

**ORDER No. 25/2004/L-CTN OF DECEMBER 14, 2004 ON LAW PROMULGATION**

THE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM

*Pursuant to Articles 103 and 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001 of the X<sup>th</sup> National Assembly, the 10<sup>th</sup> session;*

*Pursuant to Article 91 of the Law on Organization of the National Assembly;*

*Pursuant to Article 50 of the Law on Promulgation of Legal Documents,*

HEREBY PROMULGATES:

The Law on Forest Protection and Development,

which was passed by the XI<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 6<sup>th</sup> session on December 3, 2004.

President of the Socialist Republic of Vietnam

*TRAN DUC LUONG*

**LAW ON FOREST PROTECTION AND DEVELOPMENT**

*(No. 29/2004/QH11)*

*Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001 of the X<sup>th</sup> National Assembly, the 10<sup>th</sup> session;*

*This Law provides for forest protection and development.*

Chapter I

GENERAL PROVISIONS

**Article 1.-** Regulation scope

This Law provides for the management, protection, development and use of forests (hereinafter referred collectively to as forest protection and development); and forest owners' rights and obligations.

**Article 2.-** Application subjects

1. This Law applies to State agencies, domestic organizations, households and individuals, overseas Vietnamese as well as foreign organizations and individuals involved in forest protection and development in Vietnam.
2. In cases where international agreements which the Socialist Republic of Vietnam has signed or acceded to contain provisions different from the provisions of this Law, the provisions of such international agreements shall apply.

**Article 3.-** Term interpretation

In this Law the following terms are construed as follows:

1. *Forest* means an ecological system consisting of the populations of forest fauna and flora, forest microorganisms, forestland and other environmental factors, of which timber trees and bamboo of all kinds or typical flora constitute the major components

with the forest canopy cover of 0.1 or more. Forests include planted forests and natural forests on production, protective and special-use forestland.

2. *Forest canopy cover* means the degree of coverage of forest canopy over forestland, which is indicated by the decimal fraction of the forestland covered by the forest canopy to the forestland acreage.

3. *Forest development* means the plantation of new forests, post-exploitation afforestation, the zoning off for forest regeneration and restoration, the improvement of poor forests and the application of other bio-forestry techniques to increase forest areas, raise the value of bio-diversity, the forest product-supplying capacity, the protection capacity and other values of forests.

4. *Forest owners* mean organizations, households or individuals that are assigned or leased forests or land for afforestation and have their forest use rights as well as the ownership right over planted production forests recognized by the State; or that are transferred forests from other forest owners.

5. *Ownership right over planted production forests* means the forest owners' right to possess, use and dispose of trees, animals and property associated with planted forests, which have been invested by forest owners during the forest-assignment or -lease terms for afforestation according to the provisions of forest protection and development legislation and other relevant law provisions.

6. *Forest use rights* mean the forest owners' rights to exploit the utilities of, and enjoy yields as well as profits from, forests; to lease the forest use right via contracts in accordance with the provisions of forest protection and development legislation and civil legislation.

7. *Registration of forest use rights and ownership right over planted production forests* means the registration made by forest owners in order to have such rights recognized by competent State agencies.

8. *Recognition of forest use rights and ownership right over planted production forests* means the competent State agency recognizes such rights by way of inscribing them in land use right certificates or cadastral dossiers in order to establish the forest owners' rights and obligations.

9. *Forest use right value* means the pecuniary value of forest use rights over a definite forest acreage during a certain forest use term.

10. *Value of planted production forest* means the pecuniary value of the ownership right over a definite acreage of planted production forest.

11. *Forest price* means the money amount calculated on a forest acreage unit, either prescribed by the State or formulated in the process of transactions on forest use rights or ownership right over planted production forests.

12. *Forest use levy* means the money amount payable by a forest owner for a certain forest acreage in cases where such owner is assigned forests by the State with collection of forest use levy.

13. *Village population community* means all households and individuals living in the same village, hamlet or equivalent unit.

14. *Endangered, precious and rare forest plant and animal species* mean plant and animal species of special economic, scientific and environmental value, which exist in

small quantities in the nature or are threatened to extinction and which are on the lists of endangered, precious and rare forest plant and animal species subject to management and protection regime prescribed by the Government.

15. *Buffer zone* means the forest area, land area or water-surface land area bordering on a special-use forest that has the effect of preventing or reducing the encroachment upon that special-use forest.

16. *Strictly-protected zones of special-use forests* mean the areas subject to intact preservation, strict management and protection to oversee natural developments of the forests.

17. *Ecological restoration zones of special-use forests* mean the areas subject to strict management and protection for natural rehabilitation and regrowth of forests.

18. *Service-administrative zones of special-use forests* mean the areas used for construction of working offices and facilities for daily-life activities of special-use forest management boards, research and testing institutions, as well as tourism, recreation and entertainment facilities.

19. *Forest products* mean products exploited from forests, covering forest plants and animals and other forest organisms. Forest products include timbers and non-timber products.

20. *Forest statistics* means the cadastral dossier-based synthesization and assessment of the acreage and quality of assorted forests at the time of conducting the statistical work and of forest changes at the interval between two statistical times.

21. *Forest inventory* means the cadastral dossier-based and field synthesization and assessment of the acreage, reserves and quality of assorted forests at the time of inventory and of forest changes at the interval between two inventories.

#### **Article 4.- Forest classification**

Based on their major use purposes, forests are classified into three following kinds:

1. Protection forests, which are used mainly to protect water sources and land, prevent erosion and desertification, restrict natural calamities and regulate climate, thus contributing to environmental protection, including:

a/ Headwater protection forests;

b/ Wind- and sand-shielding protection forests;

c/ Protection forests for tide shielding and sea encroachment prevention;

d/ Protection forests for environmental protection.

2. Special-use forests, which are used mainly for conservation of nature, specimens of the national forest ecosystems and forest biological gene sources; for scientific research; protection of historical and cultural relics as well as landscapes; in service of recreation and tourism in combination with protection, contributing to environmental protection, including:

a/ National parks;

b/ Nature conservation zones, including nature reserves and species-habitat conservation zones;

c/ Landscape protection areas, including forests of historical or cultural relics as well as scenic landscapes;

d/ Scientific research and experiment forests.

3. Production forests, which are used mainly for production and trading of timber and non-timber forest products in combination with protection, contributing to environmental protection, including:

a/ Natural production forests;

b/ Planted production forests;

c/ Seeding forests, including the selected and recognized planted forests and natural forests.

**Article 5.- Forest owners**

1. The protective forest or special-use forest management boards, which are assigned forests or land by the State for forest development.

2. Economic organizations which are assigned or leased forests or land by the State for forest development or which have their forest use rights and ownership right over planted production forests recognized by the State or which are transferred with such rights.

3. Domestic households and individuals that are assigned or leased forests or land by the State for forest development or that have their forest use rights and ownership right over planted production forests recognized by the State or that are transferred with such rights.

4. People's armed force units which are assigned forests or land by the State for forest development.

5. Organizations involved in forestry-related scientific research and technological development, training or vocational training, which are assigned forests or land by the State for forest development.

6. Overseas Vietnamese investing in Vietnam and assigned or leased forests or land by the State for forest development.

7. Foreign organizations and individuals investing in Vietnam and leased forests or land by the State for forest development.

**Article 6.- The State's rights over forests**

1. The State uniformly manages and disposes of natural forests and forests developed with the State's capital, forests being planted forests over which the ownership right has been transferred from forest owners to the State; forest wild animals; forest microorganisms; forest landscapes and environment.

2. The State exercises the right to dispose of the forests prescribed in Clause 1 of this Article as follows:

a/ To decide on forest use purposes by approving and deciding on forest protection and development plannings and plans;

b/ To stipulate forest assignment quotas and forest use terms;

c/ To decide on forest assignment, lease and recovery and permit the change of forest use purposes;

d/ To evaluate forests.

3. The State regulates forest benefit sources through the following financial policies:

a/ To collect forest use levies and forest rents;

b/ To collect tax on forest use right transfer and transfer of the ownership right over planted production forests.

4. The State renders forest use rights to forest owners in the forms of forest assignment, forest lease, recognition of forest use rights or ownership right over planted production forests; and prescribes forests owners' rights and obligations.

**Article 7.-** Contents of State management over forest protection and development

1. Promulgating, and organizing the implementation of, legal documents on forest protection and development.

2. Elaborating, and organizing the implementation of, forestry development strategies as well as forest protection and development plans and plans nationwide and in each locality.

3. Organizing surveys, determination and delimitation of boundaries of forests of all kinds on maps and on field, detailed to the administrative units of communes, wards and townships.

4. Conducting forest statistical and inventory work, monitoring changes in forest resources and land for forest development.

5. Assigning, leasing and recovering forests, changing forest use purposes.

6. Compiling and managing dossiers on forest and land assignment and lease for forest development; organizing registration and recognition of ownership right over planted production forests and forest use rights.

7. Granting and withdrawing permits of all kinds according to the provisions of forest protection and development legislation.

8. Organizing advanced scientific and technological research and application, international cooperative relations and human resource training for forest protection and development.

9. Disseminating and popularizing forest protection and development legislation.

10. Examining, inspecting and handling violations of forest protection and development legislation.

11. Settling forest disputes.

**Article 8.-** State management responsibilities for forest protection and development

1. The Government exercises the unified State management over forest protection and development.

2. The Ministry of Agriculture and Rural Development takes responsibility before the Government for exercising the State management over forest protection and development nationwide.

3. The Ministry of Natural Resources and Environment, the Ministry of Public Security, the Ministry of Defense and the other ministries as well as ministerial-level agencies shall, within the ambit of their tasks and powers, have to coordinate with the Ministry of Agriculture and Rural Development in exercising the State management over forest protection and development.

4. The People's Committees at all levels shall have to exercise the State management over forest protection and development in their respective localities according to their competence.

The Government shall prescribe the organization, tasks and powers of specialized forestry agencies from central to district levels and of forestry officers in communes, wards and townships with forests.

**Article 9.-** Forest protection and development principles

1. Forest protection and development activities must ensure sustainable economic, social, environmental, defense and security development; be in line with the socio-economic development strategy and forestry development strategy; comply with the national and local forest protection and development plannings and plans; and comply with the forest management regulation issued by the Prime Minister.

