

**GOVERNMENT**

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**SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

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*Hanoi, July 29, 2019*

## **DECREE**

### **ON PRESERVATION AND SUSTAINABLE USE OF WETLANDS**

*Pursuant to the Law on Government Organization dated June 19, 2015;*

*Pursuant to the Law on Biodiversity dated November 13, 2008;*

*At the request of the Minister of Natural Resources and Environment;*

*The Government promulgates Decree on preservation and sustainable use of wetlands.*

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope of regulation and regulated entities**

##### 1. Scope:

This Decree regulates the preservation and sustainable use of wetlands in Vietnam.

##### 2. Regulated entities

This Decree applies to domestic organizations, households and individuals, Vietnamese living abroad, foreign organizations and individuals whose operations are directly or indirectly related to the preservation and sustainable use of wetlands in Vietnam.

#### **Article 2. Term interpretation**

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

1. “*Wetland preservation*” refers to the maintenance and protection to the structure, functions, ecological characteristics and biodiversity of wetlands.

2. “*Wetland ecosystem services*” are benefits brought to human by the wetland ecosystem.

3. "*Wetland ecological attribute*" refers to a combination of components, processes and ecosystem services relating to wetlands at a specific time.
4. "*Ramsar Convention*" is the abbreviation for Convention on wetlands of international importance.
5. "*Wetland ecosystem*" refers to the biome of organisms and non-living factors in a specific wetland interacting and exchanging matters with one another.
6. "*Wetland preservation*" refers to the wildlife sanctuary whose wetland area accounts for at least 50% of the preservation area.
7. "*Ramsar region*" is a wetland having international importance recognized by the Secretariat of the Ramsar Convention.
8. "*Wetlands*" are swamps, peatlands, regularly or seasonally submerged areas, including coastal areas or island coastal areas no deeper than 06 metres at lowest tide.

### **Article 3. Wetland preservation and sustainable use principles.**

1. The wetland preservation and use must be implemented based on the ecosystem assessability principles, ensure structural, functional, attributes and biodiversity of the wetlands.
2. Enhance the role and participation of the residential community living on or around the wetland and relevant parties in the wetland preservation and principles.
3. Ensure a fair and reasonable share regarding rights and obligations of relevant parties in the use of wetland ecosystem services.

### **Article 4. State management on wetland preservation and sustainable use**

The state management on wetland preservation and sustainable use includes:

1. Issue and implement legislative documents regarding preservation and sustainable use of wetlands; provisions of the Ramsar Convention.
2. Develop and implement strategies and plans on preservation and sustainable use of nationwide and local wetlands.
3. Stocktaking, inventory management; inspection, assessment, development and management of database of wetlands; monitor and track the environment quality and biodiversity progress of important wetlands; compile, appraise, issue and adjust the list of important nationwide wetlands

4. Organize the establishment, appraisal and management of wetland sanctuaries; propose Ramsar sites recognition and management; provide guidelines on the management of wetlands outside of the sanctuaries.

5. Organize the research, application of information and technology advancement, international cooperation and personnel training for the preservation and sustainable use of wetlands.

6. Inspect and take actions against violations relating preservation and sustainable use of the important wetlands.

7. Publicize, popularize and teach the law, raise awareness and encourage participation of relevant parties and community regarding the preservation and sustainable use of wetlands.

### **Article 5. Encouraged wetland activities**

The State encourages domestic and foreign organizations and individuals to invest and participate in the following activities:

1. Protect the environment, preserve biodiversity and protect natural ecosystems and migratory birds in the wetlands.

2. Restore the important wetlands and the natural wetland ecosystems that have degraded or have been overly extracted; maintain and prevent the change of wetland ecological attributes.

3. Monitor activities on the important wetlands; promptly discover and inform regulatory authorities about violations against important wetland preservation and sustainable use laws.

4. Implement the environmentally sustainable livelihood framework, the frameworks of preservation and sustainable use of wetlands and ecotourism as per law.

## **Chapter II**

### **WETLANDS STOCKTAKING, INVENTORY MANAGEMENT, INSPECTION, ASSESSMENT AND MONITOR**

#### **Article 6. Wetland stocktaking and inventory management**

The wetlands must be carried out for stocktaking, inventory management and publication according to land laws; sea and islands natural resources and environment laws.

#### **Article 7. Wetland inspection and assessment**

1. The wetlands must be inspected, assessed and established for preservation and sustainable use mode.
2. Basic information of a wetland that needs to be collected, inspected and assessed:
  - a) Name, geographical location, perimeter and coordinates of the wetland on a map displaying the current use of land or coordinates on sea level; wetland area (ha) and wetland types.
  - b) Basic ecosystem functions and services; economic, cultural, societal and environmental values of the wetland;
  - c) Species that live, reside and grow in the wetland, including indigenous, endangered, rare, precious and migratory species; species and number of water bird individuals;
  - d) Threats, methods of preservation and use of the wetland.
3. The People's Committees of provinces and central-affiliated cities shall have the responsibilities to organize inspection and assessment with respect to wetlands within their provinces and propose important wetlands within their provinces according to the guidelines provided by the Ministry of Natural Resources and Environment.

