

**DECISION No. 304/2005/QĐ-TTg OF
NOVEMBER 23, 2005, ON THE PILOT
ALLOTMENT OF FORESTS AND
CONTRACTUAL ASSIGNMENT OF FORESTS
FOR PROTECTION TO ETHNIC MINORITY
HOUSEHOLDS AND COMMUNITIES IN
HAMLETS AND VILLAGES IN THE CENTRAL
HIGHLANDS PROVINCES**

THE PRIME MINISTER

*Pursuant to the December 25, 2001 Law on
Organization of the Government;*

Pursuant to the November 26, 2003 Land Law;

*Pursuant to the December 3, 2004 Law on
Forest Protection and Development;*

*Pursuant to the Prime Minister's Decision No.
168/2001/QĐ-TTg of October 30, 2001, on long-
term orientations, 2001-2005 five-year plan and
basic solutions for socio-economic development in
the Central Highlands;*

At the proposal of the Minister of Agriculture and Rural Development,

DECIDES:

Article 1.- To apply on a pilot basis the allotment of forests and contractual assignment of forests for protection to ethnic minority households and communities in the Central Highland provinces.

Article 2.- Objectives:

1. To create conditions for ethnic minority people in the Central Highlands provinces to stabilize and improve their life, prioritizing those specified in the Prime Minister's Decision No. 132/2002/QĐ-TTg of October 8, 2002, and Decision No. 134/2004/QĐ-TTg of July 20, 2004 (hereinafter referred collectively to as Decisions No. 132 and 134), on the allocation of residential land and production land for ethnic minority people in the Central Highlands and some policies on provision of supports in production land, residential land, dwelling houses and daily-life water for indigent ethnic minority people.

2. To protect, restore and develop forests in the Central Highlands provinces in a sustainable manner. To speed up socialization in the forestry domain so that forests and forest land must have actual owners.

Article 3.- Guiding principles

1. The allotment of forests and contractual assignment of forests for protection must create conditions for ethnic minority people in the Central Highlands provinces, primarily households governed by Decisions No. 132 and No. 134, to

stabilize and improve their life and be stable to ensure the development of forests allotted or contractually assigned for protection.

2. The allotment of forests and contractual assignment of forests for protection must be discussed in a democratic manner, respecting traditions and customs of ethnic minority people. The procedures therefor must be simple and appropriate to the actual conditions of local ethnic minority people.

3. The allotment of forests and contractual assignment of forests for protection shall be integrated into programs and projects executed in the localities so as to efficiently use state financial supports for these programs.

Article 4.- Subjects and limits of forest allotment and contractual assignment of forests for protection

1. Forests to be allotted or contractually assigned for protection:

a/ Forest to be contractually assigned for protection are special-use forests, protective forests and natural forests being production forests with rich or medium reserves, which are currently closed. Funds for contractual assignment for protection of these types of forests shall come from the state budget.

b/ Forests to be allotted are production forests, including:

- Natural forests and other forests planned as production forests, which, however, are not subject to contractual assignment for protection as mentioned above.

- Forestry land planned for the planting of production forests.

- Production forests managed by forestry farms or companies, which are reorganized under the Government's Decree No. 200/2004/ND-CP of December 3, 2004.

- Sacred forests, cemetery forests and protective forests of hamlets' or villages' water sources, which are currently managed and used by commune People's Committees or communities.

2. Subjects entitled to allotment of forests or contractual assignment of forests for protection:

a/ Ethnic minority households that are currently living in communes where exist forests, and wish to be allotted forests or to take on contractual assignment of forests for protection; with priority given to those specified in the Prime Minister's Decisions No. 132 and No. 134.

b/ Ethnic minority communities that are living in hamlets or villages, share common traditions and customs, and wish to be allotted forests or take on contractual assignment of forests for protection.

3. Limits on forest allotment and contractual assignment of forests for protection:

a/ Forest allotment: Based on communes' forest funds and land funds planned as production forests, the number of households (being subjects governed by Decisions No. 132 and No. 134) and communities that wish to be allotted forests, commune People's Committees shall formulate plans on forest allotment, allotting each household at most 30 ha of forests (according to the 2003 Land Law); if there exists agricultural land within to-be-allotted forest areas, the average area of forests to be allotted to each household must not exceed 25 ha; the area of forests to be allotted to communities shall depend on forest funds and their demands.

b/ Contractual assignment of forests for protection: On the basis of forest funds of communes (special-use forests; protective forests and natural forests being production forests with rich and medium reserves, which are currently closed, and production forests of state-owned agricultural and forestry farms), and the number of households (being subjects governed by Decisions No. 132 and No. 134) and communities that wish to take on contractual assignment of forests for protection, forest owners shall coordinate with commune People's Committees in planning and executing the contractual assignment of forests to contracted parties for protection. The area of forests to be contractually assigned to households shall not be lower than the national average level of 15-20 hectares/household; the area of forests to be contractually assigned to communities shall depend on forest funds and their demands.

Article 5.- Benefits of persons allotted with forests and land for planting of production forests

1. To enjoy all products yielded in the allotted forest areas.

2. To be supported with forest tree saplings according to the process of planting of production forests and in agricultural production according to state policies on forestry and agricultural extension.