2. To protect forests is the responsibility of all agencies, organizations, households and individuals. Forest protection and development must ensure the principles of managing forests in a sustainable manner; combining forest protection and development with rational exploitation so as to promote the efficiency of forest resources; closely combining afforestation, zoning off for forest tending, regeneration and enrichment with protection of the existing forest acreage; combining forestry with agriculture and fishery; boosting the economic-forest plantation in association with development of the forest-product processing industry with a view to raising the value of forest products.

3. Forest protection and development must be in line with the land-use plannings and plans. The forest and land assignment, lease, recovery and use-purpose change must comply with the provisions of this Law, the Land Law and other relevant law provisions, ensuring long-term stability along the direction of socialization of forestry.

4. To ensure the harmony between the State's and forest owners' interests; between the economic benefits of forests and the interests of protection, environmental protection and nature conservation; between the immediate and long-term interests, ensuring that forestry practitioners can live mainly on forestry.

5. Forest owners shall exercise their rights and perform their obligations in the forest-use terms according to the provisions of this Law and other law provisions, causing no harms to other forest owners' legitimate interests.

**Article 10.-** State's policies on forest protection and development

1. The State adopts investment policies for forest protection and development in association and synchronism with other socio-economic policies, prioritizing investment in infrastructure construction, human resource development, sedentarization and settlement, stabilization and improvement of the life of high-landers.

2. The State invests in activities of protecting and developing special-use forests, protection forests and national seeding forests; protecting and developing endangered, precious and rare forest plant and animal species; conducting scientific research and application, technological development and human resource training for forest

protection and development; building a modern system for forest management, forest statistics and inventory and forest-resource change monitoring; building a specialized forest fire-fighting force; investing in material and technical foundations and providing equipment for forest fire fighting, prevention and elimination of organisms harmful to forests.

3. The State adopts policies to support the protection and enrichment of production forests being poor natural forests and the plantation of production forests of big and precious timber as well as specialty trees; to support infrastructure construction in raw material forests; to promote forestry and support people in areas that meet with many difficulties in forest development, production organization, forest product processing and sale.

4. The State encourages organizations, households and individuals to receive land for forest development in the areas of uncultivated land and bare hills; prioritizes the development and plantation of raw material forests in service of various economic branches; diversifies forms of land lease and bidding for afforestation; adopts policies on tax reduction and exemption for forest planters as well as policies for credit institutions to lend capital for afforestation at preferential interest rates, with grace terms or lending terms suitable to plants of different species and ecological characteristics of each region.

5. The State adopts policies to develop forest product markets, to encourage organizations, households and individuals of all economic sectors to invest in development of the forest product processing industry and traditional craft villages that process forest products.

6. The State encourages insurance for planted forests and a number of forestry production activities.

***Article 11.-*** Financial sources for forest protection and development

1. The State budget allocations.

2. Financial sources of forest owners, organizations, households and other individuals investing in forest protection and development.

3. The forest protection and development funds which are formed from the sources of financial supports of domestic organizations, households and individuals, foreign organizations and individuals as well as international organizations; contributions of domestic organizations, households and individuals as well as foreign organizations and individuals that exploit or use forests, process, purchase, sell, import and/or export forest products, benefit from forests or directly affect forests; and other revenue sources prescribed by law.

The Government shall specify subjects and levels of contribution, cases entitled to contribution exemption or reduction as well as the management and use of forest protection and development funds.

***Article 12.-*** Prohibited acts

1. Illegally logging or exploiting forests.

2. Illegally hunting, shooting, catching, trapping, caging or slaughtering forest animals.

3. Illegally collecting specimens in forests.

4. Illegally destroying forest resources or ecosystems.

5. Violating regulations on forest fire prevention and fighting.
6. Violating regulations on prevention and elimination of organisms harmful to forests.
7. Illegally encroaching upon, appropriating, or changing use purposes of, forests.
8. Illegally exploiting forest landscapes and environment as well as forestry services.
9. Illegally transporting, processing, advertising, trading in, using, consuming, storing, exporting or importing forest plants and animals.
10. Abusing one's positions and/or powers to act against the regulations on forest management, protection and development.
11. Grazing cattle in the strictly-protected zones of special-use forests, newly-planted forests or coppices.
12. Raising or releasing animals or planting trees, which are of species other than the native ones in special-use forests without permission of competent State agencies.
13. Illegally exploiting biological resources, mineral resources and other natural resources; altering natural landscapes and developments of forests; exerting adverse impacts on the natural life of forest wildlife; illegally bringing toxic chemicals, explosives or inflammables into forests.
14. Illegally assigning, leasing forests; exchanging, transferring, inheriting, donating, mortgaging, providing guarantee or contributing capital with forest use right value or value of planted production forests.
15. Destroying works in service of forest protection and development.
16. Other acts of harming forest resources and ecosystems.

## Chapter II

### THE STATE'S RIGHTS REGARDING FOREST PROTECTION AND DEVELOPMENT

#### Section 1. FOREST PROTECTION AND DEVELOPMENT PLANNINGS AND PLANS

**Article 13.-** Principles for elaboration of forest protection and development plannings and plans

1. Forest protection and development plannings and plans must be compatible with the national and local overall socio-economic, defense and security development plannings and plans; the forestry development strategies, the land-use plannings and plans. Forest protection and development plannings and plans of all levels must ensure consistency and synchronism.
2. Forest protection and development plannings and plans must be elaborated in line with land-use plannings and plans. In cases where it is necessary to convert land under natural forests into land for other use purposes, new forest-planting plans shall be required to ensure the sustainable development of forests in each locality and across the country.
3. In order to raise their efficiency, feasibility and quality, forest protection and development plannings and plans must ensure the thrifty, sustainable and efficient exploitation and use of forest resources; the protection of forest ecosystems, historical



and cultural relics as well as scenic places and landscapes; and the building of infrastructure and development of human resources.

4. The elaboration of forest protection and development plannings and plans must ensure democracy and publicity.

5. Forest protection and development plans must be compatible with forest protection and development plannings already approved and decided by competent State agencies.

6. Forest protection and development plannings and plans must be elaborated and approved or decided by competent State agencies in the final year of the preceding planning or plan period.

**Article 14.-** Bases for elaboration of forest protection and development plannings and plans

1. The elaboration of forest protection and development plannings must be based on the following:

a/ The socio-economic, defense and security development strategies and overall plannings, and the forestry development strategies;

b/ The land-use plannings of the whole country and of each locality;

c/ The results of implementation of forest protection and development plannings in the preceding period;

d/ The natural, living and socio-economic conditions as well as financial capabilities;

e/ The current status and forecasts on the demand for, and capabilities of using, forests and land for afforestation, of organizations, households and individuals.

2. The elaboration of forest protection and development plans must be based on the following:

a/ The forest protection and development plannings already approved by competent State agencies;

b/ The land-use plans;

c/ The results of implementation of forest protection and development plans in the preceding period;

d/ The natural, living, socio-economic conditions and financial capabilities;

e/ The demand for, and capabilities of using, forests and land for afforestation, of organizations, households and individuals.

**Article 15.-** Contents of forest protection and development plannings and plans

1. The contents of forest protection and development plannings cover:

a/ Study, synthesis and analysis of natural, socio-economic, defense and security conditions, land-use plannings and current status of forest resources;

b/ Assessment of the situation on implementation of forest protection and development plannings in the preceding period, and forecast of demands for forests and forest products;

c/ Orientations and objectives of forest protection, development and use in each planning period;

- d/ The area and distribution of assorted forests in the planning period;
  - e/ Measures for management, protection, use and development of assorted forests;
  - f/ Solutions to implementation of forest protection and development plannings;
  - g/ Forecast of the efficiency of forest protection and development plannings.
2. The contents of forest protection and development plans cover:
- a/ Analysis and assessment of the implementation of forest protection and development plans in the preceding period;
  - b/ Demands for assorted forest areas as well as for forestry products and services;
  - c/ Solutions to, programs and projects on, the implementation of forest protection and development plans;
  - d/ Implementation of the five-year and annual forest protection and development plans.

**Article 16.-** Forest protection and development planning and plan periods

- 1. Forest protection and development planning and plan periods must correspond to the socio-economic, defense and security development strategy and planning periods of the whole country and of each locality.
- 2. A forest protection and development planning period shall be 10 years.
- 3. A forest protection and development plan period shall be five years and each plan shall be concretized into annual forest protection and development plans.

**Article 17.-** Responsibilities for elaboration of forest protection and development plannings and plans

- 1. The Ministry of Agriculture and Rural Development shall organize the elaboration of national forest protection and development plannings and plans.
- 2. The provincial/municipal People's Committees shall organize the elaboration of forest protection and development plannings and plans of their localities.
- 3. The People's Committees of rural districts, urban districts, provincial towns and cities shall organize the elaboration of forest protection and development plannings and plans of their respective localities.
- 4. The commune/ward/township People's Committees shall organize the elaboration of forest protection and development plannings and plans of their respective localities under the guidance of the immediate superior People's Committees.

**Article 18.-** Competence to approve and decide on forest protection and development plannings and plans, and decide on the establishment of forests

- 1. The competence to approve forest protection and development plannings is prescribed as follows:
  - a/ The Prime Minister shall approve national forest protection and development plannings, submitted by the Minister of Agriculture and Rural Development;
  - b/ The presidents of the provincial/municipal People's Committees shall approve forest protection and development plannings of their respective provinces or centrally-run cities, after getting the written evaluation opinions of the Ministry of Agriculture and Rural Development and the approval by the People's Councils of the same level;

c/ The provincial/municipal People's Committees shall approve forest protection and development plannings of the People's Committees of rural districts, urban districts, provincial towns or cities;

d/ The People's Committees of rural districts, urban districts, provincial towns or cities shall approve forest protection and development plannings of commune/ward/township People's Committees.

2. The competence to approve and decide on forest protection and development plans is prescribed as follows:

a/ The Prime Minister shall approve the national plans on forest protection and development, submitted by the Minister of Agriculture and Rural Development;

b/ The People's Committees of all levels shall elaborate forest protection and development plans of their respective localities and submit them to the People's Councils of the same level for decision.

3. The competence to decide on the establishment of forests is prescribed as follows:

a/ The Prime Minister shall decide on the establishment of protection forests and special-use forests, which are of national or inter-provincial importance and submitted by the Minister of Agriculture and Rural Development;

b/ The presidents of provincial/municipal People's Committees shall decide on the establishment of protection forests, special-use forests and production forests in their localities according to the approved forest protection and development plannings.

