

THE MINISTRIES

INTER – MINISTERIAL

***THE NATIONALITIES COMMITTEE – THE
MINISTRY OF PLANNING AND INVESTMENT –
THE MINISTRY OF FINANCE – THE MINISTRY
OF CONSTRUCTION – THE MINISTRY OF
AGRICULTURE AND RURAL DEVELOPMENT***

JOINT CIRCULAR No. 819/2004/TTLT-UBDT-

KHDT-TC-XD-NNPTNT OF NOVEMBER 10, 2004 GUIDING THE IMPLEMENTATION OF THE PRIME MINISTER'S DECISION No. 134/2004/QD-TTg OF JULY 20, 2004 ON A NUMBER OF POLICIES TO PROVIDE SUPPORT IN TERMS OF PRODUCTION LAND, RESIDENTIAL LAND, DWELLING HOUSES AND DAILY-LIFE WATER TO POOR ETHNIC MINORITY HOUSEHOLDS MEETING WITH DIFFICULTIES

Pursuant to the Prime Minister's Decision No. 134/2004/QD-TTg of July 20, 2004 (hereinafter referred to as Decision No. 134/TTg) on a number of policies to provide support in terms of production land, residential land, dwelling houses and daily-life water to poor ethnic minority households meeting with difficulties, and Prime Minister's directing opinions in Document No. 1401/CP-NN of September 28, 2004 on the organization of implementation of Decision No. 134/TTg; the Nationalities Committee, the Ministry of Planning and Investment, the Ministry of Finance, the Ministry of Construction and the Ministry of Agriculture and Rural Development hereby jointly guide the implementation of the Decision as follows:

I. GENERAL PROVISIONS

1. Policies to provide support in terms of production land, residential land, dwelling houses and daily-life water to poor ethnic minority households meeting with difficulties must ensure the principle of providing supports directly to households. Households benefiting from the said policies must directly manage and use supports so as to stabilize their production and life, eradicate hunger and alleviate poverty, raise people's intellectual level, preserve and promote cultural traits of ethnic minority groups. In special cases

where their use demands no longer exist, they must transfer the rights to use production land, residential land and/or dwelling houses to local administrations for re-assignment to other poor ethnic minority households.

2. The consideration and selection of poor ethnic minority households which have no or have insufficient production land and/or residential land and meet with difficulties in terms of dwelling houses and daily-life water must be made from grassroots levels being villages and hamlets, ensuring publicity and democracy, through mass organizations. The commune People's Committees shall consider and make proposals to the People's Committees of rural districts, urban districts, provincial towns or provincially-run cities (hereinafter referred to as the district People's Committees) for inspection and sum-up before submission thereof to the People's Committees of the provinces or centrally-run cities (hereinafter referred to as the provincial People's Committees) for decision.

3. The support levels of production land, residential land, dwelling houses and/or daily-life water for poor ethnic minority households which meet with difficulties and subsist on agriculture or forestry in compliance with the provisions of Decision No. 134/TTg are the minimum ones. Depending on capability of each locality, the provincial People's Committees may decide on higher support levels. In cases where the support levels under previous decisions of the Prime Minister are higher than those prescribed in Decision No. 134/TTg, the previous support levels shall continue to be effected. For localities meeting with great difficulties in land fund and having no conditions for providing production-land supports to households under Decision No. 134/TTg, the

presidents of the provincial People's Committees shall take initiative in solving such difficulties along the direction of formulating projects on sending people to new economic zones or projects on creation of jobs for ethnic minority people.

4. Policies to provide supports in production land, residential land, dwelling houses and daily-life water to poor ethnic minority households are materialized with the following capital sources:

- The Central Budget shall cover expenses within the support limits prescribed in Decision No. 134/TTg;

- The local budgets shall allocate no less than 20% of support limits from the Central Budget;

- Lawful support capital sources mobilized by localities from enterprises, social organizations, community, etc.

