

**Part I. LEGAL DOCUMENTS****THE GOVERNMENT****Decree No. 42/2012/ND-CP of May 11, 2012, on management and use of rice-farming land**

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

*Pursuant to the November 26, 2003 Land Law;*

*Pursuant to the XIII<sup>th</sup> National Assembly's Resolution No. 17/2011/QH13 of November 22, 2011, on the land use master plan to 2020 and the national five-year (2011-2015) land use plan;*

*At the proposal of the Minister of Agriculture and Rural Development,*

*The Government promulgates the Decree on management and use of rice-farming land.*

## Chapter I

**GENERAL PROVISIONS****Article 1.** Scope of regulation

This Decree provides the management and use of rice-farming land in rice-growing areas nationwide.

**Article 2.** Subjects of application

Domestic agencies, organizations, households and individuals and foreign organizations and

individuals involved in the management and use of rice-farming land.

**Article 3.** Interpretation of terms

In this Decree, the terms below are construed as follows:

1. Rice-farming land means land having the conditions suitable for rice cultivation, comprising wet-rice farming land and other rice-farming land.

2. Wet-rice farming land means land currently under wet-rice cultivation or having the conditions for growing two or more wet-rice crops a year.

3. Other rice-farming land include land for growing only one wet-rice crop a year and land for growing upland rice.

4. Upland rice land means land having the conditions suitable for growing upland rice.

5. Contamination of rice-farming land means the introduction into land hazardous substances and harmful microorganisms and parasites, which consequently changes the structure and compositions of soil, adversely affecting rice production and quality and human and animal health.

6. Degradation of rice-farming land means activities causing drought or erosion, washout, acidification, salinization or sulphate acidification of land, which result in fertility deficiency and nutrient imbalance of rice-farming land, consequently reducing rice yield.

7. Deformation of the rice-farming land

terrain means activities which change the terrain of a rice field, making the field uneven in terms of composition, nutrients and microorganism system and consequently unsuitable for growing rice.

## Chapter II MANAGEMENT AND USE OF RICE- FARMING LAND

**Article 4.** Principles of formulation and management of master plans and plans on rice-farming land use

1. Master plans and plans on rice-farming land use constitute a part of land use master plans and plans.

2. To limit to the utmost the use of wet-rice farming land for non-agricultural purposes; to encourage land reclamation and expansion for rice farming and improvement of other rice-farming land into wet-rice farming land.

3. Upon land use planning, to permit the use of wet-rice farming land only for defense or security purposes or for national or public interest and such use is subject to competent state agencies' approval.

4. Wet-rice farming land is strictly protected during the land use planning period; to permit adjustment of master plans or plans on wet-rice farming land use only in cases in which rice-farming land must be used for non-agricultural purposes provided in Clause 3 of this Article and such adjustment is subject to competent state agencies' permission.

5. Master plans and plans on rice-farming land use are subject to strict supervision and inspection, assuring proper, economical and efficient use of rice-farming land and protection and improvement of land quality.

6. Plans on rice-farming land use must conform with approved master plans on rice-farming land use during the planning period and land use plans.

7. To ensure democracy and publicity in the implementation of master plans and plans on rice-farming land use.

**Article 5.** Management of change of the use purpose of rice-farming land

1. Conditions for change of the use purpose of wet-rice farming land:

a/ Conforming with approved land use master plans and plans and obtaining permission of competent state agencies;

b/ Having a plan on most economical use of land, which is shown in the overall project proposal approved by competent state agencies;

c/ Organizations and persons allocated or leased by the State wet-rice farming land for non-agricultural use under Clause 3, Article 4 of this Decree must have plans to use the top soil and offset the area of wet-rice farming land used for another purpose under Clause 2, Article 8, and Clause 2, Article 9, of this Decree.

2. Conditions for change of the use purpose of other rice-farming land:

a/ Use of other rice-farming land for

plantation of annual crops must conform with local plans on plant restructuring and must not affect later rice farming;

b/ Use of other rice-farming land for plantation of perennial crops, animal breeding or aquaculture complies with Point a, Clause 1 of this Article;

c/ Use of other rice-farming land for non-agricultural purposes complies with Points a and b, Clause 1 of this Article.

**3. Competence to change the use purpose of wet-rice farming land:** For the use of wet-rice farming land for non-agricultural purposes under Clause 3, Article 4 of this Decree, provincial-level People's Committees shall report it to the Ministry of Natural Resources and Environment and the Ministry of Agriculture and Rural Development for consideration and submission to the Prime Minister for permission before People's Committees of competent levels decide on the change.