**Article 19.-** Adjustment of forest protection and development plannings and plans, establishment of forests

1. The adjustment of forest protection and development plannings and plans must be based on the following:

a/ The adjustment, if any, of socio-economic development, defense or security targets or adjustment of land-use plannings and plans by competent State agencies, which affects forest protection and development plannings and plans;

b/ The adjustment, if any, of forest protection and development plannings and plans by the immediate superior authorities, which affects forest protection and development plannings and plans;

c/ The urgent requirements for performance of socio-economic, defense or security tasks.

2. The State agencies which are competent to approve or decide on forest protection and development plannings and plans shall also be competent to adjust such plannings and plans.

3. The contents of adjustment of forest protection and development plannings shall constitute part of such plannings. The contents of adjustment of forest protection and development plans shall constitute part of such plans.

4. The State agency which is competent to decide on the establishment of a forest shall also be competent to adjust the establishment of such forest.

**Article 20.-** Publicization of forest protection and development plannings and plans

Within 30 days after they are approved by competent State agencies, forest protection and development plannings and plans must be publicized according to the following stipulations:

1. The People's Committees at all levels shall have to publicize forest protection and development plannings and plans of their respective localities;
2. Forest protection and development plannings and plans shall be publicized at the People's Committees' offices throughout their effective period.

**Article 21.-** Implementation of forest protection and development plannings and plans

1. The Ministry of Agriculture and Rural Development shall organize and direct the implementation of national forest protection and development plannings and plans; inspect and evaluate the implementation of provincial/municipal forest protection and development plannings and plans.

The People's Committees of provinces and centrally-run cities, rural and urban districts, provincial towns and cities shall organize and direct the implementation of forest protection and development plannings and plans of their respective localities; inspect and evaluate the implementation of forest protection and development plannings and plans of the immediate subordinates.

The commune/ward/township People's Committees shall organize and direct the implementation of forest protection and development plannings and plans of their respective localities.

2. For forest and afforestation land areas stated in the publicized local forest protection and development plannings and plans, which must be recovered but have not yet recovered by the State, the forest owners may continue using them for the purposes which have already been determined before the publicization of forest protection and development plannings and plans. In cases where forest owners have no demand for further use, the State shall recover forests or afforestation land and pay compensations or supports according to law provisions. After three years, if a forest protection and development plan cannot be implemented, the State agency competent to approve that plan must cancel it, adjust the planning and make public announcement thereon.
3. The competent agencies defined in Clause 1 of this Article shall inspect and evaluate the results of implementation of forest protection and development plannings and plans once every three years and every year, respectively.

## Section 2. FOREST ASSIGNMENT, LEASE AND RECOVERY, CHANGE OF FOREST USE PURPOSES

**Article 22.-** Principles for forest assignment, lease and recovery and change of forest use purposes

1. The assignment, lease and recovery of forests as well as the change of forest use purposes must be effected by the right competent authorities.
2. The forest assignment, lease or recovery or the change of forest use purposes must be effected simultaneously with the land assignment, lease or recovery or change of land use purposes or grant of land-use right certificates.
3. The forest assignment or lease terms and limits must correspond to the land assignment or lease terms and limits prescribed by land legislation.

**Article 23.-** Bases for forest assignment and lease and forest use-purpose change

The forest assignment and lease as well as forest use-purpose change must be based on the following:

1. The forest protection and development plannings and plans already approved and decided by competent State agencies;
2. The forest fund, the land fund for production forests, protection forests and special-use forests;
3. The demands and capacities of organizations, households and individuals, as reflected in the investment projects or the applications for land or forest assignment, land or forest lease, land- or forest-use purpose change.

**Article 24.-** Assignment of forests

1. The State shall assign special-use forests without the collection of forest use levies to special-use forest management boards, scientific research and technological development institutions and forestry-training and vocational training establishments for special-use forest management, protection and development according to the approved and decided plannings and plans.

2. The State shall assign protection forests without the collection of forest use levies to protective forest management boards, economic organizations, people's armed force units, households and individuals living therein for management, protection and development according to the plannings and plans approved and decided in accordance with protective-forest land assignment under the provisions of the Land Law.

3. The assignment of production forests is prescribed as follows:

a/ The State shall assign natural production forests and planted production forests without the collection of forest use levies to households and individuals living therein and directly involved in forestial labor in line with the assignment of land for production forest development according to the provisions of the Land Law; to economic organizations for production of forest plant saplings; to people's armed force units for use in combination with defense and security tasks; and to protective forest management boards in cases where production forests are intermingled with protection forests already assigned to them;

b/ The State shall assign natural production forests or planted production forests with the collection of forest use levies to economic organizations;

c/ The State shall assign planted production forests with the collection of forest use levies to overseas Vietnamese who invest in Vietnam for execution of forestry investment projects according to law provisions on investment;

d/ The Government shall prescribe in detail the assignment of production forests.

**Article 25.-** Lease of forests

1. The State shall lease protection forests to economic organizations with the annual rent payment, for forest protection and development in combination with forestry-agricultural-fishery production, landscape business, convalescence and/or eco-environmental tourism.

2. The State shall lease special-use forests being landscape protection zones to economic organizations with the annual rent payment, for forest protection and development in combination with landscape business, convalescence and/or eco-environmental tourism.

3. The State shall lease production forests to domestic economic organizations, households and individuals with the annual rent payment, for forestry production, for combined forestry-agricultural-fishery production, landscape business, convalescence and/or eco-environmental tourism.

4. The State shall lease planted production forests to overseas Vietnamese, foreign organizations and individuals with the lump-sum rent payment for the whole lease term or with the annual rent payment, for execution of forestry investment projects according to the provisions of investment legislation, for combined forestry-agricultural-fishery production, landscape business, convalescence and/or eco-environmental tourism.

The Government shall prescribe the lease of natural forests to overseas Vietnamese, foreign organizations and individuals.

**Article 26.-** Recovery of forests

1. The State shall recover forests in the following cases:

a/ The State uses forests and afforestation land for defense, security purposes or national interests;

b/ The State needs to use forests and afforestation land for public interests or economic development under the approved plannings and plans;

c/ The organizations assigned forests by the State without the collection of forest use levies or with the collection of forest use levies of the State budget origin or with the annual rent payment are dissolved, go bankrupt, move to other places, reduce or no longer have the forest use demand;

d/ Forest owners return forests on their own will;

e/ Forests are assigned or leased by the State for definite terms that have expired without extension;

f/ For twelve consecutive months after being assigned or leased protection forests, special-use forests or production forests for forest protection and development, forest owners fail to conduct forest protection and development activities;

g/ For twenty four consecutive months after being assigned or leased land for forest development, forest owners fail to conduct forest development activities according to plannings and plans already approved by competent State agencies;

h/ Forest owners use forests for wrong purposes, intentionally not fulfilling their obligations toward the State or seriously violating law provisions on forest protection and development;

i/ Forests are assigned or leased ultra vires or to the wrong subjects;

j/ Forest owners are individuals who die without heirs as prescribed by law.

2. When the State recovers the entire or part of their forests, forest owners shall be compensated for their labor fruits, investment results or recovered property, except for cases prescribed in Clause 3 of this Article.

The compensation upon forest recovery by the State shall take the form of assignment or lease of other forests for the same use purpose; assignment of land for the plantation of new forests; compensation in kind or cash at the time of issuance of forest recovery decisions.

In cases where forests are recovered from forest owners directly engaged in production according to the provisions of Points a and b, Clause 1 of this Article but no forests are available for compensation, apart from compensations in kind or cash, the persons having recovered forests shall also enjoy the State's supports for life stabilization, training for job change.

3. The following cases shall not be entitled to compensation upon forest recovery by the State:

a/ Cases specified at Points f, g, h, i and j, Clause 1 of this Article;

b/ Forests are assigned or leased by the State with the investment capital originating from the State budget, including forest use levies, proceeds from the transfer of forest use rights, proceeds from the transfer of the ownership right over planted production forests; and money invested for forest protection and development.

**Article 27.-** Change of forest use purposes

1. The change of the use purposes of protection forests, special-use forests or production forests to other use purposes and the conversion of the use purpose of a kind of forest to that of another kind of forest must accord with the approved forest protection and development plannings and plans and be permitted by the competent State agencies defined in Clause 2, Article 28 of this Law.

2. The change of the use purpose of natural forests to another use purpose must be based on the conversion criteria and conditions prescribed by the Government.

**Article 28.-** Competence to assign, lease and recover forests, and change forest use purposes

1. The competence to assign, lease and recover forests is prescribed as follows:

a/ The provincial/municipal People's Committees shall decide on assignment and lease of forests to domestic organizations and overseas Vietnamese; and lease of forests to foreign organizations and individuals;

b/ The People's Committees of rural and urban districts, provincial towns and cities shall decide on assignment and lease of forests to households and individuals;

c/ The competent People's Committees that assign or lease forests shall also be competent to recover such forests.

2. The competence to change the forest use purposes is prescribed as follows:

a/ The Prime Minister shall decide to change the use purposes of the entire or part of forests he/she has established;

b/ The presidents of provincial/municipal People's Committees shall decide to change the use purposes of the entire or part of forests they have established.

**Section 3. ASSIGNMENT OF FORESTS TO VILLAGE POPULATION COMMUNITIES; RIGHTS AND OBLIGATIONS OF VILLAGE POPULATION COMMUNITIES WITH ASSIGNED FORESTS**

**Article 29.-** Assignment of forests to village population communities

1. The conditions for assignment of forests to village population communities are prescribed as follows:

a/ The village population communities have the same customs, practices and traditions of close community association with forests in their production, life, culture and belief; are capable of managing forests; have demand and file applications for forest assignment;

b/ The assignment of forests to village population communities must be in line with the approved forest protection and development plannings and plans; and match the capacity of the local forest funds.

2. Village population communities shall be assigned the following forests:

a/ Forests which they are managing or using efficiently;

b/ Forests which hold water sources in direct service of the communities or other common communal interests and cannot be assigned to organizations, households or individuals.

c/ Forests which lie in the areas adjoining villages, communes or districts and cannot assigned to organizations, households or individuals and must be assigned to village population communities for the sake of the communal interests.

3. The competence to assign forests to and recover forests from village population communities is prescribed as follows:

a/ The People's Committees of rural or urban districts, provincial towns or cities shall, basing themselves on the approved forest protection and development plannings and plans as well as the provisions of Clauses 1 and 2 of this Article, decide on forest assignment to village population communities;

b/ The People's Committees of rural or urban districts, provincial towns or cities shall have the competence to recover forests from village population communities according to the provisions of Points a, b, d, e, f, h and i, Clause 1, Article 26 of this Law or when such communities move to other places.

