

GOVERNMENT SOCIALIST REPUBLIC OF VIETNAM  
Independence-Freedom-Happiness  
No.39-CP

Hanoi, 18 May 1994

DECREE OF THE GOVERNMENT

Regarding the Organisation, Tasks and Authority of the  
Forest Protection Department

GOVERNMENT

Based on the Laws on organisation of the Government dated 30  
September 1992;

Based on Article VII of the laws on forest protection and  
development dated 12 August 1991;

Considering the suggestion of minister of forestry and  
minister, the head of organisational and personnel  
department of the government.

DECREE:

I. ORGANISATIONAL STRUCTURE OF FOREST PROTECTION DEPARTMENT

Article 1: Forest Protection Department is the specialised  
force in charge of enforcing law on forest management and  
protection, it is organised from central to district levels.

Minister of forestry is responsible against the Government  
to direct, manage in an integrated fashion the forest  
protection force in organisation, personnel, budget,  
technical equipment, professional techniques how to secure  
the good implementation of forest management and protection  
in nationwide.

The people's committees of provinces and cities directly  
under the government (hereinafter refer to as province) are  
responsible against the government, in charge of directly  
administrate completely and instruct all operations of  
forest protection force in the locality, secure implementing  
strictly the forest law and managing, protecting, utilising  
and developing the forest resource in the locality.

Article 2: The forest protection system includes:

- a) In the central: The forest protection department under  
Ministry of Forestry.
- b) In province where has forest cover: Provincial forest  
protection department under people's committee.

c) In district, county town, city under province (hereinafter referred to as district) where has forest: forest protection section under provincial forest protection department.

In the entrance to important forest products resource (land, water, rail ways) and in the centre of forest products processing, trading, where necessary it is allowed to set up forest products inspecting section under provincial forest protection department. The establishment, demobilising and assigning task and function of forest products inspecting section will be decided by the people's committee after agreed to by the Minister of Forestry.

The forest protection units at all levels have legal status, office, stamp, and are allowed to open his own account at state treasury.

Article 3:

a) The forest protection department is headed by the director, there is from one to two deputy directors. The appointment, discharge the director, deputy directors will be decided by the Minister of Forestry.

b) The provincial forest protection department is headed by the director, there is from one to two deputy directors. The appointment, discharge the director will be decided by the president of provincial people's committee after agreed with Minister of Forestry. The appointment, discharge the deputy directors will be decided by the president of provincial people's committee.

c) The forest protection section, forest products inspecting section are headed by director, there is from one to two deputy director. The appointment, discharge director, deputy directors will be decided by director of provincial forest protection department after agreed with provincial organisation department.

## II. TASK, AUTHORITY OF FOREST PROTECTION DEPARTMENT AND FOREST GUARDS

Article 4: The forest protection department is the general's staff to Minister for Forestry to carry out the function of state administration on forest and protection of forest in nationwide, while is the authority to instruct occupation, profession and enforce the law, prevent the violating manner to forest management and protection. The forest protection department has following task, authority:

1. Monitor the enforcing of law, policy, regulation of forest management, protection, control forest products circulation. Suggest to Minister for forestry about direction, required measures to implement in good way the

law, policy, scheme, regulation in this aspect.

2. Produce to submit to Minister for forestry so that the ministry will declare or submit to state concerned committee to declare the law document, policy, scheme, regulation, sign, legal form which are required for forest management, protection, forest products control and instruct to implement those documents.

3. Suggest to Minister for forestry in organising management, protection of protected forest and special-use forest, production forest systems. Instruct and direct localities, provinces to implement the management, protection the above mentioned forest systems and the forest area which has not been yet assigned to organisations, individuals to manage, use under the decision of Minister for forestry.

4. Determine and suggest to Minister for forestry to conduct authority to suggest, seize implementing the documents of organisations, offices, localities having content opposite law and other regulations of the ministry about forest management and protection.

5. Instruct the activities of education, spread the awareness, encourage all people involved in protection and establishment of forest resource, mobilise the mass forces to protect forest, prevent all manners violating the law on forest protection.

6. Instruct the inspection and auditing activities and treat under the authority the violations in forest management, protection and forest products circulation.

7. Manage, administrate, recruit, equip the physical facility and train the guard force in nation wide under the regulation of Minister for forestry.

Article 5: Provincial forest protection department is the general's staff to assist the provincial people's committee to implement the function of state administration on forest management and protection in the locality, while is the organisation to implement law on forest management and protection, the provincial forest protection department has the following tasks and authority:

1. Understand the forest resource, forest management, protection situation in the locality. Suggest to provincial people's committee the plan, measures to organise and instruct the implementation of managing, protecting well the forest resource and forest products in the locality.

2. Organise to implement the policy, regulations and rules of the government about forest management, protection, controlling forest products in the locality.

3. Directly instruct the forest protection section, forest products inspection section in implementing the management, protection and patrolling forest; check, inspect and treat under the proper authority the violations of forest management, protection, forest products control in the locality.

