## TECHNICAL APPENDIX: FULL PLR GAP ANALYSIS

<table>
<thead>
<tr>
<th>Cancun Safeguards</th>
<th>Interpretation Criteria</th>
<th>Criteria Origin</th>
<th>PLR</th>
<th>Additional Comments</th>
</tr>
</thead>
</table>
| (“When undertaking the activities referred to in paragraph 70 of this decision, the following safeguards should be promoted and supported”) | 1. Statements making clear the objectives of national forest programmes. | Original | Decree No.05/2008/ND-CP on The Forest Protection and Development Fund  
Article 3. Purposes of Fund establishment  
1. Mobilizing society resources to protect and develop forests, contribute to implementation of the forestry socialization strategy.  
2. Raising awareness and responsibility towards forest protection and development works of beneficiaries from forests or whose actions have direct impacts on forests.  
3. Building capacity and efficiency in forest management, utilization and protection by forest owners, contributes to the implementation of forestry development strategy. | This Decree deals with the establishment, management and utilization of Forest Protection and Development Fund (VNFF).  
Circular No.85/2012/TT-BTC guiding financial management regulations for VNFF from central to commune level including funding sources and expenditures.  
Circular No.111/2008 /QD-BNN on promulgating rules on organization and operation of VNFF at provincial level. |
**Forest Protection and Development Plan for the period 2011-2020**

The objectives of this Plan:
- Existing forest and planned land for forestry will be managed and used in an effective and sustainable manner;
- Forest cover will be increased to 42-43% by 2015 and 44-45% by 2020; and productivity, quality and value of forests will be increased to basically meet the demands on timber and other forest products for domestic consumption and export; the forest sector will be restructured aims to value addition;
- Jobs will be generated, incomes for forest dependent people will be improved contributing to poverty reduction and to ensure national security;

**National Forest Development Strategy 2011-2020 approved by Prime Minister by Decision No. 18/2007/QD-TTg dated on February 5, 2007**

Part 3: Perceptions, Objectives and tasks until 2020 and Development orientations

The objectives of NFDS is clear with promoting of sustainable forest management, increasing of forest cover, multi-stakeholder participation, contributions to socioeconomic development, environmental protection, biodiversity conservation and environmental services, reduction of poverty and improvement of the likelihoods of rural mountainous people. It divided into three tasks: economic, social and environmental tasks.

**Strategy for Management of PA System in Vietnam (Draft 2 - January 2013)**

Part 1: Overall assessments
Part 2: Perceptions, Vision and Objectives
Part 3: Strategic objectives and prioritized actions
Part 4: Plan for implementation of objectives
Part 5: Implementation arrangements and Strategy monitoring

Vision of Strategy to 2030 is the natural heritages of Vietnam in national Protected Area system should be conserved and managed effectively and efficiently, recognized by all sectors, authorities and communities. This system should be planned, protected and used sustainably and with participation of multi-stakeholder participation and full supported by government and other new supporting financial mechanisms.
### Strategic Goal 1.
By 2020 the protected area system should be expanded and adapted to achieve the spatial targets established in the National Biodiversity Strategy and Action Plan (10% of the terrestrial area and 0.24% of the marine territory of Vietnam).

### Strategic Goal 2
By 2020 a common system will be in place for managing, identifying establishing and categorising all protected areas in the national system

### Strategic Goal 3
By 2020 all protected areas should be effectively and efficiently managed and administered by a professionally qualified specialist staff within a unified, commonly recognised and implemented system of planning, monitoring and reporting.

### Strategic Goal 4
By 2020 all protected areas in the system will be implementing planned programmes of activities that to meet the conservation and other objectives identified in the management plans.

### Strategic Goal 5
By 2020 formally adopted mechanisms will be in place in all protected areas for ensuring that local communities in and around protected areas are able to participate in management and maintain traditional sustainable livelihoods

### Strategic Goal 6.
By 2020 all protected areas will be adequately funded by the State and endowed with sufficient resources to meet legal obligations, and to enable effective and efficient management and protection. State funding should be enhanced though a more diverse range of sources including, local income generation, payment for ecosystems services and international cooperation.

### Strategic Goal 7.
By 2020 laws and regulations affecting protected areas will be revised and extended where necessary to provide a common and consistent framework for management by all responsible agencies and to ensure full integration with other sectoral laws and policies affecting land, water, natural resources and economic development.

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**Decision No. 126/QD-TTg of Prime Minister dated on February 2, 2012 on piloting benefit sharing in sustainable Special Use Forest management, protection and development**

**Article 1:**
1. The purposes is to create a legal framework on benefit sharing policy, rights and obligations of Management Board of special use forest and local communities based on the principles of co-management aiming to protect, manage and develop Special Use Forests sustainably; to contribute to income generating and to improve living conditions for local people living in the Special Use Forests and their buffer zones.


November 8, 2005 the new Decree No 135/2005/ND-CP on the same topic was promulgated with a focus on production forestland.

Article 3: Objectives of forestland contracting:
- Efficient and sustainable uses of forest resources
- Capital and labours of contracted parties will be mobilized to increase effectiveness and efficiency of enterprise’s production;
- Benefit sharing, job creation and incomes of contracted parties will be improved to contribute to poverty reduction and national security.

National Biodiversity Strategy/Action plan to 2020 with vision to 2030 (Draft)

3.1 Vision to 2030
By 2030, the role and importance of biodiversity will be understood and valued by all sections of society. Effective systems will be in place to ensure the conservation, restoration and sustainable use of biodiversity. Ecosystem services will be conserved and enhanced, thus ensuring the flow of essential benefits to society.

3.3. Strategic Goals

Strategic Goal 1: Viet Nam’s policy, legal and institutional framework for the conservation and management of biodiversity is significantly strengthened.

Strategic Goal 2: All sectors of society understand the importance of biodiversity, are aware of their responsibilities for its management, and are actively involved in its conservation, restoration and sustainable use.

Strategic Goal 3: Direct threats to biodiversity are significantly reduced.

Strategic Goal 4: Ecosystems, species and genetic resources are conserved effectively.
| Strategic Goal 5: Ecosystems, species and genetic resources are used sustainably and equitably.  
Strategic Goal 6: Biodiversity conservation and sustainable use form a central plank of Viet Nam’s climate change mitigation and adaptation strategy. |
|---|

| Decision No. 24/2012/QD-TTg of the Prime Minister dated on June 1, 2012 on Investment policy for special use forests in the period 2011-2020  
Article 2: Objectives for promulgating investment policy for Special Use Forests  
- To increase the effectiveness of Special Use Forest investment;  
- To link obligations of forest users with investment for forest development and protection;  
- To mobilize multi-stakeholder participation for investment in forest protection and development with the aim to reduce government personnel  
- To gradually increase local communities in Special Use Forest protection;  
- To conserve eco-systems, genetic resources, researches, historical cultural sites and protect environments. |

| 2. Statements of commitment to national poverty reduction strategies, MDGs, national biodiversity conservation policies/action plans, and other sustainable development strategies.  
SEPC Principle 4, Criterion 16 and Criterion 17  
REDD+ SES Principle 7, Criterion 7.1  
REDD+ SES Principle 4, Criterion 4.6 |
|---|

| Law on Environmental Protection 2005  
Article 4, Clause 1: “Environmental protection must be in harmony with economic development and assure social advancement for national sustainable development; protection of the national environment must be connected with protection of the regional and global environment”. |

<p>| The LEP does not make specific statements of commitment to national poverty reduction strategies, MDGs, national biodiversity conservation policies/action plans, and other sustainable development strategies. However, Article 4, Clause 1 does make a general commitment to the harmonizing of |</p>
<table>
<thead>
<tr>
<th><strong>Forest Protection and Development Plan for the period 2011-2020</strong></th>
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<tbody>
<tr>
<td>Objective 3 of the Plan</td>
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<tr>
<td>Jobs will be generated, incomes for forest dependent people will be improved contributing to poverty reduction and to ensure national security:</td>
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<table>
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<tr>
<th><strong>National Forest Development Strategy 2011-2020 approved by Prime Minister by Decision NO. 18/2007/QD-TTg dated on February 5, 2007</strong></th>
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<tr>
<td>Part 3: Perceptions, Objectives and tasks until 2020 and Development orientations</td>
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<tr>
<th><strong>Decree 186/2006/ND--CP of the Prime Minister dated on August 14, 2006 on promulgation of Forest Management Regulation</strong></th>
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<tr>
<td>Decree 186 Article 4: Principles for forest governance:</td>
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<tr>
<td>- Forests should be managed, protected, developed and utilized sustainably in accordance with forest protection and development plans;</td>
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<tr>
<td>- The forest management should be in compliance with the main objectives of each forest category and sound utilization of integrated forest values to contribute to socio-economic development, environmental protection, biodiversity conservation, and national security;</td>
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<tr>
<td>- The identification of the objectives and management measures are in accordance with the characteristics of forest ecosystems to ensure sustainable management of forests and ecosystems</td>
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<tr>
<th><strong>Prime Minister Decision No. 661 /QD-TTg on Objectives, Tasks, Policies and Institutional arrangements for Implementation of the Five Million Hectares Reforestation Project (Project 661)</strong></th>
</tr>
</thead>
</table>
## Article 1: Objectives
- New planting of 5 million hectares forests and protect the existing forests to increasing the forest cover to 43% to contribute to environmental security, mitigate the natural disasters, increase the water and conserve gene resources and biodiversity;
- Use the barren land efficiently, create more jobs for the farmers contributing to poverty reduction, fixed settlement and cultivation, increase the incomes of mountainous people, stabilize the politic, social and national security;
- Supply raw material to produce paper, fibre wood, timber, fuel wood and NTFPs for domestic uses and export and together with forest product processing industry to bring forest sector becomes an important economic sector, contributing to economic development in mountainous areas.

## Decision No. 24/2012/QD-TTg of the Prime Minister dated on June 1, 2012 on Investment policy for special use forests in the period 2011-2020

### Article 1: Perceptions for Special Use Forest Investment
1. Special Use Forests are state properties and forest protection and development are responsibilities of the State and society.
2. This investment policy for Special Use Forest should cover main infrastructure and operation cost for forest management and conservation and improve the living conditions for people living in the Special Use Forests and their buffer zones.
3. The State encourages development of environmental service and eco-tourism activities in Special Use Forests to create income sources to compliment costs, to increase incomes for staff and gradually to replace the state budget;
4. The State has supporting investment policy and creates benefit sharing mechanism for different economic sectors, local communities to participate investment for special use forest protection and development;

## Law on Biological Diversity dated on November 13, 2008

### Article 4, Clause 2 on principles for sustainable conservation and development of Biodiversity
“Biodiversity conservation must be in harmony between conservation with suitable exploitation, utilization of Biodiversity, between conservation, exploitation and utilization of BD with poverty reduction”;

### Article 5: State policies on sustainable BD conservation and
<table>
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<tr>
<th>Section</th>
<th>Text</th>
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<tr>
<td></td>
<td>development states that data bases, planning, infrastructure for PAs should be ensured by Government.</td>
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<tr>
<td><strong>National Biodiversity Strategy/Action plan to 2020 with vision to 2030 (Draft)</strong> Action 1.4. for Goal No.1 To integrate biological diversity content into national, sectorial and local strategies, programs and plans including poverty reduction strategies, development plans and REDD+action plans. Actions to Goal No.2: a) To create high commitments of policy makers towards actions in conservation, restoration and sustainable uses of biodiversity:</td>
<td></td>
</tr>
<tr>
<td><strong>Strategy for Management of PA System in Vietnam (Draft 2 - January 2013)</strong> <strong>Objective 6.5. International cooperation and support</strong> By 2020 international cooperation (financial and technical) should be focused on supporting implementation activities prioritised in the National Strategy on Protected Areas at national, provincial and protected area levels. Section 1.2.3. Legal framework and international commitments</td>
<td></td>
</tr>
<tr>
<td><strong>Law on Forest Protection and Development of National Assembly dated on December 3, 2004 and Decree No 23/2006/ND-CP of the Government of Vietnam dated on March 3, 2006 on the implementing Law of Forest Protection and Development</strong> Article 10, Clause 1: “The State has investment policy for forest protection and development which is connected and harmonized with socio-economic policies with priority for infrastructure development, human resource development, fixed settlement and cultivation, and improvement of living conditions of mountainous people”.</td>
<td></td>
</tr>
<tr>
<td><strong>Law on Minerals 2010</strong> Article 3, clause 1: “The State adopts mineral strategies and master plans to assure socio-economic sustainable development, national defence and security in each period.”</td>
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<tr>
<td><strong>Construction Law 2003</strong> Article 11, clause 1” Construction planning must be elaborated and approved to serve as basis for subsequent construction activities. Construction planning shall be elaborated for five years, ten years</td>
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</table>
and long-term development orientation. Construction planning must be periodically revised and adjusted to be compatible with the socio-economic development situation in each period.

**Decision No 1393/QD-TTg approving National Green Growth Strategy dated 25/9/2012.**

**Viewpoint**

- Green growth is an important part of sustainable development to ensure fast, efficient and sustainable growth while making a significant contribution to the implementation of the national climate change strategy.

- Green growth is by the people and for the people, contributing to employment, poverty reduction and improving the material and spiritual life of all people.

- Green growth must lead to increased investments in conservation, development and efficient use of natural capital, reduction of greenhouse gas emissions and improvement of environmental quality, and thereby stimulating economic growth.

2. **Objective**

Green growth, as a means to achieve a low carbon economy and to enrich natural capital, will become the principal direction in sustainable economic development; reduction of greenhouse gas emissions and increased capability to absorb greenhouse gas are gradually becoming compulsory and important indicators in socio-economic development.

**Decision No 3119/QD-BNN-KHCN on approving program of Green House Gas (GHG) Emission Reduction in the Agriculture and Rural Development sector up to 2020 dated 16/12/2011**

2. **Objectives**

- To promote green and safe agricultural production to produce, low emissions, sustainable development and ensuring national food security, contributing to poverty reduction and effectively responding to climate change

**Decision 1216/QĐ-TTg approving the National Strategy for environmental protection until 2020 and vision toward 2030 (NSEP) dated on 5/9/2012**
I. VIEWPOINTS AND OBJECTIVES

I.1. General viewpoints
- Environment protection is vital to human beings; The Strategy on Environment Protection is an indispensable component of the Socio-economic Development Strategy and the Sustainable Development Strategy; environment protection must facilitate sustainable development to meet demands of current generations while preserving potentials and opportunities for future generations; investment in environment protection is the investment in sustainable development.

<table>
<thead>
<tr>
<th>Decision No 2139/QD-TTG. National Strategy on Climate Change</th>
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<tbody>
<tr>
<td>II. STRATEGIC VIEWPOINTS</td>
</tr>
<tr>
<td>- Viet Nam’s response to climate change must be closely attached to sustainable development toward a low-carbon economy, at the same time all chances should be utilized in order to renew the thought of development and improve the country’s competitiveness and strengths;</td>
</tr>
<tr>
<td>III. STRATEGY’S TARGETS</td>
</tr>
<tr>
<td>1. General targets</td>
</tr>
<tr>
<td>To bring into play the whole country’s capacity in simultaneously taking measures of adapting to impacts of climate change and cutting down greenhouse gas emission in order to secure people’s safety and property as well as for the sake of sustainable development;</td>
</tr>
<tr>
<td>To strengthen people and natural systems’ adaptability to climate change while developing a low-carbon economy in order to protect and improve quality of life, guarantee national security and sustainable development in the context of global climate change, and proactively work with the international community in protecting the earth’s climate system.</td>
</tr>
<tr>
<td>2. Specific targets</td>
</tr>
<tr>
<td>- To guarantee food security, energy security, water security, poverty reduction, gender equality, social security, public health, and better livelihood as well as protect natural resources in the context of climate change;</td>
</tr>
<tr>
<td>- To turn low-carbon economy and green growth into main orientations for sustainable development; lower emission and higher absorption of greenhouse gases to become compulsory indicators of socio-economic development</td>
</tr>
</tbody>
</table>
### Decision No. 2730/QD--BNN--KHCN approving the Action Plan Framework for Adaptation to Climate Change in the Agriculture and Rural Development Sector for the period 2008-2020 (APF) (launched by MARD dated 5/9/2008)

**1. Objective**

General Objectives
To enhance capability of mitigation and adaptation to climate change (CC) to minimize its adverse impacts and ensure sustainable development of the agriculture and rural development sector in the context of climate change.


1.3. Vietnam not under Annex 1 of the UNFCCC, there is no obligation to reduce greenhouse gas emissions, but with the overall responsibility to the world community to protect "Earth", the operation of the business sectors of Industry and Trade should always consider to ensure harmony between the economic interests of the enterprise for sustainable development of the industry towards the "green industry", "low carbon" economy.

### Decision No 1855/QD-TTg approving the Vietnam's National Energy Development Strategy up to 2020 with 2050 vision dated 27/12/2007

1. Development viewpoints

a/ To quickly and sustainably develop energy in close association with the national socio-economic development strategy, in parallel with diversifying energy sources and applying energy-saving technologies, which is considered a key task throughout the process of national industrialization and modernization.

b/ To develop national energy in line with the trend of international integration, efficiently use domestic resources and rationally exploit and use foreign resources, establish national energy security in the open conditions, effectively enter into regional and global cooperation combined with firmly preserving national security and developing an independent and self-reliant economy.

f/ To develop energy in close association with preserving the ecological environment, ensuring sustainable energy development.

3. Development orientations:

a/ Orientations for development of the electricity industry - To ensure sustainable development and minimize adverse
impacts on the environment.

5. Implementation solutions
b/ Solutions on financial mechanisms
- To increase investment from the state budget for energy projects in rural and mountainous areas and islands so as to contribute to economic development and hunger eradication and poverty alleviation in these areas; to study the establishment of an energy development fund to provide support for investment in the development of new and renewable energies and the implementation of public-utility projects.

II. Development Viewpoints
II.1. Fast development has to go side by side with sustainable development; sustainable development is a throughout requirement in the Strategy.

Part II
I. OVERALL OBJECTIVES AND TASKS OF SOCIO-ECONOMIC DEVELOPMENT AND POVERTY REDUCTION

II. PLAN FOR SOCIO-ECONOMIC DEVELOPMENT IN 2011-2015
II.1. Goals
To achieve fast and sustainable economic development in association with renovating the growth model and restructuring the economy toward raising quality, effectiveness and competitiveness.
II.2. Major targets
b/ Social targets
The poverty rate will be reduced in a quick and sustainable manner at an average annual rate of 2%, and 4% in poor districts and extremely disadvantaged communes.

