigned by the State to scientific and technological research and development institutions, forestry and vocational training organizations, such organizations shall have to manage, protect, use and develop the assigned forest areas in accordance with the forest management regulations.

3. Special-use forests not defined in Clauses 1 and 2 of this Article, small and scattered special-use forests shall be leased by provincial-level People's Committees to economic organizations for management, protection, combined landscape, convalescence and eco-environmental tourism business.

4. Management boards of special-use forests shall operate under the financial mechanisms applicable non-business units.

5. The organization of managerial apparatus and personnel of management boards of special-use forests shall comply with regulations of the Prime Minister.

6. Management boards of special-use forests may contract jobs of forest protection, breeding and plantation, tending and enrichment to local households, individuals, village communities or people's armed force units for forest protection and development. For strictly-protected sub-zones that have no conditions for relocation of population therefrom, they may only contract for short terms the forest protection and development jobs to households or individuals in such sub-zones.

Article 45.- Organization of management of production forests

1. For production forests being concentrated natural forests with rich or average reserves, which must be closed and must not be exploited, the organization of their management shall comply with forest management regulations decided by the Prime Minister.

2. Concentrated and contiguous production forests shall be assigned with priority to organizations of different economic sectors for forestry production and business.

3. For production forests which have an area of one thousand (1,000) hectares each and are scattered, competent People's Committees shall assign or lease them to organizations, households, individuals or village population communities for management, protection and development in accordance with forest management regulations.

4. For production forest areas not yet assigned or leased:

a/ Based on plannings already approved by competent authorities, presidents of provincial-level People's Committees shall decide to assign them to commune-level People's Committees for management according to the provisions of Point e, Clause 3, Article 38 of the Law on Forest Protection and Development.

b/ Commune-level People's Committees shall have to elaborate forest protection schemes, forest assignment and lease schemes and plans to be submitted to district-level People's Committees for incremental assignment and lease of forests in accordance with the provisions of forest protection and development law.

Section 2. PROTECTION OF FORESTS

Article 46.- Protection of forest ecosystems, forest flora and fauna

1. Protection of forest ecosystems:

a/ The protection of forest ecosystems shall comply with the provisions of Article 40 of the Law on Forest Protection and Development.

b/ Ecosystems affected by production, business or other activities shall cover:

- The forest structure and composition of major forest plant species change; the forest quantity or quality decreases.

- The forest environment: land, sub-climate zone or water source changes.

- The forest landscape changes.

2. Protection of forest flora

a/ Endangered, precious and rare species, precious and rare gene sources of forest plants must be managed and protected under the Government's regulations.

b/ The prime exploitation of forest plants may be conducted only in forests whose owners have been assigned or leased forests by the State.

c/ The exploitation of timber and forest products, the full exploitation and extraction of timber in natural forests or planted forests, or the exploitation of timber in forest gardens must comply with the Prime Minister's forest management regulations as well as the Ministry of Agriculture and Rural Development's procedures and regulations on exploitation of timber and forest products.

3. Protection of forest fauna:

a/ Endangered, precious and rare species, precious and rare gene sources of forest animals must be managed and protected under the Government's regulations.

b/ The hunting, catching, trapping and caging of common forest animals not on the list of precious and rare forest animals shall comply with the Ministry of Agriculture and Rural Development's regulations and the granted permits.

4. The Ministry of Agriculture and Rural Development shall promulgate regulations on the exploitation of timber and forest products, and regulations and procedures for forest exploitation; identify areas and animal species for hunting and catching, seasons when hunting and catching is not allowed, means and instruments banned or restricted from use in hunting and catching of forest animals; and guide the order of, and procedures for, the exploitation of timber and forest products as well as the

hunting, catching and caging of forest animals.

Article 47.- Fire prevention and fighting

The fire prevention and fighting shall comply with the provisions of the Law on Fire Prevention and Fighting; the provisions of Article 42 of the Law on Forest Protection and Development as well as the provisions of the law on forest fire prevention and fighting.

Article 48.- Prevention and elimination of organisms harmful to forests

1. The planting of forest trees, raising, gazing or release of animals into forests must strictly comply with the Ordinance on Plant Protection and Quarantine and the Ordinance on Veterinary; it is prohibited to use drugs for prevention and elimination of organisms harmful to forests not on the list of forest protection drugs permitted to be used in Vietnam.

