

**DECISION No. 245/1998/QD-TTg OF
DECEMBER 21, 1998 ON THE EXERCISE
OF STATE MANAGERIAL RESPONSIBILITY OF VARIOUS LEVELS
CONCERNING FORESTS AND FOREST
LAND**

THE PRIME MINISTER

Pursuant to the Law on Organization of the Government of September 30, 1992;

Pursuant to the Law on the Protection and Development of Forests of August 12, 1991;

Pursuant to the Land Law of July 14, 1993;

Pursuant to Ordinance of June 25, 1996 on the specific tasks and powers of the People's Council and People's Committee at each level;

In order to continue concretizing the implementation of Decree No. 17/HDBT of January 17, 1992 of the Council of Ministers (now the Government) on the implementation of the Law on Protection and Development of Forests and the implementation of the strategy to renew the forestry service in the new stage;

At the proposals of the Minister of Agriculture and Rural Development, the Minister-Head of the Government Commission for Organization and Personnel and the Director General of the General Land Administration,

DECIDES:

Article 1.- This Decision aims to define clearly the State managerial responsibility of the competent levels with authority over forests and forest land, contribute to the prevention of destructive acts against forest resources and forest land and create conditions for all organizations, family households and individuals to take part actively in the protection and development of forests.

Article 2.- Contents of State management over forests and forest land:

1. To survey and determine the various types of forest; to delineate the forests and forest lands on the maps and on the terrain down to the communal level administrative unit; and to inventorize and monitor the evolution of the forests and the changes in forest land.

2. To draw up the general plan and the plans to protect and develop forests and use forests and forest land in the whole country and in each locality.

3. To issue legal documents on the management, protection and development of forests and the use of forests and forest land and to organize the implementation of documents already issued according to the competence prescribed by law.

4. To allocate forest land and forests, to recover forest land and forests.

5. To register, draw up and manage the land register and to issue certificates of land use right.

6. To check, inspect and handle violations in the implementation of the law and policies on management, protection and development of forests and the use of forests and forest land.

7. To settle disputes on forests and forest land.

Article 3.- State managerial responsibility concerning forests and forest land of the various Ministries and branches in the management of the protection of forests, in the prevention and fight against forest fires and in the building and development of forests, especially in deep-lying, remote and border areas and on offshore islands in association with the protection of security and national defense.

1. The Ministry of Agriculture and Rural Development is the agency answerable to the Government on State management of forests.

a/ To conduct periodical survey, control and classification of forests, inventorize the acreage and reserve of each type of forest, to draw up forest maps and maps of forest land in the whole country.

b/ To draw up the general plan and plans for the protection and development of forests and the long-term use of forests in the whole country to submit to the Government for approval.

To evaluate the general plan and plans for the protection and development of forests and forest land of the provinces and cities directly under the Central Government before submitting to the Government for approval.

c/ To submit to the Government for approval the volume of timber output of natural forests allowed to be exploited and consumed each year in the whole country.

To evaluate the general dossier about designing and exploiting the natural forests and issue the decision to open the forests for exploitation by the provinces and cities directly under the Central Government.

d/ To make proposals for the Government to decide on the setting up of national parks, natural preserves, protection forests of national importance or located

on the territory of many provinces, national seed forests and assign them to organizations under the Ministry of Agriculture and Rural Development and relevant branches or the People's Committees in the provinces for management, protection and building.

e/ To elaborate sub-law documents to submit to the Government for promulgation and to promulgate according to their competence policies, regimes, regulations, technical processes and norms related to the management, protection, development and use of forests and forest land in the whole country.

f/ To organize in cooperation with the State Inspectorate the inspection and control of the State management of forests by the administration at various levels, the inspection of the observance of law on forests by the organizations, family households and individuals that have been assigned forests and forest land.

g/ To settle disputes on forests and to coordinate with the General Land Administration in the settlement of disputes on forest land among the forest owners in different provinces; to reward those organizations, family households and individuals with outstanding achievements.

h/ In special cases, to coordinate with the Ministry of Defense and the Ministry of Public Security in guiding the effective protection of forests and prevention and fight against forest fires.

