

**THE MINISTRY OF NATURAL RESOURCES
AND ENVIRONMENT**

**CIRCULAR No. 18/2004/TT-BTNMT OF
AUGUST 23, 2004 GUIDING THE
IMPLEMENTATION OF THE
GOVERNMENT'S DECREE No. 109/2003/
ND-CP OF SEPTEMBER 23, 2003 ON
CONSERVATION AND SUSTAINABLE
DEVELOPMENT OF WETLANDS**

*Pursuant to the Government's Decree No. 91/
2002/ND-CP of November 11, 2002 defining the
functions, tasks, powers and organizational
structure of the Ministry of Natural Resources
and Environment;*

*Pursuant to the Government's Decree No.
109/2003/ND-CP of September 23, 2003 on
conservation and sustainable development of
wetlands;*

The Ministry of Natural Resources and Environment hereby guides the conservation and sustainable development of wetlands as follows:

Part I

GENERAL PROVISIONS

I. SCOPE OF REGULATION AND SUBJECTS OF APPLICATION

1. This Circular guides the conservation and sustainable development of wetlands which possess peculiar eco-systems and high biodiversity, have the functions of maintaining water sources and balancing the ecology, and are of international or national importance.

2. This Circular applies to Vietnamese and foreign organizations and individuals carrying out activities in Vietnam's wetlands.

II. CLASSIFICATION OF WETLANDS

Wetlands mean areas permanently or temporarily submerged in water, running or stagnant, fresh, alum, saline or brackish. Wetlands are classified into coastal wetlands and inland wetlands.

1. Coastal wetlands

Coastal wetlands are coastal or island-edge areas submerged in saline or brackish water, with the depth of no more than 6 meters at ebb tide. They include:

- a/ Water areas under aquaculture;
- b/ Sand, gravel and pebble banks;
- c/ Salt-making fields;

- d/ Tidal mud flats, bogs;
- e/ Marshes;
- f/ Estuaries;
- g/ Coastal and riverbank deltas affected by tides;
- h/ Submerged forests;
- i/ Vegetational cover;
- j/ Coral population.

2. Inland wetlands

Inland wetlands are areas submerged in fresh or brackish water, including:

- a/ Land areas under wet-rice or other water plants;
- b/ Rivers, streams, canals, ditches, special-use water surface, water falls;
- c/ Lakes, ponds;
- d/ Lagoons;
- e/ Indigo forests;
- f/ Mud flats, bogs;
- g/ Caves;

Part II

CONSERVATION OF WETLANDS

I. CONSERVATION CRITERIA

1. The identification of wetlands for conservation under the provisions of Article 1 of the Government's Decree No. 109/2003/ND-CP of September 23, 2003 on conservation and sustainable development of wetlands (hereinafter called Decree No. 109/2003/ND-CP) shall be based on the following criteria:

- a/ Possessing the typical or peculiar

characteristics of a natural wetland;

b/ Being the regular or seasonal habitats or breeding grounds of many endemic, rare and precious or endangered animal and/or plant breeds and species;

c/ Being areas where are regularly present over 20,000 water birds or over 1% of the global or regional population of any breed or species;

d/ Playing an important role of regulating water sources, balancing the ecology of a region and having special landscape or environmental values.

e/ Having special national or local ecological, humane, historical or cultural values.

2. Wetlands which satisfy one of the criteria prescribed at Point 1 of this Section and have over 50% of the area of the natural eco-system shall be zoned off for conservation.

II. CONSERVATION FORMS

1. Wetlands which satisfy the conservation criteria stated in Section I of this Part shall be zoned off for protection in the following forms: Ramsar reserve, nature reserve, species or biotope reserve (hereinafter generally called wetland reserves).

The consideration and determination of forms of wetland reserve shall be based on the following factors:

a/ Ramsar reserves:

- Having peculiar or typical characteristics of a wetland and playing an important role in hydrology;

- Being able to support rare and precious or endangered animal and/or plant breeds and species;

- Occupying a special position, being a habitat of animal and plant breeds and/or species at an important point of time in their life cycle;

- Having important food sources; egg-laying or nursery grounds, migration routes of aquatic animals, especially fishes, inside or outside the wetlands in areas which they rely on for their life.

b/ Nature reserves:

- Having a typical eco-system with high biodiversity, where natural typical characteristics are still preserved.

- Being less affected by human beings.

c/ Species, biotope reserves:

- Playing an important role in the nature conservation, preserving the life and development of animal and plant breeds and species;

- Being able to conserve biotopes, animal and plant breeds and species;

- Having the presence of rare and precious animals and plants or being the habitats or migration places of rare and precious wild animals;

- Having ecological, humane, historical and/or cultural values.

2. Wetlands which fail to fully meet the conservation criteria stated in Section I of this Part but are of importance to the localities and zoned off by the provincial/municipal People's Committees for protection shall be collectively

called wetland reserves.