#### **Article 8. Important wetland criteria**

1. An important wetland is a wetland whose area is at least 50ha with respect to coastal or island coastal wetlands or at least 5ha with respect to inland wetlands containing important natural ecosystems that meet any of the following criteria:
  - a) Containing at least 01 type of natural wetland that is considered as particularity or a representative of an ecoregion;
  - b) Serving as a regular or seasonal natural home to at least 01 endemic, endangered, rare, precious species or to at least 1,000 individuals of water bird or migratory bird, or serving as a place for nursing and reproduction of a valuable fishery;
  - c) Playing an important role in regulating the water sources, balancing the ecology of a local, interprovincial, national or international ecoregion;
  - d) Having special local, national or international values regarding scenery, ecology, ecological anthropology or culture.
2. An important wetland must be classified into a national important wetland or a local important wetland.

3. A national important wetland is a wetland whose area is at least 5,000ha with respect to a coastal or island coastal wetland or at least 300ha with respect to an inland wetland that meets any of the following criteria:

- a) Containing at least at least 01 type of natural wetland that is considered as particularity or a representative of an interprovincial or national ecoregion;
- b) Serving as a regular or seasonal home to at least 01 endemic species or 05 species specified in the list of endangered, rare, precious species or 01 species specified in the list of endangered, rare, precious species that must be prioritized for protection, or to at least 10,000 individuals of water bird, migratory bird;
- c) Playing an important role in regulating the water sources, balancing the ecology of an interprovincial or national ecoregion;
- d) Having special national values regarding scenery, ecology, ecological anthropology or culture.

4. A local important wetland is an important wetland under management of a province, central-affiliated city as specified in Clause 1 of this Article, excluding national important wetlands specified in Clause 3 of this Article.

#### **Article 9. List of important wetlands**

1. The list of important wetlands must contain the following basic information:

- a) Name, geographical location, perimeter and coordinates of the wetlands;
- b) The area of the wetlands and wetland types;
- c) The important wetland criteria and classification of important wetlands;
- d) The wetland management and preservation methods.

2. Based on the request of provinces and central-affiliated cities, the Ministry of Natural Resources and Environment shall consolidate, appraise and issue the list of nationwide important wetlands.

3. Adjustment to the list of important wetlands:

- a) On a 05-year basis or when necessary, the Ministry of Natural Resources and Environment shall revise, update and adjust the list of nationwide important wetlands;
- b) Provided there are changes regarding the area of the important wetlands, the People's Committees of provinces, central-affiliated cities and relevant ministries shall send the

stocktaking and inventory management results to the Ministry of Natural Resources and Environment for update and adjustment to the list of important wetlands.

4. The important wetlands specified in the published list shall be one provision in a comprehensive provincial plan for biodiversity preservation and planning.

#### **Article 10. Important wetland monitoring**

1. The monitoring contents of an important wetland include:

- a) The area and parameter of the wetland and wetland types;
- b) Hydrographic facts, water and bottom sediment quality;
- c) Biodiversity and threats.

2. Organize the monitor implementation:

- a) The managing body of the important wetland shall have the responsibility to monitor the contents specified in Clause 1 of this Article;
- b) The water and sediment monitor locations in the national or local important wetland are one part of the national or local environment quality monitoring network;
- c) The monitor of hydrographic facts in the important wetland shall follow hydrographic monitor regulations.

#### **Article 11. Wetland database**

1. The database of wetlands serves as a part of the national database of biodiversity and includes:

- a) Information and data regarding inspection, stocktaking, assessment and monitor of wetlands;
- b) The legislative documents, technical standards and regulations, technical procedures and economic and technical norms regarding the wetlands;
- c) Other information and data regarding the wetlands.

2. On a 03 years basis, the provincial People's Committees shall have the responsibility to send reports on the wetlands under their management to the Ministry of Natural Resources and Environment.

3. The Ministry of Natural Resources and Environment shall take charge and cooperate with relevant ministries, ministerial agencies and the People's Committees of provinces

and central-affiliated cities to develop reports on nationwide wetlands; develop and manage the database of wetlands to ensure consistency with the national database of biodiversity.

### **Chapter III**

## **IMPORTANT WETLAND MANAGEMENT**

### **Section 1. WETLAND SANCTUARY ESTABLISHMENT**

#### **Article 12. Requirements for establishment of wetland sanctuaries**

1. The wetland sanctuaries shall be classified into national level, provincial level and categorized as national parks, nature reserves, habitat/species management areas and landscape protection areas according to the Law on Biodiversity.

2. A wetland is considered for establishment of a national wetland sanctuary if that wetland:

- a) is an important national wetland specified in the publicized list of important wetlands;
- b) meets the requirements to be deemed as a national sanctuary according to the Law on Biodiversity.

3. A wetland is considered for establishment of a provincial wetland sanctuary if that wetland:

- a) is specified in the publicized list of important wetlands;
- b) meets the requirements to be deemed as a provincial sanctuary according to the Law on Biodiversity.

#### **Article 13. Establishment of national wetland sanctuaries**

1. The responsibilities to conceive and appraise the project to establish a national wetland sanctuary:

- a) The Ministry of Natural Resources and Environment shall take charge and cooperate with relevant People's Committees of central-affiliated cities and provinces to prepare a plan for the establishment of the national wetland sanctuary situated on territories of at least 02 provinces and central-affiliated cities;
- b) The People's Committees of provinces and central-affiliated cities shall prepare a plan for the establishment of the national wetland sanctuary situated entirely in their respective province and send the dossier to the Ministry of Natural Resources and Environment for appraisal.

c) The Ministry of Natural Resources and Environment shall form an interdisciplinary appraisal council to appraise the project on the establishment of the national wetland sanctuary. The composition of the appraisal council includes: the Chairmen shall be the leaderships of the Ministry of Natural Resources and Environment, the members shall be the representatives of the following ministries: Natural Resources and Environment, Agriculture and Rural Development, Finance, Planning and Investment, Home Affairs, Culture, Sports and Tourism; the representatives of the People's Committees of the provinces where the national wetland sanctuary is expected to be located; the experts and representatives of other relevant agencies.