2. Forest owners must take all measures to prevent and eliminate organisms harmful to forests, take initiative in applying such measures and be responsible for failure to do so under the guidance of competent functional agencies.

3. The encouraged bio-forestry or biological measures for prevention and elimination of organisms harmful to forests include:

a/ Planting trees which are capable of resisting harmful organisms.

b/ Eliminating or preventing organisms harmful to forests with the use of biological elements such as parasitic or predatory animals.

c/ Multiplying or releasing insects whose reproducibility has been eliminated or which have been affected to lose their heredity.

d/ Eliminating or preventing the development of populations of harmful organisms through combination or rational use of two or more measures to maintain the density of harmful organisms or keep it below the economic threshold.

4. The Ministry of Agriculture and Rural Development shall have to forecast epidemics and guide measures to prevent and eliminate organisms harmful to forests.

People's Committees at all levels shall have to organize and direct forces in eliminating organisms harmful to forests in their respective localities, preventing the spread of such organisms to other localities.

Article 49.- Trading, transportation and processing of forest products

1. Organizations and individuals trading in forest products shall be responsible for ensuring the lawful origin of timber and forest products before law enforcement bodies.

2. Forest products purchased, sold, transported or processed by organizations or individuals must be accompanied by lawful vouchers prescribed by competent state agencies; the ranger hammer indentation on timber shall comply with the guidance of the Ministry of Agriculture and Rural Development.

4. The import, export, entry, exit, transit, temporary import for re-export, temporary export for re-import of forest plant and animal species and their products or samples of natural origin, originating from breeding or hybridization as well as precious, rare and common plant and animal species shall comply with the Government's regulations and the Convention on International Trading of Endangered Species (CITES) as well as other treaties which Vietnam has signed or acceded to.

5. The Ministry of Agriculture and Rural Development shall have to guide and stipulate the inspection of transportation, processing and trading of timber and forest products.

Article 50.- Organization of forest protection

1. Forest owners shall have to protect forest areas assigned or leased by the State in accordance with the provisions of Article 37 of the Law on Forest Protection and Development and shall organize the forest protection as follows:

a/ Forest owners being households or individuals shall have to themselves organize the protection of forests under their management.

b/ Forest owners being village population communities may adopt appropriate forms of forest protection.

c/ Forest owners being organizations may organize specialized forces to directly protect forests, define tasks and powers of forest protection forces within the ambit of their powers in accordance with the provisions of law.

2. Commune-level People's Committees (of localities where exist forests) shall organize local mass shock forces to protect forests, define tasks and powers of forest

protection forces according to their tasks and powers in accordance with the provisions of law.

3. Forest rangers shall have to organize the implementation of the provisions of Articles 79 and 80 of the Law on Forest Protection and Development and shall:

a/ Advise and assist People's Committees at all levels in organizing the mobilization of forces for the protection of forest resources in the areas under local management.

b/ Arrange forces to perform forest protection tasks, especially where exist high risks of infringement.

c/ Guide forest owners and specialized forest protection forces of organizations and village population communities in protecting forests, preventing and fighting forest fires, preventing and eliminating organisms harmful to forests.

Section 3. FOREST DEVELOPMENT AND USE

Article 51.- Forest development

1. Investment in building protection forests

a/ Based on forest protection and development plannings and plans already approved by competent authorities, forest owners shall elaborate projects on investment in building forests and submit them to competent authorities for approval before implementation.

b/ The State shall invest in the management, protection, building and development of protection forests under projects or plans already approved by competent authorities and provide funding for operations of forest management boards.

c/ The State encourages domestic and foreign organizations and individuals as well as overseas Vietnamese to invest in building protection forests.

2. Investment in building special-use forests:

a/ Based on forest protection and development plannings and plans already approved by competent authorities, forest owners shall elaborate projects on investment in building forests and submit them to competent authorities for approval before implementation. Management boards of special-use forests shall coordinate with local authorities in elaborating one or several projects on development of buffer zones according to local and regional socio-economic development requirements.

b/ The State shall invest in the management, protection, building and development of special-use forests under projects or plans already approved by competent authorities and provide funding for operations of forest management boards.

c/ The State encourages domestic and foreign organizations and individuals^a as well as overseas Vietnamese to invest in building special-use forests.