Decision No. 153/2004/QD-TTg dated August 17, 2004 of the Prime Minister promulgating the oriented strategy for sustainable development in Vietnam (Vietnam’s Agenda 21)
Sustainable development is an inevitable tendency in the development process of human society. Thus, the agenda for each
development period of the history has been worked out as a result of consensus and collective efforts of nations in the world

| Resolution No.41/2004/NQ-TW by the Politburo of the 9th Communist Party Congress on Environmental protection during the industrialization and modernization process |
| II. VIEWPOINTS, OBJECTIVES, AND RESPONSIBILITIES |
| B. TARGET |
| 1. Prevention, restriction of increasing in pollution level, degradation and environmental problems caused by human activities and the impact of nature. Sustainable usage of natural resources, protection of biodiversity. |
| 2. To overcome the environmental pollution, at first at places where was seriously polluted, to restore degraded ecosystems, and gradually improve the quality of the environment. |
| 3. To make a better environment in Vietnam and have harmony between economic growth, implementation of improvement, social justice and environmental protection; everyone is aware of environmental protection, eco-friendly lifestyle. |
| III. THE MAIN SOLUTIONS |
| 7. Widening and enhancement of international co-operation effect on environmental protection. |
| Active participation in international and regional activities regarding environmental field; fully implement the international treaties to which Vietnam is a party, international commitments, programs, bilateral and multilateral projects on environmental protection in compliance with national benefit. |

| Decision No.07/2006/QD-TTg on the approval of the socio-economic development program for extremely difficult communes in ethnic minority and mountainous areas in the period 2006-2010 |
| Article 1. To approve the socio-economic development program for extremely difficult communes in ethnic minority and mountainous areas in period 2006-2010 with the main content as follows: |
| 1. Objectives: |
| a) Overall objective: To radically accelerate the production, to promote the agro-economic structural shift towards close linkages between the production and markets; to improve material and spiritual living conditions of the ethnic minority people in extremely difficult communes and villages in a sustainable manner |

No formal commitments, but there are some objectives relevant to national poverty reduction strategies, MDGs, national biodiversity conservation policies/action plans, and other sustainable development strategies.
and to narrow the development gap among ethnic groups and regions in the country.

To strive so that by 2010, in the targeted areas basically there will be no hunger-stricken households and the percentage of poor households drop below 30% based on the poverty line specified in the Prime Minister’s Decision No.170/2005/QD-TTg dated 08 July 2005.

b) Specific objectives:
- Production development: to upgrade skills and develop new production practices among ethnic minorities, to accelerate the agro-economic structural shift, to increase income, and to reduce poverty sustainably.

2. Key principles
a) The socio-economic development program for extremely difficult communes represents the poverty reduction policy specific for the poorest areas of the country. The program shall provide investment supports in a focused and undispersed manner and target the communes and villages in the most difficult conditions;

3. Scope and targets of the program
a) Scope of the program: to be implemented in all mountainous and highland provinces and ethnic minority areas in the Mekong River Delta provinces.

Resolution No.30a/2008/NQ-CP on Program for rapid and sustainable poverty alleviation in 61 extremely poor districts

II. TARGET
1. The general target
Create a faster change in the physical and mental life of the poor, the ethnic minorities in poor districts, reaching same level as in other districts by 2020. Assist the sustainable development in agriculture and forestry towards the production of agricultural goods, making use of advantages of the localities. Build up socio-economic infrastructure appropriate with conditions of each district; build a stable rural area rich in national cultural identity; intellectual level of villager gets improved, environment is protected; ensuring defense security”

Decree No.05/2008/ND-CP on The Forest Protection and Development Fund

Article 1. Scope of regulation
2. In case of discrepancy between any international treaties or agreements provision to which Vietnam is a signatory and this
<table>
<thead>
<tr>
<th>Decision No.134/2004/QD-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</th>
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<tbody>
<tr>
<td>Article 1. To implement 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, in cooperation with the implementation of economic and social programs, the State directly support to the poor ethnic minority households in order to facilitate the development of production, improvement of their life, getting off poverty.</td>
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<table>
<thead>
<tr>
<th>Circular No.816/2004/TTLT-UBDT-KHDT-TC-XD-NNPTNT 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</th>
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<tbody>
<tr>
<td>II. SUBJECTS AND SCOPE OF APPLICATION</td>
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<tr>
<td>2. Scope of application</td>
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<tr>
<td>Policies to provide supports in production land, residential land, dwelling households, 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).</td>
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<tr>
<th>Decree No.197/2004/ND-CP on compensation, support and resettlement when land is recovered by the State</th>
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<tr>
<td>Article 1. Scope of regulation</td>
</tr>
<tr>
<td>2. For projects using official development assistance (ODA), if the compensation, support and resettlement requests of the donors are different from the provisions of this Decree, before concluding international agreement, the agencies managing the investment projects must report such to the Prime Minister for consideration and decision. Where the international agreements which Vietnam has signed or acceded to contain provisions different from those of this Decree, the provisions of such international agreements shall apply.</td>
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</table>

Referring to as the “134 Program”. This ended in 2008 (see Article 1, Clause 5 of Decision No.198/2007/QD-TTg)
### Law on Environmental Protection 2005

**Article 5, Clause 8:**
“...expand and raise the effectiveness of international cooperation; fully realize international commitments to environmental protection; encourage organizations and individuals to participate in undertaking international cooperation in environmental protection”.

**Chapter XII International cooperation in environmental protection**

**Article 118:** Implementation of environment treaties

**Article 119:** Environmental protection in the process of international economic integration and Globalization

**Article 120:** Expansion of international cooperation in environmental protection

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<tr>
<th>3.</th>
<th>Statements within PLRs that link to the following international conventions/agreements:</th>
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<tr>
<td></td>
<td>- Cancun Agreements;</td>
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<td></td>
<td>- UN Declaration on the Rights of Indigenous Peoples;</td>
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<td></td>
<td>- International Convention on the Elimination of All Forms of Racial Discrimination;</td>
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<td></td>
<td>- Convention on Biological Diversity;</td>
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<td></td>
<td>- UN Convention to Combat Desertification</td>
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<td>- International Tropical Timber Agreement;</td>
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<td>- The Convention on Wetlands of International Importance (Ramsar Convention);</td>
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<td></td>
<td>- International Covenant on Civil and Political Rights;</td>
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<td></td>
<td>- International Covenant on Economic, Social and Cultural Rights;</td>
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<td></td>
<td>- Convention on the</td>
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| **Elimination of all Forms of Discrimination Against Women;**  
- ILO Convention No. 169;  
- Universal Declaration of Human Rights. |
|---|
| **Law on Biological Diversity 2008**  
Article 69, Clause 1:  
“The Government of Vietnam commits to implement international convention on biodiversity, in which Vietnam is a member state and to expand cooperation in sustainable conservation and development of Biological Diversity with the countries, territories, foreign organizations and individuals.” |
| **Forest Protection and Development Plan for the period 2011-2020**  
FPDP 2011-2020  
The solution for international cooperation states that Vietnam will establish bilateral and multi-lateral cooperation with regional and international forestry organizations actively; continues implementation of international agreements in forestry, to which Vietnam is a signatory including CITES, UNBCD, UNCCD, UNFCCC, RAMSA, REDD+, ITTO;  
- Vietnam continues cooperation in economic integration especially in forest governance, FLEGT… and cooperation with ASEAN countries |
| **Construction Law 2003**  
Article 2.- Objects of application  
This Law shall apply to Vietnamese organizations and individuals; as well as foreign organizations and individuals, that invest in the construction of works and conduct construction activities in the Vietnamese territory. In cases where an international treaty which the Socialist Republic of Vietnam has signed or acceded to contains provisions different from those of this Law, the provisions of such international treaty shall apply. |
| **National Forest Development Strategy 2011-2020 approved by Prime Minister by Decision NO. 18/2007/QD-TTg dated on February 5, 2007** |
Part 4: Solutions to implement National Forest Development Strategy

VII. Solutions for international cooperation

**National Biodiversity Strategy/Action plan to 2020 with vision to 2030 (Draft)**
Viet Nam is a Party to many Multilateral Environmental Agreements (MEAs) of relevance to biodiversity, including the RAMSAR Convention, Convention on Biological Diversity (CBD), Convention on International Trade in Endangered Species (CITES), UN Framework Convention on Climate Changes (UNFCCC), Kyoto Protocol, Cartagena Protocol on Bio-safety, UN Convention to Combat Desertification (UNCCD). However, Vietnam is not party to Convention on Migratory Species (CMS).

**Decision No 1393/QD-TTg approving National Green Growth Strategy dated 25/9/2012**

17. International cooperation
- Create the legal foundation and favourable conditions for Viet Nam to commit and actively participate in activities as agreed upon in international conventions on environmental protection, responding to climate change, and building a green economy.

**Decision 172/2007/QD--TTg issued on 16/11/2007 by the Prime Minister approving the national strategy on disaster prevention and reduction by 2020**

IV. Responsibilities and Solutions
1. General responsibilities and solutions
   i) Promote international cooperation and integration
   Boost regional and international cooperation in disaster warning, forecast, in education, training and technology transfer, in sharing of information, experience and practical lessons to build up agreements, and conventions for disaster prevention, response and mitigation, especially for emergency search and rescue; Cooperate with international organizations to implement the UN Convention for Climate Change, the Kyoto Protocol, Hyogo Framework for Action and other programmes; Work in collaboration with countries in the region on water resources exploitation, protection and management.

**Decision 1216/QĐ-TTg approving the National Strategy for environmental protection until 2020 and vision toward 2030 (NSEP) dated on 5/9/2012**

III. GENERAL SOLUTIONS
6. To speed up international integration and cooperation for environment protection
- To place importance on environment issues in negotiating and signing bilateral and multilateral trade agreements, especially in trans-Pacific Partnership; to speed up the realization of environment service-related commitments within the WTO framework; to attract foreign investment in environment protection while nurturing the provision of environment services to meet domestic demands and expand the scope into regional countries;
- To boost international cooperation for more resources for environment protection; to actively propose initiatives for international cooperation; to take part in and realize international treaties in which Viet Nam is a member;
- to work with other countries in the region and the world, and international organizations in preventing and controlling environment pollution, preserving nature and biodiversity, and coping with climate change.

Decision No 2139/QD-TTG. National Strategy on Climate Change
IV. STRATEGY’S MISSIONS
9. Promoting international cooperation and integration while raising the nation’s status in dealing with climate change issues
- To further cooperate with countries and international organizations in realizing the UN Framework Convention on Climate Change and other relevant international conventions; to proactively and creatively design bilateral and multilateral agreements and treaties on climate change;
- To revise and supplement legal system, regimes and policies in conformity with international agreements and treaties on climate change under which Viet Nam is a member;

Decision No 1474/QD-TTG. National Action Plan on Climate Change 2012-2020
I. OBJECTIVES MISSION TO 2020
4. Mitigation of greenhouse gas emissions, develop the economy in the direction of low-carbon
- Implement measures to reduce greenhouse gas emissions for the production activities, in accordance with the conditions of Vietnam, step-by-step implementation of the transfer of climate-friendly technologies in the framework of the United Framework Convention Nations on climate change
<table>
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<tr>
<td>1.2. Industry and Trade Sector will give priority to the task of &quot;adaptation&quot; and ready to implement the mitigation of greenhouse gas emissions on the basis of technical support, finance, technology, international community, meeting the objectives is to maintain the stability of the atmosphere, sustainable growth, benefits for all the parties to the principle of &quot;common but differentiated responsibilities&quot; is defined in the United Nations Framework Convention on Climate Change (UNFCCC).</td>
</tr>
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<tr>
<th><strong>National Strategy for Economic Growth and Poverty Reduction (NSEGPR) dated 21/5/2002</strong></th>
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</table>
| Part II  
II.MAJOR SOCIO-ECONOMIC DEVELOPMENT AND POVERTY REDUCTION TARGETS FOR THE PERIOD UP TO 2005 AND 2010  
Based on the Ten-Year Socio-economic Development Strategy for the 2001-2010 period, sectoral and industrial development strategies and the Five-Year Socio-economic Development Plan for the 2001-2005 period, and taking into consideration the Millennium Development Goals (MDGs) set by the United Nations, the Government of Vietnam has identified socio-economic development and poverty reduction targets for the period up to 2005 and 2010. |

<table>
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<tr>
<th><strong>Law on Land 2003</strong></th>
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</table>
| Article 74. Specialized land for wet rice cultivation  
1. The State shall have a policy of protection of specialized land for wet rice cultivation and of limiting the amount of such land which is converted to land for non-agricultural use purposes. Where it is necessary to convert some specialized wet rice cultivation areas to other use purposes, the State shall take measures to supplement specialized wet rice cultivation areas or to increase the effectiveness of existing specialized wet rice cultivation areas. With respect to areas zoned for specialized wet rice cultivation which have a high and good quality and output, the State shall have policies of providing assistance, of investment in construction of infrastructure, and of applying modern science and technology.  
2. Land users of specialized land for wet rice cultivation shall be responsible to improve and fertilize the land and not to convert it to... |

These articles focus on protection of wetland areas, and link to Ramsar.
use for planting perennial crops or forests, aquaculture and non-agricultural purposes, unless the competent State body provides permission.

Article 79. Coastal water surfaces
2. The use of land being coastal water surfaces for production in aquaculture, agriculture, forestry and salt production shall comply with the following provisions:
   (a) It must be correct in terms of the land use zoning and planning which has been approved;
   (b) It must protect the land and increase accretion of coastal land;
   (c) It must protect the ecosystem and environment and protect the landscape;
   (d) It must not interfere with national security defence or maritime traffic.

Draft Land Law 2013

Article 129. Land for rice cultivation
1. The State shall have a policy of protection of land for rice cultivation and of limiting the amount of such land which is converted to land for non-agricultural use purposes. Where it is necessary to convert some rice cultivation areas to other use purposes, the State shall take measures to supplement rice cultivation areas or to increase the effectiveness of existing rice cultivation areas.

With respect to areas zoned for rice cultivation which have a high and good quality and output, the State shall have policies of providing assistance, of investment in construction of infrastructure, and of applying modern science and technology.

2. Land users of land for rice cultivation shall be responsible to improve and fertilize the land and not to convert it to use for planting perennial crops or forests, aquaculture and non-agricultural purposes, unless the competent State body provides permission.

3. Organizations and individuals are allocated or leased land for the purpose of non-agricultural production from rice cultivation land must have a plan to use topsoil and additional land for rice cultivation land lost due to change of use purposes

4. The State specified regulations on management and usage of land for rice cultivation.

Article 135. Coastal water surfaces
<table>
<thead>
<tr>
<th><strong>Article 9. Evaluation of land use plannings and plans</strong></th>
</tr>
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<tr>
<td>8. In special cases in which the use purpose of land for wet rice cultivation, land for special-use forests or land for protection forests needs to be changed, such change must be reported to the Minister of Natural Resources and Environment for consideration and submission to the Prime Minister for decision.</td>
</tr>
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<tr>
<th><strong>Decision No.134/2004/QD-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</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 1. 2. Principles: c) In accordance with the customs and practices of each ethnic group, region, preservation of the cultural identity of each ethnicity; accordance with the existing conditions and associated with planning, socio-economic development plan of each locality.</td>
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<tr>
<th><strong>Law on Minerals 2010</strong></th>
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<tr>
<td>Article 26, clause 2: 2. Based on requirements for national defence and security assurance; prevention and mitigation of impacts on the environment, natural landscape and historical-cultural relics; protection of special-use forests or infrastructure facilities, mineral exploration and mining may be restricted in terms of: a/ Organizations and individuals allowed to conduct exploration and mining; b/ Mining output; c/ Mining duration; d/ Mining areas, depth and methods.</td>
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<tr>
<th><strong>Forest Protection and Development Plan for the period 2011-2020</strong></th>
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<tr>
<td>Chapter on institutional arrangements cites that this plan should be implemented following the regulations of the national target program. In central and provincial levels the Steering Committee was established in merging of Steering Committee for Forest Fire Protection and Prevention with Steering Committee of the past 661 Project.</td>
</tr>
</tbody>
</table>
Decree 186/2006/ND--CP of the Prime Minister dated on August 14, 2006 on promulgation of Forest Management Regulation
Decree 186
Chapter II; Protected Areas
Part 1: Governance including: Article 13 (Protected Areas classification); Article 14 (functional zones); Article 15 (institutional mandates for management), Article 16: Organizational structure of Management board;
Part 2: Protected Areas management, development and utilization
Article 17: Investment and recurrent costs to ensure sustainable Protected Areas protection and development; Article 18: Article 19: Forest planting, restoration, conversion of Protected Areas; Article 20: sound utilization of natural resources in Protected Areas;
Article 21: Research, education, field work in Protected Areas;
Article 22: Eco-tourism in Protected Areas. Article 23: Stabilization of the living conditions for people living in Protected Areas; Article 24: Buffer zones of Protected Areas;
Chapter III: Protection forest management including management, protection, development and utilization and Chapter IV: Production forest management including management, protection, development and utilization

Decree No. 163/1999/ND--CP dated 16 November 1999 by the Government concerning allocation and lease of forest land to organizations, households and individuals for long-term forestry purposes
Article 6: Forestland allocation for households and individuals;
Article 7: Forestland allocation according to planning to establish and develop special use forests
Article 8: Forestland allocation according to planning to establish and develop protection forests;
Article 9: Forestland allocation according to planning to establish and develop production forests;
Article 10: Forestland leases
Article 11: Forestland contracting

Part 6: Implementation arrangements
| 1. Task allocation for related ministries  
2. Establishment of sub-committees to coordinate the implementation of 5 programs |
| Circular No.35/2011/TT-BNNPTNT issued on May 20, 2011 by the MARD guiding the exploitation of timber and NTFPs under the three types of forests (special-use forests, protection forests and production forests)  
Article 3: Principles, conditions for harvesting and uses of remaining timber and NTFPs  
Article 4: Forest types, which are allowable for harvesting and uses of remaining timber and NTFPs  
Article 5: Preparation of forest management plans for organizations including content of the plan, procedures for approval  
Article 6: Preparation of harvesting plan for households including content of the plan, procedures for approval  
Article 7: Main harvesting of natural forests  
Article 8: Harvesting of concentrated planted forests using state budget: free harvesting for production forest and harvesting supporting trees in protection forest and 600 main trees are remaining.  
Article 9: Harvesting of planted forest invested by forest owners; harvesting by forest owner itself  
Article 10: Harvesting of bamboo in natural forests in production and protection forests  
Chapter III: Implementation arrangements with tasks of forest owners, CPCs, DPCs, PPCs, DARD, VNFOREST, FPD. |
| Prime Minister Decision No. 661/QD-TTg on Objectives, Tasks, Policies and Institutional arrangements for Implementation of the Five Million Hectares Reforestation Project (Project 661)  
The Decision and related guiding documents clarify national laws and institutional mandates for forest management.  
Article 11: Project management at central level: Steering committees at government level, project steering committee in MARD. |
| Strategy for Management of PA System in Vietnam (Draft 2 - January 2013)  
Strategic Goal 3 and associated objectives and actions concern the establishment of common national standards for planning and professional administration of all protected areas in the national |
Strategic Goal 3
By 2020 all protected areas should be effectively and efficiently managed and administered by a professionally qualified specialist staff within a unified, commonly recognised and implemented system of planning, monitoring and reporting
Objective 3.1. Protected Area Management Boards.
By 2020, a regulation should be in place and implemented defining the composition and functions of PA Management Boards (PAMB) for all types of protected area
Objective 3.5. Protected area plans.
By 2020 regulations and guidelines will be approved and implemented in all protected areas for a common format and methodology for protected area planning
Objective 5.3. Buffer Zones and Land Use
By 2020 entitled local communities in buffer zones (internal and external) and in areas surrounding Marine Protected Areas will be empowered and enabled to practice sustainable land use and resource management
Objective 3.1. Protected Area Management Boards.
By 2020, a regulation should be in place and implemented defining the composition and functions of Protected Area Management Boards (PAMB) for all types of protected areas.