III. ESTABLISHMENT OF WETLAND RESERVES

1. Responsibility for formulating projects to establish wetland reserves

The responsibility for formulating projects to establish wetland reserves is defined as follows:

a/ The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with other ministries, ministerial-level agencies, Government-attached agencies and provincial/municipal People's Committees in, organizing the formulation of projects to establish wetland reserves of international or national importance, which are related to many branches and located in the territories of two provinces or centrally-run cities and submit them to the Prime Minister for approval;

b/ The Ministry of Agriculture and Rural Development and the Ministry of Fisheries shall assume the prime responsibility for organizing the formulation of projects to establish wetland reserves of their own branches, which are of international or national importance and located in the territories of two provinces or centrally-run cities, then submit them to the Ministry of Natural Resources and Environment for evaluation and submission to the Prime Minister for approval;

c/ The provincial/municipal Natural Resources and Environment Services shall assume the prime responsibility for, and coordinate with concerned Services and branches in, organizing the formulation of

projects to establish wetland reserves which are wholly located in the areas under their management, then submit them to the provincial/municipal People's Committees for approval.

2. Contents of projects to establish wetland reserves

A project to establish a wetland reserve shall contain the following principal contents:

a/ The results of detailed survey and evaluation of the wetland proposed to be reserved;

b/ The boundary and area of the wetland to be reserved, enclosed with the extracted map of the reserve;

c/ The assessment of the socio-economic impacts on the zoning off of area for establishment of the wetland reserve and the plan on support for the subjects affected by such establishment;

d/ The establishment of the Managing Board, the draft management regulations, and the management plan for each type of reserve;

e/ Investment items for conservation of the wetland.

IV. MANAGEMENT OF WETLAND RESERVES

1. Delimitation of boundaries, areas and functional sub-zones of reserves

a/ Basing themselves on the wetland reserve establishment decisions, the provincial/municipal People's Committees shall direct the delimitation of the boundaries and areas of the reserves and issue decisions to assign land to

the reserve management agencies.

b/ The agencies assigned to manage the wetland reserves shall assume the prime responsibility for, and coordinate with the People's Committees of the communes, wards or townships (hereinafter collectively called communes) where the reserves are located in, placing landmarks to delimitate the boundaries of the reserves.

c/ Depending on the conservation objectives, a wetland reserve shall be divided into the following functional sub-zones:

- The strictly protected sub-zone, where the natural eco-systems must be kept intact;

- The ecological restoration sub-zone, where natural eco-system restoration and development activities are carried out;

- The service-administration sub-zone, where the reserve management boards' working offices and houses, research-experimentation, tourist and sight-seeing, recreation and entertainment service facilities are built.

2. Management boards

Wetland reserves prescribed in Clause 1, Article 12 of Decree No. 109/2003/ND-CP must have management boards. The tasks, powers and organizational structure of the management boards shall be approved together with the decisions on establishment of the wetland reserves.

a/ Tasks and powers:

A wetland reserve management board has the following tasks and powers:

- To formulate the reserve's organization and

operation regulations and investment projects for development of the reserve, submit them to competent State agencies for approval;

- To make annual plans and cost estimates for activities of the board, fundings for investment and capital construction to develop the reserve, submit them to competent State agencies for approval; manage the use of assigned assets and budgets according to law provisions;

- To organize the execution of investment projects on development of the wetland reserve after they are approved by competent State agencies;

- To organize surveys and monitoring of the development of natural resources in the wetland, especially rare and precious animal and plant species and those species which need to be conserved; collect statistics on and inventory resources, periodically report them to the immediate superior agencies, the provincial/municipal Natural Resources and Environment Service of the locality where the reserve is located and the Environmental Protection Agency under the Ministry of Natural Resources and Environment;

- To organize observation, monitoring and evaluation of the development of environmental elements in the area and their impacts on the eco-system and landscape of the wetland reserve;

- To organize the archival and processing of data in service of the statistical work, inventory and management of wetland natural resources;

- To organize scientific research, cultural and social activities and the provision of charged services, which are related to the reserve, according to law provisions.

b/ Organizational structure

- For Ramsar reserves, the organizational structure is composed of

+ A head;

+ A deputy head;

+ Members, including the presidents or vice-presidents of the People's Committees of the commune in the Ramsar reserve and the communes in the buffer zone; the commanders of the border guard posts based in the Ramsar reserve and the buffer zone; the head of the ranger station; representatives of local agencies in charge of natural resources and environment, agriculture and rural development and fisheries;

+ Functional sections.

- For other wetland reserves, the organizational structure is composed of:

+ A head or a director;

+ A deputy head or a deputy director;

+ Functional sections.

3. Wetland reserve management regulations

a/ Each wetland reserve must have its own management regulation with the following principal contents:

- Prohibition regulations;
- Modes of managing and developing functional sub-zones and buffer area;
- Modes of managing sight-seeing and tourist services, scientific research and other activities within the area of the wetland reserve.

b/ The wetland reserve management regulations must be approved by the competent

agencies together with the wetland reserve establishment decisions.

c/ The establishment of wetland reserves or land areas which have been assigned or leased for use shall comply with the provisions of land legislation and a mechanism for coordination between the reserve management boards and the subjects assigned or leased land by the State must be formulated to ensure the legitimate rights and interests of land users and to protect the wetland reserves.

d/ Historical and cultural relics in wetlands shall be managed according to law provisions on cultural heritages, Decree No. 109/2003/ND-CP, other law provisions and this Circular.