2. The procedures for the conception and appraisal of the project to establish a national wetland sanctuary:

a) Inspecting and assessing the current conditions regarding the biodiversity, environment, economy, culture and society of the wetland expected to be established as a national wetland sanctuary;

b) Conceiving the projects on the establishment of the national wetland sanctuary including the contents specified in Clause 3 of this Article;

c) Consulting relevant ministries, ministerial agencies and provincial People's Committees (with respect to national wetland sanctuaries situated on at least 02 provinces or central-affiliated cities), the community legally living on or adjacent to the wetland expected to be established as the sanctuary;

d) Appraising the application for the establishment of the national wetland sanctuary with respect to the following information: the purpose of biodiversity protection of the sanctuary; the satisfaction levels of the requirements for the sanctuary establishment; the geographical location, perimeter and area of the sanctuary, the specialized zones and the buffer zones of the sanctuary; the sanctuary management plan; the sanctuary management and remarks of relevant parties as specified in Point c Clause 2 of this Article;

dd) Preparing the application for the establishment of the national wetland sanctuary as specified in clause 5 of this Article and propose the Prime Minister for establishment decision.

3. The contents of the wetland sanctuary establishment project include:

a) The purposes of the biodiversity conservation; the satisfaction of requirements for the establishment of the wetland sanctuary;

b) The current conditions of natural, artificial and peculiar ecosystems; the endangered, rare and precious species; the species specified in the list of endangered, rare and precious species that must be prioritized for protection; other wild species; environmental scenery, cultural and historical values, unique features of nature and important wetland ecosystem services of the area where the sanctuary is expected to be located;

- c) The assessment of the current wetland management and use conditions; the current economic and cultural conditions of the area where the sanctuary is expected to be located, the threats to the wetland and the solutions for the shift in land use purposes;
- d) The extraction of the map, geographic location and area of the wetland expected to be established as the sanctuary;
- dd) The geographical location and area of the strictly protected zone, the ecological restoration zone and the service – administrative zone; the boundaries of each zone; the solutions for the stabilization of the livelihoods or relocations of households and individuals away from the area expected to be established as the sanctuary;
- e) The sanctuary management plan;
- g) The sanctuary management organization;
- h) The geographical location, area and boundaries of the buffer zones of the area expected to be established as the sanctuary;
- i) The implementation of the sanctuary establishment project.

4. The application for the appraisal of the national wetland sanctuary establishment consists of:

- a) The establishment application and the draft decision on the sanctuary establishment;
- b) The project on the sanctuary establishment consists of the contents specified in Clause 3 of this Article;
- c) The remarks of the community legally living on or adjacent to the wetland expected to be established as the sanctuary;
- d) The written agreements of the provincial People's Committees with respect to the national wetland sanctuaries situating on at least 02 provinces and central-affiliated cities; the documents of the provincial People's Committees requesting for the appraisal of the establishment of the national wetland sanctuaries situating on 01 province or central-affiliated city.

5. The application for the establishment of the national wetland sanctuary sent to the Prime Minister consists of:

- a) The application form for the establishment of the national wetland sanctuary and the draft decision on the sanctuary establishment that is completed after the meeting of the appraisal council;

- b) The project on the establishment of the national wetland sanctuary is completed as requested by the appraisal council and relevant parties;
  - c) The remarks of the community legally living on or adjacent to the wetland expected to be established as the sanctuary;
  - d) The written agreements of the provincial People's Committees with respect to the national wetland sanctuaries situating on at least 02 provinces and central-affiliated cities; the documents of the provincial People's Committees requesting for the establishment of the national wetland sanctuaries situating on 01 province or central-affiliated city.
  - dd) The appraisal results and the records of the meetings of the interdisciplinary appraisal council about the project on the establishment of the national wetland sanctuary.
6. The Prime Minister shall decide to establish the national wetland sanctuary.
7. The decision to establish the national wetland sanctuary shall include the contents specified in the Law on Biodiversity.

#### **Article 14. Establishment of provincial wetland sanctuaries**

1. The responsibilities to establish and appraise the project to establish a provincial wetland sanctuary:
- a) The People's Committees of provinces and central-affiliated cities shall conceive the plan for the establishment of the provincial wetland sanctuary.
  - b) The Chairmen of the provincial People's Committees shall form an appraisal council for the project on the establishment of the provincial wetland sanctuary; The composition of the appraisal council includes: the Chairmen shall be the leaderships of the provincial People's Committees, the members shall be the following ministries: Natural Resources and Environment, Agriculture and Rural Development, Finance, Planning and Investment, Home Affairs, Culture, Sports and Tourism; the representatives of the People's Committees of the districts where the sanctuary is expected to be located; the experts and representatives of other relevant agencies.
2. The procedures for the establishment and appraisal of the project to establish a provincial wetland sanctuary:
- a) Inspecting and assessing the current conditions regarding the biodiversity, environment, economy, culture and society of the wetland expected to be established as a provincial wetland sanctuary;
  - b) Conceiving the project on the establishment of the provincial wetland sanctuary including the contents specified in Clause 3 Article 13 of this Decree;

c) Consulting the Ministry of Natural Resources and Environment, People's Committees of all levels, relevant ministries and the community legally living on or adjacent to the wetland expected to be established as the provincial wetland sanctuary;