Expenses for management, measurement and granting of land use right certificates to households shall be covered by the local budgets with specific expense levels being prescribed by the provincial People's Committees and must not be deducted from supports provided for households.

II. SUBJECTS AND SCOPE OF APPLICATION

1. Subjects eligible for supports

a/ For households

Ethnic minority households benefiting from the policies prescribed in this Joint Circular must fully meet the following conditions:

- Being poor households defined in Decision No. 1143/2000/QĐ-LĐTBXH of November 1, 2000 of

the Ministry of Labor, War Invalids and Social Affairs on readjustment of poor households standards for the 2001-2005 period; subsisting on agriculture or forestry but having no or having insufficient production land or residential land, or meeting difficulties with dwelling houses or daily-life water;

- Being ethnic minority households (including households with either spouses being ethnic minority people) permanently inhabiting in localities; freely migrating households which are incorporated in the sedentary residence planning of localities; households which freely migrated but have returned to their homeland before the effective date of Decision No. 134/TTg and are certified by the People's Committees of communes, wards or district townships (hereinafter referred to the commune People's Committees);

- Local ethnic minority households, which have been already provided production land, residential land, dwelling houses and daily-life water as supports under previous regulations but remain poor, having insufficient production land or residential land and meeting with difficulties with dwelling houses and daily-life water, shall continue enjoying the support policies under Decision No. 134/TTg.

b/ For communities of villages or mountain hamlets

Villages or hamlets are entities defined in the Home Affairs Minister's Decision No. 13/2002/QĐ-BNV of December 6, 2002 promulgating the Regulation on operation of villages and population quarters where ethnic minority households account for 20% or more and meet with difficulties with daily-life water.

2. Scope of application

Policies to provide supports in production land,

residential land, dwelling houses and daily-life water to poor ethnic minority households subsisting on agriculture or forestry shall apply nationwide (particularly, supports in production land and residential land for poor Khmer households in Mekong River delta provinces shall be subject to separate policies).

III. SPECIFIC PROVISIONS

1. Regarding dwelling houses:

a/ Households meeting with difficulties with dwelling houses which shall be made eligible for the support policies are those defined at Point a, Clause 1, Section II of this Circular and satisfying one of the following conditions:

- Having no dwelling houses or currently borrowing or renting others' houses (not under the State's ownership);

- Living in makeshift houses which are damaged or dilapidated.

b/ Support levels:

The central budget shall provide supports at the level of VND 5 million/household. The local budgets shall provide supports at the level of VND 1 million or more/household from contributions of enterprises, socio-political organizations, community and individuals. Where households' house-building costs are larger than the supports, such households must balance the differences by themselves.

Localities which have forests and annual plans on exploitation of natural forest timbers shall prioritize the provision of house-building timbers to ethnic minority people. Provinces which have natural forests but have no annual plans on opening

thereof for exploitation shall work out settlement plans, then report them to the Ministry of Agriculture and Rural Development for submission to the Government for consideration and decision. The quantity limits and modes of providing house-building timbers to households shall be decided by provincial People's Committees under the guidance of the Ministry of Agriculture and Rural Development. Expenses for exploitation and transport of timbers to villages and mountain hamlets (if any) shall be covered by local budgets.

c/ Implementation provisions:

- The building of dwelling houses with supports under policies must conform to local population plannings. In cases where households eligible for supports reside in areas where construction is banned, areas in danger of land slides or flash floods, areas in the protection corridors of traffic works, irrigation works, dikes, energy works, historical-cultural relics, or protection zones of other works under law provisions, the dwelling house supports must be made simultaneously with the house relocation to other areas.