**Article 30.-** Rights and obligations of village population communities with assigned forests

1. Village population communities with assigned forests shall have the following rights:

a/ To have the forest use rights recognized by competent State bodies for stable and long term corresponding to the forest assignment term;

b/ To exploit and use forest products and other forest yields for public purposes and domestic use for community members; to conduct combined forestry-agricultural-fishery production according to this Law's provisions and forest management regulation;

c/ To enjoy their labor fruits and investment results from the assigned forest areas;

d/ To be provided with technical guidance and capital supports according to the State's policies for forest protection and development and benefit from forest protection and improvement works;

e/ To be compensated for their labor fruits and investment results for forest protection and development according to the provisions of this Law and other relevant law provisions when the State issues forest recovery decisions.

2. Village population communities with assigned forests shall have the following obligations:



- a/ To formulate forest protection and development rules compatible with this Law's provisions and other relevant law provisions, submit them to the People's Committees of rural or urban districts, provincial towns or cities for approval and organize the implementation thereof;
- b/ To organize forest protection and development, periodically report to competent State agencies on changes of forest resources and activities related to forests under the guidance of commune/ward/township People's Committees;
- c/ To fulfill financial obligations and other obligations under law provisions;
- d/ To return forests when the State issues forest recovery decisions or upon the end of the forest assignment term;
- e/ Not to divide forests among their members; not to convert, transfer, donate, lease, mortgage, provide guarantee or contribute business capital with, the value of the use rights over the assigned forests.

**Section 4. REGISTRATION OF FOREST USE RIGHTS, OWNERSHIP RIGHT OVER PLANTED PRODUCTION FORESTS; FOREST STATISTICS AND INVENTORY, MONITORING OF FOREST RESOURCE DEVELOPMENTS**

**Article 31.-** Registration of forest use rights and ownership right over planted production forests

1. Forest owners may register forest use rights and ownership right over planted production forests.
2. The first-time registration and registration of changes in forest use rights must be conducted simultaneously with the land use right registration according to the provisions of land legislation and forest protection and development legislation.
3. The registration of ownership right over planted production forests shall comply with the civil legislation's provisions on property registration.

**Article 32.-** Forest statistics and inventory, monitoring of forest resource developments

1. The forest statistics and inventory and monitoring of forest resource developments are prescribed as follows:
  - a/ The forest statistical work shall be conducted annually and publicized in the first quarter of the subsequent year;
  - b/ The forest inventory shall be conducted once every five years and publicized in the second quarter of the subsequent year;
  - c/ The monitoring of forest resource developments shall be conducted regularly;
  - d/ The units subject to forest statistics and inventory as well as monitoring of forest resource developments are communes, wards and townships.
2. The responsibilities for forest statistics and inventory as well as monitoring of forest resource developments are prescribed as follows:
  - a/ Forest owners shall have to make forest statistics and inventory and monitor forest resource developments under the guidance of, and submit to the inspection by, specialized forestry agencies of the provinces and centrally-run cities, if they are domestic organizations, overseas Vietnamese, foreign organizations or individuals

investing in Vietnam; or specialized forestry agencies of urban districts, rural districts, provincial towns or cities, if they are domestic households or individuals;

b/ Forest owners shall have to declare data of forest statistics and inventory as well as forest resource developments according to the forms set by commune/ward/township People's Committees;

c/ The commune/ward/township People's Committees shall have to declare forest statistical and inventory data for forest areas under their direct management, which have not yet been assigned or leased;

d/ The People's Committees at all levels shall have to organize and inspect forest statistics and inventory as well as the monitoring of forest resource developments;

e/ The People's Committees of lower level shall have to report on the results of forest statistics and inventory and forest resource developments to the People's Committees of higher level; the provincial/municipal People's Committees shall report on the results of forest statistics and inventory and forest resource developments to the Ministry of Agriculture and Rural Development;

f/ The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, inspecting and synthesizing the annual forest statistical results and five-year forest inventory results.

g/ The Government shall periodically report to the National Assembly on the status and changes of forest resources.

3. The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment and the Central Statistical Agency in, prescribing the contents and forms and guiding the methods of forest statistics and inventory as well as monitoring of forest resource developments.

## Section 5. FOREST PRICES

### *Article 33.-* Forest prices

1. The determination and publicization of forest prices are prescribed as follows:

a/ The Government shall prescribe principles and methods for determination of prices of forests of all kinds;

b/ Based on the Government-prescribed principles and methods for determination of prices of forests of all kinds, the provincial/municipal People's Committees shall set specific prices of forests in their localities, submit them to the People's Councils of the same level for approval before decision and publicization.

2. Forest prices shall be formulated in the following cases:

a/ They are prescribed by the provincial/municipal People's Committees;

b/ They are the results of auction of forest use rights or ownership right over planted production forests;

c/ They are agreed upon by forest owners and relevant persons when exercising the right to transfer, lease, sublease, mortgage or contribute capital with the value of forest use rights or value of planted production forests.

3. Forest prices prescribed by the provincial/municipal People's Committees shall be used as basis for:

a/ Calculation of land use levies and land rents when the State assigns or leases forests without going through auctions of forest use rights or ownership right over planted production forests;

b/ Calculation of assorted taxes, charges and fees according to law provisions;

c/ Calculation of the forest use right value when the State assigns forests without the collection of forest use levies;

d/ Compensation when the State recovers forests;

e/ Calculation of compensation money payable by persons committing acts of violating the legislation on forest protection and development, causing harms to the State.

**Article 34.-** Auction of forest use rights and ownership right over planted production forests

1. The auction of forest use rights and ownership right over planted production forests shall be conducted in the following cases:

a/ The State assigns forests with the collection of forest use levies or lease forests for forest protection and development;

b/ For the handling of property being forests upon judgment execution;

c/ For the handling of contracts on mortgage of, or guarantee provision with, forest use right value or value of planted production forests for debt recovery;

d/ Other cases prescribed by the Government.

2. The winning prices of auctions of forest use rights and ownership right over planted production forests must not be lower than the forest prices prescribed by the provincial/municipal People's Committees.

3. The auction of forest use rights and ownership right over planted production forests prescribed in Clause 1 of this Article must comply with the provisions of the auction legislation.

**Article 35.-** Value of forest use rights, value of planted production forests in the assets of organizations assigned forests by the State without the collection of forest use levies, and in the assets of State enterprises

1. For organizations which are assigned forests by the State without the collection of forest use levies, the value of forest use rights and the value of planted production forests shall be accounted into the value of assets assigned to such organizations.

2. For State enterprises which are assigned forests by the State with the collection of forest use levies or transferred with forest use rights and have paid the forest use levies or forest transfer money originating from the State budget, such money amounts shall be included in the value of the State capital at the enterprises.

3. Upon the equitization of State enterprises in the cases prescribed in Clause 2 of this Article, if the equitized enterprises opt for the form of assignment of forests with the collection of forest use levies, the value of forest use rights and the value of planted production forests must be re-determined.

4. The Government shall prescribe in detail the calculation of the forest use right value and the value of planted production forests in the cases defined in Clauses 1, 2 and 3 of this Article.

### Chapter III

## FOREST PROTECTION

### Section 1. RESPONSIBILITIES FOR FOREST PROTECTION

#### **Article 36.-** Forest protection responsibilities of the entire people

1. State agencies, organizations, village population communities, households and individuals shall have to protect forests and strictly abide by forest protection regulations under the provisions of this Law, the legislation on fire prevention and fighting, the legislation on plant protection and quarantine, the legislation on veterinary and other relevant law provisions.

2. Organizations, households and individuals operating in or by the forests shall have to observe the forest protection regulations; promptly notify competent State bodies or forest owners of forest fires, organisms harmful to forests and acts of violating the regulations on forest management and protection; and submit to human resource and means mobilization by competent State bodies in case of forest fires.

#### **Article 37.-** Forest protection responsibilities of forest owners

1. Forest owners have to protect their forests; work out and implement plans and measures to protect forest ecosystems; prevent and fight forest logging; prevent and fight the illegal hunting, catching and trapping of forest animals; prevent and fight forest fires; prevent and eliminate forests' harmful organisms under the provisions of this Law, the land legislation, the legislation on fire prevention and fighting, the legislation on plant protection and quarantine, the legislation on veterinary and other relevant law provisions.

2. Forest owners that fail to abide by the provisions of Clause 1 of this Article, causing loss of forests assigned or leased by the State shall be held responsible therefor according to law provisions.

#### **Article 38.-** Forest protection responsibilities of the People's Committees at all levels

1. The provincial/municipal People's Committees shall have to:

a/ Promulgate legal documents falling within their competence on management and protection of forests in localities;

b/ Organize the forest protection and development legislation dissemination, popularization and education;

c/ Organize and direct forest fire prevention and fighting, prevention and elimination of organisms harmful to forests in localities; direct and examine the protection of special-use forests and protection forests; and organize forest exploitation according to the Government's regulations;

d/ Direct the organization of forest protection networks, mobilize and coordinate forces to prevent all acts that cause harms to forests in localities;

e/ Inspect and examine the observance of forest protection and development legislation in localities; and sanction administrative violations in the domain of forest management and protection according to law provisions.

2. The People's Committees of rural districts, urban districts, provincial towns or cities shall have to:

a/ Guide and direct the implementation of the State's laws, policies and regimes on forest management, protection and exploitation within their respective localities;

b/ Direct and organize the forest protection and development legislation dissemination, popularization and education;

c/ Direct commune/ward/township People's Committees in applying measures for forest protection and forest-product exploitation according to law provisions;

d/ Mobilize and coordinate forces in localities in order to prevent all acts that cause harms to forests to prevent and fight forest fires and prevent organisms harmful to forests;

e/ Inspect and examine the observance of laws, policies and regimes on forest management and protection in localities; and sanction administrative violations in the domain of forest management and protection according to law provisions.