Within 30 days from the date on which the consultation documents of the provincial People's Committees are received, the Ministry of Natural Resources and Environment, the relevant People's Committees of all levels and ministries must submit their remarks.

d) The organizations appraising the application for the establishment of the provincial wetland sanctuary are specified in Point b Clause 1 of this Article. The appraisal information includes: the purpose of biodiversity protection of the sanctuary; the satisfaction levels of the requirements for the sanctuary establishment; the geographical location, perimeter and area of the sanctuary, the specialized divisions and the buffer zones of the sanctuary; the sanctuary management plan; the sanctuary management and remarks of relevant parties as specified in Point c Clause 2 of this Article;

Within 60 days from the date on which the documents are adequately received, the provincial People's Committees shall finish appraising the establishment of the provincial wetland sanctuary.

dd) Completing the application and proposing the Chairmen of the provincial People's Committees for establishment decision.

3. The application for the appraisal of the national wetland sanctuary establishment consists of:

a) The establishment application and the draft decision on the sanctuary establishment;

b) The project on the establishment of the provincial wetland sanctuary including the contents specified in Clause 3 Article 13 of this Decree;

c) Consulting the Ministry of Natural Resources and Environment, People's Committees of all levels, relevant ministries and the community legally living on and adjacent to the wetland expected to be established as the sanctuary;

4. The application sent to the People's Committees of provinces and central-affiliated cities for the establishment of the provincial wetland sanctuary consists of:

a) The application form for the establishment and the draft decision on the sanctuary establishment that is completed after the meeting of the appraisal council;

b) The project on the establishment of the wetland sanctuary is completed as requested by the appraisal council and remarks relevant parties specified in Point c Clause 3 of this Article;

c) The appraisal results and the records of the meetings of the appraisal council about the project on the establishment of the wetland sanctuary.

5. The Chairmen of the provincial People's Committees shall decide to establish the provincial wetland sanctuary.

6. The decision to establish the provincial wetland sanctuary shall include the following information:

a) The geographical location, boundaries and area of the sanctuary and buffer zones;

b) The geographical location, boundaries and area of the strictly protected zone, the ecological restoration zone and the service - administrative zone;

c) The biodiversity conservation purposes of the sanctuary;

d) The plans to restore natural ecosystems in the sanctuary;

dd) The solutions for stabilization or relocations of households and individuals living in the sanctuary; the solutions for shift in use purposes of the land in the sanctuary;

e) The sanctuary management, including the functions, tasks and management organizational structure of the sanctuary;

g) The sanctuary operational expenditure;

h) The responsibilities of relevant ministries and organizations regarding the sanctuary management and organizations deciding to establish the sanctuary.

## **Section 2. WETLAND SANCTUARY MANAGEMENT**

### **Article 15. Wetland sanctuary management**

1. The management of the wetland sanctuaries shall comply with provisions of the Law on Biodiversity.

2. The wetland sanctuary management means the performance of tasks and functions specified in the Law on Biodiversity and the following particular tasks:

a) Managing the use of wetland ecosystem services according to the regulations on the wetland sanctuary management and relevant law provisions;

b) Implementing activities relating preservation of wetlands in the sanctuaries according to the programs, plans, projects and schemes approved by the competent authorities;

c) Implementing ecotourism and benefits sharing methods in the sustainable use of wetland sanctuary ecosystem services after approved by the competent authorities as per law;

d) Cooperating with the forces fisheries surveillance, forest protection, coast guard, rescuing and emergency response forces, provincial specialized management agencies and community in the management, preservation and use of the wetland ecosystem services;

dd) Implementing control, quarantine and eradicate programs with respect to foreign infesting intruders in the important wetlands and the protection program for the endangered, rare, precious species in the wetlands;

e) Fully performing regular inspection, monitor and report as specified in this Decree and other relevant law provisions.

#### **Article 16. Determination and management of activities in specialized zones of wetland sanctuaries**

1. The wetland sanctuaries shall be separated into specialized zones. The specialized zones must be identified regarding area; boundaries, coordinates on the map of the wetland sanctuary establishment project and marked, designated for boundaries on sites after the establishment decision is made by the competent authorities. To be specific:

a) The strictly protected zone is a zone determined with an area adequate to completely conserve the referenced sample of the wetland ecosystem according to the natural progress of this ecosystem;

b) The ecological restoration zone is a zone determined to restore, conserve and use sustainably to ensure the ability to reinvigorate this ecosystem;

c) The service – administrative zone is a zone determined to serve the sanctuary operation and management, scientific research, environmental education, ecotourism, biodiversity preservation and sustainable use.

2. The activities taking place in each wetland sanctuary must comply with the specific management regulations of the sanctuary promulgated by the competent authorities as specified in Clause 2 Article 18 of this Decree and must not be contrary to provisions specified in Clause 3, Clause 4, Clause 5 of this Article.

