

**THE GOVERNMENT****THE SOCIALIST REPUBLIC OF VIETNAM**  
**Independence - Freedom - Happiness****No. 34/2014/ND-CP***Hanoi, April 29, 2014***DECREE****Promulgating the Regulation on land border areas of the Socialist Republic of Vietnam<sup>(\*)</sup>**

*Pursuant to the December 25, 2001 Law on Organization of the Government;*  
*Pursuant to the June 17, 2003 Law on National Border;*  
*Pursuant to the March 28, 1997 Ordinance on Border Guards;*  
*At the proposal of the Minister of National Defense,*  
*The Government promulgates the Decree on the Regulation on land border areas of the Socialist Republic of Vietnam.*

## Chapter I

## GENERAL PROVISIONS

**Article 1.** Scope of regulation

1. This Decree promulgates the Regulation on land border areas of the Socialist Republic of Vietnam and provides the management of activities of people and vehicles in these areas; responsibilities of agencies, organizations and individuals for the construction, management and protection of land border areas of the Socialist Republic of Vietnam.

2. In case the provisions of this Regulation are different from those of treaties to which the Socialist Republic of Vietnam is a contracting party, the provisions of such treaties prevail.

**Article 2.** Subjects of application

Vietnamese and foreign agencies, organizations and individuals conducting activities in land border areas shall observe this Decree and other relevant laws of Vietnam.

**Article 3.** Interpretation of terms

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

1. Land border areas of the Socialist Republic of Vietnam (below referred to as land border areas) include communes, wards and townships (below referred to as communes) which have part of their administrative boundaries overlapping the national land borderline.

The list of land border communes, wards and townships is provided in the Appendix to this Decree.

2. Border belt means a territorial section measured from the national borderline inward and established to manage and control activities of people and vehicles in the border belt

<sup>(\*)</sup> *Công Báo Nos 497-498 (15/5/2014)*

and maintain security and order and prevent and combat illegal acts; and having a width of between 100 and 1,000 meters. The width of the border belt in special cases shall be decided by the Prime Minister.

3. Restricted zone means a territorial section in a land border area and established to manage, protect and maintain security and order; prevent and combat acts of trespassing, sabotaging, exploiting or collecting state secrets.

4. Activities in land border areas include inhabiting, entering, traveling, producing, doing business; exploring and exploiting natural resources; constructing works, implementing projects and other activities related to the construction, management and protection of the national border, maintenance of social security, order and safety in land border areas.

5. Border inhabitant means a person who has the permanent residence registration in a land border area.

**Article 4.** Prohibited acts in land border areas

1. Damaging, destroying, moving, or causing loss of, landmarks or signs to identify the borderline, “border area”, “border belt” and “restricted zone” signboards; and border works.

2. Changing the natural flow, exhausting water sources of, causing inundation, flooding or environmental pollution in, border rivers and streams.

3. Illegally inhabiting, exploiting forest products, exploring and exploiting minerals and aquatic resources.

4. Traveling across the border for field or terrace field farming, hunting or cattle grazing.

5. Burying corpses, removing graves; transporting corpses, remains, animals, plants and animal carcasses across the border without permission of competent Vietnamese state agencies.

6. Making gunshots across the border, causing explosions, cutting and burning trees for land reclamation in the border belt.

7. Shooting films, taking photos, recording sounds, surveying or drawing landscapes at places where ban signs are displayed in land border areas.

8. Smuggling, illegally transporting goods across the border, committing trade frauds.

9. Other prohibited acts prescribed by Vietnamese law and agreements on border regulations signed by the Socialist Republic of Vietnam with bordering countries.

Chapter II

MANAGEMENT OF ACTIVITIES OF PEOPLE AND VEHICLES IN LAND BORDER AREAS

**Article 5.** Residence in land border areas

1. Persons allowed to reside in land border areas:

a/ Border inhabitants;

b/ Persons who have permits of competent public security agencies for residence in land border areas;

c/ Officers, professional army men, defense officials, defense workers and employees, non-commissioned officers, soldiers of the People's Army; officers, workers, employees and professional and technical non-commissioned officers of the People's Public Security Force whose units are stationed in land border areas.

2. Persons not allowed to reside in land border areas:

a/ Persons banned from residing in land border areas under decisions of competent agencies, persons not yet permitted to exit or persons suspended from exit;

b/ Persons banned from traveling outside their places of residence by procedure-conducting agencies;

c/ Persons sentenced to imprisonment, against whom judgment execution decisions are not yet issued, serving suspended sentences; or permitted to postpone or suspend the serving of imprisonment sentences; persons under probation;

d/ Persons subject to the measure of education in communes, wards or townships; consignment into reformatories, compulsory education establishments or compulsory detoxification establishments but permitted to postpone the execution of such measure or against whom enforcement of such measure is suspended.

dd/ Persons other than those specified in Clause 1 of this Article;

The provisions of Points a, b, c and d of this Clause are not applicable to border inhabitants.