3. Poor and hungry households shall be provided with 10 kg of rice/person/month when they are unable to procure food themselves (the period of rice provision shall be decided by provincial People's Committees).

4. Households allotted with forests or land for planting of production forests, which are governed by Decisions No. 132 and No. 134, shall continue

enjoying policies specified in these decisions, specifically as follows:

a/ A support of VND 5 million/household for building dwelling houses.

b/ A support of VND 5 million/hectare for reclaiming land for agricultural production.

c/ A support of VND 400,000/household for building daily-life water tanks.

5. To enjoy other preferential policies according to current state regulations.

Article 6.- Benefits of persons taking on contractual assignment of forests for protection:

1. To be paid with a remuneration of VND 50,000/hectare/year for forest protection.

2. To be supported with forest tree saplings according to the process of planting of production forests (if wishing to plant forests or enrich assigned forests) and in support for agricultural production according to state policies on forestry and agricultural extension.

3. Poor and hungry households shall be provided 10 kg of rice/person/month when they are unable to procure food by themselves (the period of rice provision shall be decided by provincial People's Committees).

4. Households governed by Decisions No. 132 and No. 134 shall continue enjoying policies provided for in these decisions, specifically as follows:

a/ A support of VND 5 million/household for building dwelling houses.

b/ A support of VND 5 million/hectare for reclaiming land for agricultural production

(applicable only for buffer zones of special-use forests and less strategic protective forests; if all conditions for agricultural production are met, before reclaiming land, households taking on contractual assignment of forests for protection shall have to report thereon to forest owners for subsequent reporting to superior-level agencies competent to allot land for consideration and permission).

c/ A support of VND 400,000/household for building daily-life water tanks.

5. To enjoy other preferential policies according to current State regulations.

Article 7.- Obligations of households and communities allotted forests or taking on contractual assignment of forests for protection

1. To manage, protect and use forests for proper purposes and within the boundaries stated in forest-allotment decisions of competent state agencies or contracts on assignment of forests for protection.

2. To produce and develop forests in strict accordance with technical processes, regulations and policies on forest management and protection and the provisions of law on forest protection and development.

3. To perform related obligations according to regulations of localities.

Article 8.- Tasks of the Ministry of Agriculture and Rural Development

1. To expeditiously direct the People's Committees of the Central Highlands provinces to inventory and re-plan forests; clearly determine the areas of each type of forests: special-use forests,

protective forests, natural forests being production forests with rich or medium reserves which are currently closed; production forests and land planned for planting of production forests, serving as a basis for forest allotment and contractual assignment of forests for protection. This task must be completed in the first quarter of 2006.

2. To expeditiously evaluate a scheme on reorganization, renewal and development of state-run forestry farms (under the Government's Decree No. 200/2004/ND-CP of December 3, 2004) for submission to the Prime Minister for approval in 2005.

3. To formulate processes and manuals on methods for the pilot allotment of forests and contractual assignment of forests for protection; to guide and direct the work of forestry and agricultural extension.

4. To direct and inspect the pilot allotment of forests and contractual assignment of forests for protection according to the contents of this Decision; to settle arising issues according to its competence and report issues falling beyond its competence to the Prime Minister for consideration and decision.

5. To coordinate with concerned ministries, branches and localities in organizing preliminary and final reviews of the pilot program and proposing additional policies to the Prime Minister for consideration and decision.

Article 9.- Tasks of ministries and branches

1. The Ministry of Planning and Investment and the Ministry of Finance shall allocate funds for the pilot allotment of forests and contractual

assignment of forests for protection to ethnic minority households and communities in hamlets and villages in the Central Highlands provinces so as to ensure that the pilot program shall be carried out as scheduled under the plan already approved by competent authorities.

2. The Ministries of Home Affairs; Natural Resources and Environment; and Labor, War Invalids and Social Affairs, the Committee for Nationalities, and concerned ministries and branches shall, based on their functions and this Decision, have to coordinate with the Ministry of Agriculture and Rural Development in directing and guiding the People's Committees of the Central Highlands provinces.

Article 10.- Tasks of the People's Committees of the Central Highlands provinces

1. To direct forest owners to formulate plans on contractual assignment of forests for protection to households and communities in hamlets and villages and submit them to the provincial People's Committees for approval and implementation organization.

2. To direct district People's Committees in guiding communes in formulating plans on forest allotment to households and communities for submission to district People's Committees for approval and implementation organization.

Article 11.- Implementation schedule

The Ministry of Agriculture and Rural Development, concerned ministries and branches and the People's Committees of the Central Highlands provinces shall, based on their functions and tasks, have to take initiative in carrying out the

forest allotment and contractual assignment of forests for protection according to this Decision and complete this task in the third quarter of 2006.

Article 12.- Implementation effect and responsibilities

This Decision takes effect 15 days after its publication in "CONG BAO."

This Decision replaces the Prime Minister's Decision No. 1174/QĐ-TTg of November 7, 2005.

The Ministers of Agriculture and Rural Development; Finance; Planning and Investment; Home Affairs; Natural Resources and Environment; and Labor, War Invalids and Social Affairs, the Minister-Director of the Committee for Nationalities; heads of concerned agencies, and presidents of People's Committees of the Central Highlands provinces shall have to implement this Decision.

For the Prime Minister
Deputy Prime Minister
NGUYEN TAN DUNG