3. Regulations of the strictly protected zones:

a) Do not: intercept the path of aquatic animals; inspect, survey, scout or extract minerals; illegally reside; trespass the wetlands, illegally change the land use purposes; vandalize the scenery, destroy the natural ecosystem and behavior causing negative impact towards the wetland sanctuary;

b) Do not implement activities that change the wetland ecological attributes, including: changes in hydrographic facts; environmental pollution; changes in the structure of the ecosystem and drastic changes in the species compositions;

c) Do not hunt, fish or extract wild animals except for scientific research purposes approved by the competent authorities; do not raise livestock, poultry, fishery or construct buildings, houses except for works serving national defense and security purposes;

d) Protect the natural development of the ecosystem, natural habitat of water birds, migratory birds and conserve species in the list of endangered, rare, precious species; The list of endangered, rare, precious species that must be prioritized for protection and local species;

dd) May collect specimens of the species as per law;

e) May adopt measures to prevent diseases and ecological collapse within the zone.

#### 4. Regulations of the ecological restoration zones:

a) Comply with the provisions specified in Point a, Point b Clause 3 of this Article; do not raise livestock, poultry on a farm scale, fish farming on an industrial scale; illegally construct buildings or houses; do not hunt water birds nor migratory birds; protect the species specified in the list of endangered, rare, precious species; the list of endangered, rare, precious species that must be prioritized for protection and local species;

b) Provide assisted natural regeneration to the aquatic animals, plant and enrich the saltwater forest ecosystem with the local species; restore the coral reefs, seagrass beds and suitable habitats of the endangered, rare, precious species as per law;

c) May release, headstart the local species; restore and protect the natural wetland ecosystem within the zone;

d) May collect specimens of the species as per law;

dd) May provide recreational and ecotourism services as per law;

e) Adopt measures to prevent changes in the wetland ecological attributes and restore the wetland ecosystem within the zone.

#### 5. Regulations of the service – administrative zones:

a) Comply with the provisions specified in Point a, Point b Clause 3 of this Article;

b) The environmental impact assessment must be adopted for the constructions or investment projects serving the preservation of biodiversity, development of the natural

ecosystem combining with the ecotourism and environmental education activities taking place within the wetland sanctuaries according to environment protection laws;

c) May conduct environmentally sustainable fishery and assist the regeneration of the local species as per law;

d) May collect specimens of the species as per law;

dd) May provide ecotourism, recreational and other services as per law;

e) Adopt measures to protect the environment and natural scenery within the zone.

### **Article 17. Plan for wetland sanctuary management**

1. The plans for the wetland sanctuary management is parts of the wetland sanctuary establishment projects.

2. The agencies conceiving the projects on the sanctuary establishment shall develop the management plans for the sanctuaries based on the basic contents specified in Clause 3 of this Article.

3. The basic contents of the plans for the wetland sanctuary management:

a) Summaries regarding the natural, socio-economic, national security and defense conditions; biodiversity, cultural – historical sites, natural scenery;

b) The objectives and range of biodiversity management and preservation in the wetland sanctuaries;

c) The specialized zones of the sanctuaries, the programs regarding preservation, sustainable use and restoration of biodiversity; the restoration plans for the natural ecosystems in the sanctuaries;

d) The threats to the wetland sanctuaries and the wetland management, protection, sustainable development;

dd) The prioritized topics, projects and the investment expenditure approximations, phasing of the investment in the wetland sanctuaries; the regular expenditure on the biodiversity protection and preservation;

e) Solutions and implementation.

4. The provincial People's Committees shall approve the plans for the wetland sanctuary management with respect to the wetlands within their competence; The Ministry of Natural Resources and Environment shall approve the plans for the wetland sanctuary management within their competence.

## **Article 18. Regulations on wetland sanctuary management**

1. The sanctuary management agencies shall develop the regulations on the sanctuary management after the sanctuary establishment and request issuance from the competent authorities. With respect to regulations on the management of sanctuaries situated on one province or central-affiliated city, consult the Ministry of Natural Resources and Environment before requesting approval from the provincial People's Committees.

2. The basic contents of the regulations on the wetland sanctuary management include:

a) Scope of regulations and regulated entities

b) The boundaries of the sanctuaries and the specialized zones thereof;

c) The management of activities within the sanctuaries;

d) The powers and responsibilities of the sanctuary management organizations; the specialized regulatory agencies; The People's Committees of districts or communes whose divisions are included in the sanctuaries or the buffer zones of the sanctuaries and other organizations, individuals involved in the sanctuary operations;

dd) The regulation resources and implementation.

3. The responsibilities to issue the regulations on the wetland sanctuary management

a) The Ministry of Natural Resources and Environment shall issue the management regulations with respect to the wetland sanctuaries situated on the territories of at least 02 provinces and central-affiliated cities;

b) The Chairmen of the provincial People's Committees shall approve the management regulations with respect to the wetland sanctuaries within their competence.

## **Article 19. Management of wetland sanctuary buffer zones**

1. The buffer zone requirements:

a) A buffer zone shall determined to be the adjacent area, surrounding the boundary of the wetland sanctuary and based on the commune-level administrative perimeter; with respect to areas without administrative divisions, the buffer zone shall be determined to be at least 1,000 meters wide from the boundary of the wetland sanctuary;

b) The perimeter and area of the buffer zone shall be determined on the map and on sites while the conception of the wetland sanctuary establishment project is taking place.

2. The buffer zone shall be managed to prevent and reduce the adverse effects on the wetland sanctuary; to limit the projects and activities causing negative impacts on the wetland sanctuary.

3. The People's Committees of district-level, commune-level whose divisions are included in the buffer zone shall have the responsibilities to:

a) publicize and encourage people living adjacent to the bufferzone to comply with wetland preservation and sustainbale use laws; adopt measures to prevent any damage to the wetland sanctuary;

b) manage, sustainably use the natural resources, protect the environment and biodiversity of the buffer zone as per law;

c) cooperate with the sanctuary management organizations, the sanctuary management agencies or relevant parties in dealing with issues of the sanctuaries within their competence as per law.

