On Concerning allocation of forest land to organizations, households, and individuals for long-term forestry purposes

Article 1.

Forest land allocated by the State to organizations, households, and individuals for their long-term use covered by this Decision comprises the following:

- Land which has natural or planted forest
- Land which does not have forest but should be afforested through planting, assisted natural regeneration, or protection of the vegetation.

Article 2.

The State allocated forest land to organizations, households, and individuals for their long-term use in accordance with the characteristics of different kinds of forest, as follows:

- Watershed forests and areas where the natural vegetation is to be protected are to be managed principally for the purposes of protecting the water sources, and the soil, preventing erosion, limiting effects natural diastase, regulating the climate and protecting the environment in general.
- Special-use forests are to be managed principally for the purposes of environmental preservation, constituting, models for environmental protection, serving as a gene bank for forest flora and fauna and as a site for research, protecting historical vestiges, cultural and scenic places, and providing services for tourism.
- Production forest are principally to be dedicated to production of other wood products, non-wood forest products, animal products, and also contribute to environmental protection.

Article 3.

1. The State allocates forest land with natural forest, with forest planted with State funds to organizations in accordance with economic and technical documents for management projects, duly approved by the competent State authority. Such forest land is allocated on the basis of outlines of management and investment Projects covering protection, development, and use of the forest on long-term basis, in general accordance with State plans.

2. The State allocated forest land without forest, intended for reforestation as well as unfrosted land intended for natural regeneration of the vegetation. For the use of these kinds of land, the State has established policies for the provision of State funds and other forms of assistance so that the organisations, households, and individuals can use the land on a long-time basis for forestry purposes in general accordance with overall State plans.

3. For land with forest and land without forest which has not been allocated to organisations, households, and individuals, the Ministry of Forestry and local units responsible for forestry are to assist the Government and the People’s Committees at different levels to plan the use of such land and organise
its management.

Article 4.

The allocation of forest land is to be based on the following factors:

1. The availability of forest land in different localities.

2. A general plan for the forest land and forests of different kinds, prepared and approved by the responsible State Organisation.

3. The need for land and the capacity to use it for forestry purposes of the various organisations nominated in the economic and technical documents outlining projects for management of the forest area, duly approved by the competent State authority. Applications for land can be accepted from households and individuals, residing in the area and registered by the People's Committee in Communes, city quarters, and townships.

4. In cases where allocation of forest land is carried out together with implementation of State-funded projects, the allocation is to be made in accordance with annual plans by the State.

Article 5.

Recipients of forest land to be allocated are:

1. Organisations, comprising Management boards for watershed forests and special-use forests, State Forest Enterprises, State Farms, State Fishing Enterprises, forest seed stations and farms, units of the armed forces, basic and vocational schools, social organisations, and other organisations.

2. Households residing in the area, registered by the People's Committee of the Commune, City quarter, and township.

3. Individuals

Article 6.

1. The duration of the allocation of forest land for long-term forest purposes is as follows:

   a. For State organizations, the duration is determined in the appropriate plan established by the State

   b. For other organisations, households, and individuals, the duration is 50 years. After this period has passed, it will in each case be determined whether the Organisation, household, or individual still needs the land and uses it for suitable purposes. If this is the case, the validity of the allocation will be prolonged. If the land user has planted trees with a rotation period of more than 50 years, the validity of the allocation will be prolonged at the 50th year, for the period remaining until the user can harvest the main crop.

2. The validity of the allocation will be counted as follows-

   a. For organisations, households, and Individuals who got land allocated to them before 15 October 1993, the 50 year period shall be calculated from 15 October 1993.

   b. For organisations, households, and individuals who got land allocated to them after 15 October 1993, the 50 year period will be calculated from the day of allocation.
Article 7.

1. Protection forests are of the following kinds:
   a. Watershed protection forests;
   b. Windbreaks and belts protecting against blowing sand;
   c. Forests protecting dikes along rivers and the sea,
   d. Environmental protection forests.

