CHAPTER I: GENERAL REGULATION

Article 1  Protection forest is forest and forest land for preventing harmful factors, soil erosion, regulating water resource to reduce natural calamity, to take a part into ecological environment protection.

Each protection forest area are divided into foundational management units – forest blocks. Every block has average acreage of 1,000ha.

Article 2  All protection forest areas of any level, any branch or any organization are national forest resource under unified management of the State. Every individual, organization must be responsible for protecting and setting up protection forest according to the planning and the law. Every harmful acts to protection forest is treated upon the law. Protection forest areas need a stable and long-term establishment; transfer of utilisation purpose of protection forest into other purposes must be approved by Prime Minister.

Article 3  Protection forest is divided into 2 levels upon importance on protection forest:

- Important level: Having urgent need on protection; for building up special protection forest.

- Less important level: Having medium need on protection; having advantage of agro–forestry development; setting up protection combined with production forest.

Important levels mentioned above respond to important and less important protection forest.

CHAPTER II: PROTECTION FOREST ORGANIZATION

Article 4  Classification of protection forest areas upon functions:

a. Watershed forest: For regulating water resource to reduce the risks of flooding; for Supplying water to flows, streams, reservoirs in dry season to prevent soil erosion, protect soil; for preventing reservoirs, rivers from sedimentation.
b. Windbreak forest against shifting sand: For avoiding bad effects from wind, storms; for preventing moving sand to protect residential areas, fields, transportation ways; for upgrading sand dunes for cultivative land.

c. Wavebreak forest: For disturbing wave to protect coastal constructions, to stabilize alluvial aimed at formulating new land.

d. Ecological environment protection forest: For regulating climate, preventing pollution in the densely populated areas and industrial areas.

**Article 5**
For every protection forest area occupying more than 5,000 ha of acreage, there is a Forest Management Board according to economic system with public interest operation. Staff of the Forest Management Board is appointed upon the entrusted management area, in average 1000 ha of important protection forest, there is a staff. For protection forest area with acreage of lower than 5,000 ha Forest Management Board is not established. However, local authorities, organizations or community manages the protection forest area. For important protection forest areas with acreage of more than 30,000 ha, there are a responsible forest protection division or station belonging to staff of Forest Management Board under specialized guidelines of Forest Protection Department.

**Article 6**
In protection forest area, forested acreage must be protected, non-forested one must be planted or protected in order to attain formulation criteria of every kind of protection forest as follow:

a. Watershed forest: To take full advantages of site capability for creating mixed forest, uneven-aged forest with stratification high density, deep and firm root, high leaf canopy area and vegetation cover of over 0.6.

b. Windbreak forest against shifting sand: To have at least 2 main green belts, (every belt is 20m wide), in combination with 2 subsidiary belts is to create enclosed plot. Every belt includes a lot of tree lines with canopy enclosure along to surface and vertical direction as well.

c. Wavebreak forest: Have at least 2 green belts, every belt is 30m wide and must have canopy closure. The belts have uneven gates along to main wave direction.

d. Ecological environment protection forest: Must be mixed forest, always green, that creates forest area, belts concentrated or alternated with residential areas, fruit tree gardens; have function of protecting environment, of preventing air pollution in combination with function of recreation and tourist.

**Article 7**
Competence of deciding establishment of protection forest areas as follow:

a. Ministry of Agriculture and Rural Development submits Prime Minister for decision of national protection forest stand planning, of pre – feasibility projects for investing in establishment of national key protection forest areas on many provinces.

b. Chairmen of People’s Committee of provinces and cities placed directly under the authority of Central Government submit Prime Minister to decide local protection forest planning after appraisal of MARD. Upon approved protection forest planning, Chairmen of Provincial or Municipal People’s Committee decide to approve projects for investing in establishment of protection forest after appraisal of MARD, establish Project Management Unit and appoint director of investment project.

**Article 8**
Chairmen of Provincial or Municipal People’s Committee are responsible for The Government on management, protect and establish protection forest according to planning, plan, practice and technical procedures promulgated.
CHAPTER III:

PROTECTION FOREST PROTECTION, ESTABLISHMENT AND UTILIZATION

Article 9

For Watershed forest:

a- Important protection area: Must protect seriously forested areas; must organize regeneration-oriented protection in areas with regeneration ability; carry out new plantation in areas without regeneration ability to create protection forest in standard referred to at point a - article 6 of this regulation. Important protection areas, if there are legal residents, are implemented contract of protection, newly plantation. Contractors-households have obligation of implementation according to contract contents and requirements as well as take full benefits as follow:

- Be paid compensation of protection, regeneration-oriented protection, plantation upon the contract with Forest management Board according to State invested allowance.
- Utilize firewood, dry trees, pharmaceutical materials under contracted forest cover
- Benefit forest products from mature forest of regeneration-oriented protection with permitted logging volume of under 20%
- Benefit all agro-forestry combined with interplanting products when forest has not yet closed canopy in the afforestation land, harvest fruits, oil, resin, however, should not deforest.
- Benefit all middle products of plantation forest upon technical procedures and design approved by authorities.

b- For less important protection forest:

- Forested areas are entrusted to local households, organizations to manage, protect and utilize forest. The households have obligation and benefit as in Management Regulation on Production Forest and are managed by Forest Management Board in specialty.
- Non-forested areas but with regeneration-oriented protection are entrusted to local households, organizations, individuals to protect forest. They benefit 50% of growth products for mature forest and must observe management regulation of production forest while logging.
- For the areas that must be newly planted, it is necessary to encourage households, organizations and individuals (generally households) to receive land for afforestation:
  - If the households receiving land invest in plantation themselves, they will benefit whole products while exploiting. However, they only get selection felling or strip cutting, group-system felling. Annual area of logging is not over 15% of planted area; must plant immediately in the recently logged areas.
  - If the households-contractors afforest with state budget, they will receive compensation for planting and tending forest, get 100% of products from subsidiary trees and 20% of protection trees in logging time in order to compensate for forest protection since forest is out phase for tending until forest is in maturity.

