

THE PRIME MINISTER

DIRECTIVE No. 38/2005/CT-TTg OF DECEMBER 5, 2005, ON RESURVEYING AND RE-PLANNING FORESTS OF THREE KINDS (PROTECTION FORESTS, SPECIAL-USE FORESTS AND PRODUCTION FORESTS)

In order to contribute to strictly and effectively implementing the Law on Forest Protection and Development, which was passed on December 3, 2004, by the XIth National Assembly at its 6th session, the forestry sector should expeditiously resurvey, re-plan, and clearly determine areas of forests of all kinds, for use as a basis for forestry production reorganization, implementation of guidelines and policies on investment, forest allotment and contractual assignment of forests for protection, and reorganization, renewal and development of state-run forestry farms under the Government's Decree No. 200/2004/ND-CP of December 3, 2004, encouraging different economic sectors to invest in forestry production development. The Prime Minister hereby provides the following instructions:

I. The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with concerned ministries and branches in, expeditiously and well performing the following tasks:

1. To direct provincial/municipal People's Committees to resurvey and re-plan forests of all kinds, clearly determine the reasonable sizes and areas, objectives, objects and kinds of forest

according to the criteria for classification of protection forests, special-use forests and natural production forests (forests which have a rich or average natural resource reserve should be closed to serve as national reserve forests), ensuring that forests of each kind are large enough for well performing their functions.

a/ Forests belonging to national forests (hereinafter referred to as national forests for short), including special-use forests, protection forests, natural production forests which have a rich or average natural resource reserve but must be closed (not be exploited) to serve as national reserve forests;

b/ On the basis of re-planning and resurveying the above-said national forests, the Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with functional ministries and branches in, signing records on the hand over of forest areas and forests' actual state (which should be videotaped for archive) to provincial People's Committee presidents for management according to their competence, who shall be answerable to the Prime Minister for state management of national forest resources under provincial management. If provincial People's Committee presidents move to other posts, they must hand over the full areas and actual state of national forests under local management to their successors.

2. To clearly plan production forests and forestry land areas for planting production forests, including:

a/ Natural forests being planned as production forests;

b/ Areas of forests of all kinds after they have been resurveyed and re-planned for conversion into

production forests, which do not belong to the above-said national forests;

c/ Areas of forestry land planned for planting production forests;

d/ Areas of production forests of all kinds managed by state-run agricultural or forestry farms, which were reorganized under the Government's Decree No. 200/2004/ND-CP of December 3, 2004, and forests managed by other organizations, etc.

e/ Sacred forests; forests having cemeteries; forests for protection of water sources of villages, hamlets or clans, etc., which are managed or used by commune People's Committees or local communities.

3. To establish a working group which shall regularly direct, urge, inspect and sum up the results of resurvey and re-planning of forests of three kinds in localities, detect emerging problems and report them to functional agencies for timely handling; to ensure that the resurvey and re-planning of forests of three kinds must be completed in the second quarter of 2006; and to sum up and submit the results to the Prime Minister for approval before August 2006.

II. Presidents of provincial/municipal People's Committees shall personally direct, inspect and supervise the planning of forests of three kinds in their localities:

1. Planning of special-use forests: To resurvey existing areas of special-use forests; to select and plan areas with typical characteristics that fully meet the set criteria as special-use forests; not to expand areas of special-use forests (except for special cases which shall be reported by the Ministry of Agriculture and Rural Development to the Prime

Minister for decision). The planned areas of special-use forests which fail to satisfy the set criteria shall be converted into production forests.

2. Planning of protection forests: When planning protection forests, priority shall be given to protection forests for hydroelectric power projects, big irrigation reservoirs and dams, coastal protection forests, border protection forests, etc. According to the criteria for classification of headwater protection forests, forestry land shall be classified into 3 grades: extremely strategic, strategic and less strategic.

After being marked according to the criteria for forest planning or classification, the areas of extremely strategic and strategic protection forests which are not favorable for the development of production forests shall be planned as protection forests; the areas of less strategic protection forests and areas of protection forests which fail to meet the set criteria shall be converted into production forests.

3. The change of forest use purposes shall comply with the provisions of Clause 1, Article 27 and Clause 2, Article 28 of the 2004 Law on Forest Protection and Development.

4. Planning of production forests: Apart from the above-said areas of forests planned as national forests, the remaining areas of forestry land and forests shall be planned as production forests.

5. After planning and clearly determining forests of three kinds, to clearly mark their boundaries on maps and place boundary markers of forests on the field; and, at the same time, to organize the implementation of state guidelines and policies on construction investment and development of forests

of each kind; priority shall be given to protecting and zoning off for regeneration protection forests and special-use forests; to reorganize, renew and develop state-run forestry farms; to step up the assignment and lease of forestry land to organizations, households and individuals on a long-term basis for forestry purposes in order to encourage domestic and foreign economic sectors to participate in forest protection and development. Border protection forests may be considered and assigned to the border guards for management, protection and development, etc.

III. The Ministry of Planning and Investment and the Ministry of Finance shall ensure funds for the resurvey, re-planning, and clear determination of areas of forests of three kinds according to the schedule and plans already approved by competent authorities.

The Prime Minister requests provincial/municipal People's Committees, the Ministry of Agriculture and Rural Development, and concerned ministries and branches to strictly implement this Directive.

For the Prime Minister
Deputy Prime Minister
NGUYEN TAN DUNG