

**THE MINISTRY OF
NATIONAL DEFENSE****THE SOCIALIST REPUBLIC OF VIETNAM**
Independence - Freedom - Happiness

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Hanoi, May 28, 2015

CIRCULAR**Guiding a number of articles of the Government's Decree No. 34/2014/ND-CP of April 29, 2014, promulgating the Regulation on land border areas of the Socialist Republic of Vietnam^(*)**

Pursuant to the Government's Decree No. 34/2014/ND-CP, promulgating the Regulation on land border areas of the Socialist Republic of Vietnam;

Pursuant to the Government's Decree No.35/2013/ND-CP of April 22, 2013, defining the functions, tasks, powers and organizational structure of the Ministry of National Defense;

At the proposal of the High Commander of the Border Guard;

The Minister of National Defense promulgates the Circular guiding a number of articles of the Government's Decree No. 34/2014/ND-CP of April 29, 2014, promulgating the Regulation on land border areas of the Socialist Republic of Vietnam.

Chapter I**GENERAL PROVISIONS****Article 1.** Scope of regulation and subjects of application

1. This Circular guides a number of articles of the Government's Decree No. 34/2014/ND-CP of April 29, 2014, promulgating the Regulation on land border areas of the Socialist Republic of Vietnam (below referred to as Decree No. 34/2014/ND-CP).

2. This Circular applies to Vietnamese and foreign agencies, organizations and individuals operating in land border areas of the Socialist Republic of Vietnam (below referred to as land border areas).

Article 2. Border areas

Land border areas are defined in Clause 1, Article 3 of Decree No. 34/2014/ND-CP. In case the National Assembly Standing Committee decides to adjust the administrative boundaries of communes, wards or townships, the chairpersons of the People's Committees of border provinces shall, pursuant to Clause 1, Article 3 of Decree No. 34/2014/ND-CP, sum up and report to the Ministry of National Defense for proposing the Government to add them to, or remove them from, the list of border communes, wards and townships provided in the Appendix to Decree No. 34/2014/ND-CP.

Article 3. Border belts**1.** Competence to determine border belts

a/ The People's Committees of border provinces shall determine border belts having width of between 100m and 1,000m after consulting in writing the Ministry of National Defense, the

^(*) Công Báo Nos 593-594 (12/6/2015)

Ministry of Public Security and the Ministry of Foreign Affairs, and obtaining approval of the provincial People's Councils.

b/ In case due to terrain conditions, determination of border belts having width of under 100m or over 1,000m is required, the People's Committees of border provinces shall propose the provincial People's Councils to approve such and report thereon to the Prime Minister for decision.

2. The width of border belts shall be determined appropriately based on national defense, security, social order and safety and socio-economic situations and terrain conditions; and in areas having border gates, border markets or border-gate economic zones, be based on socio-economic development, and project and work construction requirements in order not to affect border building, management and protection, maintenance of security, social order and safety in border areas and circulation on both sides of the border.

Article 4. Restricted zones

1. When determining restricted zones, functional sectors in a province shall reach agreement with the provincial-level Military Command, Border Guard Command and Public Security Department for determination and formulation of internal regulations on management of restricted zones, and report them to the People's Committee of the border province for decision after they are approved by the provincial People's Council.

2. For defense works, the Commander of Military Zone shall direct functional agencies to coordinate with the provincial-level Military Command and Border-Guard Command in clearly defining the nature of works requiring restricted zones, and sum up and report them to the Commander of Military Zone for submission to the Minister of National Defense for consideration and decision.

3. For border works, the High Commander of the Border Guard shall direct the provincial Border Guard Command and functional agencies to coordinate with the provincial Military Command in clearly defining the nature of works requiring the restricted zones, sum up and report them to the High Commander of the Border-Guard for submission to the Minister of National Defense for consideration and decision.

4. After a decision determining restricted zones is issued, the agency competent to manage these zones shall formulate internal regulations and organize strict protection and management of the zones as prescribed by law.

Article 5. Model signs and positions for sign placing

1. The signs "khu vuc bien gioi" (border area), "vanh dai bien gioi" (border belt) and "vung cam" (restricted zone) shall be uniformly made of corrugated iron 1.5mm thick, with posts being of steel tube of 100 mm in diameter and 2mm thick; the signs' surface and inscriptions must be retroreflective; the signs' background must be painted blue and inscriptions, white, and the signs' retroreflective posts, white and red; inscriptions on the signs must be written in three lines: The first line in Vietnamese, the second line in the language of the opposite country, and the third line in English. The sizes of the signs and characters thereon must comply with Form Nos.1 thru 12 provided in the Appendix to this Circular (*not translated*).