3. Investment in building production forests:

a/ Planning on development of production forests must associate with plannings on development of raw material areas and the processing industry.

Forest owners being organizations must elaborate forest development investment projects and must, for natural production forests, have forest-regulating schemes to be submitted to provincial/municipal Agriculture and Rural Development Services for approval and organization of implementation.

Forest owners being village population communities, households or individuals must elaborate management and production plans for assigned or leased forests and organize the implementation thereof.

b/ The State shall adopt policies on sapling, materials and technical supports for investment in the planting of big, precious and rare timber forests or breeding forests; improvement and enrichment of production forests being poor natural forests, protection of natural production forests which are not yet ready for exploitation; development and application of new technologies. Forest owners and project owners shall elaborate and submit investment projects to competent authorities for approval so that such projects may be entitled to state investment supports.

c/ The Ministry of Agriculture and Rural Development shall propose mechanisms and policies for investment and development of production forests; investment programs and projects on the planting of concentrated raw material forests; policies on encouragement of the planting of big and precious and rare timber forests; policies on restoration, development and enrichment of natural forests, to be submitted to the Prime Minister for consideration and promulgation; and guide, inspect the elaboration and implementation of forest-regulating schemes of provinces and centrally-run cities.

d/ Provincial-level People's Committees shall determine investment and development orientations for local production forests; apply mechanisms and policies

to create favorable conditions for economic sectors, households, individuals and village population communities to invest in the development of production forests.

To direct provincial/municipal Agriculture and Rural Development Services in guiding the elaboration and implementation of forest-regulating schemes by forest owners being economic organizations in localities, making sum-up reports to the Ministry of Agriculture and Rural Development.

4. Building of breeding forests and forestry breeding gardens:

a/ The State shall adopt policies of investment in building a system of breeding forests and forestry breeding gardens, ensuring the sufficient supply of standard saplings for forest planting.

b/ The Ministry of Agriculture and Rural Development shall plan and direct the formulation of a system of breeding forests; organize the selection and recognition of forestry breeding gardens.

c/ Provincial/municipal Agriculture and Rural Development Services shall organize the selection and recognition of parent trees, prototypal trees and breeding forests in provinces.

d/ The State shall invest in the building of a system of breeding forests and forestry breeding gardens; adopt policies to encourage the preservation of parent trees, prototypal trees and the use of aboriginal trees, precious and rare trees.

5. Infrastructure construction for forest development:

a/ The State shall prioritize investment in the construction of infrastructure for socio-economic development in rural and mountain areas in association with the forest protection and development; support the construction of infrastructure in raw material forests, including the system of water and land traffic, harbors and landings and national power grids.

b/ Forest protection and development plannings as well as projects on the planting of raw material forests must identify infrastructure projects specified at Point a, Clause 5 of this Article. Authorities that approve plannings and projects must include the construction of infrastructure into annual plans and organize the implementation thereof.

Article 52.- Exploitation of forest products

1. For protection forests:

a/ Activities of exploiting forest products in protection forests must ensure the principles of maintaining and developing the protection capacity of such forests; the exploitation of forest products in protection forests shall be conducted only for the protection of interests of local laborers who are deeply attached to forests, actively participate in forest protection and development.

b/ The exploitation of forest products in protection forests must comply with plannings and plans already approved by competent authorities. The hunting and catching of common forest animals must comply with the provisions of Clauses 2 and 3, Article 46 of this Decree.

c/ Procedures and technical measures for exploitation of forest plants; the hunting and catching of forest animals must comply with the Prime Minister's regulations on forest management and the guidance of the Ministry of Agriculture and Rural Development.

2. For special-use forests:

a/ Exploitation activities in special-use forests must ensure the preservation, maintenance and development of forest biodiversity, and the living environment for special, precious and rare forest animals and plants; forest animals and plants of high scientific, educational, tourist and economic value; conserve landscape for exploitation of aesthetic, cultural, scientific, historical and environmental values.

b/ It is allowed to exploit, gather and clean up dead timber trees, fallen trees and forest plants other than timber in administrative service areas of national parks and nature conservation zones, except for endangered, precious and rare forest plants prescribed by the Prime Minister.

c/ It is allowed to exploit forest products in service of scientific research and forestry professional training in forests for scientific research and experimentation under research and training plans of scientific research and technological development, forestry training and job teaching institutions which are assigned forests by the State.

d/ The exploitation procedures and technical measures shall comply with the Prime Minister's regulations on forest management and the guidance of the Ministry of Agriculture and Rural Development.