**Article 6. Entering land border areas**

1. For Vietnamese citizens

Vietnamese citizens who enter land border areas must have people's identity cards or other personal identification papers provided by law.

2. For foreigners

a/ Foreigners who permanently or temporarily reside in Vietnam and enter land border areas must have permits of provincial-level Public Security Departments of localities where they permanently or temporarily reside or of the land border provinces which they enter;

b/ Vietnamese agencies or organizations taking foreigners into land border areas must have letters of introduction of managing agencies or organizations; persons traveling with these foreigners must have the papers specified in Clause 1 of this Article, and at the same time these agencies or organizations shall notify such to provincial-level Public Security Departments and Border-Guard Commands of the border provinces at least 24 hours in advance;

c/ For foreigners in representative or high-ranking delegations entering land border areas, Vietnamese agencies or organizations (inviting agencies or agencies working with these delegations) shall notify in writing provincial-level Public Security Departments and Border-Guard Commands of the border provinces of these foreigners, and concurrently send their persons to accompany with and guide these foreigners.

3. The following persons are not allowed to enter land border areas:

Persons other than those specified in Clauses 1 and 2 of this Article and persons specified in Clause 2, Article 5 of this Decree are not allowed to enter land border areas.

**Article 7. Activities of people and vehicles in land border areas**

1. Vietnamese citizens (except border inhabitants) and foreigners entering land border areas and staying overnight shall register their stay with local commune-level public security offices in accordance with law. Overnight stay in the border belt must be notified in writing to local border-guard posts.

2. People and vehicles operating in land border areas must have sufficient papers prescribed by law and follow instructions and submit to the inspection and control by local border-guard posts, commune-level public security offices and specialized forces in accordance with law.

3. Activities of Vietnamese and foreign people and vehicles in tourist, service and trade centers, border-gate economic zones, border-gate areas and other economic zones opened in land border areas must comply with regulations applicable to such zones and areas and other relevant laws.

4. Other activities in land border areas must comply with the relevant laws and this Decree.

5. Border inhabitants of a bordering country who conduct activities in Vietnamese land border areas shall comply with agreements on border regulations concluded between the two countries and with Vietnamese law.

**Article 8. Construction of projects and works in land border areas**

1. The construction of projects and works in land border areas must not affect border works; alter signs for identification of the borderline, damage, destroy, or cause loss of, national border markers; violate agreements on border regulations signed by the Socialist Republic of Vietnam with neighbor countries.

2. When constructing projects or works in the border belt, local state management agencies in charge of construction shall collect written opinions of the Ministry of National Defense, Ministry of Public Security and Ministry of Foreign Affairs before submitting documents on such projects or works to competent authorities for approval. Within 30 days, consulted agencies shall give their written opinions to the opinion-collecting agencies.

At least 3 (three) working days before implementing projects or works, investors shall notify such in writing to provincial-level Border-Guard Commands and Public Security Departments and local administrations.

3. Three days before participating in the survey, engineering, construction and implementation of projects or works in land border areas, agencies and organizations shall notify the list of their people and vehicles involved in, and the duration and scope of, such activities, to local border-guard posts and commune-level People's Committees.

4. Border-guard posts shall guide units specified in Clause 3 of this Article in identifying the borderline, scope of land border areas, border belt and restricted zones, and complying with regulations on management and protection of the national border and agreements on border regulations signed by the Socialist Republic of Vietnam with neighbor countries.

**Article 9. Signs in land border areas**

1. In land border areas, there are "border area", "border belt" and "restricted zone" signs and other signs prescribed by law.

2. The Minister of National Defense shall set model signs and reach agreement with provincial-level People's Committees on positions for putting up "border area", "border belt" and "restricted zone" signs prescribed in Clause 1 of this Article.

**Article 10.** Suspension of activities in land border areas

1. Areas subject to and cases of suspension:

a/ Areas in which a border or territory dispute occurs, threatening the sovereignty and security of the national border;

b/ Areas in which an armed conflict, robbery, terrorist action, riot, intrusion, kidnapping or serious security and order disturbance occurs;

c/ Areas in which a natural disaster, mishap, epidemic, chemical or radioactive incident occurs, threatening to cause damage to the community or cross-border transmission;

d/ Upon receipt of notices of the Government, local administrations or border-guard forces of neighbor countries on suspension of traveling across the border.

2. In order to ensure safety for lives and properties of people, prevent natural disasters, fires, floods, epidemics or diseases, the following activities must be suspended:

Entering the border belt, opening up markets, organizing festivals, conducting production, business or construction, exploring and exploiting natural resources and other activities in the areas or cases specified in Clause 1 of this Article.

