

No.: 22/2012/TT-BTNMT

Hanoi, December 26, 2012

CIRCULAR

STIPULATING THE FORMULATION AND IMPLEMENTATION OF PLAN FOR INTEGRATED MANAGEMENT OF NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION IN COASTAL AREAS

Pursuant to Decree No. 25/2008/ND-CP dated March 4, 2008 of the Government defining the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment, amended and supplemented in the Decree No. 19/2010/ND-CP dated March 5, 2010 of the Government and the Decree No. 89/2010/ND-CP dated August 16, 2010 of the Government;

Pursuant to Decree 25/2009/ND-CP dated March 6, 2009 of the Government on the integrated management of natural resources and protection of the marine environment and islands.

At the proposal of the General Director of General Department of Sea and Islands of Vietnam and Director of Legal Department.

Minister of Natural Resources and Environment issues Circular stipulating the development and implementation of integrated management plan and of environmental protection in coastal areas.

Chapter 1.

GENERAL PROVISIONS

Article 1. Scope of adjustment

This Circular stipulate the development, approval, implementation and adjustment of integrated management plan and environment protection in coastal areas (hereafter referred to as integrated management plan)

Article 2. Subject of application

This Circular applies to all state agencies, organizations and individuals involved in the preparation, approval, implementation and adjustment of the integrated management plan.

Article 3. Explanation of terms

1. Coastal area is the transitional area between the continent and ocean, including coastal waters and coastal areas.
2. Coastal waters are the waters with outer boundary which is 6 nautical miles from shore.
3. Coastal land is determined by administrative boundary including coastal districts, towns and cities of provinces and centrally-affiliated cities.
4. The parties concerned are the organizations, individuals and coastal communities directly or indirectly affecting or affected positively or negatively by the policies, actions or solutions related to mining, use of natural resources and environmental protection in coastal areas.

Chapter 2.

DEVELOPMENT, APPROVAL AND ADJUSTMENT OF INTEGRATED MANAGEMENT PLAN

Article 4. Principles of development of integrated management plan

1. Complying with the law on integrated management of natural resources and protection of the marine environment, islands and other relevant laws.
2. Ensuring the interdisciplinary, inter-regional integrated management and harmony of interests between parties.
3. Ensuring the practicality and feasibility of the implementation process.
4. Ensuring the participation of the parties concerned during the development of integrated management plan.

Article 5. Grounds for development of integrated management plan.

1. Based on the provisions specified in Article 11 of Decree No. 25/2009/ND-CP dated March 6, 2009 of the Government on the integrated management of natural resources and protection of the marine environment and islands.
2. Result of implementation of the integrated management plan of previous period.

Article 6. Steps for development of integrated management plan

1. Establishing a steering Committee to develop and implement the integrated management plan.
2. Collecting information, data of the current situation in coastal areas, analyzing, assessing and making a report on the current situation of resource management and environmental protection in coastal areas.
3. Determining objectives of the integrated management plan.
4. Determining the priority order for integrated management.

5. Development of draft of integrated management plan.
6. Submitting the integrated management plan for approval.

Article 7. Establishing the steering Committee to develop and implement the integrated management plan.

1. People's Committees of coastal centrally-affiliated provinces and cities (hereafter referred to as provincial-level People's Committee) will be able for establishing the steering Committee to develop and implement the integrated management plan (hereafter referred to as steering Committee).

2. The steering Committee consists of:

a) Head of Committee as representative of leadership of People's Committees of coastal centrally-affiliated provinces and cities;

b) Deputy Head of standing Committee as leadership of Service of Natural Resources and Environment.

c) Members as representatives of leadership of Services, sectors and other agencies concerned will be decided by the People's Committees of coastal centrally-affiliated provinces and cities;

3. Responsibilities of the steering Committee:

a) Directing the development, submitting for approval, implementing and adjusting the integrated management plan.

b) Making proposal to the People's Committees of coastal centrally-affiliated provinces and cities for measures to deal with difficulties and problems arising during the development and implementation of integrated management plan.

c) Directing the assessment of implementation of integrated management plan;

d) Deploying the implementation of integrated management plan;

dd) Directing and guiding the coordination and integration of programs, plans, resources of Services and sectors, People's Committee of coastal districts, communes, towns and cities during the implementation of integrated management plan;

e) Making annual report to People's Committees of coastal centrally-affiliated provinces and cities on the implementation of integrated management plan;

g) The steering Committee operates under Regulations issued by the Head of Committee.