3. For production forests:

a/ The exploitation of forest products in natural forests and planted forests shall comply with the provisions of

Articles 56 and 57 of the Law on Forest Protection and Development.

b/ The exploitation of forest products in natural forests must ensure the principle of maintaining the sustainable development of forests and that the exploitation volume must not be bigger than the to-be-grown volume and forest reserves.

c/ Conditions for forests to be exploited; products to be exploited; exploitation order and procedures; and technical exploitation measures shall comply with the Prime Minister's provisions in the regulation on management of assorted forests, the regulations and guidance of the Ministry of Agriculture and Rural Development.

d/ The exploitation of planted forest timber and precious and rare trees shall comply with the Prime Minister's regulations on lists of precious and rare forest plants and animals, the management and protection regime and the regulations of the Ministry of Agriculture and Rural Development.

Article 53.- Combined agro-forestry production

1. Combined agro-forestry production shall only apply in protection and production forests but must comply with technical procedures and regulations of the Ministry of Agriculture and Rural Development.

2. For protection forests: it is allowed to intercrop agricultural and pharmaceutical plants and carry out fishery production on forestland which, however, must not affect the forests' protection capacity.

3. For production forests:

a/ In production forests being natural forests, it is allowed to intercrop agricultural and pharmaceutical plants under the forest cover, which, however, must neither deteriorate natural forests nor affect forest product-trading purposes of the concerned forests.

b/ In planted production forests, it is allowed to use no more than 30% of land area without forests for combined agro-fishery production; to intercrop agricultural and pharmaceutical plants on forestland, which, however, must not affect forest product-trading purposes of the concerned forests.

4. The selection of plant varieties shall comply with the provisions of law on plant varieties, law on plant protection and quarantine, law on fishery and other relevant provisions of law.

Article 54.- Scientific research in forests

1. With regard to forest owners being management boards of special-use forests that are involved in the performance of scientific research tasks:

a/ Annually, they shall elaborate scientific research plans or coordinate with domestic and foreign scientific institutions in working out short-term and long-term scientific research programs and projects and submit them to competent authorities for approval.

b/ Scientific research results shall be reported annually to superior management agencies and the Ministry of Agriculture and Rural Development. Scientific research programs, upon their completion, shall be reviewed and their outcomes shall be handed over for application.

2. Domestic and foreign organizations and individuals involved in practice, internship or implementation of scientific research majors or subjects in forests must comply with the following provisions:

a/ Domestic organizations or individuals that wish to conduct research, teaching or practice in forests must get written consents of forest owners.

b/ International organizations, foreign non-governmental organizations and foreigners conducting scientific research or coordinating with domestic organizations and individuals in conducting scientific research in forests must be permitted by the Ministry of Agriculture and Rural Development on the basis of projects or scientific cooperation agreements already approved by competent authorities.

c/ When conducting scientific research, they must be subject to the guidance and inspection by forest owners; for scientific research in special-use forests, they may only observe, take notes, shoot a film or take photos, must neither affect the integrity of ecosystems nor illegally gather/collect samples.

d/ Within two (02) weeks after every research period, organizations or individuals conducting scientific research activities must send reports on their activities in forests and the extent of impacts on forests. Within two (02) months after announcing the research results, they must report the results of research, survey or investigation to licensing bodies and forest owners.

e/ The collection of samples or exchange of samples in special-use forests for any purpose must be permitted by the Ministry of Agriculture and Rural Development; be guided, inspected and certified by forest owners and subject to natural resource tax and other prescribed

charges.

The taking of samples abroad must be permitted by the Vietnam CITES Office.

f/ When conducting scientific research in forests, organizations and individuals must pay site and sample rents and prescribed service charges, and follow the forest owners' guidance, rules and regulations on forest protection.

3. Forest owners must appoint persons to guide, inspect and supervise organizations and individuals in implementing the above-mentioned provisions when the latter conduct scientific research in their forests.

If organizations or individuals violate one of the above provisions, forest owners must make records, suspend and disallow the continuation of research activities, and propose competent authorities to handle them in accordance with the provisions of law.