4. The wetland sanctuary management organizations shall have the responsibilities to:

a) adopt measures to encourage the local community around the buffer zone to participate in the sanctuarly management, sustainable use of natural resources within the buffer zone;

b) cooperate with the local governments and the relevant specialized agencies in dealing with issues relating the buffer zone;

c) take charge or cooperate with relevant parties in implementing projects on buffer zone investment, reduction of pressure on the biodiversity of the wetland sanctuaries approved by the competent authorities.

5. Organizations, households, individuals or local community living or having activities in the buffer zone of the wetland sanctuaries shall have the responsibilities and rights to participate in the environmental protection and biodiversity conservation of the santuaries and the sustainable development of the buffer zone organized by the sanctuary management agencies or the local government.

## **Article 20. wetland sanctuary transformation, change in classification and categories**

1. The national parks, nature reserves, habitat/species management areas and landscape protection areas whose wetlands account for at least 50% of the sanctuary areas shall be considered for transformation to wetland sanctuaries and shall benefit from investment policies regarding preservation and sustainable use of wetlands as specified in this Decree and relevant law provisions.

2. The wetland sanctuaries shall be considered for changes in categories or management classification based on practical situations and the requirements for wetland categorization and classification specified in Article 12 of this Decree.

3. The changing of categories or management classification of the wetland sanctuaries shall comply with provisions on conceiving, appraising and approving the projects on establishing the wetland sanctuaries as specified in Article 13, Article 14 of this Decree.

#### **Article 21. Adjustments to wetland sanctuary boundaries and areas**

1. The wetland sanctuaries shall be considered for adjustments to boundaries and areas to meet the practical management facts.

2. The adjustments to the boundaries and areas of the wetland sanctuaries shall comply with provisions on conceiving, appraising and approving the projects on establishing the wetland sanctuaries as specified in Article 13, Article 14 of this Decree and relevant law provisions.

#### **Article 22. Provisions on preservation and sustainable use of important wetlands situated in reserve forests and marine sanctuaries**

The reserve forests and marine sanctuaries full or partially situated on the wetlands specified in the list of important wetlands shall have the responsibilities to:

1. develop contents regarding protection, preservation and sustainable use of wetlands in the management plans and regulations of reserve forests and marine sanctuaries.

2. implement wetland ecosystem preservation activities, maintain the natural hydrographic facts and ensure the water quality with respect to the wetlands situated in the reserve forests and marine sanctuaries as specified in this Decree and relevant law provisions.

3. assess the facts of the wetlands situated in the reserve forests and marine sanctuaries and adopt measures to preserve and sustainably develop the wetland biodiversity.

4. on a 03-year basis or irregularly, report on the management of wetlands situated in the reserve forests and marine sanctuaries to the regulatory agencies specialized in biodiversity.

#### **Article 23. Ramsar region management**

1. The management contents with respect to activities taking place in the Ramsar regions:

a) Adopt the regulations on the wetland sanctuary management;

b) Develop and implement the wetland preservation and sustainable use program; the Ramsar region management plan; monitor and assess the shift in the ecological attributes of the Ramsar regions on a 06-year basis;

c) Report and provide information on the Ramsar regions at the request of the national agencies in charge of the Ramsar Convention and promptly report on the shift in the ecological attributes of the Ramsar regions;

d) Assess the effectiveness of the Ramsar region management and requirements regarding wetland preservation and sustainable use of the Secretariat of the Ramsar Convention.

2. The Ministry of Natural Resources and Environment is the national agency in charge of providing guidelines on the implementation of the Ramsar Convention; establishing and coordinating activities in the nationwide Ramsar region network.

3. The People's Committees of provinces or central-affiliated cities shall have the responsibilities to cooperate with the Ministry of Natural Resources and Environment to prepare documents proposing, managing the Ramsar regions and to organize the implementation of the Ramsar Convention activities in their provinces and cities based on the guidelines of the Ministry of Natural Resources and Environment.

### **Section 3. MANAGEMENT OF IMPORTANT WETLANDS SITUATED OUTSIDE OF SANCTUARIES AND SHARED BENEFITS IN IMPORTANT WETLAND USES**

#### **Article 24. Management of important wetlands outside of sanctuaries**

1. The provincial environmental protection specialized agencies shall assist the People's Committees of provinces and central-affiliated cities in performing state management regarding preservation and sustainable use of important wetlands in the provinces; develop and request the Chairmen of the provincial People's Committees to issue the implement the regulations on collaborated management of the important wetlands situated outside of sanctuaries within the provinces.

2. The organizations and individuals operating on important wetlands shall have the responsibilities to preserve and sustainably use the wetlands according to the regulations on collaborated management of the important wetlands and relevant law provisions.

#### **Article 25. Provisions on preservation and sustainable use of important wetlands outside of sanctuaries**

1. The requirements applied to activities on the important wetlands situated outside of the sanctuaries:

- a) Maintain the natural hydrographic facts of the wetlands; maintain and protect the wetland functions and ecosystem services;
- b) Do not carry out activities that pollute the important wetlands; do not harm the endangered, rare, precious species and the habitats of the migratory birds, water birds, nursing and reproduction place of the fisheries;
- c) Protect the scenery, the cultural, historical heritage of the wetlands;
- d) Perform the environmental impact assessment on the investment according to the environmental protection laws; do not carry out investment projects that harm the wetland functions or ecosystem services and change the ecological attributes of the important wetlands;
- dd) Adopt measures to prevent the shift in the ecological attributes of the important wetland; restore the collapsed important wetlands;
- e) Exercise the contents specified in the regulations on collaborated management of the important wetlands issued by the Chairmen of the provincial People's Committees.

