

Hanoi, 19 March 1992

ORDER OF THE CHAIRMAN OF THE COUNCIL OF MINISTERS

Urgent measures to Stop Immediately Deforestation

Deforestation and wild fires have recently caused serious damage in many areas. From Quang Nam-Da Nang down to Binh Thuan provinces, abusive tree felling and forest burning have frequently been 'organised' for fuelwood and charcoal production; lots of saw mills, and fuelwood-run brick and tile kilns have been operating without any control and auditing from state agencies and administrative authorities. In many other provinces, deforestation and illegal exportation of wood and timber as well are also no less severe.

The causes of this are many, but there is a fact that the Ministry of Forestry (MoF), the People's Committees in timber producing provinces and cities and other State agencies have not duly carried their responsibilities in forest and forest resources management; they have not strictly enforced the provisions set out in the Forest Resources Protection and Development Act and relevant decisions issued by the State on forest protection and timber export (since 1990-1991); they have not executed active and effective measures to stop the above mentioned misdeeds.

To stop immediately forest burning, forest clearing that are occurring, and to abide by the Forest Resources Protection and Development Act, the Council of Ministers Chairman hereby asks the Minister of Forestry, the People's Committees of timber producing provinces and cities and other state agencies as well as to execute the following urgent measures:

1) The Ministry of Commerce and Tourism and the Ministry of Forestry shall at once stop the issuance of export licenses for the exportation of round and sawn timber, and at the same time, retrieve the already delivered licenses for same.

From 1992 onwards, there should be a strict execution of the policy that a ban on the exportation of round timber, sawn timber, rough sawn parquet floorings and raw rattan and on the re-exportation of the same wood and non-timber products as well is in force. Exports shall include only processed wood and rattan products, the list of which has been determined by the Ministry of Forestry in concert with the State Planning Committee and the Ministry of Commerce and Tourism.

For specific cases mentioned below, settlement shall be made as follows:

- for export of sawn timber due in 1991 but now still remained outstanding, including the amount for which contracts have been signed, letters of credit (LC) have been issued and export licenses therefore have been given, the contracts thereof shall be terminated and export for some be cancelled. In cases of contracts being under performance with the foreign counterparts having their ships at Vietnamese ports to take delivery of the goods, the Ministry of Commerce and Tourism in collaboration with the export companies involved, shall try settling the cases either through replacement of the sawn timber by other processed wood products, by other commodities, or even by paying back the money....

- In the case of wood and timber from Laos and Cambodia, the export of which is made through the intermediary of Vietnam following agreements signed between countries, the Ministry of Commerce and Tourism, and the General Customs Office shall take the responsibilities of examining the cases and reporting them to the Council of Ministers for further consideration and final decision.

- In case of wood and timber obtained from joint ventures, goods exchanges, and trading with Laos and Cambodia via commercial protocols, the products thereof shall be transported into the country for further woodworking as with wood and timber extracted within the country; no re-exportation of the products shall be allowed.

Any units having to terminate contracts on or to suspend the re-exportation of timber, now experiencing difficulty in paying foreign debts, are entitled to 'get priority' in buying hard currencies from State Bank to settle the balance due. The Ministry of Commerce and Tourism and State Bank shall take responsibility in dealing with specific cases.

- For timber species of common use such as acacia and eucalyptus ..., the plantation of which are funded by foreign firms, it is allowed to extract and process the products thereof for export, however the extraction operations should be done following the planning documents and the systems as approved by competent authorities; clear cutting shall not be allowed.

In collaboration with the Ministry of Forestry, the Ministry of Commerce and Tourism and the General Customs Office, the General State Inspectorate shall take the leading responsibilities in auditing the delivery of timber export licenses since the issuance of the Decision No. 99-CT, dated 24th April, 1989 and of the Decision No. 146-CT, dated 30 April 1991 to date. Any delivery of licenses for the

exportation of round wood and sawn timber after the issuance of the Decisions just mentioned shall be considered as violations of the laws, the responsibilities for which shall be identified and punishments for same should be enforced.

2) The Ministry of Forestry shall carry closer inspection and management of all forest operations dealing with the extraction of timber, fuelwood and other forest products in all provinces, all enterprises, organisations and firms run by individuals. It is urgent to stop all logging operations to extract either timber or other forest products, which are performed contrary to the provisions set out in the planning documents or to the operations plans already appraised and approved by competent authorities.

The State Committee for International Cooperation and Investment together with the Ministry of Forestry shall carry out inspections to terminate all joint venture contracts signed with foreign firms for timber extraction and exportation. The same shall be allowed to proceed only in case of shifting to forest plantations or otherwise to forest products logging combined with products processing.

The Ministry of Forestry shall issue orders to stop forest products harvesting in areas so required; to direct provincial authorities to identify forest areas and sites, in which the exploitation of timber, fuelwood and other forest products is allowed or not; and to announce officially the decisions thereof for public knowledge and enforcement.