Law on Biological Diversity 2008
Article 4 on principles on sustainable conservation and development of Biological Diversity;
Article 5 on policy on sustainable conservation and development of Biological Diversity;
Article 6 on responsibilities on governance of Biological Diversity
Chapter II on master planning on Biological Diversity at national and provincial levels
Chapter II on sustainable ecosystem conservation and development with classification of Protected Areas (Article 16-20), Preparation, appraisal, decision of project for establishment of Protected Areas (Article 21-25)

National Biodiversity Strategy/Action plan to 2020 with vision to 2030 (Draft)
The administration of protected areas is based on ecosystem types. Protected areas within terrestrial, inland water and marine ecosystems fall within the remit of the Ministry of Agriculture and
Rural Development (MARD). Protected areas within wetland ecosystems, including wetlands listed under the RAMSAR Convention, are the responsibility of MONRE, i.e. Biodiversity Conservation Agency (BCA).

4.1 Inter-ministerial Steering Committee

Objectives:
Objective 4.2: A fully-developed and consolidated system for the management of protected areas (terrestrial, wetlands and marine) is in place and operating effectively. Ten per cent of Viet Nam’s terrestrial and inland water areas, and 0.24 per cent of the nation’s marine and coastal areas, is conserved in protected areas. Buffer zones for protected areas are established pursuant to agreed criteria and managed effectively

Action 4.2.1: Fully implement the recommendations of the National Strategy on Protected Areas.
Action 4.2.5: Develop and implement sustainable Protected Areas financing mechanisms
Action 4.2.6: Strengthen the management apparatus for Protected Areas;
Action 4.2.7: Develop management plans for all national Protected Areas including the outlining of core responsibilities, activities, management, accountability, and financing.


Article 13: Principles for forest protection and development planning
Article 15: Content of forest protection and development plans;
Article 17: Agencies responsible for planning;
Article 18: Approval of Forest Protection and Development Plans at central, provincial, district and commune levels
Article 32: Forest inventory and statistics
Article 36: Responsibilities of all stakeholders in forest protection
Article 38: Responsibilities of People Committees at all levels in forest protection
Article 39: Responsibilities of different ministries

1 Including forests and inland waters
| Article 40 to 44: Content of forest protection  
Chapter IV on Forest Development and Utilization for three forest categories: Protection forest, Special use forest and Production forest (Article 45 to 58)  
Chapter VI: Forest Protection Department with functions (Article 79), Tasks (Article 80), Rights and Obligations (Article 81), institutional arrangement, equipment, supporting policies to forest guards; Supervision of Forest Protection Department (Article 83)  
Decree 23: Article 3 to Article 8: Responsibilities of administration in forest management of Ministry of Agriculture and Rural Development, Provincial People Committee, District People Committee, Commune People Committee, other ministries, and forest sector management at different levels  
Chapter II: Forest Protection and Development Plans with plan preparation, revision, approval at different levels  
Chapter V: Forest inventory, forest statistics, and forest resources monitoring  
Chapter VI: Forest management, protection, development and utilization. |
Article 37: Responsibilities of forest users (owners) in forest protection  
Chapter V: Rights and Obligations of forest owners (Article 59-60) with three parts: rights and obligations of management boards of Protection forests and special use forests (Article 61-62), rights and obligations of economic organizations (Article 63-68), rights and obligations of households and individuals (Article 69-72) and rights and obligations of other forest owners e.g. armed force, foreigners…(Article 73-78)  
Decree 135/2005, Article 15, Clause b cites that the state enterprise
has to prepare sustainable natural forest management plans for contracted forests and submit for approval. Decree 135, Article 16, Clause 1 cites that enterprise prepare forest planting project and contracts including benefit sharing provisions.

<table>
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<tr>
<th><strong>Decree 117/2010/ND-CP of the Government dated on December 24, 2010 on organization and management of special-use forests</strong></th>
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| Decree 117  
Article 4: Classification of special use forest types  
Article 5: Criteria for establishment of types of special use forests  
Article 7: Planning of national special use forest system with preparation, appraisal and approval procedures of the plans;  
Article 11: Content of project for establishing special use forest;  
Article 12: Procedures for preparation of project to establish special use forest system;  
Article 15: Conversion of special use forests within the system and for other purposes  
Article 19: Restoration of natural ecosystem  
Article 21: Sustainable utilization of forest resources  
Article 22: Forest environmental services  
Article 23: Eco-tourism |
| Circulars guiding implementation of this Decree are:  
- Circular 78/2011/TT-BNNPTNT on details for implementation of Decree 117/2010/ND-CP on organization and management of special use forest system;  
- Draft Circular on identification and management of Buffer zones of special use forest and marine Protected Areas;  
- Inter-ministerial Draft Circular on financing of special use forests |

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<tr>
<th><strong>Construction Law 2003</strong></th>
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<tr>
<td>Article 16, clause 1: A regional construction planning must have the following principal contents: Determination of a system of urban areas and population quarters in service of industry, agriculture, forestry, tourism, as well as environmental protection zones, natural resource zones and other functional zones</td>
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<tr>
<th><strong>Decision No 1393/QD-TTg approving National Green Growth Strategy dated 25/9/2012</strong></th>
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| 5.  
- Speed up progress of aforestation and reforestation projects, encourage enterprises to invest in production forests to increase |
forest coverage to 45% by 2020, improve forest quality, enhance carbon sequestration capacity by forests and increase standing biomass and secure timber production and consumption. - Implement programs to reduce greenhouse gas emissions through efforts in Reducing Emissions from Deforestation and Forest Degradation (REDD), sustainable forest management in combination with diversifying livelihoods of rural people.

| **Decision 1216/QD-TTg approving the National Strategy for Environmental Protection until 2020 and vision toward 2030 (NSEP) dated on 5/9/2012**
| **II. ORIENTATIONS AND SOLUTIONS FOR ENVIRONMENT PROTECTION**
| **3. To exploit and use natural resources effectively and sustainably; to preserve nature and biodiversity**
| **d) Solutions to increase forest coverage and improve forest quality**
| - To continue afforestation and forest protection while securing a sustainable forestry; to closely manage the renting of forest land, especially protective and watershed forests;
| - To survey and evaluate primitive forests, take effective measures to protect and prevent illegal exploitation, encroachment or deteriorate primitive forests; to improve natural forests’ resistance to impacts of climate change;
| - To localize and protect natural forests, especially mangroves, forests for special use, protective forests, and watershed forests, and at the same time preventing deforestation and illegal exploitation; to promote activities which help to prevent forest fires and improve capability of responding to forest fires.
| **e) Solutions to increase quantity, total area and quality of natural reserves**
| - To include indicators relating to areas of natural reserves into planning schemes and plans on land uses at all echelons, so as to serve the development of natural reserves;
| - To check, appraise and arrange natural reserves in line with their purposes, criteria, conditions and resources under stipulations of the Law on Biodiversity and relevant laws;
| - To craft investment programs and projects for recovering and developing ecosystems and species within natural reserves; to allocate money in environment funds for managing natural reserves in line with their types and levels of meeting requirements of biodiversity conservation in the reserves;
To make use of the reserves’ values, to combine conservation and eco-tourism development, to realize the policy on environment service payment in order to raise investment funds for recovering and developing biodiversity in natural reserves.

<table>
<thead>
<tr>
<th>Decision No 2139/QD-TTG. National Strategy on Climate Change</th>
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<tr>
<td>IV. STRATEGY’S MISSIONS</td>
</tr>
<tr>
<td>1. Proactively coping with natural disasters and monitoring climate</td>
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<tr>
<td>b) Mitigating damages caused by natural disasters</td>
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<tr>
<td>To improve quality of forests and afforestation, to turn bare lands and hills green, to effectively exploit different kinds of forest to secure and improve resistance against natural disasters, preventing desertization, land erosion and degradation; to enhance protection, management and development of mangrove forests and flooded ecosystems; to raise the forest coverage to 45% by 2020.</td>
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<tr>
<td>IV. STRATEGY’S MISSIONS</td>
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<tr>
<td>4. Protecting and developing forests sustainably, increasing the absorption of greenhouse gases and preserving biodiversity</td>
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<tr>
<td>- To speed up the schedule of afforestation and re-afforestation projects, encourage enterprises to invest in planting economic forests. Up to 2020, it is necessary to establish, manage, protect, develop and use 16.24 million hectares of land planned for forestry activities in a sustainable way; raise the forest coverage to 45%; sustainably and effectively manage 8.132 million ha of production forests, 5.842 million ha of preventive forests and 2.271 million ha of special-use forests;</td>
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<td>- To craft and realize programs on reducing greenhouse gas emission through efforts of minimizing forest loss and deterioration, managing forest in a sustainable way, preserving and improving forests’ absorption of carbon, and maintaining and diversifying local people’s livelihood as well as helping them to adapt to climate change;</td>
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<tr>
<td>- To increase capacity and efficiency of systems for evaluating, forecasting, preventing, monitoring, supervising and urgently responding to forest fires.</td>
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<tr>
<td>- To design and implement programs on protecting and managing available natural forests, preventive forests, special-use forests, and production forests;</td>
</tr>
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| Decision No 1474/QD-TTG. National Action Plan on Climate Change 2012-2020 |
**1. OBJECTIVES MISSION TO 2020**
3. - Strengthen the management and sustainable development of forests; mangrove conservation and development of forests.
4. - Develop and implement programs to reduce greenhouse gases through efforts to limit deforestation and forest degradation, sustainable forest management and improve the carbon absorbed by forests.

**National Strategy for Economic Growth and Poverty Reduction (NSEGPR) dated 21/5/2002**
Part II
II. MAJOR SOCIO-ECONOMIC DEVELOPMENT AND POVERTY REDUCTION TARGETS FOR THE PERIOD UP TO 2005 AND 2010
2.9 Raise the quality of forest protection work, forestation, reclamation of barren land and hills; and increase forest coverage from the current level of 33% of total country area to 38% by 2005 and to 43% by 2010.

**Law on Land 2003**
Article 75. Forest land for production
1. The State shall allocate and lease land being forest land for production to organizations, family households and individuals for use for the purpose of forestry production. The State shall allocate land being forest land for production with collection of land use fees or lease land being forest land for production with one-off payment of rent for the entire term of the lease or with payment of annual rent to Vietnamese residing overseas for implementation of investment projects in forestry production.
2. Economic organizations, family households and individuals being allocated land from or leased land by the State being forest land for production may use any areas of land which are currently bare of forest either to plant forest or to plant perennial crops.
3. Economic organizations, Vietnamese residing overseas and foreign organizations and individuals using land being forest land for production shall be permitted to engage in joint landscape and ecological environmental tourism businesses under the forest.
4. Land being forest land for production which is far from any residential area and therefore not able to be allocated directly to family households and individuals shall be allocated by the State to organizations for forest protection and development in combination with production in agriculture, forestry and aquaculture.

Article 76. Protective forest land
1. Protective forest land shall comprise:
   (a) Upstream protective forest land;
   (b) Protective forest land for protection against wind and moving sand;
   (c) Protective forest land for protection against waves and for sea encroachment;
   (d) Protective forest land for protection of the ecological environment.
2. The State shall allocate upstream protective forest land to organizations in charge of protective forest land for the purpose of forest management, protection and development.
3. Organizations in charge of protective forest land shall contract out parcels of upstream protective forest land to family households and individuals living in such areas for the purpose of forest protection and development.
4. Protective forest land in respect of which there is no organization in charge and land which has been zoned for planting protective forests shall be allocated to local organizations, family households and individuals having the requirements and ability to protect and develop forests.
5. People's committees of provinces and cities under central authority shall decide to lease to economic organizations protective forest land in the areas where joint landscape and ecological-environmental tourism businesses under the forest canopy are permitted.
6. The Government shall provide specific regulations on allocation or contracting out of protective forest land; and on the rights, obligations and interests of organizations, family households and individuals being allocated or contracted such protective forest land.
Article 77. Specialized use forest land
1. The State shall allocate specialized use forest land to the organizations in charge of specialized use forest land for the purpose of administration and protection in accordance with the land use zoning and planning which has been approved by the competent State body.
2. Organizations in charge of specialized use forest land shall contract out on a short term basis specialized use forest land which is within the category of highly protected land to family households and individuals having not been able to move away for the purpose of protection.
3. Organizations in charge of specialized use forest land shall contract out specialized use forest land which is within the category of ecological restoration land to family households and individuals living stably in such area for the purpose of protection and development of the forest.
4. People's committees which are authorized to allocate or lease land shall make decisions on allocation or leasing of land in buffer zones of specialized use forest land to organizations, family households and individuals for the purposes of forestry production or research and field testing in forestry or for use in combination with national defence and security in accordance with the zoning for development of forests in buffer zones.
5. People's committees of provinces or cities under central authority may make decisions on leasing to economic organizations specialized use forest land in areas where joint landscape and ecological-environmental tourism businesses under the forest canopy are permitted.
6. The Government shall provide specific regulations on allocation of specialized use forest land; on the rights, obligations and interests of organizations, family households and individuals being allocated specialized use forest land; on allocation or lease of land in buffer zones of specialized use forest land; and on lease of specialized use forest land in combination with joint landscape and ecological-environmental tourism businesses.

Draft Land Law 2013
Article 130. Forest land for production
1. The State shall allocated forest land for production being natural forest to organizations in charge of forest management for forest management, protection and development.
2. The State shall allocate and lease forest land for production being forest plantation as following regulations:
   a) Land are allocated for households, individuals, directly practice forestry production with limitation regulated at Point b, Clause 3 of Article 124 of this Law using for the purpose of forest production. For the amount of forest land production used by households and individuals exceed the limitation, it must be transfer to land for lease:
   b) Land lease for economic organizations, family households and individuals, Vietnamese residing overseas and individuals investing to Vietnam, joint venture economic organizations rent to implementation of investment projects in forestry production;
   c) Economic organizations, family households and individuals, Vietnamese residing overseas and individuals investing to Vietnam, joint venture economic organizations being allocated land from or leased land by the State regulated in item a, b clause 72, being forest land for production may use any areas of land which are currently bare of forest either to plant forest or to plant perennial crops.
3. Economic organizations, Vietnamese residing overseas and foreign organizations and individuals investing to Vietnam, joint venture economic organizations using land being forest land for production shall be permitted to engage in joint landscape and ecological environmental tourism businesses under the forest canopy.
4. Land being forest land for production which is far from any residential area and therefore not able to be allocated directly to family households and individuals shall be allocated by the State to organizations for forest protection and development in combination with production in agriculture, forestry and aquaculture.

Article 131. Protective forest land
1. The State shall allocate protective forest land to organizations in charge of protective forest land for the purpose of forest management, protection and development.
2. Organizations in charge of protective forest land shall contract out parcels of protective forest land to family households and individuals living in such areas for the purpose of forest protection and development. Chairman of the District People's committees shall allocate residential land and land for agricultural production to such family households and individuals to use.
3. Protective forest land in respect of which there is no organization in charge and land which has been zoned for planting protective forests shall be allocated to local organizations, family households and individuals having the requirements and ability to protect and develop forests.
4. Chairman of People's committees of provinces shall decide to lease to economic organizations protective forest land in the areas where joint landscape and ecological-environmental tourism businesses under the forest canopy are permitted.
5. The Government shall provide specific regulations on allocation or contracting out of protective forest land; and on the rights, obligations and interests of organizations, family households and individuals being allocated or contracted such protective forest land.

**Article 132. Specialized use forest land**

Same content as Article 77 of the Land Law 2003.