2. The basic contents of the regulations on collaborated management of the important wetlands include:

- a) The boundaries and areas of the important wetlands;
- b) The threats from the wetlands and the requirements applied to activities in the important wetlands, including the specific requirements of activities allowed and not allowed to be implemented on the important wetlands;
- c) The responsibilities of organizations and individuals carrying out activities on the wetlands, the regulatory agencies of provinces, the People's Committees of all levels whose provinces are included or adjacent to the important wetlands and parties related to the important wetlands;
- d) The resources for the implementation of the regulations on collaborated management of the important wetlands.

3. The protection forests, the conservation areas for aquatic resources from the important wetlands shall have the responsibilities to preserve and sustainably use the wetlands as specified in this Decree and relevant law provisions.

#### **Article 26. Shared benefits from ecosystem services of important wetlands**

1. The benefit sharing principles:

a) Ensuring the balance in benefits among relevant parties, between preservation and use of ecosystem services of the important wetlands;

b) Adopting the shared benefits policies as per law with respect to the use of the ecosystem services of the important wetlands;

c) The sanctuary management organizations shall receive a portion of the revenues generated from the use of wetland ecosystem services or from the scientific research conducted in the wetland sanctuaries to serve the wetland biodiversity management and preservation.

2. The relevant parties receiving benefits from the ecosystem services of the important wetlands include:

a) The organizations managing the wetland sanctuaries, the important wetlands situated outside of the sanctuaries and the agencies performing state management relating wetlands;

b) The community allowed to participate in the extraction and use of the resources in the important wetlands as per law;

c) The organizations and individuals responsible for participating in the preservation and protection of the important wetlands as per law;

d) The People's Committees of all levels whose divisions are included in the important wetlands and other relevant organizations, individuals.

3. The activities taking place on the important wetlands whose benefits must be shared include:

a) Directly extraction and use of values and products from the important wetlands, including fishery farming and extraction, logging and extraction of other natural resources;

b) The extraction and use of intangible assets, such as: ecotourism, scientific research and education, product, image promotion regarding the important wetlands and wetland sanctuaries.

4. The basic contents of the sharing benefit measures include:

a) The current conditions of the wetland ecosystem services, the list of shared benefits;

b) The amount, time, means and methods of extracting and using the ecosystem services;

c) The rights and obligations of entities receiving the shared benefits;

d) Monitor the management and impact assessment of the extraction, the measures to prevent and reduce the negative effects and risks that potentially occur during the use of the wetland ecosystem services.

5. The relevant parties receiving benefits from the ecosystem services of the important wetlands shall have the responsibilities to:

a) fully comply with the obligations specified in the sharing benefit measures;

b) adopt measures to prevent and respond to the environmental pollution incidents, the collapse of important wetlands when carrying out activities on the wetlands.

#### **Chapter IV**

### **RESOURCES FOR PRESERVATION AND SUSTAINABLE USE OF IMPORTANT WETLANDS**

#### **Article 27. Funding for management, preservation and sustainable use of wetlands.**

1. The funding sources of the wetland preservation and sustainable use include:

a) The State budget, including the central government budget and local government budget classified according to the Law on state budget. The objectives receiving funding from the central government budget or local government budget must comply with the Law on state budget;

b) The investment and supports of domestic and international organizations and individuals;

c) The sources of incomes generated from the environmental services relating biodiversity, the wetland ecosystem services and revenues generated from the wetland services as per law.

2. The Government shall ensure the regular budget for the following activities:

a) The implementation of wetland preservation and sustainable use specified in Article 4 of this Decree;

b) The organizational operation, the management of the wetland sanctuaries, the Ramsar regions, the important wetlands situated outside of the sanctuaries and the nationwide Ramsar region network.

3. Prioritized the regular funding from the environmental service providers with respect to the activities and tasks regarding the wetland preservation and sustainable use.

**Article 28. Investment policies applied to important wetland preservation and sustainable use**

1. The Government policies on encouraging investment in the important wetland preservation and sustainable use include:

a) Prioritized the support and investment in the wetland preservation and sustainable use specified in Article 5 of this Decree;

b) Support and investment in the preservation and sustainable use of the wetlands in the wetland sanctuaries, the Ramsar regions, the important wetlands situated outside of the sanctuaries and the buffer zones of the wetland sanctuaries.

2. The Government budget shall support the following activities:

a) The construction, upgrade, restoration of the technical facilities serving the wetland management, preservation and sustainable use;

b) The improvement of the buffer zones serving the preservation and sustainable use of the wetlands in the wetland sanctuaries, the Ramsar regions; the sustainable habitat models in the buffer zones of the wetland sanctuaries and the models of preservation and sustainable use of the important wetlands;

c) Other investment regarding the wetlands management, preservation and sustainable use as per law.

3. The Government shall provide incentives to the following activities:

a) The restoration of natural habitats of the endangered, rare, precious species, the endangered, rare, precious species that must be prioritized for protection; the restoration of the ecological attributes of the collapsed important wetlands;

b) The preservation of the endangered, rare, precious species; the endangered, rare, precious species that must be prioritized for protection and the migratory birds, water birds in the important wetlands;

c) Ensure the environmental sustainability and harmony with nature and biodiversity of the habitats.