**4. Competence to change the use purpose of other rice-farming land:**

a/ Households or individuals that use other rice-farming land for plantation of annual crops shall report such to commune-level People's Committees;

b/ Apart from the case provided at Point a, when changing the use purpose of other rice-farming land, provincial-level People's Committees shall report it to the Ministry of Natural Resources and Environment and the Ministry of Agriculture and Rural Development for consideration and submission to the Prime

Minister for permission before People's Committees of competent levels decide on the change.

**Article 6. Responsibilities of users of rice-farming land**

1. To use land for the proper purpose under approved master plans and plans on rice-farming land use.

2. To use land economically without following, contaminating and degrading it.

3. To do farming with proper techniques, to rotate and increase crops to raise production effectiveness; to improve and raise soil fertility and protect the eco-environment.

4. To perform their rights and obligations during the land use term under the land law and other relevant laws.

**Article 7. Responsibilities of land users when changing the use purpose of rice-farming land**

1. To comply with provisions on conditions for change of the use purpose of rice-farming land under Article 5 of this Decree.

2. When planting annual crops on other rice-farming land:

a/ To conform with local master plans on plant restructuring;

b/ To neither deform the land terrain nor change the physical and chemical properties of soil to ensure rice farming when necessary;

c/ Not to damage irrigation and inner-field transport works built on such land.

3. When planting perennial crops or conducting aquaculture on other rice-farming land:

a/ To take measures to protect soil fertility and prevent and control contamination and degradation of the ground and water environments:

b/ If relocating or damaging infrastructure facilities on the rice-farming land, to promptly take remedies in order not to affect rice production in adjacent areas.

4. When using other rice-farming land for non-agricultural purposes, investors that fail to implement projects or to implement projects according to schedule and leave land fallow will have such land recovered under the land law.

**Article 8.** Protection and improvement of rice-farming land quality

1. To strictly prohibit acts of:

a/ Contaminating or degrading land or deforming the land terrain, consequently making rice farming impossible;

b/ Leaving fallow wet-rice farming land for 12 or more months and other rice-farming land for two or more years for reasons other than *force majeure* natural disasters.

2. Organizations or persons allocated or leased by the State wet-rice farming land for use for non-agricultural purposes under Clause 3, Article 4 of this Decree shall adopt plans to use the top soil of the cultivation layer, which must be approved by competent authorities, in order to improve rice-farming land of poor quality

and other arable land in localities; or pay expenses for the implementation of such plans in other localities under the guidance of the Ministry of Finance and the Ministry of Agriculture and Rural Development.

3. Rice-farming land users that detect risks for or acts of harming land quality or contaminating or degrading land shall take prevention and control measures and promptly notify them to competent agencies for handling.

**Article 9.** Development of rice-farming land

1. People's Committees at all levels shall, based on approved land use master plans and plans, adopt policies to encourage, support and invest in land reclamation, restoration and improvement for rice-farming land development.

2. Organizations or persons allocated or leased by the State wet-rice farming land for non-agricultural use under Clause 3, Article 4 of this Decree shall adopt plans to reclaim, restore and improve other rice-farming land into wet-rice farming land, which must be approved by competent authorities, to substitute the lost rice-farming land areas in localities; or pay expenses for the implementation of such plans under the guidance of the Ministry of Finance and the Ministry of Agriculture and Rural Development.

### Chapter III

#### SUPPORT POLICIES FOR PROTECTION AND DEVELOPMENT OF RICE- FARMING LAND

**Article 10.** Budget support for rice-

producing localities

1. Based on areas of rice-farming land, state budget funds shall be prioritized to support localities in rice production (including funds for investment and regular spending) through state budget allocation quotas decided by competent authorities under the State Budget Law.

2. For the years of the 2012-2015 local budget stabilization period, in addition to state budget supports under current regulations, targeted supports from the central budget shall be added to local budgets for rice production as follows:

a/ VND 500,000/ha/year, for wet-rice farming land;

b/ VND 100,000/ha/year, for other rice-farming land other than upland rice land which is spontaneously expanded not under master plans and plans on rice-farming land use.

3. Areas of rice-farming land eligible for support shall be determined based on land statistics of the year preceding the budget allocation planning year of provinces and centrally run cities announced by the Ministry of Natural Resources and Environment.

4. Provincial-level People's Committees shall allocate budget funds to local administrations for support of rice production.

5. In addition to rice production support policies provided in Clauses 1 and 2 of this Article, rice-producing localities are entitled to other state policies under current regulations.

**Article 11.** Support policies for rice producers

State budget funds shall be supported to rice producers as follows:

1. Support for annual rice production:

a/ VND 500,000 ha/year for organizations, households or individuals producing rice on wet-rice farming land;

b/ VND 100,000 ha/year for organizations, households or individuals producing rice on rice-farming land other than upland rice land which is spontaneously expanded not under master plans and plans on rice-farming land use.