<p>| 2. Clear and coherent sub-national laws and institutional mandates for forest management. | World Bank Safeguard Policy 4.36 (Forests) and Forest Strategy (Sustaining Forests, 2012) REDD+ SES Principle 4, Criterion 4.2 | Decision No 3119/QD-BNN-KHCN on approving program of Green House Gas (GHG) Emission Reduction in the Agriculture and Rural Development sector up to 2020 dated 16/12/2011 3.3. Forestry 1. Strengthen forestry plantation, restore forestry, reforest, and enrich forest in planned areas according to the forestry development strategy for the period 2010 – 2020: 2. Protect, develop and sustainably use forest to increase carbon sequestration and eliminate GHG emission from forestry: 3. Others: - Strengthen communication campaign and capacity building on awareness to protect and sustainable forest utilization, forest fire prevention; - Strengthen international collaboration to promote carbon-credit market in forestry sector. | Decree 186/2006/ND--CP of the Prime Minister dated on August 14, 2006 on promulgation of Forest Management Regulation Decree 186 Article 15: Decentralization of Special use forest management at central, provincial levels and to organizations and local communities Article 26: Decentralization of protection forests to different forest |
| owners | | | |
| --- | --- | --- |
| <strong>Forest Protection and Development Plan for the period 2011-2020</strong>&lt;br&gt;The policy for forest management states that multi-stakeholder participation in protection forest management and utilization of forests to have stable incomes from forests; To harvesting it’s to ensure that forest owners should have authority in forest production and business based on approved sustainable forest management plans | <strong>Decree 99/2010/ND-CP of the Prime Minister dated on September 24, 2010 on the policy of payment of forest environmental services</strong>&lt;br&gt;Article 22: Tasks of Provincial People Committee, District People Committee and Commune People Committee. | <strong>Decree 117/2010/ND-CP of the Government dated on December 24, 2010 on organization and management of special-use forests</strong>&lt;br&gt;Decree 117&lt;br&gt;Article 8: Planning of provincial special use forests&lt;br&gt;Article 9: Planning of each special use forest&lt;br&gt;Article 24: Conditions for establishment of management board for special use forest&lt;br&gt;Article 26: Organizational structure of Management Board of special use forests&lt;br&gt;Article 28: Establishment of Forest Protection Unit for special use forest&lt;br&gt;Chapter II, Part 2: Biological Rescue, Conservation and Development Center in special use forest&lt;br&gt;Chapter III, Part 4: Buffer zones with identification of buffer zone and preparation of buffer zone investment projects | <strong>Prime Minister Decision No. 661/QD-TTg on Objectives, Tasks, Policies and Institutional arrangements for Implementation of the Five Million Hectares Reforestation Project (Project 661)</strong>&lt;br&gt;Article 12: Project management at local levels&lt;br&gt;- Provincial steering committee&lt;br&gt;- Provincial Project management boards&lt;br&gt;- Local project management boards for special use forests and protection forests planting |</p>
<table>
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<tr>
<th><strong>Law on Biodiversity 2008</strong></th>
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<tr>
<td>Article 27 on the rights and responsibilities of Protected Area management board in Protected Area management; Article 30 on the rights and responsibilities in Protected Area management for the households and individuals, who stay legally in Protected Areas; Article 31 on rights and responsibilities of organizations and individuals, who have legal activities in Protected Areas; Article 32 on buffer zone management.</td>
</tr>
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<table>
<thead>
<tr>
<th><strong>National Biodiversity Strategy/Action plan to 2020 with vision to 2030 (Draft)</strong></th>
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</thead>
<tbody>
<tr>
<td>Actions to implement the Goal No.1: a) To build and implement integrated institution in biodiversity effectively; b) To strengthen management capacity in biodiversity at different levels in particular human resources development and investment for BD; g) To establish and operationalize measurement system, reporting system and database on BD at central and local levels; Chapter IV. Implementation Arrangements: 4.3 Implementation Arrangements at Provincial Level.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th><strong>Decree 01/CP-1995 of the Government dated on January 4, 1995, on the Enactment of Regulations on the contracting of Land in State Enterprises/Farms for Agriculture, Aquaculture, and Forestry production to Organizations, Households and Individuals for Stable and Long-term Use</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Decree 135, Article 4, Clause 4 on principles of forest contracting cites that the contracts have to be carried out on free, democratic, open and equal basics. The contracts have to clarify economic content, rights and obligations of each party and commitments to ensure that contracts will be implemented strictly.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th><strong>Decision No. 2730/QD--BNN--KHCN approving the Action Plan Framework for Adaptation to Climate Change in the Agriculture and Rural Development Sector for the period 2008-2020 (APF) (launched by MARD dated 5/9/2008</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>2.5. Some prioritized activities for implementing mitigation and adaptation to climate change in agriculture and rural development sector.</td>
</tr>
</tbody>
</table>
2.5.3.e) The research and planning programme for protection and development of forests to protect sea dyke and river dyke;

<table>
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<tbody>
<tr>
<td>I. ORIENTATION IN DEVELOPMENT, INNOVATION OF GROWTH MODEL, AND RESTRUCTURING OF THE ECONOMY</td>
</tr>
<tr>
<td>4.3 Comprehensively develop agriculture towards the direction of modernity, effectiveness and sustainability</td>
</tr>
<tr>
<td>Sustainably develop forestry. Have clear planning and suitable policies for developing forests: productive forest, protective forest and special used forest with improved quality. The government makes investment and has comprehensive policies to manage and develop protective forest and special used forest</td>
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<tr>
<td>Part V</td>
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<tr>
<td>I. POLICIES AND MEASURES TO DEVELOP MAJOR SECTORS AND INDUSTRIES TO CREATE INCOME GENERATION OPPORTUNITIES FOR THE POOR</td>
</tr>
<tr>
<td>1.2. Vigorously develop forestry, turning it into a profitable business that helps to create jobs and raise incomes for people in mountainous areas. Provide adequate incentives to people who plant forests and promote the role of the community in the protection and natural regeneration of forests. Continue the implementation of the 5 million-hectare forestry program; speed up the process of allocation of land and forest, especially in important, environmentally sensitive areas. Ensure that key annual targets are achieved including new afforestation of approximately 300 thousand hectare with protected and special-use forests making up approximately 150 thousand hectare; forest protection for total area of about 2 million hectare, of which forest regeneration combined with new planting makes up approximately 500 thousand hectare; and caring for planted forest with total area of approximately 500 hectare.</td>
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<tr>
<td>II.2. Major targets</td>
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<tr>
<td>c/ Environmental targets</td>
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</tbody>
</table>
| The forest coverage will reach 42-43% by 2015.  
III. ORIENTATED TASKS AND SOLUTIONS FOR SOCIO-ECONOMIC DEVELOPMENT IN THE 2011-2015 PERIOD  
III.2... To strongly develop the forest economy in order to both protect and develop forests in combination with renewing the management of forest farms and plantations.  

| Decision No. 153/2004/QD-TTg dated August 17, 2004 of the Prime Minister promulgating the oriented strategy for sustainable development in Vietnam (Vietnam’s Agenda 21)  
PART 4  
PRIORITY AREAS IN UTILIZATION AND PROTECTION OF NATURAL RESOURCES AND POLLUTION MONITORING ESSENTIAL FOR THE SUSTAINABLE DEVELOPMENT  
5. Forest protection and development  
Priority activities to be implemented: - Strengthen the State management system of equitable use and protection of forest resources, involving active participation of community.  
- Assist people in planting and protecting forests, effectively using the forest land assigned; Facilitate ecological agricultural-forestry development, agro-forestry farms, and enhance services for agricultural expansion.  
- Study and apply new techniques and technology in forestry.  

| 3. Clear system for environmental AND social assessment of potential impacts emanating from policies, plans, programmes, and projects that may affect forest resources.  
World Bank Safeguard Policy 4.01 (Environmental Assessment)  
World Bank Safeguard Policy 4.10 (Indigenous Peoples)  
IDLO Legal Preparedness Study: Legal Consideration 7  
REDD+ SES, Principle 3, Criterion 3.2 and Criterion 3.3 | Law on Environmental Protection 2005  
Chapter III: Strategic Environmental Assessment, Environmental Impact Assessment, and Environmental Protection Commitment  
Article 14 of LEP specifically requires SEA for planning of forest protection and development |

Part 7: Monitoring and Evaluation
National Forest Development Strategy states that the main content of evaluation of National Forest Development Strategy are:
- Assessment of political, economic, social and environmental changes related to its objectives;
- Providing information on the results of the objective achievements such as biodiversity conservation, environmental protection, improvement of living conditions of local people, contribution to socio-economic development at different levels;
- Assessing policy environment changes and impacts of policy measures;
- Assessing impacts of forest sector to poverty reduction;
- Environmental Impact Assessment including carbon storage and sequestration;
- Assessment of forest sector contribution to national economy and implementation of international conventions and agreements.

Decree 186/2006/ND--CP of the Prime Minister dated on August 14, 2006 on promulgation of Forest Management Regulation
Decree 186
Article 18: Protection of special use forests;
Article 20: Suitable uses of natural resources in Protected Areas;
Article 22: Eco-tourism in Protected Areas
Article 23: Stabilization of living conditions of people living in Protected Areas
Article 28: Criteria for standard protection forests
Article 32: Harvesting of timber and NonTimber Forest Products in protection forest
Article 33: Other activities in protection forest;
Article 39: Harvesting of timber and NonTimber Forest Products in natural production forest
Article 40: Harvesting of timber and NonTimber Forest Products in planted production forest;
Article 42: other activities in production forest (agro-fishery, tourism, research, applied science and technology, management of other land in production forest)
| **Law on Biodiversity 2008** |
| Article 32: |
| 3. Owner of investment project in buffer zones has to prepare environmental impact assessment and submit to Project Appraisal committee for approval |

| **Law on Minerals 2010** |
| Article 30. Environmental protection in mineral activities |
| 1. Organizations and individuals engaged in mineral activities shall use environmentally friendly technologies, equipment and materials; apply solutions to prevent and mitigate adverse impacts on, and upgrade and restore the environment according to law. |
| 2. Organizations and individuals engaged in mineral activities shall apply solutions and bear all costs for environmental protection, rehabilitation and restoration. Solutions and costs for environmental protection, rehabilitation and restoration must be identified in investment projects, environmental impact assessment reports and environmental protection commitments approved by competent state agencies. |
| 3. Before conducting mineral mining activities, mining organizations and individuals shall pay a deposit for environmental rehabilitation and restoration according to the Government’s regulations. |

| **Construction Law 2003** |
| Article 24, clause 1, item c: “An urban construction detailed planning must have the following principal contents: ... Solutions to design the system of urban technical infrastructures, measures to protect landscapes, ecological environment and relevant economic-technical norms” |
| - Article 37, clause 1: Contents of a work construction investment project include: The explanation, which shall be elaborated depending on the type of work construction investment project and include the following principal contents: objectives, location, size, capacity, technology, economic-technical solutions, capital source(s) and total investment capital, investor and project management form, investment form, duration, efficiency, fire and explosion prevention and fighting and environmental impact assessment |
| - Article 47, clause 4: ... For large-sized works and important works, observation surveys of environmental impacts thereon in the
course of construction and use must also be conducted
Article 53, clause 8: A work construction design includes the
following principal contents: Environmental protection solutions;
Article 64, clause 1: Principal contents of a construction permit
include: Environmental and work safety protection;
Article 78.- Safety in the work construction
Article 79.- Assurance of environmental sanitation in the work
construction.

**Law on Road Traffic 2008**
Article 46, clause 2: Investment in the construction of road
infrastructure facilities must be in line with the road Road Traffic
planning already approved by competent authorities; comply with
the process of investment and construction management and other
legal provisions; and ensure technical standards of different grades
of roads, landscape and environmental protection
Article 47, clause 4: Construction units shall take responsibility
before law for failure to take measures to ensure uninterrupted and
safe traffic according to regulations, for the occurrence of traffic
accidents, traffic jams or serious environmental pollution.

**National Biodiversity Strategy/Action plan to 2020 with vision
to 2030 (Draft)**
Action 6.4.2:
Risks to biodiversity from National REDD+ Action Program
(NRAP) implementation are mitigated through rigorous application
of national environmental and social safeguard mechanisms
developed under the NRAP.

**Strategy for Management of PA System in Vietnam (Draft 2 -
January 2013)**
Objective 3.7. Infrastructure development
By 20 By 2020 regulations and guidelines will be approved and
implemented for ensuring that all projects for establishing
infrastructure in protected areas are subject to high environmental
and design standards: Procedure for Environmental Impact
Assessment (EIA) and Strategical Environmental Assessment
(SEA) relevant to Protected Areas and Mechanisms for Protected
Area administration in preparation of EIAs and SEAs

**Decision 1216/QĐ-TTg approving the National Strategy for
Environmental Protection until 2020 and vision toward 2030
(NSEP) dated on 5/9/2012**
II. ORIENTATIONS AND SOLUTIONS FOR ENVIRONMENT
<table>
<thead>
<tr>
<th>PROTECTION</th>
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<tbody>
<tr>
<td>1. Preventing and controlling sources of environment pollution</td>
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<tr>
<td>a) Solutions to prevent new sources of environment pollution</td>
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<tr>
<td>- To improve the strategic environment evaluation, ensuring that environment requirements are combined in strategies, planning schemes, plans, programs and projects on socio-economic development;</td>
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<tr>
<td>- To better the evaluation of impacts on environment in selecting and preventing out-of-date and polluting technologies in development investment projects;</td>
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<tr>
<td>2.1.2. Climate change issues shall be incorporated into the strategies, programs, plans, planning and environmental impact assessment</td>
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<tr>
<td>4.11. Protect and improve environment quality, actively and effectively deal with climate change</td>
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<tr>
<td>Raise the sense of environmental protection, associate environmental protection objectives with socio-economy development. Renovate mechanisms on resources and environmental protection. Put environmental protection contents in development strategy, scheme and plan for industries, fields, regions as well as in programs and projects. New invested construction projects shall guarantee requirements on environment</td>
<td></td>
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<tr>
<td><strong>National Strategy for Economic Growth and Poverty Reduction (NSEGPR) dated 21/5/2002</strong></td>
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<tr>
<td>Part IV- LARGE-SCALE INFRASTRUCTURE DEVELOPMENT FOR GROWTH AND POVERTY REDUCTION</td>
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<tr>
<td>IV. POLICIES AND SOLUTIONS FOR LARGE-SCALE INFRASTRUCTURE DEVELOPMENT.</td>
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<tr>
<td>IV.4. Pay adequate attention to environment and inhabitant resettlement concerning large-scale infrastructure projects.</td>
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<tr>
<td>(1) Environment protection:</td>
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</table>
- Evaluation of environmental and social impacts of large-scale infrastructure projects must be seen as a constitutional part of the projects. Evaluation results must be considered throughout the process of implementation with a view to minimizing negative impacts to environment and sustainable development.

- Evaluation of environmental impacts must be incorporated as a separate item in the project record, which must prove a sustainable use of natural resources, environmental impacts and solutions involved. Financial funding for environment protection measures must be included in the estimated costs for the project.

- The assessment of environment impact must keep standard requirements on environment issued by government agencies in order to use effectively natural resources for sustainable development targets.

- Survey public opinions on environmental and social impacts of projects during the process of making the evaluation report. Project investor must submit a report on environmental impact to the State management authorities before the project can be approved.

- Create conditions for government agencies on environment management to supervise, monitor the project implementation.


III.7 Improve and enhance the effectiveness and efficiency of policies and laws on natural resources and protect the environment to ensure sustainable development. To strictly comply with the construction, evaluation, approval, inspection and supervision of the environmental impact assessment for strategies, plans, policies, programs and projects of socio-economic development Assembly. Penalties for the establishment of environmental pollution, especially in the economic zones, industrial parks, villages. Promote socialization of environmental protection.

**Decision 172/2007QD--TTg issued on 16/11/2007 by the Prime Minister approving the national strategy on disaster prevention and reduction by 2020**

V. Action Plan Focus to implement the following target programs
<table>
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<tr>
<th>up to 2020:</th>
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<tbody>
<tr>
<td>1. Non-structural measures</td>
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<tr>
<td>f) The programs on forestation and protection of upstream forests:</td>
</tr>
<tr>
<td>- Establish, manage, protect, develop and sustainably use 16.24 million ha of forestry land; increase the area of forest coverage to 42-43% by 2010 and to 47% by 2020.</td>
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<tr>
<td>- Pay attention to develop and explore non-wood forestry products in the areas of protection forests to make forests protection beneficial to local people.</td>
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<tr>
<td>- Plant trees to protect dyke systems.</td>
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<tr>
<th>4. Clear system for appraisal and approval of assessed policies, programmes, plans, and projects that may affect forest resources.</th>
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<tr>
<td>World Bank Safeguard Policy 4.01 (Environmental Assessment)</td>
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<tr>
<td><strong>Law on Environmental Protection 2005</strong></td>
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<tr>
<td>Article 17: Appraisal of strategic environmental assessment reports</td>
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<tr>
<td>Article 21: Appraisal of environmental impact assessment reports</td>
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<tr>
<td><strong>Law on Biological Diversity 2008</strong></td>
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<tr>
<td>Article 10: Prepare, appraise, approve and revise the national/sectoral Biological Diversity plan</td>
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<tr>
<td>Article 14: Prepare, appraise, approve and revise the provincial Biological Diversity plan</td>
</tr>
<tr>
<td>Article 22: Prepare, appraisal of project for establishing PA at national level</td>
</tr>
<tr>
<td>Article 24: Prepare, appraisal of project for establishing Protected Area at provincial level</td>
</tr>
<tr>
<td><strong>National Biodiversity Strategy/Action plan to 2020 with vision to 2030 (Draft)</strong></td>
</tr>
<tr>
<td><strong>Action 3.1.1</strong>: Monitor the preparation of environmental impact assessment (EIA) reports (and the carrying out of post-inspection activities) for all development projects in and adjacent to protected areas, and other areas of high biodiversity value.</td>
</tr>
<tr>
<td><strong>Decree 186/2006/ND--CP of the Prime Minister dated on August 14, 2006 on promulgation of Forest Management Regulation</strong></td>
</tr>
<tr>
<td>Decree 186</td>
</tr>
<tr>
<td>Article 10, Clause 2: Appraisal and approval of natural forest conversion</td>
</tr>
<tr>
<td>Article 24: Protected Area Buffer zones, Clause 5- Responsibilities of People Committees at different levels in buffer zone investment</td>
</tr>
<tr>
<td>Article 32, Clause 3- Authority for issuance of timber harvesting permission in protection forest</td>
</tr>
<tr>
<td>Article 39, Clause 3b- Authority for issuance of timber harvesting permission in natural production forest</td>
</tr>
<tr>
<td>Law on Forest Protection and Development of National Assembly dated on December 3, 2004 and Decree No 23/2006/ND-CP of the Government of Vietnam dated on March 3, 2006 on the implementing Law of Forest Protection and Development Decree 23 Chapter II on the forest protection and development planning with steps, procedure, for preparing, revising, approval of Forest Protection and Development Plans at national, provincial, district and commune levels and disclose of plans (Article 10-14) ,</td>
</tr>
<tr>
<td>Decree 117/2010/ND-CP of the Government dated on December 24, 2010 on organization and management of special-use forests Decree 117 Article 18: Conversion of Special Use Forest to other forest categories ( protection forest and production forest) and to other non-forestry purposes (need Environmental Impact Assessment) and authorization for Special Use Forest conversions</td>
</tr>
<tr>
<td>Law on Minerals 2010 Article 49. Approval of mineral deposits Article 50. Procedures for appraisal and approval of mineral deposits</td>
</tr>
<tr>
<td>Construction Law 2003 Article 17-Competence to elaborate, evaluate and approve regional construction planning Article 21.- Competence to elaborate and approve urban construction general planning Article 39.- Evaluation of, and decision on, investment in work construction investment projects Article 59.- Evaluation and approval of work construction designs</td>
</tr>
<tr>
<td>Resolution No.41/2004/NQ-TW by the Politburo of the 9th Communist Party Congress on Environmental protection during the industrialization and modernization process III. THE MAIN SOLUTIONS 2. Enhancement of state management on environmental protection To improve the legal system, mechanisms and policies on</td>
</tr>
</tbody>
</table>
Environmental protection, in short term, amendment and supplementation of Law on Environmental Protection. Continue to consolidate and strengthen the organizational structure to ensure effective implementation of state management on environmental protection from the central to grassroots levels. Clearly define responsibilities and make reasonable gradation on assignment the environmental protection among departments and levels. Construction and development of problem solving mechanisms of environment on inter-sectoral and inter-regional. Special attention should be paid on building the capacity of respond environmental incidents. To strengthen the mission of inspection, control, supervision; regulations and apply the necessary sanctions to strictly punish violations of law on environmental protection. Early construction and promulgation of regulations on dealing with compensation on environmental damages.