- The provincial People's Committees shall direct functional agencies to recommend and guide dwelling house models and designs suitable to traditions and customs of each ethnic group and people's financial capability and ensuring environmental hygiene conditions for their selection and decision. The house building must ensure the principle: households build houses by themselves, the State provides supports and the community renders helps;

- Households eligible to enjoy the policies under the provisions of Decision No. 134/TTg in the Mekong River delta region and the Central Highlands, which have borrowed loans to purchase

houses on deferred payment under the Prime Minister's Decision No. 105/2002/QĐ-TTg of August 2, 2002 on policies allowing households in flooded areas to purchase house foundations and dwelling houses on deferred payment in population clusters and lines in the Mekong River delta provinces and Decision No. 154/2002/QĐ-TTg of November 12, 2002 on policies allowing local ethnic minority households and households eligible for social policies in the Central Highlands to purchase houses on deferred payment, shall still be provided with supports under Decision No. 134/TTg and the guidance of this Circular. Funding supported by the State budget under Decision No. 134/TTg shall constitute a source for repayment of soft loans previously borrowed for house building. The repayment of loans shall comply with the Finance Ministry's guidance.

2. Regarding daily-life water

a/ Households meeting with difficulties with daily-life water, which shall be made eligible for the support policies, are those defined at Point a, Clause 1, Section II of this Circular and satisfying one of the following conditions:

- They reside in areas where daily-life water supply systems already exist but with unstable sources, and where water reserve tanks cannot be built;

- They reside in areas without any flowing water sources, where underground water and rain water sources must be exploited but reserve tanks or wells cannot be built or dug.

b/ Villages and mountain hamlets meeting with daily-life water difficulties and eligible for support policies are those defined at Point b, Clause 1, Section II of this Circular, capable of exploiting water sources in service of daily life but having not

yet been invested and meeting with difficulties in building water supply works.

c/ Implementation provisions

- Ethnic minority households meeting with daily-life water difficulties shall each be provided by the central budget with 0.5 ton of cement (cement of marks with a minimum pressure resistance of 300 kg/cm²) at villages or mountain hamlets for building water tanks or a sum of VND 300,000 for digging wells or creating other water sources. For households incapable of building water tanks or jars, depending on their capital source capability, localities shall supply water jars or cisterns made of plastic, steel or cement to people in villages or mountain hamlets.

- For concentrated daily-life water supply works, the provincial People's Committees shall organize and direct the building thereof as for building of infrastructure works under Program No. 135. The support capital for such works shall comply with the provisions of Decision No. 134/TTg and be integrated with other target programs.

3. Regarding production land and residential land

a/ Households, which have no or have insufficient residential land and shall be made eligible for support policies, are those defined at Point a, Clause 1, Section II of this Circular and satisfying one of the following conditions:

- Having no residential land;

- Households which have residential land areas below the level prescribed in Decision No. 134/TTg or the level prescribed by localities (for cities, provincial towns or district townships) shall be considered for settlement by the provincial People's Committees on the basis of land fund and specific

conditions of each locality.

b/ Households, which have no or have insufficient production land and shall be made eligible for support policies, are those defined at Point a, Clause 1, Section II of this Circular and satisfying one of the following conditions:

- Having no production land;
- Having production land areas below the level prescribed in Decision No. 134/TTg (under 0.15 hectare for two-crop wet rice fields or under 0.25 hectare for one-crop rice fields or under 0.5 hectare for terraced fields) or the higher level for localities previously prescribed in the Prime Minister's documents.

The provision of supports for households which have insufficient production land areas according to the above provisions shall be decided by the provincial People's Committees depending on specific conditions.

c/ Production land and land for building dwelling houses include the land categories prescribed in Article 3 of Decision No. 134/TTg.

d/ Support levels:

Reclaimed land, land assigned by forestry farms to production households, land transferred by households having large land areas, land concentratedly reclaimed and reassigned to households shall be eligible for the central budget's supports at an average level of VND 5 million/hectare. Depending on conditions of each locality, the support level may be higher.

