

THE GOVERNMENT

No. 117/2010/ND-CP

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom – Happiness

Hanoi, December 24, 2010

DECREE

**ON ORGANIZATION AND MANAGEMENT OF THE SPECIAL-USE FOREST
SYSTEM**

THE GOVERNMENT

*Pursuant to the December 25, 2001 Law on Organization of the Government;
Pursuant to the November 26, 2003 Law on Fisheries;
Pursuant to the December 3, 2004 Law on Forest Protection and Development;
Pursuant to the November 13, 2008 Law on Biodiversity;
At the proposal of the Minister of Agriculture and Rural Development,*

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree provides the organization and management of the special-use forest system in the territory of the Socialist Republic of Vietnam.

Article 2. Subjects of application

This Decree applies to state agencies, domestic organizations, communities, households and individuals; overseas Vietnamese; and foreign organizations and individuals carrying out activities related to the organization and management of the special-use forest system.

Article 3. Interpretation of terms

1. Special-use forest means a forest which is established under the Law on Forest Protection and Development, has special values in terms of conservation of the nature, standard specimens of national forest ecosystems and forest gene sources; scientific research; protection of historical-cultural relics or scenic places, relaxation and tourism in combination with protection, contributing to environmental protection.

2. Special-use forest management unit means a state organization which has the functions and tasks of a forest owner and the State-assured conditions for managing, protecting and developing special-use forests; conserving and promoting their special values in terms of the nature, standard specimens of ecosystems, biodiversity, gene sources, historical-cultural relics and landscape; scientific research; and provision of forest environmental services.

3. Nature reserve means an area with forest ecosystems or also with wetland ecosystems, sea ecosystems in addition to common functions of a special-use forest, which is established mainly to sustainably conserve natural ecosystems.

4. Species/habitat conservation zone means an area with forest ecosystems or also with wetland ecosystems, sea ecosystems in addition to common functions of a special-use forest, which is established mainly to sustainably conserve endangered, rare and specious species under Vietnamese laws and international conventions to which Vietnam is a contracting party.

5. Landscape protection zone means a forest zone or has a wetland area or sea area in addition to common functions of a special-use forest, which is established to conserve high historical, cultural or natural landscape values.

6. Scientific research and experimentation forest zone means a forest zone or has a submerged land area or sea area, which is established for scientific research and experimentation, technological or training development.

7. National park means a kind of special-use forest which plays an important role to the nation. A national park has common functions of a special-use forest and possibly any of the following main functions: natural conservation and reserve; species/habitat conservation; and landscape protection.

Article 4. Classification of special-use forests

The special-use forest system consists of the following kinds:

1. National parks;
2. Nature conservation zones, including nature reserves and species/habitat conservation zones;
3. Landscape protection zones, including historical-cultural relics and scenic places;
4. Scientific research and experimentation forest zones.

Article 5. Criteria for establishing a special-use forest

The establishment of special-use forests must satisfy the criteria for each kind of special-use forest below.

1. For a nature reserve:

a/ Possessing at least 1 nationally or internationally important natural forest ecosystem which has not yet or has little been changed and which has scientific-educational or eco-tourism-convalescence special values. In special cases, for planted forests, such a reserve must ensure stable development succession and gradual regeneration of natural ecosystems;

b/ Being a natural habitat of at least 5 species endangered, rare and precious fauna and flora species prioritized for protection under law;

c/ Having an area of over 5,000 ha, at least 90% of which is covered with natural ecosystems (for planted forests, such a reserve must ensure stable development succession and gradual regeneration of natural ecosystems).

2. For a species/habitat conservation zone:

a/ Possessing at least 1 endemic or endangered, rare and precious species as provided for by law;

b/ Satisfying the living, food and reproduction conditions for sustainable conservation of endemic, endangered, rare and precious species;

c/ Having an area meeting the requirements of sustainable conservation of endemic, endangered, rare and precious species.

3. For a landscape protection zone:

a/ Having high historical-cultural values, embracing historical-cultural relics recognized by a competent state agency.

b/ Having high landscape and environmental values, embracing scenic places in need of protection and recognized by a competent state agency.

c/ Being managed and protected by a community according to practices or traditions and beliefs, which have special cultural, belief, educational or eco-tourist values recognized by a competent state agency.

4. For a scientific research and experimentation forest zone:

a/ Possessing ecosystems which meet scientific research and experimentation requirements of scientific or educational institutions engaged in forestry scientific research and experimentation under law;

b/ Having an area suitable to the long-term scientific research and experimentation, technological development and forestry training objectives and requirements.