Article 55.- Landscape, convalescence and eco-tourism business in forests

1. Forest owners may themselves organize or lease or contract forests and forest environment to organizations, households and individuals for landscape, convalescence or eco-tourism business in forests and must ensure the following principles:

a/ Not exerting adverse impacts on the preservation of biodiversity and environmental landscape as well as protection capacity of the forests.

b/ Not building tourist facilities in strictly protected sub-zones or ecological restoration sub-zones of special-use forests.

c/ Ensuring safety and complying with the guidance, submitting to inspection and supervision by forest management board.

d/ Creating conditions for households and individuals living in forests to participate in tourist service activities.

2. Organization of landscape, convalescence and eco-tourism business activities in forests

Forest owners shall elaborate and submit investment projects to competent authorities for approval and organize the implementation of the said activities according to the approved projects; the investment order and procedures shall comply with the Government's regulations on management of construction investment projects. Forest owners shall themselves decide on investment and take responsibility for projects funded with other capital sources.

Article 56.- Provisions on service charge rates for scientific research and tourist activities in forests

1. Service charge rates for tourist activities shall comply with the provisions of law on charges and fees.

2. Service charge rates for scientific research and tourist activities shall comply with the contracts and agreements between forest owners and organizations and individuals that wish to conduct scientific research or organize sight-seeing tours in forests.

3. The management and use of proceeds from scientific research service activities, tour organization by non-business organizations shall comply with the Government's regulations on financial regimes applicable to non-business units.

4. The management and use of proceeds from scientific research activities, tour organization and service provision in production forests by economic organizations shall comply with current law.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 57.- Propagation, dissemination of, and education about, forest protection and development law

1. The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with the Ministry of Justice in, directing the propagation of, and education about, the Law on Forest Protection and Development at all levels, in all branches and ministries as well as among the population with a view to changing their awareness about urgent requirements and significance of forest protection and development.

2. The Ministry of Culture and Information shall direct central and local press agencies in adopting plans for propagation and dissemination of the Law on Forest Protection and Development among the population.

3. The Ministry of Education and Training shall elaborate plans to incorporate the contents of the Law on Forest Protection and Development into school curricula at all levels.

4. Ministries, ministerial-level agencies, Government-attached agencies, central bodies of socio-political organizations, social organizations and socio-professional organizations as well as People's Committees at all levels shall have to direct and organize the propagation and dissemination of, and education

about, forest protection and development law in their respective branches, mass organizations, organizations or localities.

Article 58.- Implementation responsibilities

1. The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment and provincial/municipal People's Committees in, clearly defining areas and boundaries of forests of all kinds and forestland throughout the country and in each locality so as to adopt plans on decentralization of responsibilities for forest management and organization of forest assignment and lease to organizations, households and individuals for management and business in accordance with the forest protection and development plans and plans.

2. The Ministry of Planning and Investment and the Ministry of Finance shall have to guide the elaboration of investment projects and management expenses for forest protection and development activities.

3. Ministries, ministerial-level agencies and provincial-level People's Committees shall have to review legal documents they have issued and amend, supplement or annul those which are contrary to the provisions of the Law on Forest Protection and Development, the provisions of this Decree and other decrees on the implementation of this Law.

The Government Office shall have to coordinate with the Government-attached agencies in reviewing legal documents promulgated by the latter and report to the Prime Minister on those provisions which are contrary to the Law on Forest Protection and Development and legal documents of the Government detailing the implementation of this Law so that the Prime Minister shall request competent agencies to promptly amend, supplement or annul such legal documents.

4. The Ministry of Agriculture and Rural Development shall have to coordinate with the Ministry of Justice, the Government Office and concerned ministries and branches in perfecting the system of legal documents on forest protection and development, promulgate according to its competence or submit to the Government or the Prime Minister for promulgation such documents.

5. People's Committees at all levels shall have to organize and direct the implementation of the Law on Forest Protection and Development, promulgate legal documents according to their competence and organize

the implementation of forest protection and development law in localities.

Article 59.- Implementation effect

1. This Decree takes effect 15 days after its publication in "CONG BAO."

2. To annul the Ministers Council's Decree No. 17/HDBT of January 17, 1992, guiding the implementation of the 1991 Law on Forest Protection and Development, and other regulations which are contrary to the provisions of this Decree.

On behalf of the Government
Prime Minister
PHAN VAN KHAI