4. Service of Natural Resources and Environment is the standing agency of the steering Committee.

Article 8. Collecting information and data on current situation in coastal areas.

1. Information and data on natural conditions and natural resources in coastal areas include:

a) Natural conditions and natural resources (geographical location, climate, hydrology, living and non-living resources, soil, water ...);

b) Actual situation of mining and use of natural resources.

2. Information and data on the social-economic situation in coastal areas include:

a) Economic conditions (infrastructure, economic sectors ...);

b) Cultural characteristics - social (residents, cultural practices ...);

c) Programs and plans for social and economic development of locality;

d) The vulnerable residential areas in coastal areas.

3. Information and data on current situation in coastal areas including:

a) Current situation of environmental quality in coastal areas;

b) Vulnerable ecosystems in coastal areas;

c) Management of waste and sources of pollution in coastal areas;

d) Natural disasters and environmental incidents in coastal areas (if any);

dd) Current situation of islands in coastal areas

4. Information and data on current situation, policies, laws, organizational structures, resources of natural resource management and environmental protection in coastal areas;

a) Current policies and laws related to natural resource management and environmental protection in coastal areas;

b) The organizational structure and resources to manage natural resources and environmental protection;

c) Coordination mechanism in natural resource management and environmental protection in coastal areas;

d) International agreements and other cooperation agreements with foreign organizations and individuals (if any);

dd) Application of scientific and technological advances in the management of natural resources and environmental protection in coastal areas;

Article 9. Making report on current situation of natural resource management and environmental protection in coastal areas

1. Information and data on the current situation of the coastal area must be analyzed, evaluated according to the groups of information specified in Article 8 of this Circular about the following information:

a) Advantages and difficulties;

b) Results achieved and existing problems and shortcomings in the mining and use of natural resources and environmental protection in coastal areas; determining the causes of the existing problems, contradictions on the basis of requirements and the objectives of integrated management method;

c) Problems to be solved by the method of integrated management.

2. Proposal of solutions

a) For policies and laws: Proposed new development and promulgation or amendment or supplementation of policies, legal normative documents related to the integrated management of natural resources and environmental protection in coastal areas;

b) About resources: Proposed financial mechanisms and human resources to carry out the resource management and environmental protection in coastal areas;

c) About science and technology: Proposed solutions to promote the study and application of science and technology for the integrated management of natural resources and environmental protection in coastal areas;

d) About international cooperation: Proposed measures to enhance international cooperation in order to attract resources for the integrated management of natural resources and environmental protection in coastal areas;

3. Formulation of report on the current situation of natural resource management and environmental protection in coastal areas under the Outline in the Annex 1 attached to this Circular.

Article 10. Determining objectives of integrated management Plan

1. The objectives of integrated management Plan include the general and specific objectives.

2. The objectives of integrated management Plan must address the existing problems and conflicts in management and mining of natural resources and environmental protection in coastal areas, ensure the feasibility consistent with capability and resources for implementation and sustainable development.

Article 11. Determining the priority order of issues to be addressed in integrated management Plan

1. The issues to be addressed in integrated management Plan must be determined their priority order

2. The determination of priority order of issues to be addressed in integrated management Plan based on the following contents:

- a) The urgency, the importance of the issues to be addressed;
- b) Orientation of social-economic development of localities;
- c) Capability of resources for solving of issues;
- d) Feasibility in organization of implementation.

Article 12. Developing draft of integrated management Plan

1. The development of draft of integrated management Plan must be based on the contents of the report on current situation of natural resource management and environmental protection in coastal areas and in line with the orientation of social-economic development of localities.