3. The commune/ward/township People's Committees shall have to:

a/ Guide and direct the implementation of the State's laws, policies and regimes on forest management, protection and exploitation in their respective localities;

b/ Direct villages, hamlets and equivalent units in formulating and observing rules on forest protection and development in localities in accordance with law provisions;

c/ Coordinate with ranger, police, military forces and mass organizations in protecting forests in localities; detect and prevent in time acts that encroach upon or destroy forests;

d/ Organize the forest protection legislation dissemination and education; guide people to apply measures on fire prevention and fighting, and mobilize fire-fighting forces in localities;

e/ Organize forest management and protection and adopt plans to be submitted to higher-level People's Committees for putting in use those forest areas which have not yet been assigned or leased by the State;

f/ Guide people in implementing forest protection and development plannings and plans, combining forestry-agricultural and fishery production, milpa farming, sedentarization, intensive farming, crop rotation and pasturing according to the approved forest protection and development plannings and plans;

g/ Inspect the observance of laws, policies and regimes on forest management and protection by organizations, households, individuals and rural population communities in localities; and sanction administrative violations in the domain of forest management and protection according to law provisions.

4. The presidents of lower-level People's Committees shall be answerable to the presidents of higher-level People's Committees and the presidents of provincial/municipal People's Committees shall be answerable to the Prime Minister, for the occurrence of forest destruction and forest fires in their respective localities.

**Article 39.-** Ministries' and ministerial-level agencies' responsibilities for forest protection

1. The Ministry of Agriculture and Rural Development shall have to assume the prime responsibility for, and coordinate with the other ministries and ministerial-level agencies in, directing the provincial/municipal People's Committees to ensure the compliance with forest protection regulations according to the provisions of this Law; organizing the forecasting of forest fire danger; and building a forest fire prevention and fighting specialized force.
2. The Ministry of Public Security shall have to coordinate with the Ministry of Agriculture and Rural Development in directing the provincial/municipal People's Committees in forest fire prevention and fighting according to the provisions of forest fire prevention and fighting legislation and this Law; prevention of and fight against violations of the forest protection and development legislation.
3. The Ministry of Defense shall have to coordinate with the Ministry of Agriculture and Rural Development in directing the provincial/municipal People's Committees to protect forests in border and island areas as well as key defense and security areas; mobilizing forces to participate in forest fire fighting, rescue and salvage; and participating in the prevention of and fight against violations of the forest protection and development legislation.
4. The Ministry of Culture and Information shall have to coordinate with the Ministry of Agriculture and Rural Development in directing the provincial/municipal People's Committees to organize the management and protection of special-use forests related to cultural relics.
5. The Ministry of Natural Resources and Environment shall have to coordinate with the Ministry of Agriculture and Rural Development in directing the provincial/municipal People's Committees to organize the management and protection of biodiversity and forest environment.
6. The other 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 protecting forests.

## Section 2. CONTENTS OF FOREST PROTECTION

### ***Article 40.-*** Protection of forest ecosystems

1. All production and business activities or other activities that directly affect forest ecosystems as well as the growth and development of forest organisms must comply with the provisions of this Law, the environmental protection legislation, the plant protection and quarantine legislation, the veterinary legislation and other relevant law provisions.
2. All activities of building, alteration or dismantlement of works that affect forest ecosystems as well as the growth and development of forest organisms must be accompanied with the assessment of environmental impacts according to the provisions of environmental protection and commence only when they are permitted by competent State agencies.

### ***Article 41.-*** Protection of forest plants and animals

1. The exploitation of forest plants must comply with the forest management regulation issued by the Prime Minister as well as forest exploitation processes and regulations promulgated by the Ministry of Agriculture and Rural Development.

2. The hunting, catching, trapping and caging of forest animals must be permitted by competent State bodies and comply with law provisions on wildlife conservation.

3. The endangered, precious and rare forest plant and animal species; and their gene sources must be managed and protected under special regimes.

The Government shall prescribe regimes for management and protection of endangered, precious and rare forest plant and animal species and lists of endangered, precious and rare forest plant and animal species.

The Ministry of Agriculture and Rural Development shall prescribe the exploitation of forest plants, hunting of forest animals, tools and means banned or restricted from use; species, minimum sizes of forest plant and animal species and seasons allowed for exploitation and hunting; and areas where forest exploitation is banned.

**Article 42.- Forest fire prevention and fighting**

1. In concentrated and fire-prone forests, forest owners must adopt plans on forest fire prevention and fighting; when planting new concentrated forests, they must design and build firebreak boundaries, canals, watchtowers, signboards and information systems according to law provisions on fire prevention and fighting; and submit to the guidance as well as inspection by competent State bodies.

2. In case of being permitted to build a fire in or close to forests to clear off hills or fields to prepare land for afforestation, or to build a fire before the dry season or to use flame in daily-life activities, the persons building fires must apply fire prevention and fighting measures.

3. Organizations, households and individuals that build or conduct activities on works crossing forests such as railways, roads, power transmission lines as well as eco-tourist activities and other activities in or by forests must abide by regulations on forest fire prevention and fighting; and comply with the forest fire prevention and fighting measures set by competent State bodies and forest owners.

4. In case of outbreak of forest fires, forest owners must promptly extinguish the fires and immediately report them to competent State bodies; if necessary, the People's Committees of all levels shall have the responsibility and competence to mobilize all necessary forces and means in localities, and coordinate various forces in order to extinguish forest fires in a timely and efficient manner.

In cases where a forest fire breaks out in a vast area, threatening to cause disaster and entailing the emergency state, the forest fire fighting must comply with the law provisions on emergency.

The Government shall prescribe in detail the forest fire prevention and fighting and overcoming of forest fire consequences.

**Article 43.- Prevention and elimination of organisms harmful to forests**

1. The prevention and elimination of organisms harmful to forests must comply with the provisions on plant protection and quarantine legislation as well as veterinary legislation.

2. Forest owners must take measures to prevent and eliminate organisms harmful to forests; when detecting such organisms in the forest areas assigned or leased to them, they must immediately notify such to the nearest plant or animal protection and quarantine agencies for guidance and support in prevention and elimination measures.

Forest owners shall take responsibility for the spread of epidemics harmful to forests if they fail to take measures to prevent and eliminate organisms harmful to forests according to the provisions of this Law as well as the legislation on plant protection and quarantine and legislation on veterinary.

3. The agencies in charge of plant and animal protection and quarantine shall have to organize the forecasting of organisms harmful to forests; guide and support forest owners in taking measures to prevent and eliminate such organisms; organize the prevention and elimination of organisms harmful to forests in case of their potential spread.

4. The State encourages the application of bio-forestry and biological measures to the prevention and elimination of organisms harmful to forests.

**Article 44.-** Trading, transportation, export, import, temporary import for re-export, temporary export for re-import and transit of forest plants and animals

1. The trading and transportation of forest plants and animals as well as their products must comply with laws.

2. The export, import, temporary import for re-export, temporary export for re-import and transit of forest plants and animals and their products must comply with the provisions of Vietnamese law and international agreements which Vietnam has signed or acceded to.

3. The importation of forest plant varieties and animal breeds must comply with the provisions of the legislation on biodiversity conservation, legislation on plant protection and quarantine, legislation on veterinary, legislation on plant varieties and legislation on animal breeds.

The Government shall prescribe and promulgate the lists of forest plants and animals permitted for import; forest plants and animals banned from export or subject to conditional export.

## Chapter IV

### FOREST DEVELOPMENT AND USE

#### Section 1. PROTECTION FORESTS

**Article 45.-** Principles for protective forest development and use

1. Headwater protection forests must be built into concentrated, inter-regional and multi-layer forests.

2. Protection forests for wind, sand or tide shielding, sea encroachment prevention or environmental protection must be built into forest belts suitable to the natural conditions of each region.

3. The combination of forestry-agricultural-fishery production, landscape business, convalescence, eco-environmental tourism and forest-product as well as other forest benefit exploitation must comply with the forest management regulations.

**Article 46.-** Organization of management of protection forests

1. Concentrated headwater protection forests covering an area of 5,000 hectares or more or of under 5,000 hectares but having important protection function, or important coastal preventive forests must have management boards. The protective forest-



management boards are non-business organizations set up by competent State bodies according to the forest management regulations.

2. Protection forests not prescribed in Clause 1 of this Article shall be assigned or leased by the State to economic organizations, armed force units, households or individuals in localities for management, protection and use.

**Article 47.-** Exploitation of forest products in protection forests

1. In natural protection forests, it is allowed to exploit dead or diseased trees, trees standing in the areas with a density higher than that prescribed in the forest management regulation, except for endangered, precious and rare forest plant species banned from exploitation according to the Government's stipulations on the regime of management and protection of endangered, precious and rare plant and animal species and the lists of such plant and animal species.

2. The exploitation of non-timber forest products in natural protection forests is prescribed as follows:

a/ It is allowed to exploit bamboo shoots, assorted bamboo in protection forests when the protection requirements are met according to the forest management regulations;

b/ It is allowed to exploit non-timber forest products without affecting the protection capacity of forests, except for endangered, precious and rare forest plant and animal species banned from exploitation according to the Government's stipulations on the regime of management and protection of endangered, precious and rare forest plant and animal species and the lists of such forest plant and animal species.

3. The exploitation of planted protection forests is prescribed as follows:

a/ It is allowed to exploit supportive trees, trim or prune forests when the planted forests have a density higher than that prescribed in the forest management regulations;

b/ It is allowed to exploit the major trees when they reach the exploitation standards by mode of selective harvest or clear-cut harvest in given forest strips or forest areas.

c/ After exploitation, forest owners must regenerate or replant forests right in the subsequent afforestation season and continue managing and protecting them.

4. The exploitation of forest products in protection forests must comply with the forest management regulation, strictly complying with the technical processes and regulations of the Ministry of Agriculture and Rural Development, ensuring the sustainable protection capacity of forests.

**Article 48.-** Management and use of production forests and land intermingled in protection forests

1. With regard to production forest areas intermingled in protection forests, forest owners are entitled manage and use them according to the production-forest provisions of Section 3, Chapter IV of this Law.

2. With regard to households' and individuals' residential land, land planted with annual crops or perennial trees, land for aquaculture or salt making, which is intermingled in protection forests not falling under the protective forest plans, the concerned households and individuals may continue using such land for the right assigned purposes according to the provisions of land legislation.

**Section 2. SPECIAL-USE FORESTS**

**Article 49.-** Principles for development and use of special-use forests

1. The development and use of special-use forests must ensure the natural development, conserve biodiversity and landscape of such forests.
2. National gardens and nature conservation zones must be clearly defined with strictly-protected zones, ecological restoration zones, service-administration zones and buffer zones.
3. All activities in special-use forests must be permitted by forest owners and comply with the forest management regulations.

