

GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

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DECREE

**POLICIES ON SUSTAINABLE MANAGEMENT, PROTECTION AND DEVELOPMENT OF
COASTAL FORESTS TO COPE WITH CLIMATE CHANGE**

Pursuant to the Law on Organization of the Government dated June 19, 2015;

Pursuant to the Law on forest protection and development dated December 03, 2004;

Pursuant to the Law on land dated November 29, 2013;

Pursuant to the Law on resources and environment of sea and islands dated June 25, 2015;

At the request of Minister of Agriculture and Rural Development;

The Government promulgates a Decree to provide for policies on sustainable management, protection and development of coastal forests to cope with climate change.

Article 1. Scope

1. This Decree provides for a number of policies on sustainable management, protection and development of coastal forests to cope with climate change.
2. Coastal forests mentioned in this Decree include special-purpose forests, protective forests and land planned for planting of protective and special-purpose forests in coastal area and islands (hereinafter referred to as coastal forests).

Article 2. Regulated entities

This Decree applies to domestic agencies, organizations, households, individuals and residential communities; Vietnamese people residing abroad and foreign organizations and individuals involved in the management, protection, use and development of coastal forests in Vietnam.

Article 3. Management of coastal forests

1. Local governments shall check and change use purpose of coastal land area planned for planting of production forests or other land area suffers from soil erosion or seriously affected by flowing or moving sand into land planned for planting of coastal protective forests. In case a coastal forest is allocated to a household or economic organization but it has importance to

coping with climate change, the Government shall consider recovering, acquiring or compensating for the value of assets invested by that household or economic organization in accordance with the law regulations in order to make plan for planting of coastal protective forests.

2. Local governments check and relocate construction works which affect or pose threat to affect protective purposes of coastal forests to the outside of planning area for important and very important coastal protective forests, and coastal protection corridors. If a land user who has faced an administrative penalty for improper use of the land area which is planned for protection and development of coastal forests keeps committing that violation, the Government shall recover the land.

3. Investment projects that require change of use purpose of coastal forests and coastal forest land shall be executed in accordance with regulations of the law on forest protection and development, and the law on land.

Article 4. The Government's policies on investment in management, protection and development of coastal forests

1. Expenditures on management, protection and development of coastal forests shall be derived from local government budgets according to approved plans and/or estimates, and regulations of the law on stage budget, consisting of:

a) Forest inventory and statistics, and monitoring of changes in forest resources;

b) Allocation and lease of coastal forests;

c) Activities of management boards of coastal special-purpose and protective forests upon decision of competent state authorities;

d) Propagation, education; forestry extension; improvement of capacity and awareness of roles and functions of coastal forests in coping with the climate change;

dd) Research and application of technical and scientific advances to the protection, use and development of coastal forests;

e) Investments or supports other than those provided by the central-government budget as referred to in Clause 2 and Clause 3 of this Article may be made subject to actual conditions of each local region.

2. Administrative expenditures on contracted forest protection and regeneration of coastal natural forests shall be derived from the central-government budget.

a) The support rate for contracted protection of coastal forests shall be equal to 1.5 times the average support for contracted protection of protective forests in accordance with current regulations.

b) The expenditure level for regeneration of natural forests is 4 million VND/hectare for 5 years (average amount is VND 800,000/hectare/year).

c) The expenditure level on preparing documents of contracting for forest protection and regeneration of natural forests shall be VND 50,000/hectare and applied in the first year to forest area requiring protection on contractual basis.

3. Funding from the central-government budget shall be provided to make investment in development of coastal forests according to projects approved by competent state authorities, consisting of:

a) Investigation and planning for protection and development of coastal forests;

b) Afforestation and rehabilitation of coastal forests that have poor quality in accordance with technical – economic norms, approved design and estimates with the period for afforestation and caring of 5 years;

c) Regeneration in combination with additional afforestation of coastal protective forests and special-purpose forests which are natural forests, have poor quality and fail to meet forest criteria in accordance with technical – economic norms, approved design and estimates;

d) Construction of anti-landslide and alluvial ground works in order to restore and develop coastal forests in silvicultural projects approved by competent state authorities;

dd) Construction of works, purchase of equipment to directly serve the protection and development of coastal forests;

e) Management, inspection and acceptance of projects on protection and development of coastal forests.

4. Preparation, appraisal and submission for approving projects on investment in protection and development of coastal forests mentioned in Clause 2 and Clause 3 of this Article in accordance with regulations of applicable laws on public investment.

Article 5. Funding for management, protection and development of coastal forests

1. Funding from state budget shall be provided through programs/ projects approved by competent state authorities: Target program for sustainable development of forestry, National target program for sustainable poverty reduction, Target program for coping with climate change and green growth, and other programs/ projects in accordance with the Government's regulations.

2. International assistance and loans, ODA and other legitimate sources of capital.

3. Investment expenditures are also derived from the sources of capital mentioned in Clause 1 and Clause 2 of this Article. In which, non-business capital sources shall be executed as follows:

a) Local governments that fail to balance their budgets shall receive dedicated funding for investment and assistance from the central-government budget.

b) Local governments that have balanced their budgets shall provide funding from local-government budgets and mobilize other sources of capital to fulfill the task of protecting and developing coastal forests.