2. Period of integrated management Plan is 05 years.

3. Draft of integrated management Plan is developed according to the Outline in Appendix 2 attached to this Circular.

Article 13. Organizing opinion gathering during development of draft of integrated management Plan

1. Draft of integrated management Plan must be gathered opinion from the Services and sector concerned, People's Committees of coastal districts, towns and cities, the Ministry of Natural Resources and Environment and representatives of parties concerned.

2. Content of opinion gathering:

- a) Objectives of integrated management in coastal areas;
- b) Issues of integrated management in coastal areas;
- c) Priority order of issues of integrated management in coastal areas;
- d) Solutions to the implementation of integrated management Plan

3. Time and forms of opinion gathering:

a) The draft of integrated management Plan must be gathered opinions during its development and prior to its submission to the competent authorities for approval.

b) Based on the actual situation, the opinion gathering for the draft of integrated management Plan may be carried out through the forms such as organization of meetings, exchange for direct opinion gathering, filled-in opinion cards, written opinion gathering and posting information on local websites.

4. The draft of integrated management Plan before submission for approval must be gathered in writing from the Ministry of Natural Resources and Environment.

5. The Service of Natural Resources and Environment will sum up and explain and accept opinions contributed to the draft of integrated management Plan.

Article 14. Approving integrated management Plan in coastal areas

1. The Service of Natural Resources and Environment will prepare record of integrated management Plan for submission to the People's Committee of centrally-affiliated coastal provinces and cities for consideration and approval.

2. Record submitted for approval includes:

a) Report for approval of integrated management Plan;

b) Draft of integrated management Plan;

c) Written opinion of the Ministry of Natural Resources and Environment on the draft of integrated management Plan;

d) Written explanation of opinion acceptance;

dd) Report on current situation of natural resource management and environmental protection in coastal areas.

e) Other relevant materials.

3. After the integrated management Plan has been approved, it will be sent to the Ministry of Natural Resources and Environment for sum-up and management.

Article 15. Adjustment of integrated management Plan

1. The integrated management Plan is adjusted when there is adjustment of planning for use of natural resources and protection of marine environment and islands, Strategy and action Plan for national integrated coastal zone management changing the objectives and contents of the integrated management Plan.

2. State agencies having competence to approve the integrated management Plan will decide to adjust the integrated management Plan.

3. The adjustment of integrated management Plan will comply with the steps specified in Clause 2, 3, 4, 5, 6, Article 6 of this Circular.

Article 16. Assessing the implementation of integrated management Plan

1. Upon the end of period of Plan or prior to the adjustment of integrated management Plan, the deployment of integrated management Plan must be assessed.

2. Content of assessment includes:

- a) Process of implementation of integrated management Plan;
- b) Results achieved, existing problems and shortcomings and causes;
- c) Positive impacts of the implementation of integrated management Plan on the economy, society, natural resources and environment in coastal areas;
- d) Contents to be adjusted or implemented during the following period of integrated management Plan.

Article 17. Fund of development and implementation of integrated management Plan

- 1. Fund from the State budget in accordance with the law on budget.
- 2. Other funds through programs and bilateral and multilateral international cooperation projects, funds mobilized from domestic and foreign organizations and individuals as prescribed by law.

Chapter 3.

RESPONSIBILITIES OF AGENCIES IN DEVELOPMENT AND IMPLEMENTATION OF INTEGRATED MANAGEMENT PLAN

Article 18. Responsibilities of the General Department of Sea and Islands of Vietnam

- 1. Assisting the Minister of Natural Resources and Environment to guide and monitor the development and implementation of the integrated management Plan.
- 2. Promptly making a proposal to the Ministry of Natural Resources and Environment to deal with the issues arising in the development and implementation of the integrated management Plan.
- 3. Summing up and making a report on development and implementation of the integrated management Plan of the localities.

Article 19. Responsibilities of provincial-level People's Committee.

- 1. Dealing with problems arising in the process of development and implementation of integrated management plan; making timely reports, making proposals to the competent authorities when problems arise and are not under the control of the provincial People's Committee.
- 2. Directing the examination and monitoring of process of implementation of integrated management plan.
- 3. Making periodic reports to the Ministry of Natural Resources and Environment on the implementation of integrated management Plan.