5. A national park must satisfy at least one of the following 3 criteria:

a/ Having at least 1 typical ecosystem standard specimen of an eco-zone or of national or international significance; having an area of over 10,000 ha, at least 70% of which is covered with natural ecosystems and less than 5% of which is agricultural and inhabited land.

b/ Having at least 1 Vietnamese endemic species or being capable of conserving the habitats of over 5 endangered, rare and precious species under law; having an area of over 7,000 ha, at least 70% of which is covered with natural ecosystems and less than 5% of which is agricultural and inhabited land.

c/ Having particularly important values in national landscape protection or scientific research and experimentation approved by the Prime Minister.

Chapter II

MANAGEMENT OF SPECIAL-USE FORESTS

Section 1. PLANNING ON SPECIAL-USE FORESTS

Article 6. Scope of planning

Planning on special-use forests covers the national master plan on the special-use forest system; plans on special-use forests in provinces and centrally ran cities (below referred to as provincial-level plans); and plans on special-use forest zones.

Article 7. National master plan on the special-use forest system

1. Grounds for the master plan

a/ The master plan on socio-economic, defense and security development;

b/ The national land-use master plan approved by the National Assembly;

c/ The forest protection and development master plan.

2. Contents of the master plan

a/ Evaluating natural, economic, social, defense and security conditions, ecosystems, biodiversity, gene sources, historical-cultural relics, landscapes, etc.;

b/ Viewpoints, overall and specific objectives in the organization, management, conservation and sustainable use of the special-use forest system;

c/ Listing special-use forest zones; identifying kinds of special-use forest; size (area, boundary, location, etc.) of each special-use forest zone;

d/ Decentralizing management of special-use forest zones;

e/ Identifying programs, projects and solutions for achieving the objectives of organization, management, conservation and sustainable use of the special-use forest system.

3. Formulation and appraisal of the master plan

a/ The Forestry Directorate shall formulate the national master plan on the special-use forest system;

b/ The Ministry of Agriculture and Rural Development shall appraise the national master plan on the special-use forest system and submit it to the Prime Minister for approval;

c/ A dossier of the master plan to be submitted for appraisal comprises;

The Forestry Directorate's written request for appraisal of the master plan;

A report on the national master plan on the special-use forest system;

Written opinions of concerned provincial-level People's Committees, ministries and sectors;

Other relevant documents.

d/ A dossier of the master plan to be submitted for approval comprises:

The Agriculture and Rural Development Ministry's written request for the Prime Minister's approval of the master plan;

A written appraisal of the master plan;

Other documents specified at Point c of this Clause.

4. Publicization of the master plan

a/ After being approved by the Prime Minister, the national master plan on the special-use forest system must be publicized under law;

b/ The Ministry of Agriculture and Rural Development shall publicize on its website the national master plan on the special-use forest system.

5. Adjustment of the master plan

a/ The national master plan on the special-use forest system may be adjusted when the socio-economic development, defense and security master plan has been adjusted;

b/ The Prime Minister shall adjust the national master plan on the special-use forest system at the proposal of the Ministry of Agriculture and Rural Development.

Article 8. Provincial-level plans on special-use forests

1. Grounds for a plan

a/ The local master plan on socio-economic, defense and security development;

b/ The provincial-level forest protection and development plan;

c/ The national master plan on the special-use forest system.

2. Contents of a plan

a/ Evaluating natural, economic, social, defense and security conditions, ecosystems, biodiversity, gene sources, historical-cultural relics, landscapes, etc.;

b/ Viewpoints, overall and specific objectives in the organization, management, conservation and sustainable use of special-use forests;

c/ Listing special-use forest zones; identifying kinds of special-use forest; size (area, boundary, location, etc.) of each special-use forest zone;

d/ Organizing the management of special-use forest zones;

e/ Identifying programs, projects and solutions for achieving the objectives of organization, management, conservation, and sustainable use of special-use forest zones.

3. Formulation and appraisal of plans

a/ Provincial-level Agriculture and Rural Development Departments shall formulate plans on special-use forest zones in their localities;

b/ Provincial-level People's Committees shall appraise plans on special-use forest zones in their localities; and approve these plans after obtaining the written agreement of the Ministry of Agriculture and Rural Development;

c/ A dossier of a plan to be submitted for appraisal comprises:

A provincial-level Agriculture and Rural Development Department's written request for appraisal of the plan;

A report on the plan.

Other relevant documents.

d/ A dossier of a plan to be submitted for approval comprises:

A provincial-level Agriculture and Rural Development Department's written request for a provincial-level People's Committee's approval of the plan;

A written appraisal of the plan;

Other documents specified at Point c of this Clause.

4. Publicization of plans

a/ After being approved, provincial-level plans on special-use forests must be publicized under law;

b/ Provincial-level People's Committees shall publicize on their websites provincial-level plans on special-use forests.