**Anti-corruption Law No.55/2005/QH11**

Article 21. Publicity and transparency in management and use of land

1. The elaboration of land use plannings and plans must ensure democracy and publicity.
2. In the process of elaborating and adjusting detailed land use plannings and/or plans, the elaborating agencies or organisations must publicly announce such to people of the localities where the plannings and adjustments are made.
3. Detailed land use plannings and plans, the ground clearance, the compensation levels, after being decided, approved or adjusted by competent state bodies, must be made public.
4. The competence, order and procedures for grant of land use right certificates and the grant of land use right certificates, detailed plannings on and allotment of residential land lots and the subjects entitled to be assigned residential land for house construction must be publicised.

5. Participatory procedures for decision-making on and implementation of forest management and benefit sharing.

**World Bank Safeguard Policy 4.36 (Forests) and Forest Strategy (Sustaining Forests, 2012)**

**Law on Environmental Protection 2005**

Article 5, clause 1: “To encourage and facilitate all organizations, population communities, households and individuals to participate in environmental protection activities” Decree 29

1.1 Chapter 3- ENVIRONMENTAL IMPACT ASSESSMENT

Article 14- Consultation during the EIA process
Decision No.178/2001/QD--TTg dated 12 November 2001 by the Prime Minister on Regulation on the benefit rights and obligations of the households, individuals who are allocated, leased, and contracted forest land
Chapter II Benefits, rights and obligations of households and individuals, who are allocated, leased forestland
Chapter III Benefits, rights and obligations of households and individuals, who are contracted forestland of state organizations
The Decision focuses on benefit sharing after timber harvesting. But in reality all allocated, leased and contracted forests are poor and young regenerated natural forests and need many years (10 to 20 years later) to enable timber cutting. So benefit is more or less theoretic, if government don’t have financial supports for protection of these forests and generate incomes for people at this time. It’s not the case now.
Fees for forest protection contracts is low (VND 50,000/ha/year at the Beginning and to VND 100,000/ha/year since 2003 with short and intermittent basis are also constraints for efficient forests protection and multi-stakeholder participation
Article 7 Clause 3 allows people to harvest timber and NonTimber Forest Products, in production forests for household consumption excepting forest fauna and flora in the list of rare and endangered species of CITES.

Decision No. 24/2012/QD-TTg of the Prime Minister dated on June 1,2012 on Investment policy for special use forests in the period 2011-2020
Article 8: Investment support for local communities in the buffer zones of Special Use Forests
1/ State budget supports VND 40 million / year (USD 2000 / year) for each village;
3/ Village communities prepare, implement and monitor the Village Development Plans based on the principles of Democracy at grass root level;
| Decree 117/2010/ND-CP of the Government dated on December 24, 2010 on organization and management of special-use forests Decree 117, Article 34, Clause 3 cites that organizations, households and communities living or working in the buffer zones have the rights and obligations to participate in implementation and cooperation in buffer zone project management. |
| Strategy for Management of PA System in Vietnam (Draft 2 - January 2013) Strategic Goal 5 By 2020 formally adopted mechanisms will be in place in all protected areas for ensuring that local communities in and around protected areas are able to participate in management and maintain traditional sustainable livelihoods Objective 5.1. Community participation in management By 20**, national regulations, guidelines and pilots will be approved and implemented in all protected areas on requirements for community participation in protected area planning and management. |
| National Biodiversity Strategy/Action plan to 2020 with vision to 2030 (Draft) Objective 2.3: Social organizations and the public value biodiversity and actively participate in its conservation, restoration and sustainable use. Objective 5.2: Effective co-management systems are operational in a majority of Protected Areas, ensuring that local communities are involved in the governance of, and receive benefits from, protected areas. Actions for Goal No.5 b) To implement co-management mechanism in all Protected Areas, ensure the community participation in Protected Area management and benefit sharing |
| 6. Access to information on ownership and use rights, decision-making processes and recourse mechanisms. World Bank Safeguard Policy 4.01 (Environmental Assessment) SEPC Principle 1, Criterion 3 IDLO Legal Preparedness Study: National Strategy for Economic Growth and Poverty Reduction (NSEGPR) dated 21/5/2002 III. CREATE A SOCIAL ENVIRONMENT TO BRING ABOUT SOCIAL EQUALITY, ENHANCE GRASSROOTS DEMOCRACY AND PROVIDE LEGAL SUPPORT TO THE POOR 2. Enhance Grassroots Democracy and Strengthen Dialogue between Local Governments and Poor Communities Promote the participation of the people, including the poor, in |
| 7. Transparent rules on converting or alienating forests, including for sale, land use planning, easements and concessions. | Legal Consideration 8  
REDD+ SES Principle 6, Criterion 6.5 | policy planning and policy implementation by advancing the application of the Grassroots Democracy Decree at the district and commune levels. |
| | Decree No. 163/1999/ND--CP dated 16 November 1999 by the Government concerning allocation and lease of forest land to organizations, households and individuals for long-term forestry purposes  
Chapter III: Rights and obligations  
Article 18: Rights and obligations of state organizations, who are allocated forestland  
Article 19: Rights and obligations of households and individuals, who are allocated forestland;  
Article 20: Rights and obligations of households and individuals, who are leased forestland;  
Article 21: Rights and obligations of organizations, households and individuals, who are transferred forestland | |
| | Decree 99/2010/ND-CP of the Prime Minister dated on September 24, 2010 on the policy of payment of forest environmental services  
Article 20: Rights and obligations of service providers  
1/ The rights  
The information on the values of Payment of Forest Environmental Services will be provided by clients. | |
| | World Bank Safeguard Policy 4.36 (Forests) and Forest Strategy (Sustaining Forests, 2012)  
IDLO Legal Preparedness Study: Legal Consideration 8 | Law on Land 2003  
Article 21. Principles for formulation of land use zoning and planning  
Formulation of land use zoning and planning must ensure the following principles:  
Clause 5: Natural resources must be exploited reasonably and the environment must be protected.  
Section 3. Allocation of land, lease of land and conversion of land use purpose  
Article 31. Grounds for allocation of land, lease of land, conversion of land use purpose  
Article 32. Allocation or lease of land with respect to currently used land to another person  
Article 33. Allocation of land without collection of land use fees | Section 3 of Land Law refers to converting, leasing, and allocating land including forestry.
| Article 34. | Allocation of land with collection of land use fees |
| Article 35. | Lease of land |
| Article 36. | Conversion of land use purpose |
| Article 37. | Authority to allocate land, to lease land and to permit conversion of land use purpose |

**Draft Land Law 2013**

- Article 34. Principles for formulation of land use zoning and planning
- Clause 4: Natural resources must be exploited reasonably and the environment must be protected.
- Chapter V. Allocation of land, lease of land and conversion of land use purpose
- Article 50. Grounds for allocation of land, lease of land, conversion of land use purpose
- Article 52. Allocation or lease of land with respect to currently used land to another person
- Article 53. Allocation of land without collection of land use fees
- Article 54. Allocation of land with collection of land use fees
- Article 55. Lease of land
- Article 56. Conversion of land use purpose
- Article 57. Authority to allocate land, to lease land and to permit conversion of land use purpose

**Decree 99/2010/ND-CP of the Prime Minister dated on September 24, 2010 on the policy of payment of forest environmental services**

- Article 20: Service providers are not allow to destroy the forests or to convert the forests for other uses illegally.

**Decree 186/2006/ND--CP of the Prime Minister dated on August 14, 2006 on promulgation of Forest Management Regulation**

- Decree 186
- Article 8: Forest conversion for other uses;
- Article 10: Conversion of poor natural forest into planted forest with criteria for forest types suitable for conversion and authorities permitting such conversions at central, province and district levels

**Law on Forest Protection and Development of National Assembly dated on December 3, 2004 and Decree No 23/2006/ND-CP of the Government of Vietnam dated on March**
Law on Environmental Protection 2005

<table>
<thead>
<tr>
<th>Article 127. Handling of violations:</th>
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<tbody>
<tr>
<td>1. Those who violate the environmental protection law shall, depending on the nature and severity of their violations, be administratively sanctioned or examined for penal liability; if causing environmental pollution, degradation or incidents, damage to organizations or other individuals, they must remedy pollution, rehabilitate the environment and pay compensation for such damage in accordance with the provisions of this Law and other relevant laws.</td>
</tr>
<tr>
<td>2. Heads of organizations, cadres or public servants who abuse their positions and powers to cause trouble or hassle to organizations or citizens, cover up violators of the environmental protection law or neglect their responsibilities leading to serious environmental pollution or incidents shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability; if causing damage, they must pay compensation therefore according to the provisions of other relevant laws.</td>
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Specific fines, penalties and prosecutions are indicated in Decree 117/2009/NĐ-CP dated 31/12/2009.
| Law on Biological Diversity 2008  
| Article 7: Actions to be prohibited on biological diversity  
| Article 75 on compensation of biological diversity damages |
| Decree 99/2010/ND-CP of the Prime Minister dated on September 24, 2010 on the policy of payment of forest environmental services  
| Article 20: Rights and obligations of service providers  
| Clause d) In case of violations (forest cannot be protected according the contracts), the forest owner as state organization don’t follow the payments according to the Decree, destroys the forests or converts the forest illegally) will be fined according to the legal provisions |
| Chapter VII: Conflict resolution, fines, penalties and prosecutions for violating cases  
| Article 84: Conflict resolution;  
| Article 85: Fines and penalties  
| Article 86: Compensations of damages |
| National Biodiversity Strategy/Action plan to 2020 with vision to 2030 (Draft)  
| Action 3.2.4: Conduct a review of current penalties for crimes relating to wildlife trade activities, and increase severity as necessary.  
| Action 3.2.6: Promulgate and guide the implementation of Government Decrees on administrative punishments for violations relating to biodiversity |
| Strategy for Management of PA System in Vietnam (Draft 2 - January 2013)  
| Objective 4.3. Protection and Law Enforcement.  
| By 2020, all protected area administrations will be demonstrating measurable improvements in enforcement of laws and regulations and reduction of threats  
| 4.3.3. Establish at national and/or provincial levels multi-agency task forces to coordinate measures to combat wildlife crime outside the boundaries of protected areas (in particular the wildlife trade). |
4.3.4. Seek an increase in legal punishments for environmental and wildlife crime inside and outside protected areas.

<table>
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<tr>
<th>Decision No. 126/QD-TTg of Prime Minister dated on February 2, 2012 on piloting benefit sharing in sustainable Special Use Forest management, protection and development</th>
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<tr>
<td>Article 1: 12. Legislative treatments</td>
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<tr>
<td>The treatments of violations will be accordance with traditions of local communities and with the legal provisions including: to hold in custody; to stop the harvesting right and to report to Special Use Forest Management Board in case of violating Special Use Forest.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Decision No.178/2001/QD--TTg dated 12 November 2001 by the Prime Minister on Regulation on the benefit rights and obligations of the households, individuals who are allocated, leased, and contracted forest land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 22, Clause 3 cites that households and individuals contracted for forest protection or planting, violate the contracts, they have to compensate the damages according to the legal regulations;</td>
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<tr>
<td>Article 7 cites that violation of contracted should be compensated by violated party and based on the level of violation. Otherwise contracts will be canceled.</td>
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<thead>
<tr>
<th>Law on Minerals 2010</th>
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<tbody>
<tr>
<td>Article 46. Revocation and invalidation of mineral exploration licenses</td>
</tr>
</tbody>
</table>

Under the Construction Law, the PM has issued Decree No. 23/2009/ND-CP dated February 27, 2009 of the Government on sanctioning of administrative violations in construction activities; real
December 1216/QD-TTg approving the National Strategy for environmental protection until 2020 and vision toward 2030 (NSEP) dated on 5/9/2012

I. VIEWPOINTS AND OBJECTIVES
1. General viewpoints
   - Environment protection is a responsibility of the whole society and an obligation of every citizen; it must be conducted consistently on the basis of clear accountability of ministries and agencies as well as decentralization between central and local levels; the role of communities and mass organizations should be brought into play and the cooperation with other countries in the region and the world enhanced.
   - The application of administrative measures will be promoted, criminal sanctions should be applied gradually while market economic mechanisms applied flexibly in order to increase validity and efficiency of State management and enforce legal stipulations, requirements, regulations and standards on environment.

III. GENERAL SOLUTIONS
1. To create strong changes in accountability of environment protection at all echelons, industries, businesses and people
   - To identify clearly responsibilities of industries and echelons for not observing, improperly observing or breaking environment protection stipulations in approving and licensing investment projects which leads to serious environmental issues. To take into account responsibilities and results of environment protection when
evaluating the performance of organizations and their leaders;  
- To appraise and classify sectors and provinces in line with their environmental friendliness and publicize this classification yearly in order to have readjustments in development policies and plans suitable to sectoral and local situations.  
2. To perfect laws and management apparatus, to strengthen capability of enforcing laws on environment protection  
To further perfect laws on environment protection, focusing on revising and supplementing the Law on Environment Protection 2005, so as to compile a Code of Environment. To promptly compose and submit to the Government for promulgating a resolution on urgent issues in environment protection in 2012-2020 and other documents guiding the enforcement of regulations on environment-related crimes mentioned in the Criminal Code, so as to bring environmental criminals to the court. To compile and improve laws on clean air, effective use of resources, recycling wastes, and low-Carbone economic development;  

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<td>4.11. Protect and improve environment quality, actively and effectively deal with climate change</td>
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<tr>
<td>Complete legal system on environmental protection; create strong enough sanctions to prevent and handle violated actions</td>
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</tbody>
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<tr>
<th>Construction Law 2003</th>
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</thead>
<tbody>
<tr>
<td>Article 120. - Handling of violations</td>
</tr>
<tr>
<td>1. Persons who commit acts of violating the construction legislation and other relevant law provisions shall, depending on the nature and seriousness of their violations, be disciplined, administratively handled or examined for penal liability. In cases where their violations of the construction legislation cause damage to the State’s interests, rights and legitimate interests of organizations and individuals, they shall have to make compensations</td>
</tr>
<tr>
<td>2. Works constructed at variance with plannings, works constructed without construction permits or not in compliance with granted construction permits, for works requiring the construction permits as prescribed, shall be entirely dismantled or have their violating parts dismantled.</td>
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<tr>
<th>Law on Denunciations No.13/2011/QH13</th>
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<tbody>
<tr>
<td>Article 10. Rights and obligations of the denounced</td>
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<tr>
<td>2. A denounced has the following obligations:</td>
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</table>

Specified in Decree No.76/2012/ND-
a/ To explain in writing about the denounced act; to provide relevant information and documents at the request of competent agencies, organizations and persons;
b/ To strictly comply with handling decisions of competent agencies, organizations and persons;
c/ To pay compensations for damage caused by its/his/her illegal act.

(c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples.

1. Incorporation of traditional knowledge into forest management standards.

World Bank Safeguard Policy 4.10 (Indigenous Peoples)
World Bank Safeguard Policy 4.36 (Forests) and Forest Strategy (Sustaining Forests, 2012)
SEPC Principle 2, Criterion 11
REDD+ SES, Principle 6, Criterion 6.3

Decree No.05/2008/ND-CP on The Forest Protection and Development Fund
Article 12. Support targets and contents
2. Support contents
Depending on the specific conditions of the Fund at each level, the contents of the programs, projects or non-project activities that are considered for support includes:
b) Testing and dissemination of sustainable forest management, protection and development modalities;
c) Fund support to prevent deforestation and illegal production, trading and transportation of forest products;

Law on Biological Diversity 2008
Article 64:
1/ The State protect traditional knowledge rights on genetic resources and encourages to register this right.
2/ The Ministry of Science and technology leads and cooperates with other related ministries to guide procedures for registering traditional knowledge rights on genetic resources

Draft Land Law 2013
Article 26. Responsibilities of the State on the land, agricultural land for ethnic minorities
1. Land policies for ethnic minorities in accordance with their customs, traditions, cultural identity and the existing conditions of each region.
2. Policies to facilitate ethnic minorities, directly participating in agricultural production in rural areas, having land for agricultural production.