2. The sign "khu vuc bien gioi" shall be placed in adjacent areas between border communes, wards or townships and inland communes, wards or townships in easy-to-notice places by traffic axes (land road, railroad, riverway) leading to border areas.

3. The sign "vanh dai bien gioi":

a/ In border areas with mountains and forests which are difficult to access, the sign "vanh dai bien gioi" shall be placed at the right of traffic axes towards the border.

b/ In border areas with flat terrains difficult to distinguish boundaries, the sign “vanh dai bien gioi” shall be placed in an interval of between 600m and 1,000 m.

c/ The sign “vanh dai bien gioi” shall not be placed along traffic axes from the inland to border gates, but on both sides of the boundaries of the border gates.

4. Based on the terrains and characteristics of each restricted zone, the sign “vung cam” shall be placed at suitable and easy-to-notice places.

Chapter II

MANAGEMENT OF ACTIVITIES OF PEOPLE AND VEHICLES IN BORDER AREAS

Article 6. Entry into border areas

1. For Vietnamese citizens

a/ Vietnamese citizens (other than border inhabitants) entering an border area are required:

- To have personal identity papers as prescribed by law;
- To produce papers at the request of competent agencies;
- In case of staying overnight, to register their stay at the commune-level public security office.
- To leave the border area upon expiry of their stay.
- To apply for extension of their stay at places of their previous registration, if they wish to stay beyond the registered duration.

b/ Vietnamese citizens (other than those defined in Clause 1, Article 5 of Decree No. 34/2014/ND-CP) entering a border belt are required to have their personal identity papers as prescribed by law, and send a written notice, made according to Form No. 13 provided in the Appendix to this Circular, to the local border guard post or commune-level People’s Committee. In case of staying overnight in the border belt, they shall register their stays at the commune-level public security office in accordance with law; the commune-level public security office shall send a notice, made according to Form No.14 provided in the Appendix to this Circular, to the local border guard post for coordinated monitoring and management.

c/ People and vehicles operating in a border area are required to have personal identity papers, documents related to the vehicles and specialized operation licenses granted by competent agencies, and at the same time are subject to the inspection and supervision by the local border guard post, commune-level public security office and specialized management forces as prescribed by law.

d/ A non-resident entering a border area for a special reason such as death or illness of his/her parent, spouse or child, shall, in addition to personal identity papers, acquire a permit of the commune-level public security office of the locality of his/her residence, and concurrently report on the duration of his/her stay in the border area to the local border guard post or commune-level public security office; in case of staying overnight or entering a border belt, such must be approved by the local border guard post.

2. For foreigners

a/ A foreigner permanently or temporarily residing in Vietnam who enters a border area must have a permit granted by the Immigration Management Department of the Ministry of Public Security or the director of the provincial-level Public Security Department of the locality where he/she permanently or temporarily resides or by the director of Public Security Department of the border province of his/her destination; in case the foreigner stays overnight in the border area, the manager or administrator of his/her accommodation establishment shall declare his/

her temporary stay with the commune-level public security office in accordance with law; the commune-level public security office shall concurrently send a notice made according to Form No.14 provided in the Appendix to this Circular to the local border guard post for coordinated management; in case of entering a border belt, such must be approved, inspected and supervised by the local border guard post.

b/ Border inhabitants of neighboring countries entering a border area must possess adequate papers as required by the regulations on management of borders between two countries; and shall strictly comply with regulations regarding the duration, scope, reasons and purposes of their activities; in case of staying overnight, they shall register their stay in accordance with Vietnamese law and leave the border area upon the expiry of their permitted duration. Stay beyond the permitted duration must be approved by the local border guard post or commune-level People's Committee.

3. Activities of Vietnamese and foreign individuals and vehicles in tourist sites, service zones, industrial parks, export processing zones, economic zones and border gate areas in border areas must comply with the provisions of law on such zones and relevant laws.

Activities related to border belts and restricted zones must comply with Decree No. 34/2014/ND-CP and this Circular.