5. Adjustment of plans

a/ Provincial-level plans on special-use forests may be adjusted when the grounds specified in Clause 1 of this Article have been adjusted;

b/ Provincial-level People's Committee chairpersons shall adjust plans on special-use forests in their localities after obtaining the written agreement of the Ministry of Agriculture and Rural Development.

Article 9. Plans on special-use forest zones

1. Grounds for a plan: A special-use forest zone plan must conform to the national master plan on the special-use forest system and a provincial-level plan on special-use forests.

2. Contents of a plan

A special-use forest zone plan must contain the following principal details:

a/ Evaluating natural, economic, social, defense and security conditions, ecosystems, biodiversity, gene sources, historical-cultural relics, landscapes, etc.;

b/ Viewpoints, and objectives of the zone's organization, management, conservation and sustainable use;

c/ Space of functional sub-zones: strictly protected sub-zone; ecological restoration sub-zone; and service-administrative sub-zone;

d/ Measures to protect forests, conserve and restore ecosystems and conserve biodiversity; protect and embellish natural landscapes as well as cultural, historical and environmental values;

e/ Scientific research tasks;

f/ Development of infrastructure for managing and protecting forests and preventing and fighting forest fires; roads for transport and patrol, etc.;

g/ Eco-tourism development;

h/ Buffer zone investment and development.

3. Formulation, approval and implementation of plans

a/ Special-use forest management units shall formulate their plans on special-use forest zones and submit them to competent state agencies for approval;

b/ The Ministry of Agriculture and Rural Development shall approve plans on centrally managed special-use forest zones.

Provincial-level People's Committee chairpersons shall approve plans on locally managed special-use forest zones after obtaining the written agreement of the Ministry of Agriculture and Rural Development.

c/ Special-use forest management units shall organize the implementation of plans on special-use forest zones after they are approved.

4. Publicization of plans

Special-use forest management units shall publicize plans on special-use forest zones at their head offices and disseminate them to local communities.

5. Adjustment of plans

a/ Plans on special-use forest zones may be adjusted when the grounds specified in Clause 1 of this Article have been adjusted;

b/ Competent state agencies which approve plans on special-use forest zones have the competence to adjust such plans.

Section 2. ESTABLISHMENT OF SPECIAL-USE FOREST ZONES

Article 10. Principles of establishment of special-use forest zones

1. Having a scheme to establish a special-use forest zone in conformity with the approved master plan on special-use forests.
2. Satisfying the criteria for each kind of special-use forest specified in Article 5 of this Decree.

Article 11. Contents of a scheme to establish a special-use forest zone

1. Evaluating natural conditions, the actual state of forests and natural ecosystems; biodiversity values, gene sources, historical, cultural, landscape, scientific, experimental, educational and environmental values, and provision of forest environmental services.
2. Evaluating the management and use of forests, land and water surface in the project area.
3. Evaluating the actual state of population, economic and social conditions.
4. Identifying whether such establishment's objectives meet the criteria for establishing a special-use forest zone provided in this Decree.
5. Identifying the zone's boundary and area on the map.
6. Programs, activities, solutions, and management of the zone.
7. Estimating investment capital and determining investment phasing for the zone construction; regular funds for protection and conservation activities and improvement of people's life; and investment effectiveness.
8. Organizing the implementation of projects.

Article 12. Order of formulating a scheme to establish a special-use forest system

1. The Ministry of Agriculture and Rural Development shall draft a scheme to establish special-use forests nationwide; and consult concerned ministries, ministerial-level agencies, provincial-level People's Committees, organizations and individuals,
2. Consulted ministries, ministerial-level agencies, provincial-level People's Committees and organizations shall, within 30 (thirty) working days after receiving a draft scheme, send their written opinions to the Ministry of Agriculture and Rural Development.

3. The Ministry of Agriculture and Rural Development shall receive, summarize and respond to opinions of ministries, ministerial-level agencies and provincial-level People's Committees.

4. A dossier of, and competence to approve, a scheme to establish a special-use forest system

a/ A dossier comprises:

A report on the zone establishment, submitted to the Prime Minister;

An official report and a brief report on the scheme;

A map of the national special-use forest system;

Other relevant documents.

b/ The Prime Minister shall establish the national special-use forest system.

Section 3. ESTABLISHMENT, COMPETENCE AND RESPONSIBILITIES FOR MANAGEMENT OF SPECIAL-USE FOREST ZONES

Article 13. Decision to establish a special- use forest zone

1. Competence to decide to establish a special-use forest zone

a/ The Prime Minister may decide to establish special-use forest zones which are national parks and special-use forest zones located in many provinces;

b/ Provincial-level People's Committee chairpersons shall decide to establish other special-use forest zones, and scientific research and experimentation forest zones after obtaining the written agreement of the Ministry of Agriculture and Rural Development.