Decree 01/CP- 1995 of the Government dated on January 4, 1995. on the Enactment of Regulations on the contracting of Land in State Enterprises/Farms for Agriculture, Aquaculture, and Forestry production to Organizations, Households and
<table>
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<tr>
<th>Individuals for Stable and Long-term Use</th>
<th>National Biodiversity Strategy/Action plan to 2020 with vision to 2030 (Draft)</th>
</tr>
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<tbody>
<tr>
<td>Article 2 on the subjects of application cites that households directly involve in forestry will be allocated forestland with priority for indigenous people</td>
<td>Objective 5.8: Traditional knowledge on conservation is valued, conserved, and used in the sustainable exploitation of natural resources.</td>
</tr>
<tr>
<td>3.1.1. Actions for Goal No. 1 i) Establish legal regulations on protection of indigenous knowledge on genetic resources;</td>
<td>3.1.5. Actions for Goal No. 5 h) To survey, assess safety of traditional knowledge on BD contributing to sustainable conservation and utilization of BD and natural resources;</td>
</tr>
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<td>To implement measures to register property rights for traditional knowledge</td>
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<tr>
<td>The social objectives of Strategy state that likelihoods for forest working people will be improved though socialization and diversification of forestry activities, creation of jobs, increase of awareness, capacity and living conditions of people in particular ethnic minority groups, poor households and women in mountainous areas …</td>
<td>The solutions for human resource development of Strategy also state that training and extension organizations are encouraged to participate on training and extension activities for people working in forestry with priority for poor households and women. The same is also for scientists as women.</td>
<td></td>
</tr>
<tr>
<td>Rule</td>
<td>Law</td>
<td>Description</td>
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<tr>
<td>3. Rules to obtain and protect free, prior informed consent.</td>
<td>Law on Environmental Protection 2005</td>
<td>Decree 29, article 14, 15 and circular 26, article 12 regulate on the public consultation during the EIA preparation. Decree 29 article 14, clause 1: When making an environmental impact assessment report, the project owner (shall consult: a/ The People’s Committee of the commune, ward or township in which the project is to be implemented; b/ Representatives of communities and organizations directly affected by the project.</td>
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<td>Decree 99/2010/ND-CP of the Prime Minister dated on September 24, 2010 on the policy of payment of forest environmental services Article 20: Rights and obligations of service providers 1. Rights: b) Information on values of Payment of forest environmental services is provided to service providers b) The service providers have the right to participate on the supervision and monitoring missions of state organization in payment of forest environmental services</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Strategy for Management of PA System in Vietnam (Draft 2 - January 2013) Objective 5.1. Community participation in management By 2020, national regulations, guidelines and pilots will be approved and implemented in all protected areas on requirements for community participation in protected area planning and management.</td>
</tr>
<tr>
<td></td>
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<td>Decision No.198/2007/QD-TTg on Amending and supplementing a number of articles of the Prime Minister’s Decision No. 134/2004/QD-TTg of July 20, 2004, on a number of policies on support regarding production land, residential land, residential houses and daily-life water for poor ethnic minority households Article 1. Amending and supplementing a number of articles of the Prime Minister’s Decision No. 134/2004/QD-TTg of July 20, 2004, on a number of policies on support regarding production land, residential land, residential houses and daily-life water for poor ethnic minority households as follow:</td>
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<td>Recognizes the right of Indigenous People regarding land tenure.</td>
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</table>
### Article 3
a) Amendment of content in item 5: land for the ethnic minority who live and use stably so far under the management of the state farm, afforestation, therefore, the farm and afforestation carry out hand over the above land area for local authorities to make procedures for granting land use right certificates for households according to regulations.

**Decision No.07/2006/QD-TTg on the approval of the socio-economic development program for extremely difficult communes in ethnic minority and mountainous areas in the period 2006-2010**

Article 1. To approve the socio-economic development program for extremely difficult communes in ethnic minority and mountainous areas in period 2006 -2010 with the main content as follows:

2. Key principles
d) To apply the principles of democracy and transparency, enhancing the delegation to the grassroots level and promote the ownership of people directly involved in the Program.

### Article 2

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<tr>
<th>Section</th>
<th>Details</th>
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<tr>
<td>4. Dispute resolution and grievance redress mechanisms</td>
<td>World Bank Safeguard Policy 4.01 (Environmental Assessment) IDLO Legal Preparedness Study: Legal Consideration 2 and 18 REDD+ SES, Principle 6, Criterion 6.4</td>
</tr>
<tr>
<td><strong>Law on Complaints No.02/2011/QH13</strong></td>
<td>Article 28. Time limit for settling first-time complaints: “The time limit for settling a first-time complaint is 30 days after it is accepted. For a complicated case, this time limit may be prolonged but must not exceed 45 days after the complaint is accepted. In deep-lying or remote areas with difficult travel conditions, the time limit for settling a complaint is 45 days after it is accepted. For a complicated case, this time limit may be prolonged but must not exceed 60 days after the complaint is accepted.” Article 33. Filing of second-time complaints or institution of administrative cases Clause 1: “Thirty days after the expiration of the complaint settlement time limit specified in Article 28 of this Law, if a first-time complaint remains unsettled, or after receiving a first-time complaint settlement decision, if the complainant disagrees with this decision, he/she may file another complaint with a person competent to settle second-time complaints. For deep-lying or remote areas with difficult travel conditions, this time limit may be prolonged but must not exceed 45 days...” Article 37. Time limit for settling second-time complaints: “The time limit for settling a second-time complaint is 45 days after it is accepted. For a complicated case, this time limit may be prolonged but must not exceed 60 days...”</td>
</tr>
<tr>
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<td>The Law does not specify grievance mechanisms for indigenous people. However, it supports a special regulation for people living in remote areas. Details of implementation given in Decree No.75/2012/ND-CP</td>
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</table>
accepted. For a complicated case, this time limit may be prolonged but must not exceed 60 days after the complaint is accepted. In deep-lying or remote areas with difficult travel conditions, the time limit for settling a complaint is 60 days after it is accepted. For a complicated case, this time limit may be prolonged but must not exceed 70 days after the complaint is accepted.”


Chapter III on conflict resolution, fines in forests
Article 84: Dispute resolution
Article 85: Forest violation treatments
Article 86: Compensation of damages

Chapter VII; Dispute resolution, fines and penalties for violations of Forest Protection and Development Law
Article 84: Dispute resolution
Article 85: Fines and penalties
Article 86: Compensation of damages

**Decision No. 126/QD-TTg of Prime Minister dated on February 2, 2012 on piloting benefit sharing in sustainable Special Use Forest management, protection and development**

Article 13. Dispute resolution
The disputes between communities, households, individuals and Special Use Forest Management Board will be solved by the management council through the mediation;

**Decree 01/CP- 1995 of the Government dated on January 4, 1995, on the Enactment of Regulations on the contracting of Land in State Enterprises/Farms for Agriculture, Aquaculture, and Forestry production to Organizations, Households and Individuals for Stable and Long-term Use**

Decree 01 and Decree 135 state that in cases of violation of a party, it should be compensated based on the level of damage or the contract will be cancelled.

Decree 135, Article 4, Clause 5 states that disputes should be resolved based on the legal provisions of Civil Law and the contracts should be cancelled if the state recovers the forestland.
### Decree No.69/2009/ND-CP on the additionally providing for land use planning, land prices, land recovery, compensation, support and resettlement

Article 40. Settlement of complaints about compensated land prices, compensation, support and resettlement decisions or land recovery coercion decisions

2. Pending a complaint settlement decision, the land recovery decision must still be complied with. In case a state agency with complaint-settling competence concludes that land recovery is unlawful, the land recovery decision must cease to be implemented. The state agency which has issued the land recovery decision shall issue another decision annulling the land recovery decision and pay compensation for damage caused by the land recovery decision (if any). In case the state agency with complaint-settling competence concludes that land recovery is lawful, the person having land recovered shall abide by the land recovery decision.

### Construction Law 2003

Article 117.- Right to lodge complaints and denunciations and responsibilities to settle them

Article 118.- Complaints and denunciations and the settlement thereof

<table>
<thead>
<tr>
<th>IDLO Legal Preparedness Study: Legal Consideration 18</th>
<th>Resolution No.30a/2008/NQ-CP on Program for rapid and sustainable poverty alleviation in 61 extremely poor districts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>II. PARTICULAR MECHANISMS AND POLICIES FOR POOR DISTRICTS</strong></td>
<td></td>
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<tr>
<td><strong>B. POLICIES ON EDUCATION, TRAINING, VOCATIONAL TRAINING AND RAISING OF PEOPLE'S INTELLECTUAL LEVEL</strong></td>
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<tr>
<td>1. Policies on education, training and raising of people's intellectual level: To adequately supply teachers for poor districts; to support the construction of people-funded semi-boarding classes and housing for teachers in hamlets; to build district-level ethnic minority boarding schools towards education-level transferability in districts (including upper secondary boarding schools) to meet the demand for on-the-spot training of cadres for poor districts; to increase and expand incentive policies on training for ethnic minority pupils by enrollment assignment and address-based modes, to prioritize such disciplines as agriculture, forestry, health, family planning, hamlet teacher training and legal aid for raising</td>
<td>One of the main objectives of this resolution is to improve knowledge of indigenous people on legal system.</td>
</tr>
</tbody>
</table>

5. Reinforcement of capacity of the judiciary for alternative dispute resolution, including expanding adjudicators, arbitrators or mediators to include administrative bodies and representatives of local communities.

Chapter VI; Forest Protection Department with function, tasks, authority and responsibilities, organization, equipment and policies to its staff and supervision of Forest Protection Department

Decree No.05/2008/ND-CP on The forest protection and development fund

Article 12. Support targets and contents

2. Support contents

Depending on the specific conditions of the Fund at each level, the contents of the programs, projects or non-project activities that are considered for support includes:

- Carrying out communications, dissemination and implementation of policies, laws on forest protection and development;
- The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities.

1. Clearly defined and enforceable rules on levels, timing and mechanisms for stakeholder participation in decision-making.

World Bank Safeguard Policy 4.01 (Environmental Assessment)
SEPC Principle 1, Criterion 4
REDD+ SES Principle 6

Ordinance on exercise of democracy in communes, wards and townships No.34/2007/PL-UBTVQH11

Article 19. Contents to be commented by people

Clause 1: Draft plans on socio-economic development at the communal level; economic and production restructuring options; schemes on sedentary farming, resettlement and new economic zones and production and business line development options of the communal level.

Clause 2: Draft detailed land use planning and plans and adjustment schemes; the management and use of land areas of the communal level.

Clause 3: Draft plans on implementation of programs and projects in communal-level localities; undertakings and schemes on ground clearance compensation and supports, infrastructure construction, resettlement; schemes on population quarter planning.

Law on Environmental Protection 2005

- Decree 29, article 15: “1. Consultation of the commune-level People’s Committee and representatives of communities and organizations directly affected by a project is conducted as follows:
  a/ The project owner shall send to the commune-level People’s Committee and representatives of communities and organizations...
directly affected by the project a written request for consultation together with brief documents on the project’s major investment items, environmental issues and environmental protection solutions;
b/ When necessary, the commune-level People’s Committee may convene representatives of organizations and communities directly affected by the project to a meeting, notify the project owner of the time, place and participants of the meeting and together with the project owner chair such meeting within ten (10) working days after receiving the project owner’s written request for consultation;
c/ Results of the meeting between the project owner, the consulted agency and involved parties shall be recorded in writing, including the list of participants and all discussed opinions and opinions absorbed or not absorbed by the project owner. The record must contain the signatures of the project owner representative (with full name and title) and representatives of involved parties participating in the meeting;
d/ Within fifteen (15) working days after receiving a written request for consultation, the commune-level People’s Committee shall reply the project owner in writing and make public such reply. Past this time limit, if a consulted agency fails to send a written reply to the project owner, it is regarded as agreeing with the project owner’s investment plan;
e/ Agreeing and disagreeing opinions of consulted organizations and persons shall be summarized and truthfully reflected in the environmental impact assessment report

Part 4: Solutions
II. Renovation of management of forest production and business and encouragement of stakeholder participation in forest development

Decision No. 24/2012/QD-TTg of the Prime Minister dated on June 1, 2012 on Investment policy for special use forests in the period 2011-2020
Article 8:
3/ Village communities will prepare, implement and monitor the Village Development Plan based on the principles of Democracy at grass root level
Strategy for Management of PA System in Vietnam (Draft 2 - January 2013)

Objective 5.1. Community participation in management:
By 2020, national regulations, guidelines and pilots will be approved and implemented in all protected areas on requirements for community participation in protected area planning and management.

Objective 5.2. Management of resource harvesting inside protected areas:
By 2020 entitled local communities in protected areas will be enabled and empowered where possible to continue traditional harvesting of natural resources within defined areas according to agreed plans and limits.

Article 2, Clause 2 cites that priorities should be given to poor indigenous people living in the areas;

Decree No.197/2004/ND-CP on compensation, support and resettlement when land is recovered by the State
Article 42. Agreement on compensation, support
Where the persons who are assigned or leased land or land fund development organizations manage to reach agreement with the persons who have land recovered or1 the compensation, support levels in accordance with this Decree, such agreement shall be followed; the State shall not organize, effect the payment of compensation, supports.

Decree No.69/2009/ND-CP on the additionally providing for land use planning, land prices, land recovery, compensation, support and resettlement
Article 30. Making of compensation, support and resettlement plans
2. Collection of comments on compensation, support and resettlement plans:
a/ Compensation, support and resettlement plans must be publicly posted up at head offices of commune-level People's Committees and public-activity places of residential areas where exists the to-be-recovered land for persons having to be-recovered land and
related persons to give comments;
b/ The posting up of plans must be recorded and certified by representatives of the commune-level People's Committee and Fatherland Front committee and persons having to-be-recovered land;
c/ The duration for posting up a plan and receiving comments is at least twenty (20) days after a plan is posted up.
3. Completion of compensation, support and resettlement plans:
a/ Upon the expiration of the duration for posting up a plan and receiving comments, the compensation and ground clearance organization shall sum up comments in writing, including comments for, comments against and comments divergent from the compensation, support and resettlement plan; then complete the plan and send it enclosed with a sum-up of comments to the natural resources and environment agency for evaluation;
b/ If there are many comments against the compensation, support and resettlement plan, the compensation and ground clearance organization shall clearly explain the plan or re-consider and adjust the plan before sending it to the natural resources and environment agency for evaluation.

Circular No.14/2009/TT-BTNMT detailing the compensation, support and resettlement and order of and procedures for land recovery, allocation and lease
Article 16. Job change and creation support Job change and creation support comply with Article 22 of Decree No. 69/2009/ND-CP and is specified as follows:
3. The collection of comments of persons having agricultural land recovered on job training and change plans shall be conducted simultaneously with the collection of comments on compensation, support and resettlement plans. The form of collection is the same as that for compensation, support and resettlement plans under Clause 2, Article 30 of Decree No. 69/2009/ND-CP.

Article 22. Evaluation and approval authorization of compensation, support and resettlement plans
The evaluation and approval of compensation, support and resettlement plans comply with Articles 30 and 31 of Decree No. 69/2009/ND-CP. more specifically:
1. The compensation and ground clearance organization shall make a compensation, support and resettlement dossier, comprising:
a/ A complete compensation, support and resettlement plan under
2. Incorporation of culturally sensitive, traditional and community structures for decision-making, including representatives chosen by themselves in accordance with their own procedures.

| World Bank Safeguard Policy 4.12 (Involuntary Resettlement) |
| IDLO Legal Preparedness Study: Legal Consideration 19 |
| REDD+ SES Principle 6 |

Ordinance on exercise of democracy in communes, wards and townships No.34/2007/PL-UBTVQH11

Article 5, Clause 5: Undertakings and plans on borrowing capital for people to develop production eliminate hunger and reduce poverty; modes and results of considering and selecting poor households entitled to loans for production development, social relief, construction of charity houses, and grant of medical insurance cards.

Decision No.198/2007/QD-TTg on Amending and supplementing a number of articles of the Prime Minister's Decision No. 134/2004/QD-TTg of July 20, 2004, on a number of policies on support regarding production land, residential land, residential houses and daily-life water for poor ethnic minority households

Article 1. Amending and supplementing a number of articles of the Prime Minister’s Decision No. 134/2004/QD-TTg of July 20, 2004, on a number of policies on support regarding production land, residential land, residential houses and daily-life water for poor ethnic minority households as follow:

2. Article 2
   a) Amendment of item 2 as follows: for the residential land, land base, land limits and the ability of local budget, provincial-level People’s Committee can consider and decide to hand over residential land for the poor ethnic minority with the level in appropriate with local conditions living and habits.

Circular No.816/2004/TTLT-UBDT-KHDT-TC-XD-NNPTNT 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

2. The consideration and selection of poor ethnic minority households which have no or have insufficient production land and residential land and meet with difficult 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
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<tr>
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<th>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.</th>
</tr>
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<tbody>
<tr>
<td><strong>Forest Protection and Development Plan for the period 2011-2020</strong></td>
<td>Solution part on preparation of new policies and mechanisms cites that piloting of benefit sharing should be implemented in some SUFs until 2014 and after the state based forest control and management should be changed to co-management in which local communities and state organizations will share benefits and responsibilities.</td>
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<tr>
<td><strong>Law on Minerals 2010</strong></td>
<td>Article 28. Areas banned from mineral activities, areas temporarily banned from mineral activities</td>
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<tr>
<td></td>
<td>Clause 1. Areas banned from mineral activities include:</td>
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<td>a/ Land areas with historical-cultural relics or scenic places already ranked or delimited for protection under the Law on Cultural Heritages;</td>
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<td>b/ Land areas under special-use forests, protection forests or land areas planned for protection forests and geological conservation zone</td>
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<td>d/ Land areas used by religious institutions;</td>
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<tr>
<td><strong>Decision No 2139/QD-TTG. National Strategy on Climate Change</strong></td>
<td>7. Building communities which can effectively cope with climate change</td>
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<tr>
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<td>a) Communities coping with climate change</td>
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<td>- To boost the use of indigenous knowledge in coping with climate change, especially in designing new low-carbon means of subsistence.</td>
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<tr>
<td>3. Broad public consultations at various levels of project design and implementation (i.e. public notice and open</td>
<td>World Bank</td>
<td>Ordinance on exercise of democracy in communes, wards and townships No.34/2007/PL-UBTVQH11</td>
</tr>
<tr>
<td></td>
<td>Safeguard Policy 4.01 (Environmental Assessment)</td>
<td>Article 5, Clause 2: Investment projects and works and the priority order, implementation schedules, schemes on compensation and support for ground clearance and resettlement related to projects and works in communal-level localities, detailed land use plans and</td>
</tr>
</tbody>
</table>
| 4. Accessible and enforceable “access to information” rules for all applications. | Law on Land 2003  
Article 28. Proclamation of land use zoning and planning  
Within a time-limit of thirty (30) working days from the date of the decision or approval by the competent State body, land use zoning and planning must be publicly proclaimed in accordance with the following provisions:  
1. People's committees of communes, wards and townships shall be responsible to announce publicly detailed land use zoning and detailed land use planning for the locality at the head office of the committee.  
2. Administrative bodies for land at all levels shall be responsible to announce publicly their land use zoning and land use planning for the locality at their offices and in the mass media.  
3. Land use zoning and planning must be publicly announced at offices of people's committees and administrative bodies for land throughout the entire period of its validity. | Law on Forest Protection and Development of National Assembly dated on December 3, 2004 and Decree No 23/2006/ND-CP of the Government of Vietnam dated on March 3, 2006 on the implementing Law of Forest Protection and Development  
Article 20 cites that the forest protection and development plans at all levels have been disclosed at the office of People Committee. | Law on Environmental Protection 2005  
Article 103: Publication and supply of environmental information  
Article 104: Publication of environmental information and data  
Article 105: Exercise of grassroots democracy in environmental protection | Decision No 1393/QD-TTg approving National Green Growth Strategy dated 25/9/2012 |
1. Communication, awareness raising and encouragement of support to implementation
- Organize communication, education and awareness raising activities for the people and for communities on the role and meaning of green growth as well as pragmatic actions that contribute to implementation of green growth.
- Encourage and provide technical assistance to the people and communities to implement and enlarge production and consumption models which are economic, safe, civilized, respectful of the character of ethnic groups, harmonious and nature friendly.