4. Vietnamese agencies or organizations taking or inviting foreigners under Points b and c, Clause 2, Article 6 of Decree No. 34/2014/ND-CP to a border area shall send a notice made according to Form No. 15 provide in the Appendix to this Circular to the provincial-level Public Security Department and Border Guard Command of the locality of their destination.

Article 7. Construction of projects and works in border areas

1. Agencies, organizations and individuals deploying projects or works, or conducting resource and minerals surveys, explorations or exploitations approved by competent agencies in border areas shall manage their personnel and vehicles, maintain security, social order and safety during their activities in border areas; concurrently send a notice made according to Form No.16 provided in the Appendix to this Circular to local border guard posts and local administrations for coordinated management.

2. Upon construction of projects or works in border areas, the local construction state management agency and investors must comply with Article 8 of Decree No. 34/2014/ND-CP, and concurrently strictly observe the regulations on management of borders between two countries; and shall not affect border facilities and signs for recognition of national border lines and border markers.

3. The Planning and Investment Department of the Ministry of National Defense shall assume the prime responsibility for, and coordinate with the Operations Department of the General Staff, the External Relations Department of the Ministry of National Defense, provincial-level Military Commands and Border Guard Commands (of localities where exist construction projects or works) in, making sum-up reports to the Ministry of National Defense for replying in writing to agencies consulting on the construction of projects and works in border areas in accordance with Decree No. 34/2014/ND-CP; send annual reports to the Ministry of National Defense on matters related to the construction of projects and works in border areas.

4. Border guard posts shall guide related organizations and individuals in recognizing signs of national border lines, scopes of border belts and restricted zones and disseminate such matters as well as regulations related to the management and protection of national borders and their responsibilities and obligations when operating in border areas.

Article 8. Suspension of activities in border areas

1. Provincial-level border guard commanders and heads of border guard posts are competent to suspend activities in border areas under Article 10 of Decree No. 34/2014/ND-CP.

If the heads are absent, their authorized deputies may issue suspension decisions and shall take responsibility before law and their heads for such decisions.

2. Before issuing a suspension decision, a competent person defined in Clause 1 of this Article shall determine:

a/ The nature and severity of the situation in the border comparing them with the provisions of Clause 1, Article 10 of Decree No. 34/2014/ND-CP for consideration and decision. In case of inadequate elements and necessary conditions for issuance of a suspension decision, they shall investigate, verify and study the specific situation and issue a decision in strict accordance with law;

b/ Possible consequences of the issuance of the suspension decision on activities of agencies, organizations and people in border areas, in order to make appropriate decisions;

c/ The time and scope of suspension of activities on maps and in the field.

3. Implementation of suspension:

a/ Issuing a suspension decision made according to Form No.17 provided in the Appendix to this Circular;

b/ Making a notice according to Clauses 3 and 4, Article 10 of Decree No. 34/2014/ND-CP according to Forms No.18 and 19 provided in the Appendix to this Circular;

c/ Directing, closely monitoring the situation in the suspension areas in order to guide everyone in implementation, and in settling and handling arising circumstances in accordance with law;

d/ In case of extending the suspension, the provincial-level border guard commander shall propose the provincial People's Committee to issue a decisions to extend the suspension, according to Form No. 20 provided in the Appendix to this Circular and organize its implementation.

4. Completion of implementation of a suspension decision and suspension extension decision

The person issuing the suspension decisions shall:

a/ Issue a decision to annul the suspension decision or the suspension extension decision, according to Form No. 21 or 22 provided in the Appendix to this Circular, and concurrently send a notice to the agencies and organizations according to Clause 4, Article 10 of Decree No. 34/2014/ND-CP, made according to Form No. 23 or 24 provided in the Appendix to this Circular;

b/ Participate in remedying the consequences of the suspension decision and suspension extension decision (if any);

c/ Assess the impacts of the suspension and make sum-up report to competent authorities as prescribed by law.

Chapter III

RESPONSIBILITIES TO BUILD, MANAGE AND PROTECT BORDER AREAS

Article 9. Responsibilities of the High Commander of the Border Guard

To direct the Border-Guard Commands of land border provinces:

1. To assume the prime responsibility for, and coordinate with related agencies in, advising the provincial-level People's Committees on planning of population, border market places, landing

and mooring areas for water transport means, yards for land and railway vehicles; building civil works in border areas in accordance with Decree No. 34/2014/ND-CP and this Circular.