2. Details of a decision to establish a special-use forest zone

a/ Name of the zone;

b/ Geographical location, boundary and area of the zone; functional sub-zones and the buffer zone (for national parks, nature reserves and species/habitat conservation zones), shown on the 2000 map of Vietnam;

c/ Objectives of the zone;

d/ Programs of activities, solutions, and management of the zone;

e/ Estimated investment capital; capital sources; and list of priority projects;

f/ Organization of implementation.

Article 14. State management of special-use forests

1. The Ministry of Agriculture and Rural Development shall take responsibility before the Government for performing the state-management of special-use forests nationwide; and directly manage special-use forest zones located in many provinces and centrally run cities, and scientific research and experimentation forest zones.

2. Provincial-level People's Committees shall perform the state management of local special-use forests; directly manage national parks; and decentralize the management of nature reserves, species/habitat conservation, zones and landscape protection zones.

Section 4. TRANSFORMATION, ADJUSTMENT AND CHANGE OF USE PURPOSES OF SPECIAL-USE FORESTS

Article 15. Transformation of special-use forest zones

1. A project must be formulated for the transformation of a special-use forest zone which satisfies the criteria for establishing a new special-use forest zone provided in this Decree.

2. Contents, formulation and appraisal of a project after transformation; and competence to establish a special-use forest zone comply with this Decree.

Article 16. Grounds for adjustment and change of use purposes of a special-use forest

1. The approved national master plan on the special-use forest system.

2. Requirements of defense and security and other tasks under the Prime Minister's decision.

Article 17. Adjustment of a special-use forest zone

1. Adjustment of a special-use forest zone covers changes in boundary, area and functional sub-zones of the zone.

2. A dossier of request for adjustment of a special-use forest zone comprises:

a/ A document serving as a ground for such adjustment as specified in Article 16 of this Decree;

b/ The zone management unit's written request;

c/ A project on such adjustment;

d/ Other relevant documents.

3. Competent agencies which establish special-use forest zones defined in Clause 1, Article 13 of this Decree have the competence to adjust such zones.

Article 18. Change of use purposes of a special-use forest

1. The change of use purposes from special-use forests to protection or production forests must conform to the approved national master plan on forest protection and development and national master plan on the special-use forest system.

2. The change of use purposes from special-use forests to purposes other than forestry ones complies with the laws on land and forest protection and development, and the approved national master plan on forest protection and development and national master plan on the special-use forest system.

3. A dossier of request for change of use purposes of a special-use forest zone established under the Prime Minister's decision comprises:

a/ A document serving as a ground for change of use purposes of the whole or part of the zone, as specified in Article 16 of this Decree;

b/ The zone management unit's written request;

c/ A decision approving the environmental impact assessment report as provided for by law;

d/ A written request of the provincial-level People's Committee of the locality in which exists the zone;

e/ The Agriculture and Rural Development Ministry's written request;

f/ Other relevant documents.

4. A dossier of request for change of use purposes of a special-use forest zone established under a provincial-level People's Committee's decision comprises:

a/ A legal document serving as a ground for change of use purposes of the whole or part of the zone, as specified in Article 16 of this Decree;

b/ The zone management unit's written request;

c/ A decision approving the environmental impact assessment report as provided for by law;

d/ The provincial-level Agriculture and Rural Development Department's written request;

e/ The Agriculture and Rural Development Ministry's written agreement;

f/ Other relevant documents.

5. Appraisal of dossiers of request for change of use purposes of special-use forests

a/ The Ministry of Agriculture and Rural Development shall appraise dossiers of request for change of use purposes of special-use forests established under the Prime Minister's decisions;

b/ Provincial-level Agriculture and Rural Development Departments shall appraise dossiers of request for change of use purposes of special-use forests established under decisions of provincial-level People's Committees.

6. Competence to decide to change use purposes of special-use forests

a/ The Prime Minister may decide to change use purposes of special-use forests established under his/her decisions.

b/ Provincial-level People's Committee chairpersons may decide to change use purposes of other special-use forests.

Section 5: RESTORATION OF NATURAL ECOSYSTEMS, SCIENTIFIC RESEARCH IN SPECIAL-USE FORESTS

Article 19. Restoration of natural ecosystems

1. For natural parks, nature reserves and species/habitat conservation zones

a/ In strictly protected sub-zones, only protection and conservation measures may be taken to maintain natural succession;

b/ In ecological restoration sub-zones, to prioritize the application of measures to protect and conserve natural succession, combine natural regeneration with plantation of indigenous plants, and other silvicultural measures;

c/ In service-administrative sub-zones, silvicultural measures may be taken to improve the quality and aesthetic values of forests.