3. Persons competent to suspend activities in land border areas are prescribed as follows:

a/ Commanders of border-guard posts may decide to suspend for no more than 12 hours activities within the border belt in localities under their charge and shall report the suspension to the chief commanders of provincial-level Border-Guard Commands and concurrently notify such in writing to local district- and commune-level People's Committees and related agencies in land border areas as well as local administrations and border management and guard forces of neighbor countries;

b/ Chief commanders of provincial-level Border-Guard Commands may decide to suspend for no more than 24 hours activities in land border areas under their charge and shall report such in writing to provincial-level People's Committees and the Border Guard Commands and concurrently notify such to provincial-level Public Security Departments and border management and guard forces of neighbor countries;

In case chief commanders of provincial-level Border-Guard Commands find it necessary to continue to suspend activities in land border areas upon the expiration of the time limit of 24 hours, they shall request provincial-level People's Committees to decide to prolong the suspension for another 24 hours, and concurrently notify such to provincial-level Public Security Departments and border management and guard forces of neighbor countries.

4. Competent persons specified in Clause 3 of this Article shall notify in writing to the Ministry of Foreign Affairs for coordinated handling when necessary, take responsibility before law and immediate superior agencies for their suspension decisions. Upon the expiration of the permitted suspension time limit or when the above occurrences are over, they shall issue decisions to cancel suspension decisions, notify such decisions in writing to related agencies,

border management and protection forces of neighbor countries and announce them on the mass media.

**Article 11.** Management of activities in the border belt

1. People's Councils of border provinces shall determine the scope of the border belt after obtaining written opinions of the Ministry of National Defense, Ministry of Public Security and Ministry of Foreign Affairs. They shall report special cases to the Prime Minister for consideration and decision.

2. Persons specified in Clause 1, Article 5 of this Decree may conduct activities in the border belt.

3. When entering the border belt, persons other than those specified in Clause 1, Article 5 of this Decree must have the papers specified in Clause 1 or 2, Article 6 of this Decree and show up at local border guard posts or commune-level People's Committees.

4. Agencies and organizations operating in the border belt shall notify in writing local border guard posts of lists of their people and vehicles involved in, and duration and scope of activities in the border belt.

**Article 12.** Management of activities in restricted zones

1. People's Councils of border provinces shall determine restricted zones in their respective localities at the request of provincial-level functional agencies.

2. The Minister of National Defense shall determine restricted zones for national defense works and border works and notify them to provincial-level People's Committees of localities which have such zones.

3. Management and protection of restricted zones

a/ Restricted zones must have protection regulations set out by heads of agencies or units managing such zones;

b/ Vietnamese citizens and foreigners (except those permitted to permanently reside and work in restricted zones) who enter restricted zones must have papers specified in Clause 1 or 2, Article 6 of this Decree and be permitted by heads of agencies or units managing such zones.

### Chapter III

#### RESPONSIBILITIES FOR CONSTRUCTION, MANAGEMENT AND PROTECTION OF LAND BORDER AREAS

**Article 13.** Responsibilities of the Ministry of National Defense

1. To assume the prime responsibility for, and coordinate with ministries, sectors and People's Committees of border provinces in, performing the state management of the national border; to organize the implementation of master plans, plans, investment projects and policies on construction, management and protection of the national border and land border areas in accordance with law.

2. To assume the prime responsibility for, and coordinate with the Ministry of Public Security, Ministry of Foreign Affairs and related ministries and sectors in, elaborating

regulations on coordination among forces in performing the task of managing and protecting the national border.

3. Annually, to make statistics on numbers of foreigners entering the land border areas, border belt and restricted zones; to review the performance of the tasks of construction, management and protection of the national border, maintain social security, order and safety in the land border areas.

4. To direct border guards in:

a/ Assuming the prime responsibility for, and coordinating with the people's public security force, local administrations at all levels and related agencies in, managing and protecting the national border; and maintaining social security, order and safety in land border areas;

b/ Advising local administrations at all levels on the movement. The entire people participate in the protection of national sovereignty and border security; consolidating the political bases and building the land border areas strong and firm in economy, politics, culture, social affairs, national defense, security and external affairs;

c/ Taking measures to manage and protect the border; deploying and using forces, means, weapons and supporting tools to perform the function and task of management and protection of the national border, maintenance of social security, order and safety in land border areas; preventing and combating crimes, smuggling and illegal transportation of goods across the border, trade frauds and other illegal acts; and perform the work of border-guard external affairs in accordance with law;

d/ Organizing regular and irregular fixed and mobile patrol and control activities to inspect and control people and vehicles entering the land border areas and border belt.

#### **Article 14.** Responsibilities of the Ministry of Public Security

1. To assume the prime responsibility for, and coordinate with related ministries, sectors and People's Committees of border provinces in, elaborating plans on protection of national security, combining border security with inland security; to coordinate with the Ministry of National Defense in guiding border guards in participating in the protection of the political security, maintenance of social order and safety and management of entry and exit in accordance with law.