2. To annually make statistics of foreigners and foreign vehicles entering border areas and border belts; and matters and cases of violation and violators of regulations on border areas, thereby work out plans and measures for proper organization, management and protection of border areas.

3. To organize mobile patrol and control teams to examine and control entries into, exits from, and activities in, border areas and border belts; to guide foreigners to enter border areas in accordance with law.

4. To assume the prime responsibility for, and coordinate with local public security forces and related sectors in, building, managing and protecting the national borders, and maintaining security, social order and safety in border areas.

5. To arrange and employ forces, means, supporting instruments, various working measures in border management and protection; to combat crimes and law violations, breaches of agreements on border management regulations; to prevent environment-related violations and other acts affecting the national border-lines, national border markers, and border-line signs.

6. To coordinate with provincial-level Public Security Departments in directing:

a/ District- and commune-level border guard posts and public security offices to examine residents, people on entry and exit or operating in border areas;

b/ Regular exchange of security and order situations and foreigners entering, leaving and operating in border areas;

c/ Guidance for people to register and declare their temporary residence, stay, temporary and absence and observe regulations on wharves and yards when entering border areas.

7. To maintain contact with border management and protection forces and local administrations of neighboring countries to implement treaties on borders and territory according to their functions and tasks prescribed by law.

8. To advise the provincial People's Committees on directing the monitoring and assessment of sediment deposit and washout and erosion in border rivers and streams; to conduct surveys for embankment of border rivers and streams, embankment for protection of national borders and construction of infrastructure in border areas and report thereon to competent authorities for decision.

Article 10. Responsibilities of People's Committees of border provinces

1. To direct functional sectors in their provinces to coordinate with the Border Guard in surveying and scrutinizing the scope of border belts and restricted zones; and materials and positions of signs in accordance with Decree No. 34/2014/ND-CP and this Circular for appropriate adjustment.

2. To direct functional agencies, departments, sectors and mass organizations to coordinate with the Border Guard in building border areas strong in terms of politics, economics, defense and security.

3. To direct sectors in their provinces to perform the sector-based management; to create favorable mechanism and policies on economic, tax and land support for enterprises, individuals and investors of socio-economic works and projects in border areas in accordance with law.

4. To direct local departments, sectors, mass organizations and functional forces to coordinate with the Border Guard in building, managing and protecting the national borders

and border markers, in preventing and combating crimes, maintaining security, social order and safety in border areas.

5. To perform the state management of national borders, to direct the building of mass movements for border management, protection and building.

6. To annually work out plans and report them to the provincial People's Councils for approval on the allocation of local budgets for building, managing and protecting the national borders, maintaining security and social order and safety in border areas.

Chapter IV

ORGANIZATION OF IMPLEMENTATION

Article 11. Effect

This Circular takes effect on July 11, 2015, and replaces the Minister of National Defense's Circular No. 179/2001/TT-BQP of January 22, 2001, guiding the implementation of 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 12. Transitional provisions

The People's Committees of border provinces shall direct functional sectors to scrutinize the scope of border belts and restricted zones; the sizes and materials and positions of signs already determined under 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; cases which still conform with Decree No. 34/2014/ND-CP shall be retained, while those no longer conformable should be adjusted to comply with Decree No. 34/2014/ND-CP and this Circular.

Article 13. Implementation responsibilities

1. Provincial-level Border Guard Commands shall assume the prime responsibility for, and coordinate with provincial-level Departments of Justice in, advising provincial-level People's Committees on the thorough study and implementation of Decree No. 34/2014/ND-CP and its guiding documents by local authorities and sectors, propagating and widely disseminating them to the people for unified implementation.

2. The cost estimation for border building, management and protection must comply with Articles 16 and 17 of Decree No. 34/2014/ND-CP; the law on the state budget and the law on investment.

Annually, provincial-level Border Guard Commands shall make local budget estimates for border building, management and protection and send them to the finance agencies and related agencies of the same level for summarization and reporting to provincial-level People's Councils and People's Committees for decision.

3. The High Commander of the Border Guard shall monitor, urge and inspect the implementation of Decree No. 34/2014/ND-CP and this Circular, and annually make preliminary reviews and reports on implementation results to the Ministry of National Defense.

4. Ministries, ministerial-level agencies, government-attached agencies, provincial-level People's Committees and related agencies, units, organizations and individuals shall implement this Circular.-

Minister of National Defense
General PHUNG QUANG THANH