2. The Prime Minister or the Chairman of the People's Committees of Provinces and Cities will transfer the management duty for all protection forests to the Management Boards for the various protection forests. The forests are to be protected and managed in accordance with approved plans.

3. For protection forests which have already been allocated to organisations (economic units of the State concerned with forestry, agriculture, and fishery, units of the armed forces, as well as other organisations), the head of the respective units are to organise protection and management for the protection forests in accordance with plans prepared and approved of the competent State units.

4. For small areas of protection forest, failing within one commune or one village, which have not been allocated to people for use, the Chairman of the Commune is to see to it that the village concerned protects, manages, and uses the forest area in accordance with guidelines issued by the forest Organisation of the State in the locality.

5. The State allocates protection forest land which is unforested to organisations, households-, and individuals for the purpose of reforestation, assisted natural regeneration., or protection of the vegetation. These activities can be carried out in combination with economic production in forestry, agriculture, or fishery in the following cases:
   a. Watershed forests of low priority;
   b. Windbreaks and belts protecting against blowing sand;
   c. Forests protecting dikes along rivers and the sea in places where the soil is already stabilised
   d. Environmental protection forests.

Article 8.

1. Special-use forests cover the following categories:
   a. National parks;
   b. Natural reserves;
   c. Areas for social and cultural purposes, such as historical sites, beautiful scenarios, and sites for research and experiments.

2. The responsibility for protection and management of national parks and natural reserves are to be given to the Management Boards of those areas (The Boards are created by decision of the Prime Minister.) The form of protection and management is to be determined as follows:
   a. In strictly protected nature reserves, where conditions are not suitable for a transfer of people living in the reserve out of the area, the Management Board for the specialise forest can establish a contract
with the households residing in the reserve for protection and management of the area.

b. For environmental restoration areas, the Management Board for the special-use forest establishes contracts with households for the protection and reforestation of the area.

c. For land planted with annual crops within the areas mentioned in paragraphs a and b in section 2 of this Article, the Management Board for the forest area will re-allocate the areas to households and individuals for agricultural production in accordance with the appropriate laws.

3. For cultural and social sites, historic vestiges, scenic spots, and research, the State management authority for the area is to assign the responsibility for management to the Management Board of the area. If there are people residing in the area or if cultivation of annual crops takes place, the allocation is to be carried out in accordance with what is said above in paragraphs b and c in section 2 of this Article.

**Article 9.**

For production forest land, the following applies:

1. The State allocates production forest land to organisations, households, and individuals belonging to any economic component of the society in accordance with what is said in section 1 of Article 3 and section 3 of Article 4 in this decision.

2. The State encourages organisations, households, and individuals to reforest-land, to carry out combined agriculture, forestry, and fishery production in areas of degraded land and bare hills. The State also supports reforestation and combined agriculture, forestry, and fishery production. The State can also organise production, processing and marketing and is in addition responsible for construction of major items of infrastructure.

**Article 10.**

Organisations, households, and individuals who are already managing or using forest land, which the responsible State unit has previously allocated to them in a suitable way are to continue to use the land and to complete the formalities in accordance with Article 13 in this Decision.

**Article 11.**

The competent authority for the determination of forest areas and allocation of forest land for long-term use for forestry purposes are named in Article 8 in Decree 17-HDBT, dated 17 January 1992, referring to the implementation of the Law on Forest Protection and Development.

The same State authority which has the authority to allocate forest land also has the authority to examine and approve the economic and technical documentation for management and investment for the purpose of protecting and developing the forest. The duty to allocate land and to examine and approve the documentation cannot be delegated to a lower level.

**Article 12.**

1. For forest land which consists of degraded land and bare hills, organisations, households, and individuals are to be issued with Land Tenure Certificates giving them the right to long-term use of the land as well as the right to enjoy support from the State in accordance with the law, for example in the form of technical advice and reduction or exemption from taxes.
2. For forest land which has natural or planted forest or is covered with vegetation which needs to be protected, families and individuals can be given the responsibility for protecting and managing such areas in accordance with a contract signed together with the appropriate State unit.