**Decision No 3119 /QD-BNN-KHCN on approving program of Green House Gas (GHG) Emission Reduction in the Agriculture and Rural Development sector up to 2020 dated 16/12/2011**

4.3. Human resources training, awareness raising and capacity building
1. Conduct communication campaign and capacity building on impacts of climate change on agriculture, role and significant contributions of GHG emission reduction for research and development institutions, policy-makers and local authorities.
3. Regularly conduct communication on GHG emission reduction on public media and through agricultural extension activities to propagate GHG emission reduction to receivers.

**Decision 1216/QĐ-TTg approving the National Strategy for environmental protection until 2020 and vision toward 2030 (NSEP) dated on 5/9/2012**

**III. GENERAL SOLUTIONS**
1. To create strong changes in accountability of environment protection at all echelons, industries, businesses and people
   - To accelerate the dissemination of laws so that all people and enterprises fully and soundly understand legal stipulations, requirements, standards and criteria of environment protection; have full awareness of their responsibility and obligation for environment protection; and engage in environment protection activities;
   - To further enhance environment and climate change education at all echelons in the education and training systems; to expand majors of environment education, prioritizing majors of high demands;
   - To campaign for forming an environmentally-friendly lifestyle and sustainable consumption to nurture people’s sense of environment protection as well as gradually build up a low-carbon,
<table>
<thead>
<tr>
<th>Decision No 2139/QD-TTG. National Strategy on Climate Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Protecting and developing forests sustainably, increasing the absorption of greenhouse gases and preserving biodiversity</td>
</tr>
<tr>
<td>- To craft and realize policies on engaging socio-economic sectors in sustainably protecting and developing forests and natural ecosystems in order to cope with climate change while improving the carbon absorption of these forests and ecosystems;</td>
</tr>
<tr>
<td>6. Strengthening the key role of the State in responding to climate change</td>
</tr>
<tr>
<td>b) Improving and strengthening institutions</td>
</tr>
<tr>
<td>- To enhance the participation of the entire political system in interdisciplinary organization and collaboration for coping with climate change; to improve efficiency and validity of central-to-local-level management of climate change issues;</td>
</tr>
<tr>
<td>- To design synchronous regimes and policies which encourage and attract the participation of enterprises and scientists in activities of adapting to climate change and reducing greenhouse gas emission;</td>
</tr>
<tr>
<td>- To set up mechanisms for supporting communities, encourage non-governmental organizations to join activities of adapting to climate change and reducing greenhouse gas emission;</td>
</tr>
</tbody>
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<tr>
<th>Decision No 1474/QD-TTG. National Action Plan on Climate Change 2012-2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Strengthen management capacity, improve policies on climate change</td>
</tr>
<tr>
<td>- To improve the organization, appropriate institutional mechanisms to manage climate change; strengthen the participation of the entire political system to respond effectively to climate change.</td>
</tr>
<tr>
<td>6. Mobilize the participation of various economic, scientific organizations, political-social-professional and non-governmental organizations in responding to climate change; community building effective adaptation with climate change</td>
</tr>
<tr>
<td>- Develop mechanisms and policies to attract, mobilize the participation of society in responding to climate change; pilot communities to adapt to climate change.</td>
</tr>
</tbody>
</table>

| Decision No. 2730/QD--BNN--KHCN approving the Action Plan Framework for Adaptation to Climate Change in the Agriculture and Rural Development Sector for the period 2008- |
-2020 (APF) (launched by MARD dated 5/9/2008
2.1.1 Disseminate and guide the implementation of government’s and sectoral policies to officials, staff and communities in mitigation and adaptation to CC;
2.1.3 Develop an information system and a website of the Steering Committee for Climate change Adaptation and Mitigation in agricultural and rural development sector to disseminate information, forecast and answer enquiries on CC to the agencies under ministry, localities and businessmen and orientation for implementation of CC mitigation and adaptation solutions;

Decision No. 126/QD-TTg of Prime Minister dated on February 2, 2012 on piloting benefit sharing in sustainable Special Use Forest management, protection and development

Article 1
9. Rights and obligations of each party
Special Use Forest Management Board has to ensure that local community participation in benefit sharing mechanism, access of information on the agreements, regulations for Special Use Forest management and other information related to agreements of benefit sharing.

Decision 2418QD BTNMT. Action Plan responding on Climate Change on Ministry of Natural Resource and Environment for period 2011-2015
4. Raising of public awareness and training of human resources of climate change
- Develop and implement communication activities to raise awareness for the selected object groups in the Party system, the managerial apparatus at all levels, the political-social organizations, and community on the climate change

4.7 Comprehensively develop cultural and social fields in harmony with economic development
Increase the quality of information, newspaper, internet and publishing system. Ensure people’s right to be informed and opportunities to get access to information, especially for those in remote areas and ethnic groups. Continue renovating the management mechanism, fostering socialization in cultural and information fields, and forming sound cultural market.
| **Construction Law 2003** | Article 33. - Supply of information on construction plannings  
Article 41, clause 2: c/ To supply information and documents related to work construction investment projects to work construction investment project formulation consultants  
Article 50, clause 2: Work construction investors shall have the following obligations in the construction survey.. to supply information and documents related to construction survey |
|---|---|
| **Draft Land Law 2013** | Article 46. Proclamation of land use zoning and planning at all levels  
1. Land use zoning and planning at national, provincial, and district levels approved by the State must be publicly proclaimed within a time-limit of thirty (30) working days from the date of the decision or approval by the competent State body.  
2. Administrative bodies for land at all levels shall be responsible to announce publicly their land use zoning and land use planning for the locality at their offices and in the mass media.  
3. Land use zoning and planning of all levels must be publicly announced throughout the entire period of its validity. |
| **Decree 123/2007/ND-CP on Amending and supplementing a number of articles of Decree No.188/2004/ND-CP of November 16, 2004, on methods of determining land prices and price brackets of land of different categories** |  
10. To amend Article 13 into the following:  
Article 13. Determination of specific land prices in localities  
1. On January 1 every year, provincial-level People's Committees shall:  
a/ Decide on and publicize in their localities the classification of land regions, street grades and land positions under the provisions of Articles 8, 9, 10 and 11 of Decree No. 188/2004/ND-CP and Clauses 6, 7 and 8, Article 1 of this Decree.  
b/ Decide on and publicize in their localities the land price brackets applied in their localities after submitting them to the People's Councils of the same level for comments. |
| (e) That actions are consistent with the conservation of natural forests | 1. Rules for the entitlement to benefits, and how benefits will be distributed among |
| **World Bank Safeguard Policy 4.12 (Involuntary Resettlement)** |  
| **Resolution No.30a/2008/NQ-CP on Program for rapid and sustainable poverty alleviation in 61 extremely poor districts II. PARTICULAR MECHANISMS AND POLICIES FOR POOR DISTRICTS A. PRODUCTION SUPPORT, JOB CREATION AND INCOME** | |
and biological diversity, ensuring that REDD+ activities are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits.

| investors, landowners, government, local communities and indigenous peoples and persons engaged in forest management (i.e. for opportunity costs, traditional knowledge, employment, management, royalties). | World Bank Safeguard Policy 4.10 (Indigenous Peoples) SEPC Principle 3, Criterion 12 IDLO Legal Preparedness Study: Legal Consideration 1 | RAISING
1. Policies on support through contracting forests for tending and protection and assigning forests and land for production forest plantation |

| **Law on Minerals 2010**
Article 5. Benefits of localities and people in areas in which minerals are exploited
1. The State shall allocate part of revenues from mineral mining activities to support socio-economic development in localities in which minerals are exploited under the state budget law.
2. Mining organizations and individuals shall:
a/ Partially cover investment costs for upgrading, maintaining and building technical infrastructure facilities used in mining activities and building welfare works under law for localities in which minerals are exploited;
b/ Combine mining activities with the building of technical infrastructure and environmental protection and restoration under investment projects on mineral mining; and repair, maintain or build new facilities or pay compensations under law depending on the degree of damage, if causing damage to technical infrastructure facilities or other works and properties;
c/ Give priority to employment of local labor in mining activities and related services;
d/ Coordinate with local administrations in assuring the change of jobs for local people whose land is recovered for mining.
3. Compensation, support and resettlement for land users whose land is recovered for mineral mining projects comply with the land law and other relevant regulations. |

| **Decree 99/2010/ND-CP of the Prime Minister dated on September 24, 2010 on the policy of payment of forest environmental services**
Article 8: Payment of forest environmental services schemas will be paid for all type of forest owners including households and |
communities, who have long-term forest protection contracts with state organizations.

Article 14: Rules for coordinate the fund of Payment of forest environmental services from central Forest Protection and Development Fund (FPDF)

Article 15: Uses of fund of Payment of forest environmental services

Article 16: Payment of Payment of forest environmental services of provincial Forest Protection and Development Fund.

### Strategy for Management of PA System in Vietnam (Draft 2 - January 2013)

Objective 5.2.

Priority Actions

5.2.1 Conduct a review of the effectiveness of the implementation of Decision 126 in the pilot protected areas

5.2.2 Based on the conclusions of the review, extend the benefit sharing scheme to at least one suitable protected area in each province.

### Decision No. 126/QD-TTg of Prime Minister dated on February 2, 2012 on piloting benefit sharing in sustainable Special Use Forest management, protection and development

Article 1

7) Benefit sharing plan

- Management board of special use forest and management council prepare benefit sharing plan and submit to Ministry of Agriculture and Rural Development for approval;

- Content of this plan: existing status of resources, list of benefits to be shared, quantity, timing and modality for harvesting, objects for sharing, monitoring and evaluation of harvesting impacts, risks

8) Benefit sharing agreement

a) Rights and obligations of each party

b) List of members of management council, village communities, households, individuals participating this plan; conflict resolution and other

9. Rights and obligations of each party

a) Management board of special use forest

b) Communities, households and individuals

c) management council

d) District People Committee

e) Commune People Committee
### Decision No. 24/2012/QĐ-TTg of the Prime Minister dated on June 1, 2012 on Investment policy for special use forests in the period 2011-2020

#### Article 9: Sources of state investment for Special Use Forests
- VND 5500 billion for 10 years (50% investment cost and 50% for recurrent cost)
- Other investment sources: investment from provinces, incomes from services, business, lease and fees of forest environment...

#### Article 10: Eco-tourism in SUFs
- Foot roads in strict protected zones is not more than 1.5 m.
- Area for eco-tourism infrastructure is less than 20% of administrative zone

#### Article 11: Piloting of shareholder companies for eco-tourism business

#### Article 12: Leases of forest environment for eco-tourism development
- Business company can lease forest environment lasting not more than 50 years;
- Profits from different sources will share as follows:
  - 25% to replace part of the recurrent costs of the State Forest
  - The remaining will be used to complement salary for Special Use Forest staff with max 2.5 times of basic salary; support for local communities; investment for eco-tourism...

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#### Chapter II. Rights of the State on forest protection and development
- Article 29: Forest allocation to village communities

#### Chapter V: Rights and obligations of forest owners (Management boards of Protection Forest/Special Use Forest, economic organizations, households, individuals, and other forest owners)
### National Biodiversity Strategy/Action plan to 2020 with vision to 2030 (Draft)

#### 3.1.5. Actions for Goal No. 5

**b)** To implement co-management of PAs, ensuring the community participation in PA management and benefit sharing;

**d)** Eco-tourism become an important revenue for people in PAs and its buffer zones.

---

**Decree 01/CP- 1995 of the Government dated on January 4, 1995, on the Enactment of Regulations on the contracting of Land in State Enterprises/Farms for Agriculture, Aquaculture, and Forestry production to Organizations, Households and Individuals for Stable and Long-term Use**

Decree 135

- Article 5: Conditions for contracted parties and contractor
- Article 6: Contracted land and forest types
- Article 7: Forms of forest contracts; for all cycle and for part of production cycle
- Article 9: Obligations of contractors
- Article 10: Rights and Obligations of contracted parties
- Article 15: Contracting for natural forest and planted forest
- Article 16: Contracting of land for planting of production forest
- Decree 01-1995

**Decree 135**

- Article 12 and 13: Contracting protection and special use forests

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**Decree 186/2006/ND--CP of the Prime Minister dated on August 14, 2006 on promulgation of Forest Management Regulation**

Decree 186

- Article 32: Timber and Non Timber Forest Products harvesting in protection forest
- Article 33: Other activities in protection forest
- Article 39: Harvesting in natural forest
- Article 40: Harvesting in planted forest

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**Decision No.178/2001/QD--TTg dated 12 November 2001 by the Prime Minister on Regulation on the benefit rights and obligations of the households, individuals who are allocated, leased, and contracted forest land**

Chapter II: Rights and obligations of households and individuals, who allocated or leased the state forestland of three forest categories;

Chapter III: Rights and obligations of households and individuals.
who allocated or leased the forestland of state organizations for forest protection, restoration and planting;

<table>
<thead>
<tr>
<th>Decision 1216/QD-TTg approving the National Strategy for environmental protection until 2020 and vision toward 2030 (NSEP) dated on 5/9/2012</th>
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<tbody>
<tr>
<td>1. VIEWPOINTS AND OBJECTIVES</td>
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<tr>
<td>1. General viewpoints</td>
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<tr>
<td>- Organizations and individuals must pay for benefits from resources and values of the environment; if they cause pollute environment, deteriorate resources and degrade biodiversity, they must compensate for improvement, recovery and damages.</td>
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<thead>
<tr>
<th>Decision No. 2730/QD--BNN--KHCN approving the Action Plan Framework for Adaptation to Climate Change in the Agriculture and Rural Development Sector for the period 2008-2020 (APF) (launched by MARD dated 5/9/2008)</th>
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<tr>
<td>1.2.7 Ensure equal benefit sharing for rural communities in implementing CC mitigation and adaptation.</td>
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<tr>
<th>Prime Minister Decision No. 661/QD-TTg on Objectives, Tasks, Policies and Institutional arrangements for Implementation of the Five Million Hectares Reforestation Project (Project 661)</th>
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<tbody>
<tr>
<td>Article 7: Policy on benefit sharing for protection forest / special use forest and production forest</td>
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<tr>
<td>4.3. The government makes investment and has comprehensive policies to manage and develop protective forest and special used forest, at the same time, ensures that the ones who accept extensive agriculture and protect forests will have a stable life. Encourage organizations and individuals of all economic components to invest in productive forests; attach forestation for materials to processing industry right from the planning and investment projects; use income from forests to develop forests and get rich from forests.</td>
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<td>harvesting for each protection year, after deducting taxes.</td>
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## Part V

### 1. POLICIES AND MEASURES TO DEVELOP MAJOR SECTORS AND INDUSTRIES TO CREATE INCOME GENERATION OPPORTUNITIES FOR THE POOR

#### 1.2. Vigorously develop forestry

Allocate land and forest together with implementing fixed cultivation and settlement, and stabilize the livelihood of people in mountainous areas. Encourage fixed cultivation and settlement and voluntary resettlement. Provide financial support to reallocate people from vulnerable and disaster-prone areas (flash flood, land erosion etc.) towards safer areas. Ensure that people living in mountainous areas, especially poor households, can directly manage and protect their forests and are provided with appropriate incentives that link their benefits and responsibilities with the forest.

Continue to review, revise and amend policies on investment in forest development including adjusting norms and unit price in forest protection and care. Provide interest free or low interest loans for afforestation, adequately invest in infrastructures in forest areas (roads to transport materials, storage facilities, etc.), develop forest processing industry to increase the value received from forestry and create forestry-related income generating opportunities.

#### 2. Risk sharing mechanisms to insure recoverable damages for disputes between employed persons, public authorities, and national and international investors.