IV. MANAGEMENT, ALLOCATION AND SETTLEMENT OF SUPPORT CAPITAL SOURCES

I. Formulation of schemes and assignment

of estimates

The provincial People's Committees shall base themselves on results of consideration and selection of poor households in districts to sum up and approve schemes and estimate funding for program implementation, then send them to the Ministry of Planning and Investment, the Ministry of Finance and the Committee for Nationalities for synthesis and submission to the Government and subsequent submission to the National Assembly for decision on targeted additional allocations from the central budget for materialization of policies prescribed in Decision No. 134/TTg;

Basing themselves on the targeted additional allocations as annual supports decided by the National Assembly and the Prime Minister, local budgets and other mobilized sources, the provincial People's Committees shall devise detailed plans on allocation to each district, then submit them to the provincial People's Councils for decision. Basing themselves on resolutions of the provincial People's Councils, the provincial People's Committees shall assign estimates to districts *detailed according to each policy*, and the district People's Committees shall decide on allocation and notify each commune of details of each policy and each eligible household on the list decided by competent authorities. The commune People's Committees shall notify each household of entitled policies and support levels according to the list already approved by competent authorities.

2. Allocation and settlement of support funding

Quarterly, basing itself on the estimates assigned by the Prime Minister separately to provinces, the Finance Ministry shall make targeted additional allocations to local budgets according to implementation progress. For the provinces,

basing themselves on estimates assigned by the provincial People's Committees to districts, the provincial/municipal Finance Services shall carry out procedures for making targeted additional allocations for district budgets. The district Finance Bureaus shall coordinate with the State Treasury in managing and allocating targeted supports to eligible subjects according to implementation progress.

The allocation and settlement of supports for each policy or each subject shall comply with the Finance Ministry's guidance.

3. Accounting, cost-accounting and final settlement

The State budget's support funding for implementation of the policies on supports for poor ethnic minority households with difficult living conditions under Decisions No. 134/TTg shall be cost-accounted and finally settled according to the Finance Ministry's guidance.

V. ORGANIZATION OF IMPLEMENTATION

1. The Nationalities Committee is the standing body assuming the prime responsibility for, and coordinating with the Ministry of Planning and Investment, the Ministry of Finance, the Ministry of Construction and the Ministry of Agriculture and Rural Development in, helping the Prime Minister sum up, monitor, urge, inspect and report on the implementation according to regulations.

2. The concerned ministries and branches shall base themselves on the tasks assigned under the Prime Minister's Decision No. 134/TTg and Document No. 1401/CP-NN of September 28, 2004 to coordinate with the Nationalities Committee in

organizing the implementation of relevant contents.

3. The People's Committees of the provinces and centrally-run cities shall:

- Take direct and comprehensive responsibility for directing and organizing the implementation of the policies; publicly announce the standards and subjects eligible for the policies; organize investigations, formulate and approve schemes on settling residential land, production land, dwelling houses and daily-life water for poor ethnic minority people in their respective provinces, then send them to the Ministry of Planning and Investment, the Ministry of Finance and the Nationalities Committee for synthesis and submission to the Prime Minister for decision.

- Clearly reflect in the schemes the support capital sources from the Central Budget, local budgets, mobilized capital and completion time limit;

- Depending on specific conditions, consolidate and strengthen Program 135 Steering Boards at all levels for implementation of Decision No. 134/TTg or set up new Steering Boards for implementation of Decision No. 134/TTg when deeming it necessary. The standing body of the Steering Board is the agency in charge of nationalities work in provinces or cities;

- Fully observe the regime of periodical reports (once every three months), and make and send year-end reports on preliminary implementation assessment to the Nationalities Committee and the concerned ministries and branches;

- Specify and provide guidance on this Circular in compatibility with local characteristics and conditions for effective implementation of the policies.

VI. IMPLEMENTATION PROVISIONS

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

*For the Minister-Chairman of the
Nationalities Committee*
HOANG CONG DUNG

*For the Minister of Planning and
Investment*
TRUONG VAN DOAN

For the Minister of Finance
HUYNH THI NHAN

For the Minister of Construction
TONG VAN NGA

*For the Minister of Agriculture and
Rural Development*
HUA DUC NHI