3. Households, families, and individuals who live in watershed forests and special-use forests, in areas of State Forest Enterprises, State Farms, and State Fishing Enterprises, or in areas of State forest seed stations or farms are to prepare the contract for land use together with the Management Board or the Organisation having the corresponding responsibility, and then register the contract in the People’s Committee of the locality.

**Article 13.**

A complete dossier for forest land allocation contains the following documents:

1. Application for allocation of forest land;

2. For organisations, the economic and technical documentation, duty approved by the competent authority, for the corresponding management or investment projects must also be presented. For households and individuals, there must be a document outlining, the proposed management and use of the land, also duty examined and approved.

3. A map or sketch in the scale 1:5,000 to 1:25,000 over the area of forest land to be allocated. In areas where maps of this scale are not available, maps in the scale 1:50,000 can be used, complemented with details of the locality. The borders of the area to be allocated should be clearly marked on the map.

4. A decision to allocate forest land by the competent authority.

5. A record of the allocation and reception of land.

6. The dossier for the land allocation is to be kept public at the authority competent to allocate the forest land and at the People’s Committee in the locality where the land is located.

**Article 14.**

The issuing of Land Tenure Certificates proceeds as follows:

1. Conditions for issuing of Certificates:
   a. A cadastral map or sketch is available.
   b. The area to be allocated must be marked on the ground and in the map. The size of the area to be allocated should also be calculated.

2. The State authority responsible for forestry should cooperate with the Organisation responsible for land management at the same level in completing the formalities for allocation of forest land to organisations, households, and individuals.

3. The land management Organisation in the locality prepares the Land Tenure Certificates to be issued to organisations, households, and individuals.

4. The costs for the allocation of forest land are to be borne by the State.

The land management Organisation at the central level is responsible for the distribution of the Land Tenure Certificates.
**Article 15.**

Persons who use forest land have the following rights and obligations

1. Rights:
   a. To obtain Land Tenure Certificate.
   b. Obtain protection by the State in exercising the rights and enjoying the lawful benefits from the forest land allocated.
   c. Enjoy the fruits of his or her labour, the results of investments made on the forest land allocated in accordance with the economic and technical documents for the corresponding management or investment project or according to the contracts established.
   d. Enjoy the benefits from support by the State in support of protection and development of forests.
   e. Be compensated for the fruits of their labour, and investment on the forest land allocated according to the market price and the present condition of the forest and the forest land if the State recovering the land allocated in accordance with the law.
   f. Has the right to bequeath, transfer, or cede the land tenure right, and mortgage the land tenure right, in accordance with the law.
   g. Obtain reduced tax levels or exempted from paying taxes in the case of afforesting degraded land and bare hills.

2. Duties
   a. Follow the Law on Protection and Development of Forests in carrying out Protection, management, and development of the forest land allocated.
   b. Pay compensation according to the market price to the owner of the forest or the forest land when obtaining the right to use land previously held by another person.
   c. Pay taxes according to the law.

**Article 16.**

Rewards and punishments.

Organisations, households, and Individuals who are implementing this Decision are to be rewarded according to the law.

Organisations, households, and individuals covered by this Decision who have unlawfully lost a part or all of the forest land allocated to them have the right to settlement after investigation into the criminal affair, in accordance with the law.

**Article 17.**

The Ministers of Forestry, Agriculture and Food Industry, Aquatic Resources, and Finance, and the Ministers responsible for the State Planning Committee, the Committee for Ethnic Minorities and Mountain Issues, the General Department for Land Management, and the Heads of other concerned authorities all has the responsibility within their authority to provide guidance and follow up the implementation of this Decision.
The Minister of Forestry is to cooperate with the Minister of Justice in preparing model contracts to be applied over the entire nation.

The Minister of Forestry, the General Director of the General Department for Land Management, the Chairmen of the People's Committees of Provinces and Cities are responsible for the implementation of this Decision.

**Article 18.**

All decisions previously issued which are contrary to this Decision are hereby abrogated.

On behalf of the government
For the Prime Minister
Vice Prime Minister

*Phan Van Khai*