<table>
<thead>
<tr>
<th>IDLO Legal Preparedness Study: Legal Consideration</th>
<th><strong>Law on Biological Diversity 2008</strong></th>
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</thead>
<tbody>
<tr>
<td>Article 66: Preparation, appraisal of report on risk assessment of Genetically Modified Organism</td>
<td></td>
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<tr>
<td>Article 67: Disclosure of information on the levels of risks and measures for risk management due to Genetically Modified Organism to biodiversity.</td>
<td></td>
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**Decree 01/CP- 1995 of the Government dated on January 4, 1995, on the Enactment of Regulations on the contracting of Land in State Enterprises/Farms for Agriculture, Aquaculture, and Forestry production to Organizations, Households and Individuals for Stable and Long-term Use**

Article 7, Clause 2b and Article 8, Clause d; in case of violation of the contract by any party, they have to pay compensation or contract will be cancelled depending on the damages caused.
3. Pricing tools, value addition and other incentives to promote alternative and sustainable livelihoods, for instance from non-wood forest products or ecotourism.

| IDLO Legal Preparedness Study: Legal Consideration 1 | Law on Land 2003  
Article 77. Specialized use forest land  
Clause 6. The Government shall provide specific regulations on allocation of specialized use forest land; on the rights, obligations and interests of organizations, family households and individuals being allocated specialized use forest land; on allocation or lease of land in buffer zones of specialized use forest land; and on lease of specialized use forest land in combination with joint landscape and ecological-environmental tourism businesses.  
Draft Land Law 2013  
Article 132. Specialized use forest land  
Same content as Article 77 of the Land Law 2003.  
Decree 117/2010/ND-CP of the Government dated on December 24, 2010 on organization and management of special-use forests  
Article 22: Forest environmental services for watershed protection, clean water supplies and eco-tourisms  
Article 23: Eco-tourisms  
National Biodiversity Strategy/Action plan to 2020 with vision to 2030 (Draft)  
3.1.5. Actions for Goal No. 5  
a) To promote FPES policy;  
b) To implement co-management policy for PAs ensuring community participation in PA management and benefit sharing  
d) Eco-tourisms become an important revenue for people in PAs and its buffer zones  
Decree No.05/2008/ND-CP on The Forest Protection and Development Fund  
Article 12. Support targets and contents  
2. Support contents  
Depending on the specific conditions of the Fund at each level, the contents of the programs, projects or non-project activities that are considered for support includes:  
e) Development of non-timber forest products on forest land;  
Prime Minister Decision No. 661 /QD-TTg on Objectives, Tasks, Policies and Institutional arrangements for Implementation of the Five Million Hectares Reforestation Project (Project 661)  
Article 6: Investment and Credit policy, Clause 2 cites that organizations, households and individuals, who are planting protection and production forests and processing of agricultural and |
<table>
<thead>
<tr>
<th>Clear and defined rights to forests and carbon ownership, use and transfer.</th>
<th>IDLO Legal Preparedness Study: Legal Consideration 1 REDD+ SES Principle 1, Criterion 1.1</th>
<th>Resolution No.41/2004/NQ-TW by the Politburo of the 9th Communist Party Congress on Environmental protection during the industrialization and modernization process III. THE MAIN SOLUTIONS 4. Applying economic tool on environmental protection To encourage applying transfer mechanism, exchange the right of emission and responsibility of waste disposal in accordance with market mechanism.</th>
</tr>
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<tbody>
<tr>
<td>5. Clear and defined rights to forests and carbon ownership, use and transfer.</td>
<td>IDLO Legal Preparedness Study: Legal Consideration 1 REDD+ SES Principle 1, Criterion 1.1</td>
<td>Law on Land 2003 Article 5. Ownership of land 1. Land belongs to the entire people with the State as the representative owner. 2. The State shall exercise the right of disposal with respect to land as follows: (a) Decide land use purposes by passing decisions and by considering and approving land use zoning and land use plans (hereinafter referred to as land use zoning and planning); (b) Decide the quotas on allocation of land and on duration of land use; (c) Decide allocation of land, lease of land, land recovery, and permission for conversion of land use purpose; (d) Determine land prices. 3. The State shall exercise the right to regulate sources of income</td>
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</table>
| Principle 1, Criterion 1.2 | from land through financial policies on land as follows:
(a) Collection of land use fees and land rent;
(b) Collection of land use taxes and taxes on income from assignment of land use rights;
(c) Regulation of increased value of land not accruing from investment by the land user.
4. The State shall grant land use rights to land users via the form of allocation of land, lease of land, and recognition of land use rights for persons currently using the land stably; shall regulate the rights and obligations of land users.

<table>
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<tr>
<th>Article 6. State administration of land</th>
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<tbody>
<tr>
<td>1. The State shall uniformly exercise administration of land.</td>
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| 2. State administration of land shall comprise the following matters:
(a) Promulgation of legal instruments on administration and use of land, and organization of their implementation;
(b) Fixing of administrative boundaries; formulation and management of administrative boundary files, drawing of administrative maps;
(c) Survey, measurement, evaluation and classification of land; drawing of cadastral maps, maps of land use status and land use zoning maps;
(d) Administration of land use zoning and planning;
(dd) Administration of allocation of land, lease of land, land recovery and conversion of land use purpose;
(e) Registration of land use right, formulation and management of cadastral files and issuance of certificates of land use right;
(g) Conducting land inventories and stocktakeings;
(h) Financial administration of land;
(i) Administration and development of the land use right market in the real estate market;
(k) Administration and supervision of the exercise of rights and performance of obligations of land users;
(l) Inspection and examination of compliance with the provisions of the laws on land and dealing with breaches of the laws on land; (m) Resolution of land disputes; resolution of complaints and denunciations about breaches in administration and use of land;
(n) Administration of public service operations concerning land.|

3. The State shall have a policy of investment in carrying out duties of State administration of land and formulation of a modern system
of administration of land with sufficient capacity, ensuring that administration of land is both efficient and effective.

Article 7. State to carry out uniform State administration of land as representative of ownership of land by the entire people
1. The National Assembly shall promulgate the laws on land, make decisions on nationwide land use zoning and planning, and exercise the right of supreme supervision of administration and use of land throughout the entire country.
2. The Government shall make decisions on land use zoning and planning of provinces and cities under central authority and land use zoning and planning for objectives of national defence and security; and shall exercise uniform State administration of land throughout the entire country.

The Ministry of Natural Resources and Environment shall be responsible before the Government for State administration of land.
3. People's councils at all levels shall exercise the right to supervise the implementation of the laws on land within their respective localities.
4. People's committees at all levels shall exercise the rights of the representative owner of land and State administration of land within their respective localities in accordance with the authority stipulated in this Law.

Article 10. Guarantees to land users
1. The State shall issue certificates of land use right to land users.
2. The State shall not recognize any claim to land which was allocated in accordance with State regulations to other users during the implementation process of the land policies of the State of the Democratic Republic of Vietnam, the Provisional Revolutionary Government of the Republic of South Vietnam and the Socialist Republic of Vietnam.
3. The State shall promulgate policies to facilitate direct producers in agriculture, forestry, aquaculture and salt production having land for production; and shall also promulgate policies for investment incentives, for occupational training and development and creation of employment for laborers in rural areas in conformity with the process of conversion of the land use structure and conversion of the rural economic structure in the direction of industrialization and modernization.

Draft Land Law 2013
Article 12. Ownership of land
1. Land belongs to the entire people with the State as the representative owner.
2. The State shall exercise the right of disposal with respect to land as follows:
   a) Decide land use zoning and planning;
   b) Decide land use purpose;
   c) Regulate the quotas on allocation of land and transfer of land use rights, and on duration of land use;
   d) Decide land acquisition;
   d) Decide to give land use right for land user;
   e) Determine land prices;
   g) Decide financial policy on land;
   h) Regulate the rights and obligations of land user.

Article 21. State administration of land
1. The State shall uniformly exercise administration of land as the following matters:
   a) Promulgation of legal instruments on administration and use of land, and organization of their implementation;
   b) Fixing of administrative boundaries; formulation and management of administrative boundary files, drawing of administrative maps;
   c) Survey, measurement, drawing of cadastral maps, maps of land use status and land use zoning maps; survey, assessment of land resource; survey and develop land prices;
   d) Administration of land use zoning and planning;
   dd) Administration of allocation of land, lease of land, land recovery and conversion of land use purpose;
   e) Management compensation, support, resettlement upon land acquisition;
   g) ) Registration of land use right, formulation and management of cadastral files and issuance of certificates of land use right, ownership of houses, and other assets attached to land
   h) Conducting land inventories and stocktakings;
   i) Develop land information system;
   k) Financial administration of land and land prices;
   l) Administration and supervision of the exercise of rights and performance of obligations of land users;
   m) Inspection and examination of compliance with the provisions of the laws on land and dealing with breaches of the laws on land;
   n) Propagation, education on Land Law;
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<tr>
<td>o) Resolution of land disputes; resolution of complaints and denunciations about breaches in administration and use of land; p) Administration of public service operations concerning land.</td>
<td>2. The State shall have a policy of investment in carrying out duties of State administration of land and formulation of a modern system of administration of land with sufficient capacity, ensuring that administration of land is both efficient and effective.</td>
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<td>Article 22. Responsible for management of the State on land</td>
</tr>
<tr>
<td>1. Government unified state management on land in over the country.</td>
<td>2. Ministry of Natural Resources and Environment to assist the Government unified state management on land in the country.</td>
</tr>
<tr>
<td>3. Ministries, ministerial-level agencies involved in the scope of responsibilities, powers, shall coordinate with the Ministry of Natural Resources and Environment in the management of state on land.</td>
<td>4. People's Committees at all levels are responsible for the state management of local land authority regulated in this Law.</td>
</tr>
<tr>
<td>Article 25. Guarantees of the State to land users</td>
<td>1. Protection of land use rights and assets attached to land with legal land users. The State does not recognize the claims of land allocated under the provisions of the State to others used in the process of implementing land policies of the Democratic Republic of Vietnam, the Provisional Revolutionary Government of the Republic of State of South Vietnam and the Socialist Republic of Vietnam.</td>
</tr>
<tr>
<td>2. To issue certificate of land use right, ownership of house and other assets attached to land in order to meet requirements of land users if they meet the conditions regulated by the Law.</td>
<td>3. When the State recovers land for the purposes of national defense, security, national interests, public interests and to implement economic development projects, land users will get compensation, support and resettlement in accordance with the Law.</td>
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<tr>
<td>4. The State shall promulgate policies to facilitate directly producers in agriculture, forestry, aquaculture and salt production having insufficient land for production due to the process of conversion of the land use structure and conversion of the rural economic structure, are trained vocation and appropriate professional development.</td>
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<td>Article 21: Responsibilities of ministries</td>
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<td>-----------------------------------------</td>
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<tr>
<td>Clause 2. Ministry of Natural Resources and Environment leading in cooperation with Ministry of Agriculture and Rural Development and other related ministries submit to Prime Minister to promulgate policies and mechanism for forest land allocation and leases to strengthen Payment of forest environmental services policy</td>
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<tr>
<th>Article 22: Responsibilities of Provincial People Committee, Clause 2:</th>
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<tbody>
<tr>
<td>a) Review of implementation of forest and forestland allocation; b) New forest and forestland allocation; c) Forest protection contracting on long-term and sustainable basis; d) Classification of Payment of forest environmental Services service providers and clients</td>
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<tbody>
<tr>
<td>Chapter V; Rights and obligations of forest owners with the maximal rights to convert, transfer, donate, lease, mortgage, guarantee or contribute capital or business equivalent to the value of forest use rights; individual is inherited</td>
</tr>
</tbody>
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<thead>
<tr>
<th>6. Rules on the alienability and acquisition of lands, including compensation or resettlement.</th>
</tr>
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<tbody>
<tr>
<td>World Bank Safeguard Policy 4.12 (Involuntary Resettlement)</td>
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<tr>
<td>IDLO Legal Preparedness Study: Legal Consideration 9</td>
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</tbody>
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<thead>
<tr>
<th>Law on Land 2003</th>
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<tr>
<td>Section 4. Land recovery</td>
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<tr>
<th>Decree No.197/2004/ND-CP on compensation, support and resettlement when land is recovered by the State</th>
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<tr>
<td>Article 7. Cases where land is recovered without compensation</td>
</tr>
<tr>
<td>1. Land users fail to meet all conditions prescribed in Article 8 of this Decree.</td>
</tr>
<tr>
<td>2. Organizations which are assigned land by the State without land use levy collection or with land use levy collection but have paid levies which originate from the State budget; which are leased land by the State and have paid annual land rents; and which have been transferred the land use rights and have paid therefore money originating from the State budget.</td>
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<tr>
<td>3. The recovered land falls into one of the cases prescribed in</td>
</tr>
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</table>
Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Article 38 of the 2003 Land Law.
For the recovered land prescribed in this Clause, the disposal of land use levies, land rents and property built on such land shall comply with the provisions of Clause 3 of Article 34, and Article 35 of the Government's Decree No. 181/2004/ND.-CP of October 29, 2004 on the implementation of the land Law.

4. Agricultural land used by the population communities.
5. Agricultural land used by communes, wards or townships for public purposes.
6. Persons who have land recovered by the State meet one of the conditions prescribed in Article 8 of this Decree but fall into one of the cases prescribed in Clauses 1, 2, 3, 4 and 5 of this Article.

Article 8. Conditions for compensation for land
Persons who have land recovered by the State shall receive compensation if they meet one of the following conditions:
1. Having the land use right certificates according to the provisions of land legislation.
2. Having the land assignment decisions of competent State bodies according to the provisions of land legislation.
3. Households, individuals that are using land in a stable manner, have certifications of the People's Committees of communes, wards or townships (hereinafter collectively referred to as commune-level People's Committees) that such land is dispute-free, and have one of the following papers:
   a/ Land use right papers issued before October 15, 1993 by competent agencies in the process of implementing the land policies of the State of the Democratic Republic of Vietnam, the Provisional Revolutionary Government of the Republic of South Vietnam, and the State of the Socialist Republic of Vietnam;
   b/ Provisional land use right certificates issued by competent State bodies or named in the land registries or cadastral registries;
   c/ Lawful papers on the inheritance, donation of the land use rights or properly attached to land; papers on the hand-over of gratitude houses attached to land;
   d/ Papers on the transfer of land use rights, purchase and sale of dwelling houses attached to residential land, made before October 15, 1993, with the certifications of the commune-level People's Committees that the land was used before October 15, 1993;
e/ Papers on liquidation, sale of dwelling houses, purchase of dwelling houses attached to residential land according to law provisions;
f/ Papers issued by competent bodies of the former regimes to land users.

4. Households, individuals that are using land and have one of the papers stated in Clause 3 of this Article which bear the names of other persons and are enclosed with the land use right transfer papers signed by the involved parties, but have not yet completed the land use right transfer procedures by the time of issuance of the land recovery decisions, and now have certifications of the commune-level People's Committees that such land is dispute-free.

5. Households, individuals that are using land, have local permanent residence registrations and are directly engaged in agricultural production, forestry, aquaculture or salt making in mountainous areas or islands with difficult socio-economic conditions, and now have certifications of the commune-level People's Committees of the places where the land exists that they are using land in a dispute-free and stable manner.

Article 24. Compensation for cultivated plants and reared animals
4. Forest trees planted with the source of State budget capital, natural forest tree assigned to organizations and households; for growing, management, tending and protection, compensation for the value of the actual damage to the gardens shall, be paid; monetary compensation shall be divided to forest managers, tenders and keepers according to law provisions on forest protection and development.


Article 26; Forest recovering
“In case the State recovers the allocated or leased forests the State should compensate the production results in forms of new allocation of forests with the same purposes, or new land for forest planting, compensate in cash or in kind at the time recovering decision made”
| 7. Coordination of land tenure with forest governance objectives and other land use planning. | SEPC Principle 6, Criterion 21 | Circular No.35/2011/TT-BNNPTNT issued on May 20, 2011 by the MARD guiding the exploitation of timber and NTFPs under the three types of forests (special-use forests, protection forests and production forests).
Article 11 Forest conversion for other purposes
Clause 2 stipulates that the converting unit has to pay compensation according to the law before conversion. |
|---|---|---|
| Decree No.69/2009/ND-CP on the additionally providing for land use planning, land prices, land recovery, compensation, support and resettlement
Section 3. Compensation, support and resettlement | Law on Land 2003
Article 104. Bringing unused land into use
Clause 3. Local family households and individuals being directly engaged in forestry, aquaculture, agricultural and salt production and not yet having been allocated land or not having sufficient land for production shall be given priority in allocation of land areas which are zoned for use for agricultural purposes. |
| Decree 117/2010/ND-CP of the Government dated on December 24,2010 on organization and management of special-use forests
Article 18 on forest conversion cites that conversion to other non-forestry purposes must be in accordance with legal provisions of the Land Law, Forest Protection and Development Law/Plan and Plan for national special use forest system. |
| Draft Land Law 2013
Article 159. Bringing unused land into use
Same content as Article 104 of the Land Law 2003 |
| 1. Action plans to deal with force majeure events (i.e. fires, extreme weather events, droughts). | IDLO Legal Preparedness Study: Legal Consideration 11 | Resolution No.30a/2008/NQ-CP on Program for rapid and sustainable poverty alleviation in 61 extremely poor districts
II. PARTICULAR MECHANISMS AND POLICIES FOR POOR DISTRICTS
A. PRODUCTION SUPPORT, JOB CREATION AND INCOME RAISING
2. Production support policies
a/ To fund the review and elaboration of plannings on agricultural, forestry and fishery production as well as crop and livestock restructuring suitable to specific conditions of each district and commune, especially areas hit by harsh natural conditions and frequent natural disasters; |
<p>|  |  | (f) Actions to address the risks of reversals. |</p>
<table>
<thead>
<tr>
<th>2. Statements indicating an awareness of the risk of reversals of REDD+ achievements, including potential future risks to forest carbon stocks.</th>
<th>SEPC Principle 4, Criterion 15</th>
<th>National Biodiversity Strategy/Action plan to 2020 with vision to 2030 (Draft) Actions for Goal No.6 a/ To assess influences of climate changes to BD and the roles of BD in adaptation and mitigation of climate changes; c/ To establish BD corridors connecting critical ecosystems and regions to ensure BD conservation and mitigation of climate changes;</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Rules for risk mitigation mechanisms such as title registration, insurance, bonds, liens, guarantees and buffers or carbon pools.</td>
<td>IDLO Legal Preparedness Study: Legal Consideration 11</td>
<td>NA</td>
</tr>
</tbody>
</table>
4. Risk management tools for monitoring and enforcement.  
IDLO Legal Preparedness Study: Legal Consideration 11  
NA

(g) Actions to reduce displacement of emissions.  

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<tbody>
<tr>
<td>1.</td>
<td>International or regional treaties on displacements.</td>
<td>NA</td>
</tr>
<tr>
<td>2.</td>
<td>Information systems that report on how displacements are being addressed.</td>
<td>NA</td>
</tr>
<tr>
<td>3.</td>
<td>Statements indicating the need to avoid or minimize adverse impacts on carbon stocks, other ecosystem services and biodiversity of non-forest ecosystems.</td>
<td>SEPC Principle 7, Criterion 23 and Criterion 24</td>
</tr>
</tbody>
</table>

Decree 117/2010/ND-CP of the Government dated on December 24,2010 on organization and management of special-use forests  
Article 21: Sustainable forest resources utilization  
Article 22: Payment of forest environmental services  
Article 23: Eco-tourisms  
Article 33: Investment projects for buffer zone development