2. For landscape protection zones and scientific research and experimentation forest zones, forestation, forest rehabilitation and other silvicultural measures may be taken under approved schemes, projects and designs.

Article 20. Scientific research, teaching and practice

1. Special-use forest management units shall organize scientific research activities and provide scientific research services under approved programs, schemes or projects.

2. Scientific research institutions, training institutions, scientists, pupils and students who conduct scientific research, teaching or practice in special-use forests shall:

a/ Work out plans on scientific research, teaching or practice in special-use forest zones as approved by management units of such zones;

b/ Strictly abide by laws, management regulations and instructions of special-use forest management units;

c/ At least 2 weeks after each drive of scientific research, teaching or field trip in special-use forests, report on such scientific research, teaching or field trip; and at least 2 months after disclosing scientific research results, report such results to special-use forest management units;

d/ For foreign scientific research institutions, training institutions, scientists, pupils and students, scientific research programs, projects and schemes, teaching and practice in special-use forests must be approved in writing by the Forestry Directorate and comply with current state regulations applicable to foreigners operating in Vietnam;

e/ Collect specimens and gene sources of species only in quantities stated in approved scientific research programs, projects or schemes. The Forestry Directorate's written approval is required for foreign scientific research institutions, training institutions, scientists, pupils and students. Specimens and gene sources shall be transported, stored and publicized under state regulations and guidance and supervision of special-use forest management units;

f/ Pay service charges to special-use forest management units.

Section 6. SUSTAINABLE USE OF FOREST RESOURCES, SERVICE ACTIVITIES IN SPECIAL-USE FORESTS

Article 21. Sustainable use of forest resources

Exploitation and use of natural resources in special-use forests must ensure the functions of conservation, maintenance and development of biodiversity of forests, as well as habitats of endemic, rare and precious forest fauna and flora species; forest fauna and flora species of high scientific and educational values; conservation of the nature, biodiversity and landscape, cultural, historical and environmental values. Procedures and technical measures for exploiting and using natural resources in special-use forests must comply with the Prime Minister's forest management regulations and the Ministry of Agriculture and Rural Development's guidance,

1. For natural parks, nature reserves and species/habitat conservation zones, the following activities are permitted:

a/ Exploiting and clearing out dead timber trees, broken and felled trees and forest flora in service-administrative sub-zones under state regulations; and conducting salvage exploitation of timber, firewood and forest flora within the areas cleared for building works under approved projects.

b/ Exploiting and sustainably using non-timber flora species which are outside the list of endangered, rare and precious species in ecological restoration sub-zones and service-administrative sub-zones under schemes approved by competent state agencies defined in Article 14 of this Decree and under law;

c/ Collecting specimens and gene sources under Point e, Clause 2, Article 20 of this Decree.

2. For landscape protection forest zones, the following acts are permitted:

a/ Conducting salvage exploitation of timber, firewood and forest flora while taking silvicultural measures to conserve, embellish and restore ecosystems and landscape, cultural and historical values and within the areas cleared for building works under approved projects;

b/ Exploiting and sustainably using flora species outside the list of endangered, rare and precious species under schemes approved by competent state agencies defined in Article 14 of this Decree and under law;

c/ Collecting specimens and gene sources under Point e, Clause 2, Article 20 of this Decree.

3. For scientific research and experimentation forests, the following acts are permitted:

a/ Exploiting forest products under approved scientific research programs, projects or schemes;

b/ Conducting salvage exploitation of timber, firewood and forest flora while adjusting forest components, tending forests and taking other technical measures under approved scientific research programs, projects or schemes and within the areas cleared for building works under approved projects;

c/ Exploiting and sustainably using flora and fauna species and microorganisms for scientific research under scientific research programs, projects or schemes approved by competent state agencies defined in Article 14 of this Decree;

d/ Collecting specimens and gene sources under Point e, Clause 2, Article 20 of this Decree.

Article 22. Forest environmental services

Special-use forest management units in the capacity as forest owners may implement policies on payment for forest environmental services and provide such services as protecting soil, reducing erosion, regulating and maintaining water sources, retaining and sequestrating carbon, reducing green house gas emissions, protecting natural landscapes and biodiversity, creating breeding grounds, feed sources and breeds, and using water sources and forests for aquaculture under the Government's Decree No. 99/2010/ND-CP of September 24, 2010, on the policy on payment for environmental services and scientific, technological and biodiversity research and application services to users under current state regulations.