**Article 50.-** Organization of management of special-use forests

1. Special-use forests being national gardens or nature conservation zones must have management boards. The special-use forest management boards are non-business organizations set up by competent State bodies.
2. For special-use forests being landscape protection areas, competent State bodies shall set up management boards; in case of not setting up management boards, they shall lease forests to economic organizations for landscape business, convalescence or eco-environmental tourism under the forest cover.
3. Special-use forests being scientific research or experiment forests shall be assigned to forestry scientific research and technological development, training and vocational training organizations for direct management.

**Article 51.-** Exploitation of forest products in landscape protection areas and service-administrative zones of national gardens and nature conservation zones

The exploitation of forest products must comply with the forest management regulations, not badly affect the objectives of forest conservation and forest landscape protection, and comply with the following stipulations:

1. It is allowed to exploit dead or fell trees, non-timber forest plants, except for endangered, precious and rare forest plant species banned from exploitation according to the Government's stipulations on the regime of management and protection of endangered, precious and rare forest plant and animal species and the lists of endangered, precious and rare forest plant and animal species;
2. The hunting, catching and trapping of forest animals are not allowed.

**Article 52.-** Scientific research, teaching and practicing activities in special-use forests

1. The special-use forest management boards are allowed to conduct scientific research activities and provide scientific research services according to the plans already approved by competent State agencies and report on the results of their activities to the superior management agencies.
2. The scientific research, teaching and practicing activities of scientific research institutions, training establishments, scientists, pupils and students in the country must comply with the following stipulations:
  - a/ Having plans for such activities in special-use forests, approved by their management boards;
  - b/ Observing the forest rules and submitting to the guidance and inspection by the special-use forest management boards; observing the provisions of legislation on science and technology, legislation on forest protection and development, legislation on

biodiversity, legislation on plant varieties, legislation on animal breeds and other relevant law provisions;

c/ Notifying the results of their activities to the special-use forest management boards.

3. Scientific research activities of foreign scientific research institutions, scientists and students must comply with the following stipulations:

a/ Having plans on activities in special-use forests, approved by competent State agencies and accepted by the special-use forest management boards;

b/ Observing the provisions of Points b and c, Clause 2 of this Article.

4. The collection of specimens of forest organisms in special-use forests must comply with the forest management regulations.

**Article 53.-** Combined activities of landscape business, convalescence and eco-environmental tourism in special-use forests

1. The organization of landscape business-cum- convalescence and eco-environmental tourism activities in special-use forests must be effected under projects ratified by competent State agencies.

2. Activities prescribed in Clause 1 of this Article must comply with the forest management regulations, forest protection rules, tourism legislation, legislation on cultural heritage, legislation on environmental protection and other relevant law provisions.

**Article 54.-** Stabilization of life of population living in special-use forests and buffer zones of special-use forests

1. It is forbidden to relocate population from other areas to settle in special-use forests.

2. Special-use forest management boards must elaborate projects on population relocation and resettlement and submit them to competent State agencies for ratification so as to relocate population from strictly-protected zones of special-use forests.

3. With regard to strictly-protected zones where conditions do not permit the relocation of population, the special-use forest management boards shall assign special-use forests to organizations or individuals on the basis of short-term package contracts for forest protection.

4. For ecological restoration zones, the special-use forest management boards shall assign special-use forests to local households and individuals on the basis of package contracts for protection and development.

5. With regard to buffer zones of special-use forests, the People's Committees of all levels shall assign or lease forests of such buffer zones to organizations, households or individuals for use according to the forest management regulations.

### Section 3. PRODUCTION FORESTS

**Article 55.-** Principles for development and use of production forests

1. Production forests shall be assigned or leased by the State to organizations, households and/or individuals of all economic sectors, that fully meet the conditions prescribed in Clause 3, Article 24, Clauses 3 and 4, Article 25 of this Law in order to supply forest products, combine production and business along the direction of

intensive forestry-agricultural-fishery farming, and combine landscape business, convalescence and eco-environmental tourism.

2. The exploitation and use of production forests must ensure the maintenance of forest area, development of forest reserves and quality and comply with the forest management regulations.

3. Forest owners must make plans to plant forests in production forest land areas where forests are not available yet, combining forestry-agricultural-fishery production; and take measures to zone off for forest tending, regeneration and enrichment and raising of the forests' economic efficiency.

**Article 56.-** Natural production forests

1. The organization of management of natural production forests is prescribed as follows:

a/ Production forests being concentrated natural forests shall be assigned or leased by the State to economic organizations for production and business;

b/ Production forests being scattered natural forests other than those prescribed at Point a of this Clause shall be assigned or leased by the State to organizations, households or individuals for protection, development, production and business.

2. The conditions for production and business with natural production forests are prescribed as follows:

a/ The natural production forest owners have been recognized by competent State bodies;

b/ Forest owners being organizations must have dossiers approved by competent State bodies, which comprise investment projects and forest management, protection and production as well as business plans; the forest exploitation must comply with the forest-regulating schemes already approved by State management agencies in charge of forest protection and development;

c/ Forest owners being households or individuals must have forest management, protection and production as well as business plans worked out under the guidance of commune/ward/township People's Committees or rangers, which must be approved by the presidents of the People's Committees of rural districts, urban districts, provincial towns or cities;

d/ It is allowed to exploit only timber and plants of other kinds of natural production forests, except for endangered, precious and rare plant species banned from exploitation according to the Government's stipulations on the regime of management and protection of endangered, precious and rare forest plant and animal species and the lists of such forest plant and animal species.

3. The procedures for exploitation of timber and plants of other kinds of natural production forests are prescribed as follows:

a/ Forest-exploiting organizations must have exploitation design dossiers suitable to the forest-regulating schemes or forest production and business plans or schemes, approved by the provincial/municipal People's Committee presidents;

b/ Forest-exploiting households and individuals must file applications and report to the commune People's Committees for sum-up reports to the People's Committees of rural districts, urban districts, provincial towns or cities for approval.

4. The exploitation of forests must comply with the forest management regulations as well as technical processes and rules on forest protection and development; after exploitation, the organization of forest protection, nurturing and enrichment till the subsequent exploitation period is required.

**Article 57.-** Planted production forests

1. Owners of planted production forests must work out plans to nurture, tend, plant and protect such forests, combining forestry-agriculture-forestry, landscape business, convalescence and eco-environmental tourism therein in accordance with the forest protection and development planning of each region and with the forest management regulations.

2. The exploitation of planted forests shall comply with the following stipulations:

a/ In cases where forest owners invest their own money in planting, tending, nurturing and protecting forests, they shall be entitled to decide on the exploitation of planted forests by themselves. Products exploited from planted forests by forest owners may be freely circulated on the market. If planted forest trees are precious and rare timber trees, the exploitation thereof must comply with the Government's regulations;

b/ In cases where forests are planted with the State budget capital, forest owners must compile exploitation dossiers and submit them to agencies competent to ratify capital sources for decision. Products exploited from planted forests by forest owners may be freely circulated on the market. If planted forest trees are precious and rare timber trees, the exploitation thereof must comply with the Government's regulations;

c/ Forests must be replanted right after exploitation or natural regrowth measures must be applied in the exploitation process.

**Article 58.-** Seeding forests

The Ministry of Agriculture and Rural Development and the provincial/municipal specialized forestry agencies shall have to plan and direct the formation of a system of national and regional seeding forests in order to select, crossbreed, multiply and import necessary varieties, ensuring the supply of quality varieties for afforestation. The selection and recognition of seeding forests as well as the production and trading of forest saplings must comply with the law provisions on plant varieties.

Chapter V

RIGHTS AND OBLIGATIONS OF FOREST OWNERS

Section 1. GENERAL PROVISIONS ON THE RIGHTS AND OBLIGATIONS OF FOREST OWNERS

**Article 59.-** Common rights of forest owners

1. To have their forest use rights and the right to use planted production forests recognized by competent State agencies.

2. To use forests for a stable, long term corresponding to the forest assignment or lease term as well as the land assignment or lease term.

3. To combine forestry-agricultural-fishery production according to the forest management regulations, except for special-use forests.

4. To enjoy their labor fruits and investment results on the assigned or leased areas; to sell such fruits and results to others.

5. To combine scientific research, landscape business, convalescence and eco-environmental tourism according to projects ratified by competent State bodies.
6. To be compensated for their labor fruits and investment results for forest protection and development according to the provisions of this Law and other relevant law provisions when the State issues decisions to recover forests.
7. To be provided with technical guidance and capital supports according to the State's policies on forest protection and development and benefit from the public works of forest protection and improvement.
8. To have their legitimate rights and interests related to the assigned or leased forests protected by the State.

**Article 60.-** Common obligations of forest owners

1. To conserve forest funds and develop forests in a sustainable manner; to use forests for the right purposes within the boundaries defined in the forest assignment or lease decisions and according to the forest management regulations.
2. To organize forest protection and development according to the approved plannings, plans, projects and schemes.
3. To periodically report to competent State bodies on forest resource developments and activities related to forests according to the provisions of Clause 2, Article 32 of this Law.
4. To return forests to the State when the latter issues decisions to recover forests or when the forest-use terms expire.
5. To fulfill financial obligations and other obligations according to law provisions.
6. To observe the provisions of this Law and other law provisions; not to cause harms to legitimate interests of relevant organizations and individuals.

**Section 2. RIGHTS AND OBLIGATIONS OF FOREST OWNERS BEING MANAGEMENT BOARDS OF SPECIAL-USE FORESTS OR PROTECTION FORESTS**

**Article 61.-** Rights and obligations of special-use forest management boards

1. To have the rights and obligations prescribed in Articles 59 and 60 of this Law.
2. To be assigned forests under package contracts according to forest protection and development plans already approved by competent State bodies and the Government's regulations.
3. To lease forest landscapes to economic organizations for commercial eco-environmental tourism under projects already ratified by competent State bodies.
4. To conduct or cooperate with organizations and scientists in conducting scientific research according to plans already approved by competent State bodies.
5. To organize international cooperative activities within the ambit of their tasks and powers.
6. To formulate, and organize the implementation of, forest protection rules.
7. To elaborate and submit to competent State bodies for approval forest management, protection and development schemes and implement the approved schemes.