2. Support for rice production damaged by natural disasters or pests:

a/ Support of 70% of expenses for fertilizer and plant protection drugs, for rice production suffering damage of over 70%;

b/ Support of 50% of expenses for fertilizer and plant protection drugs, for rice production suffering damage of between 30% and 70%.

3. Support for reclamation and improvement of rice-farming land:

a/ Support of 70% of expenses for reclamation and improvement of unused land into rice-farming land or improvement of other rice-farming land into wet-rice farming land. Levels of expenses shall be set by provincial-level People's Committees;

b/ Support of 100% of rice seeds in the first year of rice production on newly reclaimed land;

c/ Support of 70% of rice seeds in the first year of rice production on other rice-farming land improved into wet-rice farming land.

4. To prioritize support of expenses for rice

production insurance under regulations.

5. Support mechanism:

a/ Support of 100% of expenses, for localities receiving additional funds balanced from the central budget;

b/ Support of 50% of expenses, for localities contributing more than 50% of its revenues to the central budget;

c/ Other localities shall use local budgets for supporting rice producers.

6. In addition to rice production support policies provided in Clauses 1, 2, 3 and 4 of this Article, rice producers are entitled to other support policies of the State under current regulations.

#### Chapter IV

#### ORGANIZATION OF IMPLEMENTATION

**Article 12.** The Ministry of Agriculture and Rural Development

1. To assume the prime responsibility for directing and organizing rice production and plant restructuring on rice-farming land under this Decree and other relevant documents.

2. To assume the prime responsibility for guiding the formulation of the plans provided in Clause 2, Article 8, and Clause 2, Article 9, of this Decree.

3. To commend organizations, households and individuals that properly manage and use rice-farming land.

**Article 13.** The Ministry of Natural

Resources and Environment

1. To assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development, the Ministry of Industry and Trade, the Ministry of Construction, the Ministry of Transport and related ministries and sectors in, determining land use demands of sectors, clearly specifying demands for use of rice-farming land and areas of rice-farming land subject to use purpose change.

2. To assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development in, guiding survey and assessment contents and methods, and criteria and classification of rice-farming land nationwide; to verify the change of the use purpose of rice-farming land under Clause 3, and Point b, Clause 4, Article 5 of this Decree.

3. To guide provincial-level People's Committees in determining the boundaries of strictly protected rice-farming land areas, particularly wet-rice farming land.

4. To complete the formation of a database on rice-farming land and the grant of certificates of rice-farming land use before December 31, 2015.

5. To annually review and report on the management and use of rice-farming land in localities to the Prime Minister.

6. To assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development and related ministries and sectors in, inspecting and examining the management and use of rice-farming land in localities.

**Article 14.** The Ministry of Planning and Investment

1. To assume the prime responsibility for, and coordinate with the Ministry of Finance and the Ministry of Agriculture and Rural Development in, allocating investment support funds to localities and rice producers.

2. To raise, balance and propose the Government to decide on investment funds for the implementation of policies on management and protection of rice-farming land and rice production under this Decree and other relevant legal documents.

**Article 15.** The Ministry of Finance

1. To balance budget funds for regular spending to support localities and rice producers.

2. To assume the prime responsibility for, and coordinate with the Ministry of Planning and Investment and the Ministry of Agriculture and Rural Development in, allocating budget funds to rice-producing localities.

3. To guide support mechanisms and policies, norms on central budget allocations and regular spending supports for rice-producing localities under this Decree and other relevant documents.

4. To assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development in, guiding regulations on payment, management and use of the expenses provided in Clause 2, Article 8, and Clause 2, Article 9, of this Decree.

**Article 16.** Provincial-level People's Committees

1. To implement provisions on management and use of rice-farming land of their localities under this Decree and other relevant legal documents.

2. To publicly announce and strictly manage approved local master plans and plans on rice-farming land use; to determine the boundaries of strictly protected rice-farming land areas, particularly wet-rice farming land.

3. Chairpersons of provincial-level People's Committees shall take responsibility before law and the Government for the protection of areas, boundaries and quality of rice-farming land under approved master plans and plans on rice-farming land use.

4. Based on specific local conditions, to decide on support policies other than those provided in this Decree for effective management and use of rice-farming land.

5. To annually report on the management and use of rice-farming land in their localities to the Ministry of Natural Resources and Environment and the Ministry of Agriculture and Rural Development.

6. To inspect and examine the management and use of rice-farming land in their localities.

**Article 17.** Implementation provisions

1. This Decree takes effect on July 1, 2012.

2. Regulations on management and use of rice-farming land which are contrary to this

Decree are all annulled.

3. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of provincial-level People's Committees and related organizations and persons shall implement this Decree.-

*On behalf of the Government*  
Prime Minister  
NGUYEN TAN DUNG