

TANCE FROM THE WORLD FOOD PROGRAM (PAM)

THE PRIME MINISTER

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

Pursuant to the Law on Protection and Development of Forests of August 19, 1991;

Pursuant to the Land Law of July 14, 1993;

In order to make the management and use of PAM forests suitable to the project objectives: supporting poor peasant households to plant forests on unused land and bare hills, meeting the people's demand for firewood and wood for domestic use, raising the forests' protection capacity against land erosion, protecting soil and improving the ecological environment;

At the proposal of the Minister of Agriculture and Rural Development in Report No.2498/BNN-CS of June 26, 1998,

DECIDES:

Article 1.- Forests planted with financial assistance from the World Food Program (or PAM forests for short) mentioned in this Decision are forests planted with PAM's aid capital and the forest owners have themselves invested more capital and labor in tending and protecting forests according to the objectives of the projects.

Article 2.- The principles for managing and using PAM forests:

1. The forest owners, when exploiting and using PAM forests, shall have to ensure their recuperation in a stable and sustainable manner and promote their effects in prevention and environmental protection.

2. Ensuring the right of the forest owners to enjoy benefits in conformity with the project objectives already agreed upon by the Government and PAM.

3. Creating favorable conditions for forest owners to exploit, use and consume products from PAM forests.

Article 3.- Subjects determined as PAM forest

THE PRIME MINISTER

DECISION No. 145/1998/QĐ-TTg OF AUGUST 15, 1998 ON THE POLICY OF MANAGEMENT AND USE OF FORESTS PLANTED WITH FINANCIAL ASSIS-

owners:

1. PAM forest owners shall be organizations, households and/or individuals that meet one of the following conditions:

a) Having directly received aid capital from PAM for afforestation on land allocated by the State for stable and long-term use;

b) Having directly received aid capital from PAM for afforestation on land contracted by persons having the lawful and long-term land use right under contracts signed between the two parties;

c) Having been legally transferred by cooperatives, organizations, households and/or individuals the PAM forests or the right to use forest land on which the transferees have planted PAM forests.

2. PAM forests planted by organizations, households and/or individuals on land planned for special-use forests and protective forests in very crucial regions and crucial regions shall be transferred to organizations which are entrusted by the State to manage such forests, functioning as forest owners. These organizations shall contract such forests on stable and long-term basis to the said organizations, households and/or individuals for protection and exploitation according to the regulations prescribed for each forest type.

3. Production PAM forests planted on the land planned for production forests by cooperatives or organizations, which have dissolved but not yet legally transferred the right to use such land and forests, shall be transferred to the commune People's Committees that directly manage them, so as to contract them to households.

Article 4.- The PAM forest use policy:

For PAM forests planted on land planned for production forests and protective forests in less crucial regions, and local protective forests within a hamlet or a commune, the forest owners shall be entitled to fully own the forests they have planted, to transfer, bequeath and mortgage them, and to exploit and use PAM forest products in accordance with the regulation on management of each forest type.

Households which are contracted protective forests in very crucial regions and crucial regions shall be entitled to enjoy all products from pruning and agricultural-cum-forestral activities and forest by-products under the forest foliage; and to exploit forests according to the design of the contractual assignor

and the regulation on management of each forest type.

When exploiting and consuming PAM forest products, the forest owners shall only inform the nearest ranger station or the People's Committee of the concerned commune or township so that within ten days they shall be issued certificates that these products are lawfully exploited from planted forests which shall serve as basis for transport and circulation.

Article 5.- The obligations of the forest owners when exploiting PAM forests

1. To reforest or promote the forest recuperation so as to restore the forests and ensure their sustainable development thereby to preserve and stabilize the ecological environment.

Within one year after the exploitation, if the forest owners fail to take measures to restore the forests, the ranger stations or the People's Committees of communes shall request the district People's Committees to recover the land and the investment aid capital already provided by PAM program to the forest owners, and then assign them to others for use and reforestation.

2. To pay land use levy as prescribed by law.

3. To support the commune budget with a sum of money equivalent in the value of 100 kg of rice for each hectare if forests are planted with perennial trees for exploitation at one time, or equal to 3% of the value of annually exploited products if forests are planted with perennial trees for annual exploitation (resin pine-trees, fruit trees...). Such sum of money shall be used only for purpose of managing, protecting and developing forests of the commune.

Article 6.- This Decision takes effect 15 days after its signing and shall apply only to PAM forests. The previous documents which are contrary to this Decision are now annulled.

Article 7.- The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government and the presidents of the People's Committees of the concerned provinces and cities directly under the Central Government shall have to implement this Decision.

For the Prime Minister
Deputy Prime Minister
NGUYEN CONG TAN