**Article 29. Personnel development and mobilizing community involvement in wetland preservation and sustainable use**

1. Develop personnel regarding wetland management:

a) Strengthen the organizations managing the important wetlands from central to local governments;

b) Improve the capacity regarding the wetland management, preservation and sustainable use of the officials in natural resources and environment management agencies in central governments and local governments;

c) Enhance the wetland resources administrating capability of the organizations managing the wetland sanctuaries, the local community and parties related to the important wetlands.

2. Mobilize the community involvement in the wetland preservation and sustainable use:

a) The organizations, households and individuals shall have the rights to access the natural resources and information relating the important wetlands as per law; to be educated, raised awareness, skills and involvement in the wetland preservation and sustainable use;

b) Encourage the management, joint management measures of the important wetlands together with the involvement of the community, authorities at all levels and parties related to preservation and sustainable use of the important wetlands; develop the models in which the community sustainably manage the important wetlands;

c) Emphasize the responsibilities and ensure equal share of community benefits in the preservation and sustainable use of the important wetlands;

b) Protect and promote the traditional and local values, knowledge in preservation and sustainable use of the important wetlands;

dd) Encourage publicizing and making the wetland preservation and sustainable use known to people from all social strata via media as per law, particularly focus on the new forms of media with high efficiency.

### **Article 30. Resources for implementation of the Ramsar Convention and international collaboration on wetland preservation and sustainable use**

1. Expedite the activities and mobilization of resources for the implementation of the Ramsar Convention, the international collaboration on the preservation and sustainable use of the important wetlands via improving the personnel quality, exchanging experts, training the officials relating the management and science of the domestic and foreign wetlands.

2. Mobilize and use the official development assistance funding and financial support via bilateral and multilateral programs, projects and international organizations specialized in developing the models of management, preservation and sustainable use of the important wetlands according to the current regulations and law.

## **Chapter V**

## **ORGANIZATION AND IMPLEMENTATION**

### **Article 31. Responsibilities of ministerial agencies**

1. Ministry of Natural Resources and Environment shall have the responsibilities to:

a) serve as the contact point assisting the Government in carrying out consolidated state management on preservation and sustainable use of the nationwide wetlands; provide guideline, inspect the implementation of the provisions specified in this Decree;

b) manage the national wetland sanctuaries situated on at least 02 provinces and central-affiliated cities;

c) provide guidelines on: stocktaking, inventory management and grading of the nationwide wetlands; monitor the important wetlands; develop the reports on the wetlands; organize the appraisal council to appraise the application for the sanctuary establishment; organize the management of the wetland sanctuaries or the important wetlands situated outside of the sanctuaries;

d) carry out other responsibilities specified in this Decree.

2. Ministry of Agriculture and Rural Development shall have the responsibilities to:

a) cooperate with the Ministry of Natural Resources and Environment in managing the preservation and sustainable use of the important wetlands;

b) provide information, basic inspection figures, results of the scientific research relating the wetlands under the Ministry management at the request of the Ministry of Natural Resources and Environment.

3. The Ministry of Finance shall provide guidelines on managing, using and making expenditure statements for the management, preservation and sustainable use of the important wetlands.

4. The Ministry of Planning and Investment shall allocate the investment funding to the tasks and projects allowed to use public funding to manage and develop the important wetlands according to the current applicable laws.

5. Other ministries and ministerial agencies within their assigned tasks and powers must cooperate with the Ministry of Natural Resources and Environment in carrying out regulations on wetland preservation and sustainable use according to this Decree and relevant law provisions.

### **Article 32. Responsibilities of provincial People's Committees**

The provincial People's Committees shall have the responsibilities to:

1. carry out state management on preservation and sustainable use of the wetlands within their provinces; implement the provisions of this Decree and relevant documents relating preservation and sustainable use of the wetlands within the provinces.
2. manage the important wetlands under the local government management; adopt measures to prevent the shift in the wetland ecological attributes and restore the natural wetland ecosystems, the collapsed important wetlands.
3. publicize, educate and make the environmental protection and biodiversity conservation known to the community living in, adjacent to the wetlands and organizations, individuals whose operations involve the important wetlands.
4. allocate the funding for the implementation of preservation and sustainable use of the wetlands within their provinces from the local government budget as per law.
5. cooperate with the Ministry of Natural Resources and Environment and relevant ministries in providing guidelines, inspecting the preservation and sustainable use of the important wetlands; manage the interprovincial sanctuaries partially situated in their provinces and send the inspection, stocktaking results of the wetlands to the Ministry of Natural Resources and Environment.

**Article 33. Entry into force**

1. This Decree comes into force from September 15, 2019.
2. Decree No. 109/2003/ND-CP dated September 23, 2003 of the Government on preservation and sustainable development of wetlands will expire when this Decree comes into force.
3. The national parks, nature reserves, habitat/species conservation areas and landscape protection areas specified in the list of important wetlands produced by the regulatory authorities before this Decree comes into force shall not apply for establishment nor request approval for establishment of sanctuaries, shall organize the sanctuary management and have the responsibilities to implement the provisions on the wetland preservation and sustainable use as specified in this Decree./.

**PP. GOVERNMENT  
PRIME MINISTER**

**Nguyen Xuan Phuc**

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