The State Planning Committee together with the Ministry of Forestry shall closely revise the production and consumption targets in terms of timber and fuelwood supply for the year 1992 of all provinces and production units, basing for this upon the spirit of this Order, and the results thereof shall be presented to the Council of Ministers on the second quarter of 1992.

3) The People's Committees of all provinces and cities under the direct jurisdiction of the Central Government in concert with the agencies involved shall control the delivery of licenses for business running to all saw mills, wood-run kilns for the production of bricks, tiles, lime, pottery and for other commodity drying, now operating in their respective areas. All mills, kilns now operating illegally shall have their business discontinued; at the same time instructions and favourable conditions shall be given to all mills and kilns now operating legally for them to shift to the use of stone coal in replacement of fuelwood and timber. Holding of forest law breakers, seizure of equipment and tools used for law breaking, and trials before courts shall be duly enforced.

4) The Ministry of Forestry and People's Committees of the

Provinces and cities under the jurisdiction of the Central Government shall collaborate with other State agencies to settle various cases on the spot, or to make recommendations to competent authorities on the settlement of all violations of forest law. It is urgent to execute the records related to serious forest law violations that have caused heavy losses to forest resources for official trials of the cases, including those still pending to date. At the same time, measures should be taken to reward all organisations and individuals that have made outstanding contributions to protecting and developing forest resources.

5) Simultaneously with efforts made to execute immediately and effectively all the above urgent tasks, the Ministry of Forestry shall take the responsibilities of:

- Reorganising the production activities in all state-owned forest enterprises (FE) to shift most of their activities to carrying technical services and coordinating forest projects; strongly reorienting forest industries to wood and non-wood forest products processing so to create more employment opportunities to the labour force and goods of high economic value and efficiency for public supply and exports.

- Strengthening the Forest Inspectorate at all levels, especially at the divisional level, so to create a leading core of staff for effective management and protection of the forests at the basic level of forest production; at the same time immediate actions should be taken to execute all documents necessary for effective enforcement of the Forest Resources Protection and Development Act and to submit them to the Council of Ministers latest in the second quarter of 1992.

- Closely directing and controlling all activities for effective prevention and suppression of forest fires, forest pests and diseases at all localities and FEs, especially in the areas rated as highly vulnerable to these.

- Collaborating with all the ministries of: Energy, Public Works, Finance, Commerce and Tourism, Labour-War Invalids and Social Benefits, and other sectors concerned for studying the possibility of formulating integrated and multi-disciplinary projects that embrace all economic, social, educational, administrative, legal measures to deal with urgent problems related to food, fuelwood substitutes, domestic use timber, building materials production and to the creation of more employment opportunities to people, etc. These projects are to gradually stabilise the living of people in forested areas, to basically halt deforestation and should be submitted to the Council of Ministers not later than in the 2nd quarter of 1992.

6) When reviewing activities for a quarter of execution of

this Order the Ministry of Forestry, the People's Committees of all timber producing provinces and cities together with other state agencies concerned shall have a closer view on their responsibilities in leaving the unorganised forest clearing process unchecked, try to point out the main causes thereof, the responsibilities of all organisations and individuals involved, so to overcome the restraints encountered, and shall submit all the findings thereof to the Chairman of the Council of Ministers together with the report showing the activities performed during the quarter for the execution of this Order.

Based upon this Order, the Ministry of Forestry shall take the responsibilities in elaborating measures and plans for the provincial authorities to execute the Order; in collaborating with other agencies for organising and carrying activities for initiating the execution of this Order; in reviewing all related activities every month/3 months and in reporting all the results thereof to the Chairman of the Council of Ministers.

The ministers and leading personnel of all State agencies, including those dealing with State inspection, home affairs, defence, energy, public works, labour-war invalids and social benefits, state planning, international cooperation and investment, transportation and communication, commerce and tourism, customs are asked to collaborate with the Ministry of Forestry and the provincial authorities to duly execute the tasks and responsibilities as per this Order.

The Chairman of all People's Committees of the provinces and cities under the jurisdiction of the Central Government shall take the responsibilities of immediately and effectively executing this Order in their respective areas following the instructions and under the control of the Ministry of Forestry and other competent agencies and of the Special Envoy of the Chairman of the Council of Ministers.

The Chairman of the Council of Ministers delegates power to Comrade Nguyen Sy Dong who will act as a Special Envoy of the Council of Ministers for direction and auditing all activities taken by the Ministry of Forestry and other State agencies and provincial authorities for the execution of this Order.

Chairman of the Council of Ministers
Signed: VO VAN KIET

Ministry of Forestry
No. 483/VP

Certified to be conformed to Original
Hanoi, 23 March 1992

Distribution to :

- Provincial Forest Services
 - Agriculture-Forest Services
 - Provincial Departments of Forest Inspectorate
- and
- All units: Central departments, institutes, committees, MoF office... under the jurisdiction of the Ministry: For execution

Head of Staff

Signed: Do Van Nhuan