To direct the Forest Rangers Service under the Ministry of Agriculture and Rural Development in sanctioning or prosecuting lawbreaking acts causing damage to the forest resources as provided for by law.

2. The General Land Administration is answerable to the Government for exercising State management over forest land.

3. The Ministry of Defense and the Ministry of Public Security have the responsibility to direct the grassroots units to take measures to coordinate with the Forest Rangers Service in patrolling and tracking down forest poachers, protecting forests, preventing and fighting forest fires and cooperating with the Agricultural and Rural Development Services to build and develop the forests. In particular, in deep-lying, remote and border areas and on offshore islands, the protection and development of forests must be linked to the protection of security and national defense.

Article 4.- Responsibility of the People's Committees of the provinces and cities directly under the Central Government (provincial People's Committees) in exercising State management over forests and forest land:

1. The Presidents of the provincial People's Committees are answerable to the Prime Minister for

protecting and developing forests and using forests and forest land in their localities.

a/ To organize the survey and classification of forests, inventorize the acreage and reserve of each type of forest, draw maps of forests and forest land in their localities under the guidance of the Ministry of Agriculture and Rural Development and the General Land Administration.

To direct the district-level People's Committees to monitor the evolution of the forest resources (in terms of structure, acreage and reserve), the forest land and make integrated reports to the provincial level.

b/ To draw up the general plan and plans to protect and develop forests, use forests and forest land in the locality and to submit them to the Provincial People's Council for approval before submitting them to the Government for ratification.

To guide the district-level People's Committees to make the general plan and plans to protect and develop forests and use forest land, to approve these general plans and plans.

To approve the overall design of forest owners of exploiting natural forests, to issue decisions to grant permits of exploitation after the Ministry of Agriculture and Rural Development has evaluated the overall dossier and issued the decision to open the forests for exploitation.

c/ To determine the protection forest areas and the nature preserve areas, forests with cultural and historical relics, scenery and touristic value in the localities after the written consent of the Ministry of Agriculture and Rural Development, of the related branches and assign their management and use to the organizations directly attached to the provincial level People's Committees.

d/ To allocate forest land and forests, retrieve forest land and forests, issue land use right certificates according to provisions of law; to direct the district-level People's Committees in allocating forests and forest land to family households and individuals.

With regard to the forest acreage and forest land in the communes which are not yet assigned to anyone for management and use, the commune-level People's Committee shall have to manage them and work out the plan to put them into use step by step.

e/ To organize the prevention and fight against forest fires and prevention and fight against forest pest in the locality.

f/ To organize the forest protection network, to mobilize forces to cooperate with the rangers service to prevent all acts of destruction of forests in the whole province.

g/ To organize according to the assigned competence the management of protection forests and special use forests in the province.

h/ To issue documents under its competence to direct the district and commune level People's Committees and the organizations, family households and individuals based in the province to implement the legislation, policies, regimes and regulations of the State on the management, protection, building and development of forests.

i/ To conduct inspection and control of the implementation of legislation on forest protection and development in the province. To sanction administrative violations in the management and protection of forests according to provisions of law.

j/ To settle disputes on the right to use forests and forest land according to provisions of law.

2. The provincial Agriculture and Rural Development Service is the agency to help the provincial People's Committee perform the responsibility of conducting State management of forests and forest land.

3. The Rangers Service is the agency to perform the responsibility of controlling and supervising the observance of the legislation on the management, protection and development of forests in the province. In special cases, it shall organize the cooperation with the armed forces and police in the locality to patrol and track down forest poachers and protecting the forests and prevent and fight against forest fires.

4. The Land Administration Service is the agency to help the provincial People's Committee perform the responsibility of State management of forest land.