4. procedures for allocation, management and use of funding shall be carried out in accordance with specific regulations applied to each type of capital sources mentioned in Clause 1 and Clause 2 of this Article.

Article 6. Activities to encourage the private sector involvement in protection, development and use of coastal forests

1. Make investment in forest protection, afforestation, cultivation of non-timer forest trees, combined agricultural – forestry production, and aquaculture under the forest in coastal forest area.

2. Make investment in construction of anti-landslide and alluvial ground works, restoration of coastal mangrove forests, development of ecotourism and forest environment services within the forest area that is allocated, contracted or leased with stable and long-term period in conformity with planning for protection and development of forests approved by competent state authorities;

3. Organizations, individuals or households may receive land allocation, allocation of forest under contractual basis or may lease coastal forests in order to protect and develop forests in accordance with law regulations.

4. Forest owners may associate with other organizations or individuals to make investment in activities mentioned in Clause 1 and Clause 2 of this Article.

Article 7. Rights and benefits of organizations, enterprises, households and individuals making investment in protection, development and use of coastal forests

1. Receive benefits from products generated from the investment.

2. Economic organizations shall be exempted from payment of forest rents in the following cases:

a) An economic organization that obtains a decision on forest lease after the effective date of this Decree shall be exempted from payment of forest rents within the 5 first leasing years as of the issued date of that decision on forest lease.

b) An economic organization that obtains a decision on forest lease before the effective date of this Decree shall be exempted from payment of forest rents within the 5 years as of the effective date of this Decree provided that the forest leasing duration under that decision remains 5 years or more.

c) If a decision on forest lease is made before the effective date of this Decree but the remaining leasing duration is under 5 years, the economic organization shall be exempted from payment of forest rents until ending the leasing duration specified in that decision.

3. Develop trademarks of products originated from coastal forests and coastal forest ecosystems.

4. Receive compensation for working or investment results as referred by laws when the Government makes decision on withdrawal of forests.

5. Decision on exemption from coastal forest rents:

a) In case of lease of forests as regulated in Point a Clause 2 of this Article, the period of exemption from forest rents is specified in the issued decision on forest lease.

b) In case of lease of forests as regulated in Point b Clause 2 of this Article, the forest lessee must, by hand or by post, submit a written request for exemption from forest rents, enclosed with decision on forest lease, to provincial-level people's committee.

c) Within 10 working days from the receipt of written request, the provincial-level people's committee shall make a decision on exemption from forest rents to the forest lessee. The period of exemption from forest rents shall be specified in that decision.

Article 8. Obligations of organizations, enterprises, households and individuals making investment in protection, development and use of coastal forests

1. Organizations, enterprises, households and individuals making investment in protection, development and use of coastal forests must protect, not make reduction of area and quality of allocated, contracted or leased forest area; plant, care, protect and culture the forests until they meet forest criteria as regulated; implement forest fire fighting and prevention techniques, and forest pest control methods in accordance with law regulations; protect environment and landscape; not cause obstruction in protection of national security and sea transportation.

2. Providers of coastal forest ecotourism services and coastal forest environmental services shall discharge the following duties:

a) Pay forest environmental service charges according to the rate and payment methods adopted by provincial-level people's committees.

b) Formulate regulations on sharing responsibilities and interests with the agreement of participants in investment and association.

Article 9. Types of forests, entities, conditions for assistance, and methods of contracted forest protection and regeneration of coastal natural forests

1. Types of forests eligible for receiving assistance for contracted forest protection and natural regeneration of forests: Coastal protective forests and coastal special-purpose forests managed by

protective or special-purpose forest management boards or forestry companies; Coastal protective forests and coastal special-purpose forests which are not allocated or leased, and are managed by people's committees of communes/wards/district-level towns (hereinafter referred to as communal-level people's committees).

2. Assisted entities: Organizations, households and individuals that have stable residence at coastal communes and take charge of forest protection or regeneration of coastal forests under contractual basis.

3. Conditions to be satisfied to receive assistance:

a) Only entities mentioned in Clause 2 of this Article are eligible to receive assistance.

b) Have land-use right certificates and/or decisions on allocation of coastal forests issued by competent state authorities or contracts for protection or regeneration of coastal forests made by special-purpose forest management boards, protective forest management boards, forestry companies or communal-level people's committees.

c) Have commitments on forest protection made with special-purpose forest management boards, protective forest management boards, forestry companies or communal-level people's committees in accordance with prevailing regulations.

d) Forest protection results must be checked and accepted by contracting party.

4. Lump sum contracts for forest protection and regeneration of coastal natural forests shall be made in accordance with current laws.

a) Contracting party: Special-purpose forest management boards, protective forest management boards, forestry companies or communal-level people's committees.

b) Contracted party: Organizations, households and individuals that have stable residence at coastal communes.

c) Annually, contracting party is responsible for signing contracts, acceptance and evaluation of works performed by contracted party as regulated. Contracting party shall base on annual acceptance results to make payments and statements of expenses.