Article 23. Eco-tourist activities

1. Eco-tourist activities must be organized when plans on special-use forests and eco-tourism schemes are approved by competent state agencies defined in Article 14 of this Decree.

2. Eco-tourist activities must comply with the laws on forest protection and development, environmental protection, tourism, and cultural heritage, and regulations on special-use forest management.

3. Mode of organizing eco-tourist activities for commercial purposes:

a/ Special-use forest management units may themselves organize eco-tourist activities for commercial purposes;

b/ Special-use forest management units may lease part of forests or forest land to organizations and individuals for the commercial provision of eco-tourist services in combination with forest protection and development and nature conservation under approved plans and current regulations;

c/ Special-use forest management units may coordinate with other organizations and individuals in organizing eco-tourist activities for commercial purposes.

4. Requirements on an eco-tourist project

a/ Causing no adverse impacts on the conservation of natural ecosystems, biodiversity, landscapes, the environment and other functions of a forest zone; complying with the zone's approved plan.

b/ In a strictly protected sub-zone, only trails, cable cars, underground roads, viewpoint posts and signposts may be built for eco-tourism.

c/ In an ecological restoration sub-zone, only appropriate roads up to mountainous grade IV may be built; viewpoint posts, signposts, cable cars, underground roads and other works may also be built in compliance with the zone's plan.

d/ In a service-administrative sub-zone, landscape protection zone or scientific research and experimentation forest zone, management, scientific research and eco-tourism works may be built in compliance with the zone's plan.

The Ministry of Agriculture and Rural Development shall guide in detail the sizes of, and areas for building, eco-tourism works in special-use forests.

Chapter III

MANAGEMENT UNITS; RANGER UNITS; AND WILDLIFE RESCUE, CONSERVATION AND DEVELOPMENT CENTERS IN SPECIAL-USE FORESTS; BUFFER ZONES

Section 1. SPECIAL-USE FOREST MANAGEMENT UNITS

Article 24. Conditions for establishing a special-use forest management unit

1. A special-use forest management unit may be established for a national park, nature reserve or species/habitat conservation zone of over 5,000 ha.
2. For a provincial-level locality with many special-use forests without a management unit which fail to satisfy the conditions specified in Clause 1 of this Article, a common management unit shall be established.
3. For a provincial-level locality with one special-use forest with an operating management unit which fails to satisfy the conditions specified in Clause 1 of this Article, this management unit may continue operation. If having no management unit, this forest shall be assigned to a ranger unit for management.
4. Management units of historical-cultural

relics and scenic places and forestry scientific and training institutions assigned by the State to manage landscape forests and scientific research and experimentation forests shall themselves manage such forests without establishing special-use forest management units.

Article 25. Establishment of a special-use forest management unit

1. A special-use forest management unit shall be established under Article 50 of the Law on Forest Protection and Development, Article 44 of the Government's Decree No. 23/2006/ND-CP, on implementation of the Law on Forest Protection and Development, and relevant state regulations.

2. For special-use forests already established under decisions of competent state agencies which embrace also sea or wetland conservation components, their management units shall continue managing such components without establishing new management units for sea or wetland conservation components.

3. Competence to establish special-use forest management units

a/ The Minister of Agriculture and Rural Development may establish management units of special-use forests under its management;

b/ Provincial-level People's Committee chairpersons may establish management units of locally managed special-use forests.

Article 26. Organizational structure of a special-use forest management unit

1. A special-use forest management unit has a director and deputy directors.

For a special-use forest with a ranger unit, the director of its management unit shall concurrently act as the head of the ranger unit.

2. Depending on the specific conditions of each special-use forest, the following units may be organized:

a/ A ranger unit;

b/ The organization-administrative division;

c/ The finance-planning division;

d/ The science and international cooperation division;

e/ The division for sea and wetland conservation, for special-use forests with sea and inland wetland conservation components;

f/ The environmental education and forest environmental service center;

g/ The rescue, conservation and development center.

3. The payroll of a special-use forest management unit complies with law.

A special-use forest management unit may employ contractual laborers under current state regulations, giving priority to local laborers. Contractual salaries shall be paid by the State under current regulations.

Article 27. Dissolution of a special-use forest management unit

1. A special-use forest management unit shall be dissolved in the following cases:
 - a/ The special-use forest zone is transformed under Article 15 of this Decree into a scientific research and experimentation forest zone;
 - b/ After being adjusted under Article 17 of this Decree, the special-use forest zone no longer satisfies the criteria specified in Article 5 of this Decree;
 - c/ After being wholly or partly changed for other use purposes under Article 18, the special-use forest zone no longer satisfies the criteria specified in Article 5 of this Decree.
2. Agencies which establish special-use forests defined in Article 13 of this Decree have the competence to dissolve special-use forest management units and shall settle post-dissolution matters under law.