**Article 62.-** Rights and obligations of protective forest management boards

1. To have the rights and obligations prescribed in Articles 59 and 60 of this Law.
2. To exploit forest products in protection forests according to the provisions of Article 47 of this Law.
3. To exploit forest products according to the provisions of Clause 2, Article 55, Points b and d of Clause 2, Point a of Clause 3 and Clause 4 of Article 56, Clause 2 of Article 57 of this Law on the production forest areas intermingled in the protection forests assigned to them.

**Section 3. RIGHTS AND OBLIGATIONS OF FOREST OWNERS BEING ECONOMIC ORGANIZATIONS**

**Article 63.-** Rights and obligations of economic organizations assigned production forests being seeding forests by the State without the collection of forest use levies

1. To have the rights and obligations prescribed in Articles 59 and 60 of this Law.
2. To sell products of seeding forests and forest saplings according to the forest management regulations.
3. To mortgage, provide guarantee or contribute capital with, the value of production forests planted with their own capital.
4. Not to convert, transfer, donate or lease forests or forest use rights; not to mortgage, provide guarantee or contribute capital with, the value of the right to use natural production forests or production forests planted with capital of the State budget origin.
5. The production and trading of forest saplings must comply with the legislation on plant varieties as well as legislation on forest protection and development.

**Article 64.-** Rights and obligations of economic organizations assigned production forests by the State with the collection of forest use levies or transferred with production forests

1. In cases where the paid forest use levies or forest transfer money amounts originate from the State budget, forest owners shall have the following rights and obligations:
  - a/ To have the rights and obligations prescribed in Articles 59 and 60 of this Law.
  - b/ To enjoy the added value of forests; to exploit forest products in production forests according to the provisions of Clause 2, Article 55, Points b and d of Clause 2, Point a of Clause 3 and Clause 4 of Article 56, Clause 2 of Article 57 of this Law;
  - c/ To lease forests to organizations, households or individuals for combined forestry-agricultural-fishery production, landscape business, convalescence, eco-environmental tourism and scientific research according to the forest management regulations.
  - d/ Not to convert, transfer or donate the rights to use or own planted production forests;
  - e/ To mortgage, provide guarantee or contribute capital with, only the added value of forest use rights, brought about by the forest owners' investments as compared to that value determined at the time of forest assignment.
2. In cases where the paid forest use levies or forest transfer money amounts have not originated from the State budget, forest owners shall have the following rights and obligations:

- a/ To have the rights and obligations prescribed in Articles 59 and 60 of this Law;
- b/ To enjoy the added value of forests; to exploit forest products in production forests according to the provisions of Clause 2, Article 55, Points b and d of Clause 2, Point a of Clause 3 and Clause 4 of Article 56, Clause 2 of Article 57 of this Law;
- c/ To transfer forest use rights and the ownership right over planted production forests; to mortgage, provide guarantee or contribute capital with, the value of forest use rights and value of planted production forests;
- d/ To lease forests to organizations, households or individuals for combined forestry-agricultural-fishery production, landscape business, convalescence, eco-environmental tourism and investment in scientific research according to the forest management regulations.

**Article 65.-** Rights and obligations of economic organizations assigned protection forests by the State

1. To have the rights and obligations prescribed in Articles 59 and 60 of this Law.
2. To exploit forest products in protection forests according to the provisions of Article 47 of this Law.
3. Not to convert, transfer, donate or lease the rights to use protection forests assigned by the State.

**Article 66.-** Rights and obligations of economic organizations leased production forests by the State

1. To have the rights and obligations prescribed in Articles 59 and 60 of this Law.
2. To exploit forest products in production forests according to the provisions of Clause 2, Article 55, Points b and d of Clause 2, Point a of Clause 3 and Clause 4 of Article 56, Clause 2 of Article 57 of this Law.
3. To own trees, animals and property associated with the planted forests invested by forest owners themselves during the lease term.
4. To mortgage, provide guarantee or contribute capital with, only the added value of forest use rights, brought about by forest owners' investments as compared to the forest use right value determined at the time of being leased with forests according to law provisions.

**Article 67.-** Rights and obligations of economic organizations leased protection forests or special-use forests being landscape protection areas by the State

1. To have the rights and obligations prescribed in Articles 59 and 60 of this Law.
2. To exploit forest products in leased protection forests according to the provisions of Article 47 of this Law.
3. To exploit forest products in special-use forests being landscape protection areas according to the provisions of Article 51 of this Law.

**Article 68.-** Rights and obligations of economic organizations assigned or leased afforestation land by the State

1. Economic organizations assigned land by the State to plant production forests or protection forests with non-State budget capital shall have the following rights and obligations:



- a/ To have the rights and obligations prescribed in Articles 59 and 60 of this Law;
- b/ To own forest trees, animals and property on the land planted with forests;
- c/ To exploit forest products according to the provisions of Clause 3 and Clause 4 of Article 47 and Clause 2 of Article 57 of this Law;
- d/ To transfer, lease or donate land use rights; to mortgage, provide guarantee or contribute capital with, land use rights according to the provisions of land legislation;
- e/ To transfer, donate, lease or donate the value of planted production forests;
- f/ To join domestic organizations, households or individuals as well as overseas Vietnamese by contributing capital with the value of planted production forests.

2. Economic organizations leased land by the State to plant production forests or protection forests shall have the following rights and obligations:

- a/ To have the rights and obligations prescribed in Articles 59 and 60 of this Law;
- b/ To own forest trees, animals and property on the land planted with forests;
- c/ To exploit forest products according to the provisions of Clause 3 and Clause 4 of Article 47 and Clause 2 of Article 57 of this Law;
- d/ To transfer or donate the planted production forests; to mortgage or provide guarantee with, the value of planted production forests at Vietnam-based credit institutions;
- e/ To join domestic organizations, households or individuals as well as overseas Vietnamese by contributing capital with the value of planted production forests.

#### Section 4. RIGHTS AND OBLIGATIONS OF FOREST OWNERS BEING HOUSEHOLDS AND INDIVIDUALS

**Article 69.-** Rights and obligations of households and individuals assigned protection forests by the State

1. To have the rights and obligations prescribed in Articles 59 and 60 of this Law.
2. To build forests under the guidance of competent management agencies in charge of forests.
3. To exploit, use forests and fully tap forest products according to the provisions of Article 47 of this Law.
4. To swap the assigned forest areas with other households or individuals in the same communes, wards or townships; individuals may bequeath their forest use rights according to law provisions.

**Article 70.-** Rights and obligations of households and individuals assigned production forests by the State

1. To have the rights and obligations prescribed in Articles 59 and 60 of this Law.
2. For planted production forests, to exploit them according to the provisions of Clause 2, Article 57 of this Law; to transfer, donate, lease, mortgage, provide guarantee or contribute capital with, their value according to law provisions.
3. For natural production forests, to exploit them according to the provisions of Article 56 of this Law; to mortgage, provide guarantee or contribute capital with, only the added value of forest use rights, that is brought about by forest owners' investments as

compared to the forest use right value determined at the time of forest assignment according to law provisions.

4. Individuals may bequeath their forest use rights under law provisions.

**Article 71.-** Rights and obligations of households and individuals leased production forests by the State

1. To have the rights and obligations prescribed in Articles 59 and 60 of this Law.

2. To enjoy the added value of forests, brought about by forest owners' investments in the lease terms according to law provisions.

3. To mortgage, guarantee or contribute capital with, the value of planted production forests, which they have invested in according to law provisions.

4. For production forests planted with State budget capital:

a/ To exploit them according to the provisions of Point b, Clause 2, Article 57 of this Law;

b/ To transfer, sublease the forest use rights according to law provisions.

5. For natural production forests:

a/ To exploit them according to the provisions of Article 56 of this Law;

b/ To mortgage, provide guarantee or contribute capital with, only the added value of forest use rights, that is brought about by forest owners' investments as compared to the forest use right value determined at the time of being leased forests according to law provisions.

**Article 72.-** Rights and obligations of households and individuals assigned or leased afforestation land by the State

1. Households and individuals assigned or leased afforestation land by the State shall have the following rights and obligations:

a/ To have the rights and obligations prescribed in Articles 59 and 60 of this Law;

b/ To own forest trees, animals and property on the land planted with forests;

c/ To exploit forest products according to the provisions of Clause 3 and Clause 4 of Article 47 and Clause 2 of Article 57 of this Law;

d/ To mortgage, provide guarantee or contribute capital with, land use rights according to the provisions of land legislation;

e/ To transfer, donate or sublease planted production forests; to mortgage or provide guarantee with, the value of planted production forests; to join domestic organizations, households or individuals as well as overseas Vietnamese by contributing capital with the value of planted production forests; individuals may bequeath forests according to law provisions.

2. Households and individuals leased land by the State to plant production forests or protection forests shall have the following rights and obligations:

a/ To have the rights and obligations prescribed in Articles 59 and 60 of this Law;

b/ To own forest trees, animals and property on the land planted with forests;

c/ To exploit forest products according to the provisions of Article 47 and Article 57 of this Law;

d/ To transfer or donate planted production forests; to mortgage or provide guarantee with, the value of planted production forests at Vietnam-based credit institutions; individuals may bequeath forests according to law provisions;

e/ To join domestic organizations, households or individuals as well as overseas Vietnamese by contributing capital with the value of planted production forests.

3. Households and individuals assigned or leased afforestation land by the State, if making investment by themselves in the application of measures to zone off for tending and regeneration or creation of production forests or protection forests on land without forests, shall also have the rights and obligations prescribed in Clause 1 of this Article in cases where they are assigned land; and shall have the rights and obligations prescribed in Clause 2 of this Article in cases where they are leased land.

### Section 5. RIGHTS AND OBLIGATIONS OF OTHER FOREST OWNERS

**Article 73.-** Rights and obligations of forest owners being people's armed force units

People's armed force units assigned protection forests or production forests without the collection of forest use levies shall have the following rights and obligations:

1. To have the rights and obligations prescribed in Articles 59 and 60 of this Law;

2. To exploit forest products in protection forests according to the provisions of Article 47 of this Law;

3. To exploit forest products in production forests according to the provisions of Clause 2 of Article 55, Points b and d of Clause 2, Point a of Clause 3, and Clause 4 of Article 56, and Clause 2 of Article 57, of this Law;

4. Not to swap, transfer, donate or lease forests or forest use rights; not to mortgage, provide guarantee or contribute capital with, the value of planted production forests or forest use right value.

**Article 74.-** Rights and obligations of forest owners being forestry scientific research and technological development, training and vocational training organizations

1. To have the rights and obligations prescribed in Articles 59 and 60 of this Law.

2. To sell products of planted forests, forest saplings and other products according to the forest management regulations.