4. Manage the forest area in the locality which are not assigned to organisations, individuals to manage and use.

5. Organise conducting the activities of education, spreading awareness in forest management, protection and encourage people to protect, develop forest source. Instruct, direct the establishment the mass force and the operation of such organisation in forest protection in the locality.

6. Manage, administrate, recruit, equip the physical facility and train the guard force in the locality under the instruction of Ministry of forestry.

7. Determine and suggest to president of provincial people's committee treating the documents of authorities and office in the province having content opposite law and other regulations of the government about forest management and protection.

8. Coordinate with district people's committee to set up the plans, projects to manage and protect forest in the districts and instruct to implement well that plans and projects.

Article 6: The guards in implementing the task of forest management and protection have to maintain the law, operate their own function, and authority assigned; have to wear uniform, badge and sign of forest protection force.

Article 7: The guards in duty to check, inspect the enforcement of law on forest management and protection have the right to:

a) Ask the organisations, individuals concerned to provide situation, figures, document necessary relating to the checking and inspecting.

b) Where has the sign of violation to the law on forest management and protection, forest products control, the guards are allowed to inspect on spot (including the port, station, on the transportation means, individual house, office, factory, camp...)

c) In case discovering the operation of organisation, individual has the threat directly causing forest fire, destroying forest, polluting seriously the forest

environment, then they have right to order organisation, individual to temporarily stop that operation and report to proper authority to settle.

d) Have the right to ask the transport means driver carrying forest products on land and water ways to stop for forest products inspection.

e) The heads of forest protection department at all levels have the right to ask local government to mobilise people, required facilities to stop fire properly, remove insect and diseases destroying forest, prevent other manners to destroy forest resource and treat in time the violation under their assigned authority.

f) In case necessary, they are allowed to use weapon and specialised facilities under the stipulation of the laws.

Article 8: The authority to treat fine and penalty of forest guards.

a) Allowed to treat administrative violation and the decree 14/CP dated 15/12/1992 of the government stipulated about administrative treatment in forest management and protection.

b) The heads of forest protection department at all levels have the right to denounce, investigate the criminal in forest management and protection process under the stipulation at Article 93 of law on criminal legitimate and Article 29 of decree to investigate criminal matters, the stipulation at Article 181, 194 and 216 of the criminal laws.

Article 9: The forest guards or forest protection organisation who abuse the function and authority to manage opposite the law, policy, scheme of the government will be treated under the legislation.

### III. STAFF, BUDGET AND EQUIPMENT SCHEME OF FOREST PROTECTION DEPARTMENT

Article 10: The staff and budget for equipment and operation of forest protection department will be subsidised by the government.

Article 11: The forest guards will be equipped uniform, badge, strap, card, banner, weapon and other specialised facilities.

a) Uniform of forest guards has two kind for winter and summer, which is prepared in unified colour and style; it is provided with cap and helmet.

b) The badge of the forest guard ticked in front of the

helmet. The badge made of metal, in round of 32 mm diameter, with the words 'forest guard', the leaf and star in the badge.

c) Forest guard strap: there are two kinds, the collar strap and the shoulder strap. The strap has green front and the number of star is depended on the title.

d) The forest guard card ticked on the left pocket in the shirt. The card has photo, full name, number of forest guard and the organisation.

e) The banner is in green, triangular shape, in the middle has forest guard badge.

Enclose with this decree, the appendix explains the details of the badge. strap, card banner of forest guards.

#### IV. IMPLEMENTATION CLAUSE

Article 12: The Minister for forestry has the responsibility to:

a) Stipulate the function, tasks, organisation structure of forest protection department.

b) Agree with organisational and personnel department of the government to declare the organisational regulation, operation and qualification of forest guard force; stipulate the relationship between forest protection department and state forest management agencies at all levels; set up the general personnel structure for forest guard force and distribute forest guard according to the requirement of forest management, protection in each locality.

c) Stipulate and instruct the organisation and operation of the force for forest management, protection in each production and trading in forestry, the organisation controlling special used forest, protection forest and mass force protection in the locality.

Article 13: The president of provincial people's committee has the responsibility:

a) Stipulate in details the mandate, authority and organisational structure of forest protection department at all levels in the locality under the instruction of ministry of forestry and the organisational and personnel department of the government.

b) Stipulate the mandate of district and commune people's committees in forest management, protection in the locality and collaboration with mass groups to spread, educate people to involve in implementing regulations of forest management and protection, prevent all manners violating forest law and

monitoring operation of forest guard force in the locality.

Article 14: This decree is available from the declared date, all regulation and decree opposite to this decree will be cancelled.

Article 15: Minister for forestry, Minister-head of organisational and personnel department of the government, ministers and heads of ministerial equal organisations, head of office in the government, president of provincial people's committee will be in charge to implement this decree.

On behalf of GOVERNMENT

PREMIER

Vo Van Kiet (signed)

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