Section 2. SPECIAL-USE FOREST RANGER UNITS

Article 28. Establishment of special-use forest ranger units

1. Ranger units shall be established for national parks, nature reserves or species/habitat conservation zones of 15,000 ha or more in area.
2. Competence to establish special-use forest ranger units
 - a/ The Ministry of Agriculture and Rural Development may establish ranger units for special-use forests under its management;
 - b/ Provincial-level People's Committees may establish ranger units for locally managed special-use forests after obtaining the written agreement of the Ministry of Agriculture and Rural Development.
3. The payroll of a special-use forest ranger unit is included in the state employee payroll assigned by a competent state agency to the special-use forest management unit under current regulations, with no more than 1 ranger officer per 500 ha of special-use forest.
4. Special-use forest ranger units established under decisions of the Ministry of Agriculture and Rural Development have their professional operations and equipment managed by the Ranger Department. Special-use forest ranger units established under decisions of provincial-level People's Committees have their professional operations and equipment managed by provincial-level Ranger Departments.

Article 29. Dissolution of special-use forest ranger units

1. The ranger unit of a special-use forest zone shall be dissolved when the management unit of such zone is dissolved.

2. Agencies which establish special-use forest ranger units defined in Clause 2, Article 28 of this Decree have the competence to dissolve special-use forest ranger units and shall settle post-dissolution matters under law.

Section 3. WILDLIFE RESCUE, CONSERVATION AND DEVELOPMENT CENTERS IN SPECIAL-USE FORESTS

Article 30. Establishment and dissolution conditions

In national parks, nature serves and species/habitat conservation zones, wildlife rescue, conservation and development centers may be located only in service-administrative sub-zones.

Rescue, conservation and development centers shall be established and dissolved under current state regulations.

Article 31. Functions and tasks

1. To receive and salvage indigenous species or species suitable to natural habitats of special-use forests or species permitted for scientific research under approved projects.
2. To conduct salvage and semi-wild rearing for releasing organisms into their natural habitats and for scientific research,
3. To research and maintain prototype varieties and breeds and supply breeds and varieties for breeding development undercurrent state regulations.
4. The Ministry of Agriculture and Rural Development shall guide and specify rescue and development research of organisms; release of rescued animals; and supply of varieties and breeds for breeding development.

Section 4. BUFFER ZONES

Article 32. Identification of buffer zones

1. A buffer zone embraces the inhabited forest and land area, submerged land and sea area adjacent to the outside boundary or within the boundary of a special-use forest zone, which functions to prevent and mitigate encroachment upon the zone through managerial and conservation measures combined with activities to improve livelihood for communities, and sustainable socio-economic development.
2. A buffer zone shall be identified simultaneously with the formulation of the special-use forest zone establishment project. The Ministry of Agriculture and Rural Development shall specify criteria for identifying a buffer zone.
3. A buffer zone's boundary must be clearly delineated on the map and in the field.

4. A buffer zone shall be planned with natural resources and land for preventing and mitigating encroachment upon the special-use forest zone and concurrently improving livelihood for communities, and sustainable socio-economic development.

Article 33. Investment projects in buffer zones

1. Investment projects in buffer zones shall be managed under the law on investment project management.

2. Special-use forest management units and organizations assigned to manage special-use forests shall formulate investment projects in buffer zones and act as their investors under law.

Article 34. Buffer zone management responsibilities

1. Provincial-level People's Committees shall direct district- and commune-level People's Committees in:

a/ Mobilizing people in buffer zones to take measures to prevent encroachment upon special-use forests;

b/ Managing and using forest resources under state current regulations and approved forest protection and development plans;

c/ Coordinating with special-use forest management units to implement investment projects in buffer zones.

2. Special-use forest management units shall:

a/ Involve communities in buffer zones in managing special-use forests and implementing investment projects in buffer zones;

b/ Coordinating with commune-level People's Committees in formulating and implementing investment projects in buffer zones.

3. Organizations, households, individuals and communities that reside or carry out activities in buffer zones have the responsibility and right to join in implementing and managing investment projects in buffer zones.

Chapter IV

MANAGEMENT OF PLANNING WORK, FINANCE AND INVESTMENT IN SPECIAL-USE FORESTS

Article 35. Management of planning work in special-use forests

1. Making, appraisal and approval of plans

a/ Special-use forest management units established by the Ministry of Agriculture and Rural Development shall make annual and 5-year plans and submit them to the Forestry Directorate for approval;

b/ Special-use forest management units established by provincial-level People's Committees shall make annual and 5-year plans under the latter's regulations on planning work, estimation, finance and approval.