4. The following activities are strictly prohibited in wetland reserves:

a/ For the entire wetland reserves:

- Infringing upon wetlands, badly affecting the habitats and breeding grounds of animal and plant species;
- Using electric shocks, explosives, toxic substances, and other destructive forms in fishing aquatic resources;
- Hunting animals and plants which are protected in the reserves; wild and aquatic animals and plants;
- Mining in any forms;
- Eroding canal, ditch, pond and lake banks; draining wetlands;
- Illegally encroaching, occupying, and altering the use purposes of, land;
- Importing exotic animals and plants which may cause harms to the natural environment

and eco-system and bio-diversity;

- Migrating people from elsewhere to live and settle down in any forms in the reserves;

- Rearing cattle and poultry; raising aquatic resources on an industrial scale;

- Causing environmental pollution, including noise and vibration, in excess of the permitted levels.

b/ For ecological rehabilitation sub-zones, apart from the prohibited activities prescribed at Point a of this Clause, the following activities are also prohibited:

- Building works, houses;

- Exploiting forestry and aquatic products in all forms.

c/ For strictly protected sub-zones, apart from the prohibited activities prescribed at Points a and b of this Clause, the following activities are also prohibited:

- Gathering specimens of minerals, wild animals, aquatic animals and plants, micro-organisms;

- Sight-seeing tours in all forms.

5. Activities, residence in reserves

a/ Households which are living in the reserves must not develop and expand their residential areas; in case of separation of households or setting up of new ones, the separated or newly-set up households must move out of the reserves.

The reserve management boards shall draw up plans for cases of relocation of dwelling houses or works out of their reserves, submit them to competent State agencies for

consideration and decision.

b/ Households which are living in the reserves or their buffer zones are encouraged to participate in protecting and developing the eco-systems of the wetland reserves.

c/ Organizations operating and individuals living in the reserves must comply with the provisions of Decree No. 109/2003/ND-CP, this Circular and the reserve management regulations.

V. MANAGEMENT OF BUFFER ZONES OF WETLAND RESERVES

1. Buffer zones must be established around wetland reserves. They cover the remaining areas of the communes which have part of their areas belonging to the wetland reserves or which are adjacent to the wetland reserves.

Where the remaining area of a commune in the buffer zone is less than one third of the entire area of the commune, the administrative boundaries of the adjacent commune will be included in the buffer zone of the concerned wetland reserve.

2. All investment projects within the buffer zones must aim to protect the wetland reserves concerned, develop vocations for increasing the incomes and raising the living standards of inhabitants in the buffer zones, reducing adverse pressures on the reserves.

3. All activities carried out in the buffer zones must not adversely affect the management and protection of the wetland reserves concerned.

4. All levels of administrations of the localities

which have part or whole of their areas included in the reserves or buffer zones, agencies and units carrying out activities in the buffer zones or related to the reserves or buffer zones shall have to collaborate with the reserve management boards in managing and protecting the reserves and buffer zones.

Part III

ORGANIZATION OF IMPLEMENTATION

1. From now till 2006, the following tasks shall be performed:

a/ To complete the survey and planning of the conservation and sustainable development of wetlands nationwide;

b/ To zone off for protection and establishment of wetland reserves, first of all those of international or national importance which are being infringed upon; adjust the scope of the protective areas of the existing wetland reserves in case of necessity;

c/ To perfect the managerial apparatuses, review and supplement the wetland reserve management regulations according to the provisions of this Circular.

2. To regularly intensify the examination and inspection of the observance of laws on conservation and sustainable development of wetlands; promptly detect and handle according to law violations of the conservation and sustainable development of wetlands.

3. The Ministry of Agriculture and Rural Development, the Ministry of Fisheries and the People's Committees of the provinces and

centrally-run cities where exist wetlands shall direct the organization of the conservation and sustainable development of wetlands under the provisions of Decree No. 109/2003/ND-CP and this Circular.

4. The Environment Department, the Environmental Impact Evaluation and Assessment Department; the Environmental Protection Agency, the Water Resource Management Department, the Inspectorate of the Ministry of Natural Resources and Environment shall, according to their functions, have to assist the Minister in performing the function of State management over conservation and sustainable development of wetlands nationwide.

5. The provincial/municipal Natural Resources and Environment Services of the localities where exist wetlands shall have to assist the provincial/municipal People's Committees in performing the State management over wetlands according to the provisions of Decree No. 109/2003/ND-CP and this Circular.

6. This Circular takes implementation effect 15 days after its publication in the Official Gazette.

Any problems arising in the course of implementation should be promptly reported in writing to the Ministry of Natural Resources and Environment for consideration and settlement or appropriate amendment and supplement.

**Minister of Natural Resources
and Environment
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