Article 10. Annual estimates of funding for protection and development of coastal forests

1. People's committees of provinces or cities shall aggregate estimates for protection and development of coastal forests in their plans for forest protection and development of the following year, and submit them to Ministry of Agriculture and Rural Development before June 30th of each year for summation, including the following contents:

a) Determine area and make estimates of expenditure on protection and regeneration of coastal forests on contractual basis for each type of forest and entity receiving assistance as referred to in Article 9 of this Decree.

b) Determine amount and make estimates of funding for development of coastal forests under projects approved by competent state authorities as referred to in Clause 3 Article 4 of this Decree.

2. Ministry of Agriculture and Rural Development combines local plans for contracted forest protection, regeneration and development of coastal forests ahead of July 30th annually, and carries out an agreement with Ministry of Finance and Ministry of Planning and Investment on the allocation of funding from state budget.

Article 11. Responsibilities of relevant ministries/ regulatory bodies

1. Responsibilities of Ministry of Agriculture and Rural Development:

a) Preside over and coordinate with relevant ministries/regulatory bodies in instructing local governments to effectively implement this Decree; instruct the propagation and dissemination of legislative documents on protection and development of coastal forests.

b) Aggregate plans for protection and development of coastal forests in annual and –year national plans for forest protection and development, and submit them to Ministry of Planning and Investment and/ or Ministry of Finance that shall ask for decisions thereof from Prime Minister.

c) Promulgate guidelines on techniques and technical-economic norms for protection and development of coastal forests; instruct and monitor planning for coastal forest systems; provide instructions on techniques for combined agricultural - forestry production and aquaculture under coastal forests; take charge of appraising techniques for projects on protection and development of coastal forests according to the list of projects approved by Prime Minister.

d) Instruct and carry out the inspection, and take actions against violations against legislative documents, regulations or technical rules on protection and development of coastal forests.

dd) Inspect and assess the implementation of this Decree; send reports on results thereof to the Government, Prime Minister and relevant ministries/regulatory bodies.

2. Responsibilities of Ministry of Planning and Investment:

Preside over and coordinate with Ministry of Finance and Ministry of Agriculture and Rural Development to balance and allocate funding for implementing policies herein. Coordinate with Ministry of Agriculture and Rural Development to inspect and evaluate the implementation of policies herein.

3. Responsibilities of Ministry of Finance:

Preside over and coordinate with Ministry of Planning and Investment and Ministry of Agriculture and Rural Development to ensure non-business capital sources for management, protection and development of coastal forests, and other activities mentioned in this Decree. Instruct relevant organizations and individuals in strictly complying with current regulations on finance.

4. Responsibilities of Ministry of Natural Resources and Environment:

Instruct and inspect the withdrawal of land area which is improperly used by organization, household or individual, land area in the coastal protection corridors, dike protection corridors, planning area for protection and development of coastal forests which use purposes are improperly changed in order to restore and regenerate forests.

5. Responsibilities of other ministries/ regulatory bodies: implement relevant contents in this Decree within the ambit of assigned functions and tasks.

Article 12. Responsibilities of people's committees of coastal provinces or cities

1. Allocate funding from local-government budget, and combine sources of funding (central-government budget, local-government budget and other sources of funding) to ensure the proper and efficient management, protection and development of coastal forests in accordance with current regulations of the Law on state budget, regulations in this Decree and other relevant legislative documents, and in conformity with actual conditions of each province/ city.

2. Organize the propagation and education to improve awareness for all social classes about roles and functions of coastal protective forests; encourage people and other economic sectors to actively participate in protection and development of coastal forests to cope with climate change; organize the management and protection of coastal forests in accordance with current regulations; effectively implement policies herein in provinces or cities.

3. Instruct relevant authorities and forest owners to check, prepare, appraise and consider approving investment projects, schemes and plans for protection, development and use of coastal forests in accordance with regulations in this Decree and current regulations on investment, including the contents of private sector involvement in investment in protection and development of coastal forests.

4. Investigate, monitor and make plans for protection and development of coastal forests; boundaries of planned coastal forests must be clearly shown in the map and in the field; withdraw land area in the coastal protection corridors, dike protection corridors, planning area for protection and development of coastal forests that are improperly used by organizations, household or individuals to restore and regenerate coastal forests.

5. Inspect the implementation of policies for management, protection and development of coastal forests in provinces or cities; submit annual reports on implementation results thereof to Ministry of Agriculture and Rural Development to aggregate and report to the Government and the Prime Minister.

Article 13. Effect

1. This Decree comes into force as of October 10, 2016.
2. In case there are several policies on investment and support for management, protection and development of coastal forests with the same contents, this Decree shall be applied.

Article 14. Implementation

Ministries, Heads of ministerial-level agencies, heads of government's affiliates, chairpersons of people's committees of central-affiliated cities or provinces shall be responsible for implementing this Decree./.

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc

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