2. To assume the prime responsibility for, and coordinate with the Ministry of National Defense in, promulgating policies to direct the prevention and combat of crimes and illegal acts in social security, order and safety in the land border areas.

#### **Article 15.** Responsibilities of the Ministry of Foreign Affairs

1. To assume the prime responsibility for, and coordinate with related ministries, sectors and People's Committees of border provinces in, implementing treaties on borders and territories on the basis of treaties on demarcation of national borders to which the Socialist Republic of Vietnam is a contracting parties.

2. To assume the prime responsibility for, and coordinate with related ministries, sectors and People's Committees of border provinces in, negotiating on and settling issues arising in relation to the national sovereignty and border.

3. To coordinate with the Ministry of National Defense in elaborating a regulation on coordination in the settlement of cases and matters, provision of information, documents and guidance on external affairs; and reviewing issues related to the construction, management and protection of the national border.

**Article 16.** Responsibilities of the Ministry of Planning and Investment

1. To assume the prime responsibility for, and coordinate with the Ministry of National Defense and People's Committees of border provinces in, summarizing needs for investment in the development of infrastructure in the land border areas; building embankments of border rivers and streams, and for the protection of border markers, reporting to the Prime Minister for annual allocation of an appropriate budget fund for construction investment for consolidation of national defense and security combined with socio-economic development in the land border areas.

2. To assume the prime responsibility for, and coordinate with related ministries, sectors and People's Committees of border provinces in, formulating mechanisms and policies on development investment and creating conditions for socio-economic development in the land border areas.

**Article 17.** Responsibilities of the Ministry of Finance

1. Annually, to assume the prime responsibility for, and coordinate with the Ministry of National Defense and People's Committees of border provinces in, estimating state budget allocations for the task of border management and protection according to the current state budget decentralization.

2. To coordinate with related ministries, sectors and People's Committees of border provinces in formulating financial mechanisms and policies and creating conditions for socio-economic development in the land border areas.

**Article 18.** Responsibilities of the Ministry of Industry and Trade

1. To assume the prime responsibility for, and coordinate with related ministries, sectors and People's Committees of border provinces in formulating policies on development of commerce in the land border areas.

2. To assume the prime responsibility for, and coordinate with the Ministry of National Defense and Ministry of Finance in, guiding goods purchase, sale and exchange activities of border inhabitants.

**Article 19.** Responsibilities of related ministries and sectors

Within the ambit of their functions, tasks and powers, to coordinate with the Ministry of National Defense in constructing, managing and protecting the national border, maintaining social security, order and safety in the land border areas.

**Article 20.** Responsibilities of People's Committees at all levels of localities having land borders

1. To perform the state management of the national border in accordance with law; to build the land border areas strong and firm in politics, economy, social affairs, national defense and security.



2. To direct departments, sectors, mass organizations and functional forces in coordinating with the Border Guards and related agencies in managing and protecting the national border; maintaining social security, order and safety, preventing and combating crimes in the land border areas in accordance with law.

3. To organize functional forces, mobilize people to participate in the movement “The entire people participate in the construction, management and protection of the national border”; prevent and combat acts infringing upon the national sovereignty and security and social order and safety in the land border areas.

4. To propagandize, disseminate and educate among their employees and local people the laws on construction, management and protection of the national border, and maintenance of social security, order and safety in the land border areas.

5. To earmark annual local budgets for the construction, management and protection of the national border, maintenance of social security, order and safety in the land border areas.

**Article 21.** Responsibilities of other agencies and organizations

Other agencies and organizations operating in the land border areas shall observe this Decree and relevant treaties to which the Socialist Republic of Vietnam is a contracting party; and coordinate with the Border Guard in managing and protecting the national border and maintaining social security, order and safety in the land border areas.

Chapter IV

IMPLEMENTATION PROVISIONS

**Article 22.** Effect

This Decree takes effect on June 15, 2014, and replaces the Government’s Decree No. 34/2000/ND-CP of August 18, 2000, promulgating the Regulation on land border areas of the Socialist Republic of Vietnam.

**Article 23.** Funding

1. Funds for the construction, management and protection of the national border, maintenance of social security, order and safety in the land border areas shall be allocated from the state budget according to the current regime of decentralization.

2. The estimation, allocation, assignment, payment and finalization of the above funds must comply with the Law on the State Budget and guiding documents.

**Article 24.** Responsibilities to guide and implement the Decree

1. The Minister of National Defense shall assume the prime responsibility for, and coordinate with related ministries and sectors in, guiding and inspecting the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of provincial-level People’s Committees shall implement this Decree.-

*On behalf of the Government*

Prime Minister  
NGUYEN TAN DUNG