Article 10

For coastal protection forest including wavebreak forest and windbreak forest against shifting sand:

- Important protection area: Forested areas must be protected seriously, be contracted to legal households (if there is) in the protection forest area. The households – contractors receive compensation for forest protection upon state stipulation; Non-forested areas must be afforested with appropriate tree species to create protection forest in standard referred to in points b,c – article 6 of this regulation.
Less important protection areas: Entrusted to households, organizations to protect, plant and tend forest. For forested area, the households – contractors for forest protection benefit 20% of forest products and agricultural as well as aquatic products; If the households – contractors for land invest in plantation themselves, they will take full products. However, they only get belt, group – system cutting and must plant immediately in the recently logged areas.

**Article 11**

For ecological environment protection forest in the density populated areas, urban and hills on flat country:

- Protection forest areas in certain locality should entrusted to local authorities to organize management, protection and new plantation.

- All constructions such as residential area, urban, industrial park, factories, enterprises, schools, military barracks must use 10 – 15% of land fund for planting green trees that must be arranged in its construction site.

**Article 12**

Logging timber in protection forest:

-IN important area:

+ Purpose of logging or thinning is aimed at regenerating and improving growth capability of forest.

- For natural forest: Just thin old trees with insects to stimulate natural regeneration.

- For forest plantation: Cut belonging to narrow belt upon plan of road in mature forest ; re-afforest this belts until canopy closure at that time cut other mature belt in order to create uneven – aged protection forest belts.

-IN less important area:

+ For natural forest: selection cutting with speed lower 25% than in mature natural forest.

+ For forest plantation: Narrow and medium strip cutting (<25%) or group – system felling. After logging, must plant immediately in next plantation crop.

**Article 13**

In the protection forest there is interplanted production forest area, Forest Management Unit has right to organize establishment of production forest belonging to business production system upon Management Regulation on Production Forest.

Agriculture land, residential land and permanent swidden alternated with protection forest area is not planed in protection forest area. The local authorities entrust land use right to local households upon decree 64 – CP dated 27 September 1993 issued by the Government.

**CHAPTER IV:**

**MANAGEMENT ORGANIZATION ON PROTECTION FOREST.**

**Article 14**

Ministry of Agriculture and Rural Development is responsible for the Government on protection forest stand at national level, on long- term, medium and annual plan for setting up protection forest nation- wide.

Chairmen of People’s Committee of provinces and cities placed directly under the authority of the Central Government (generally provinces) are responsible for the Government on planning, plan for establishment investment of protection forest in local territory.

Departments of Agriculture and Rural Development are responsible for chairmen of
CHAPTER V:
INVESTED CAPITAL FOR ESTABLISHMENT OF PROTECTION FOREST

Article 15
Protection Forest Management Board is a state forest owner, investor for investing in protection forest establishment, exists sustainable, equal to protection forest entrusted to manage. Operation of Forest Management Board is based on economic administrative system with following duties and competence:

a. To be responsible for the State on management, protection, establishment and utilization of protection forest according to this regulation.

b. To set up long term, medium and annual planning, plan for establishment investment of protection forest area and submit to authorities for approval. To receive State’s annual invested capital, together with local state’s authorities to organize plan implementation, contract to households, community, other organizations in the locality for protection and establishment of protection forest; to manage investment capital utilization belonging to finance system and law.

c. To organize business production in production forest land alternated with protection forest area upon management regulation on production forest; to organize business combined with that the game is worth the candle, revenue is from take full forest products, forest logging, utilization promulgated in article 12 – chapter III of this regulation.

d. To organize force of heads of forest blocks in important protection forest area for management of these blocks; to organize responsible forest protection station as issued in article 6 – chapter II of this regulation. To organize to propagandize and train local people to contribute in protection and establishment of protection forest.

e. Forest Management Board is paid from administrative salary fund of State budget. Protection forest management boards pluralized by other administrative organizations such as military office and other enterprises (that are out of objectives of this article).

CHAPTER VI:
PROVISIONS FOR IMPLEMENTATION

Article 16
Invested capital for establishment of protection forest is financial resource to pay for protection, regeneration – oriented protection, plantation and tending, to build important infrastructure for protection forest area and regularly pay for management machinery. This capital is belonging to State budget.

Article 17
Annually Central Budget is invested in protection, regeneration – oriented protection, plantation and tending forest, in building important infrastructure for protection forest areas.

Article 18
Every organization, individual being Vietnamese and foreigner living and working in Vietnam breaks this regulation, they will be treated upon Law on Forest Protection and Development or will be tracked down the criminal responsibility according to Criminal Law of Socialist Republic of Vietnam.