2. A plan has the following principal contents: public information activities; forest management, protection, construction, development and use; nature conservation; scientific research and experimentation; rescue of wild fauna and flora: service activities; labor management and use; construction investment; and finance.

3. The Ministry of Agriculture and Rural Development shall guide the making of activity plans for special-use forests and guarantee for their implementation.

Article 36. Financial management in special-use forests

1. Special-use forest management units are revenue-generating non-business units under state current regulations.

2. Special-use forest management units" operating funds comply with current law.

3. Estimation, appraisal and approval of operating funds for special-use forest management units

a/ Special-use forest management units established by the Ministry of Agriculture and Rural Development shall make budget estimates and submit them to the Forestry Directorate for approval;

b/ Special-use forest management units established by provincial-level People's Committees shall make budget estimates and report them to provincial-level Agriculture and Rural Development Departments for appraisal and summarization, and submit them to provincial-level People's Committees for approval.

4. Special-use forest management units shall manage, use and settle operating funds under current state regulations; and subject to inspection and supervision by competent state finance agencies.

5. The Ministry of Finance shall coordinate with the Ministry of Agriculture and Rural Development in guiding the making and implementation of annual budget estimates for special-use forests.

Article 37. Investment in and guarantees for the protection and conservation of special-use forests

1. The Prime Minister shall promulgate investment policies and financial mechanisms applicable to special-use forests.

2. Funding sources

a/ The central budget, which will finance activities of special-use forests under the Agriculture and Rural Development Ministry's management and locally managed national parks; and support investment in locally managed special-use forests under the current law on the state budget;

b/ Local budgets, which will finance activities of locally managed special-use forests;

c/ Revenues from forest environmental services;

d/ Supports from domestic and foreign organizations and individuals.

3. The Ministry of Planning and Investment shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development and concerned ministries and sectors in, submitting to the Prime Minister for promulgation investment policies applicable to special-use forests in accordance with this Decree.

Chapter V

ORGANIZATION OF IMPLEMENTATION

Article 38. Responsibilities of the Ministry of Agriculture and Rural Development and concerned ministries and sectors

1. The Ministry of Agriculture and Rural Development shall:

a/ Guide and examine provincial-level People's Committees in organizing the implementation of this Decree;

b/ Submit to the Prime Minister for promulgation or promulgate according to its competence legal documents and investment policies applicable to special-use forests, regulations, processes, standards and econo-technical norms, and guide and examine their implementation;

c/ Guide provincial-level People's Committees in inventorying and classifying special-use forests; and identity the specific area and boundary of each special-use forest zone in the field;

d/ Guide and organize the dissemination of laws on nature and biodiversity conservation and sustainable development of special-use forests;

e/ Establish a communication system and store a database of special-use forests.

2. The Ministry of Natural Resources and Environment shall:

a/ Coordinate with the Ministry of Agriculture and Rural Development in guiding and examining provincial-level People's Committees in land management, environmental protection and biodiversity conservation for special-use forests;

b/ Coordinate with the Ministry of Agriculture and Rural Development in guiding and examining the allocation of land or houses and grant of certificates on the right to use land and own houses and other assets attached to special-use forest land.

3. The Ministry of Planning and Investment shall balance and allocate investment capital sources for special-use forests and perform relevant tasks under its functions and powers; and coordinate with the Ministry of Agriculture and Rural Development and the Ministry of Finance in examining and supervising investments in special-use forests.

4. The Ministry of Finance shall allocate regular operating funds for special-use forests and perform relevant tasks under its functions and powers.

5. The Ministry of Culture, Sports and Tourism shall coordinate with the Ministry of Agriculture and Rural Development in guiding and examining provincial-level People's Committees in the management of eco-tourist activities and conservation of cultural-historical heritage sites.

6. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, coordinate with the Ministry of Agriculture and Rural Development in implementing this Decree.

Article 39. Responsibilities of provincial-level People's Committees

1. To manage special-use forests in their localities; to implement this Decree; and allocate investment funds for special-use forests under Article 37 of this Decree.

2. To promulgate according to their competence and implement legal documents on organization and management of special-use forests in their localities under law.

3. To review and classify special-use forests; identify the area and boundary of each special-use forest zone for placing boundary markers, and allocate forests and grant forestland use right certificates.

4. To disseminate regulations on special-use forests in their localities.

5. To inspect and examine the observance of regulations on management of the special-use forest system in their localities.

6. To direct the establishment of communication systems and databases of special-use forests in their localities.

Article 40. Implementation provisions

1. This Decree takes effect on March 1, 2011.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of provincial-level People's Committees shall implement this Decree.

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Nguyen Tan Dung