3. Not to swap, transfer, donate or lease forests or forest use rights; not to mortgage, provide guarantee or contribute capital with, the value of planted production forests or forest use right value.

**Article 75.-** Rights and obligations of forest owners being overseas Vietnamese assigned or leased planted production forests by the State

1. In cases where forest owners are overseas Vietnamese assigned planted production forests by the State with the collection of forest use levies or leased planted production forests with lump-sum payment of forest rents for the whole lease term, they shall have the following rights and obligations:

a/ To have the rights and obligations prescribed in Articles 59 and 60 of this Law;

b/ To own trees, animals and property on the land of planted production forests which forest owners have invested in;

c/ To mortgage, or provide guarantee with, the value of planted production forests at Vietnam-based credit institutions;

d/ To join domestic organizations, households and individuals as well as foreign organizations and individuals by contributing capital with the value of planted production forests;

e/ To transfer, donate or sublease forests according to law provisions; individuals may bequeath forests under law provisions.

2. In cases where forest owners are overseas Vietnamese leased planted production forests by the State with the annual payment of forest rents:

a/ To have the rights and obligations prescribed in Articles 59 and 60 of this Law;

b/ To own trees, animals and property on the land of planted production forests which forest owners have invested in;

c/ To sublease forests to organizations, households or individuals for combined forestry-agricultural-fishery production, landscape business, convalescence, eco-environmental tourism and scientific research;

d/ To mortgage, provide guarantee or contribute capital with, the value of planted production forests which they have invested in according to law provisions.

**Article 76.-** Rights and obligations of forest owners being foreign organizations and individuals leased planted production forests by the State

1. To have the rights and obligations prescribed in Articles 59 and 60 of this Law.

2. To exploit forest products in planted production forests according to the provisions of Clause 2 of Article 55 and Clause 2 of Article 57 of this Law.

3. To own trees, animals and property associated with planted forests in which forest owners have invested by themselves during the lease terms.

4. To mortgage, provide guarantee or contribute capital with, only the added value of forest use rights, brought about by foreign investors' investments, as compared to the forest use right value determined at the time of being leased the forests.

**Article 77.-** Rights and obligations of forest owners being overseas Vietnamese assigned land by the State with the collection of land use levies to plant production forests under investment projects

1. To have the rights and obligations prescribed in Articles 59 and 60 of this Law.

2. To own trees, animals and property on the land planted with forests.

3. To exploit forest products according to the provisions of Clause 2, Article 57 of this Law.

4. To transfer, donate or lease the land use rights; to mortgage, provide guarantee or contribute capital with, the land use rights according to the provisions of land legislation.

5. To transfer, donate or lease planted production forests; individuals may bequeath forests under law provisions.

6. To join domestic organizations, households and individuals as well as overseas Vietnamese by contributing capital with the value of planted production forests;

**Article 78.-** Rights and obligations of forest owners being overseas Vietnamese, foreign organizations and individuals that are leased land by the State for afforestation under investment projects

1. Foreign owners being overseas Vietnamese, foreign organizations and individuals, that are leased land by the State to plant production forests with the lump-sum payment of land rents shall have the following rights and obligations:

a/ To have the rights and obligations prescribed in Articles 59 and 60 of this Law;

b/ To own trees, animals and property on the land planted with forests;

c/ To exploit forest products according to the provisions of Clause 2, Article 57 of this Law;

d/ To transfer, donate or sublease the land use rights; to mortgage, provide guarantee or contribute capital with, the land use rights according to the provisions of land legislation;

e/ To transfer, donate or sublease planted production forests; individuals may bequeath forests under law provisions;

f/ To join domestic organizations, households and individuals as well as overseas Vietnamese by contributing capital with the value of planted production forests.

2. Foreign owners being overseas Vietnamese, foreign organizations and individuals, that are leased land by the State to plant production forests with the annual payment of land rents shall have the following rights and obligations:

a/ To have the rights and obligations prescribed in Articles 59 and 60 of this Law;

b/ To own trees, animals and property on the land planted with forests;

c/ To exploit forest products according to the provisions of Clause 2, Article 57 of this Law;

d/ To transfer or donate the planted forests; to mortgage or provide guarantee with, the value of planted production forests at Vietnam-based credit institutions.

e/ To join domestic organizations, households and individuals as well as overseas Vietnamese by contributing capital with the value of planted production forests.

## Chapter VI

### FOREST RANGERS

**Article 79.-** Functions of forest rangers

Forest rangers constitute a specialized force of the State, that has the functions of protecting forests, assisting the Minister of Agriculture and Rural Development and the presidents of the People's Committees of all levels in exercising the State management over forests, ensuring the observance of forest protection and development legislation.

**Article 80.-** Tasks of forest rangers

1. To work out forest protection programs and plans, schemes on prevention and combat of acts of violating the legislation on forest protection and development, and on forest fire prevention and fighting.

2. To guide forest owners in elaborating and implementing forest protection schemes; to foster forest protection skills for forest owners;
3. To inspect and control the forest protection, exploitation and use as well as the circulation, transportation and trading of forest products; to prevent and fight acts of violating the legislation on forest protection and development.
4. To conduct propaganda among, and mobilize, people to protect and develop forests; to coordinate with commune/ward/township People's Committees in building and professionally fostering mass forces to protect forests.
5. To organize the forecasting of forest fire dangers and organize a forest fire prevention and fighting specialized force.
6. To protect the forest owners' legitimate rights and interests when such rights or interests are infringed upon by others.
7. To organize the protection of key special-use forests and protection forests.
8. To join international cooperation in the domain of forest protection and control of the trading of forest plants and animals.

**Article 81.- Powers and responsibilities of forest rangers**

1. While performing their duties, forest rangers shall have the following powers:
  - a/ To request concerned organizations, households and individuals to provide necessary information and documents for inspection and investigation; to conduct site inspection and gather evidences according to law provisions;
  - b/ To sanction administrative violations and apply measures to prevent acts of administrative violation, to take legal action against, and conduct criminal investigation of, acts of violating the legislation on forest protection and development according to the provisions of the legislation on handling of administrative violations, the criminal legislation and criminal procedure legislation;
  - c/ To use weapons and supportive instruments according to law provisions.
2. Forest rangers who fail to fulfill their assigned tasks and powers, letting forest destruction or forest fires occur shall have to bear responsibilities under law provisions.

**Article 82.- Organization, equipment, regimes and policies for forest rangers**

1. The forest ranger force shall be organized in a unified system, consisting of:
  - a/ The central forest rangers;
  - b/ The provincial/municipal forest rangers;
  - c/ The forest rangers of rural districts, urban districts, provincial towns and cities.
1. The Government shall specify:
  - a/ The tasks, powers, responsibilities, organizational system, operation mechanism and coordination mechanism between forest rangers of all levels and relevant agencies in localities;
  - b/ Criteria and positions of forest rangers;
  - c/ Forest ranger uniforms, badges, stripes, pennants and certificates; equipment of weapons, supportive instruments and specialized means for forest rangers;

d/ Wages, occupational preferential treatment allowances, war invalids, martyrs and other treatment regimes for rangers.

**Article 83.-** Direction and administration of forest rangers

1. The Minister of Agriculture and Rural Development shall have the following tasks and powers:

a/ To uniformly direct the professional activities of forest rangers;

b/ To supervise and direct the inspection of forest rangers' activities;

c/ To direct and organize the equipment of weapons, supportive instruments, specialized means, uniforms, badges, insignias, pennants for forest rangers at all levels under law provisions;

d/ To assume the prime responsibility for, and coordinate with the ministries and ministerial-level agencies in submitting to the Government for promulgation regimes and policies for forest rangers and their payroll quotas;

e/ To mobilize and transfer forest rangers when necessary;

f/ To organize the training and fostering of a contingent of public employee-forest rangers.

2. The presidents of the provincial/municipal People's Committees shall have the following tasks and powers:

a/ To direct and inspect activities of forest rangers in their respective localities;

b/ To direct the coordination of activities between forest rangers and relevant agencies in their respective localities;

c/ To manage forest rangers in their respective localities; ensure operation funding for forest rangers according to law provisions.

3. The presidents of the People's Committees of rural districts, urban districts, provincial towns and cities shall have the following tasks and powers:

a/ To direct and inspect operations of forest rangers in their respective localities;

b/ To direct the coordination of activities between forest rangers and relevant agencies in their respective localities.

**Chapter VII**

**SETTLEMENT OF DISPUTES OVER AND HANDLING OF LAW VIOLATIONS ON, FOREST PROTECTION AND DEVELOPMENT**

**Article 84.-** Settlement of disputes

1. Disputes over the rights to use forests of all kinds and/or the ownership rights over planted production forests shall be settled by people's courts. Disputes over forest land and/or afforestation land shall be settled according to the provisions of land legislation.

2. When settling disputes prescribed in Clause 1 of this Article, that relate to the right to use forest land, the people's courts shall handle also the rights to use such land.

**Article 85.-** Handling of violations

1. Persons who destroy forests, burn forests or damage forest resources; illegally exploit forests; illegally hunt, catch, cage or slaughter forest animals; illegally purchase, sell,

trade in or transport forest products or violate other law provisions on forest protection and development shall, depending on the nature and seriousness of their violations, be administratively handled or examined for penal liability according to law provisions.

2. Persons who abuse their positions and/or powers to violate law provisions on forest assignment, lease or recovery, the conversion of forest use purposes, permission of forest use or forest exploitation; who are irresponsible or abuse their powers and/or positions in enforcing the legislation on forest protection and development; who cover violators of the legislation on forest protection and development or who commit other acts of violating the provisions of this Law shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liabilities according to law provisions.

**Article 86.- Compensation for damage**

Persons who violate the legislation on forest protection and development, thus causing damage to the State, organizations, households or individuals shall, apart from being handled according to the provisions of Article 85 of this Law, have to pay compensations for such damage in accordance with law provisions.

Chapter VIII

IMPLEMENTATION PROVISIONS

**Article 87.- Implementation effect**

This Law shall take effect as from April 1, 2005.

This Law replaces the 1991 Law on Forest Protection and Development.

**Article 88.- Guidance for implementation**

The Government shall detail and guide the implementation of this Law.

*This Law was passed by the XI<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 6<sup>th</sup> session on December 3, 2004.*

Chairman of the National Assembly  
NGUYEN VAN AN