Article 5.- Responsibility of State management of the district-level People's Committees of exerting State management over forests and forest land:

1. The President of the district-level People's Committee is answerable to the President of the provincial level People's Committee for the protection and development of forests and the use of forest and forest land in the district.

a/ Basing himself on the general plan and plans for forest development of the province, he shall draw up the general plan and plans to manage, protect and develop forests and use forest land in the district and submit them to the district People's Council for approval before submitting them to the provincial People's Committee for ratification.

He shall have to guide the drawing up and approval of the general plan and plans for forest protection and development and use of forests and

forest land of the People's Committees of communes and townships directly attached to the district.

b/ To monitor the evolution of the forest resources and the changes of the forest land in the district and periodically report to the provincial level People's Committee.

c/ To organize the allocation of forests and forest land, the retrieval of forests and forest land, to issue and revoke certificates of the right to use forest land with regard to persons and organizations under the competence of the district.

d/ To organize the network of forest protection, to mobilize the forces in the locality to coordinate with the rangers force in preventing all acts of destruction of forest and together with the forest owners to prevent and fight forest fires and prevent and fight forest pests.

e/ To guide the commune-level People's Committees in monitoring and inspecting the implementation of the regulations and contracts on land allocation, and the allocation and contracting of forests to the organizations, family households and individuals in the district.

f/ To issue documents under its competence to direct the implementation of the laws, policies, regimes and regulations of the State in the management, protection and development of forests, the use of forests and forest land in the district.

g/ To check and inspect the observance of legislation, policies, regimes and regulations on the management, protection and development of forests, the use of forests and forest land by the organizations, household families, individuals and communities of population in the district. To impose sanctions against administrative violations in the domain of management and protection of forests according to current legislation.

h/ To settle disputes on the right to use forests and forest land as prescribed by law.

2. The Agriculture and Rural Development Section is the agency to help the district-level People's Committee to perform the function of State management over forests.

3. The district Forest Rangers Service is the agency tasked to control and supervise the enforcement of legislation on the management, protection and development of forests in the district.

4. The Land Administration Section is the agency to help the district-level People's Committee perform the function of State management over forest land.

Article 6.- Responsibility of State management over forests and forest land of the People's Committee at the communes, wards and townships directly

attached to the district (commonly called commune-level People's Committee).

The President of the commune-level People's Committee is answerable to the President of the district-level People's Committee in the protection and development of forests and the use of forest land in the commune.

a/ To manage the forests and forest land in the commune in these fields: the list of forest owners; acreage and delimitation of the forests; the contracts on forest allocation, contracts on assignment and acceptance to protect, tend, reproduce and plant forests among organizations, family households and individuals in the commune.

b/ To direct the hamlets in elaborating and implementing conventions on management, protection, building and use of forests in the commune in line with the current legislation

c/ On the basis of the general plan and plans of the district, to draw up the general plan and plans to protect and develop forests, to use forests and forest land, to elaborate the plan of allocating forests and forest land to submit to the commune People's Council for approval before submitting to the district People's Committee for ratification; to organize the allocation of the forest land to organizations, family households and individuals under the guidance of the district People's Committee, certify the demarcation of forests and forest land among forest owners on the terrain.

d/ To monitor the evolution of forest resources and the changes in forest land and report them to the district agency; to regularly check the use of forests and forest land by organizations, family households and individuals in the commune.

e/ To coordinate with the rangers and the police and armed forces in the territory to organize the force of the masses to protect forests in the commune, detect and prevent in time violations and acts of sabotage against forests.

f/ To educate, persuade and guide the population to take measures to prevent and fight forest fires, to mobilize forces to help forest owners to fight forest fires in the commune.

g/ To impose sanctions against administrative violations in the domain of management and protection of forests according to their competence.

h/ To reconcile the disputes on forests and forest land in their respective locality.

Article 7.- This Decision takes effect 15 days after its signing; the previous regulations which are contrary to this Decision are now annulled.

Article 8.- The Ministers, the Heads of ministerial-

level agencies, the Heads of agencies attached to the Government, the Presidents of the People's Committees of the provinces and centrally-run cities shall have to organize the implementation of this Decision.

The Prime Minister
PHAN VAN KHAI