Article 20. Responsibilities of Service of Natural Resources and Environment

1. Performing duties of standing agency of steering Committee.
2. Assuming the prime responsibility for development and submission for approval of integrated management Plan and implementing the assigned duties in the integrated management Plan.
3. Advising and assisting the steering Committee in urging, examining and monitoring the implementation of the integrated management Plan.
4. Performing other duties as assigned of the steering Committee.

Article 21. Responsibilities of Services, sectors and People’s Committee of coastal districts, towns and cities of provincial-level People’s Committee.

1. Coordinating with the Service of Natural Resources and Environment during the development and implementation of integrated management Plan.
2. Assuming the prime responsibility for implementation of activities and duties under the integrated management Plan.
3. Participating in coordination in examination and monitoring of implementation of integrated management Plan.
4. Performing other duties as assigned by the steering Board.

Chapter 4.

IMPLEMENTATION PROVISION

Article 22. Effect

This Circular takes effect on February 18, 2013.

Article 23. Responsibility for implementation

1. Chairmen of People’s Committee of centrally-affiliated coastal provinces and cities, the General Director of General Department of Sea and Islands of Vietnam and organizations and individuals concerned are liable to execute this Circular.
2. Any difficulty or problem arising during the implementation of this Circular should be promptly reported to the Ministry of Natural Resources and Environment to for study, adjustment or supplementation . /.

MINISTER

ANNEX 1

OUTLINE OF REPORT ON CURRENT SITUATION OF NATURAL RESOURCE MANAGEMENT AND ENVIRONMENTAL PROTECTION IN COASTAL AREAS.
(Issued together with the Circular No.22/2012/TT-BTNMT dated December 26, 2012 of the Minister of Natural Resources and Environment stipulating the development and implementation of integrated management Plan for natural resource management and environmental protection in coastal areas)

INTRODUCTION

I. GENERAL INFORMATION

1.1. Geographical location

1.2. Natural conditions and natural resources

- a) Geographical location, climate, hydrology ...
- b) Living and non-living natural resources, soil, water...

1.3. Socio-economic characteristics in coastal areas

- a) Economic conditions (infrastructure, economic sectors ...)
- b) Socio-cultural characteristics - (residents, cultural practices ...)

1.4. Current situation in coastal areas

- a) Current situation of environmental quality in coastal areas.
- b) Vulnerable and sensitive ecosystem in coastal areas;
- c) Pollution sources of pollution and environmental degradation in coastal areas;
- d) Natural disasters and environmental incidents in coastal areas (if any);

1.5. Current situation of natural resources in coastal areas.

II. CURRENT SITUATION OF NATURAL RESOURCE MANAGEMENT AND ENVIRONMENTAL PROTECTION IN COASTAL AREAS.

- 2.1. Policies and current laws related to natural resource management and environmental protection in coastal areas.

2.2. Organizational structure and resources for implementation of natural resource management and environmental protection in coastal areas.

2.3. Coordination mechanism in natural resource management and environmental protection in coastal areas.

2.4. International agreements and cooperation agreements with foreign organizations and individuals (if any)

2.5. Technological and scientific application in natural resource management and environmental protection in coastal areas.

III. ANALYSIS AND ASSESSMENT OF CURRENT SITUATION OF NATURAL RESOURCE MANAGEMENT AND ENVIRONMENTAL PROTECTION IN COASTAL AREAS.

3.1. Advantages

3.2. Difficulties

3.3. Results achieved in mining and using natural resource management and environmental protection in coastal areas.

3.4. Existing problems and conflicts in mining and using natural resource management and environmental protection in coastal areas.

3.5. Causes of the problems

3.6. Issues to be dealt with by the method of integrated management.

IV. PROPOSED SOLUTIONS

4.1. Policies and laws

4.2. Resources

4.3. Technical and scientific aspects

4.4. International cooperation

CONCLUSION

Reference materials

ANNEX 2

OUTLINE OF INTEGRATED MANAGEMENT PLAN FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION IN COASTAL AREAS

(Issued together with the Circular No.22/2012/TT-BTNMT dated December 26, 2012 of the Minister of Natural Resources and Environment stipulating the development and implementation of integrated management Plan for natural resource management and environmental protection in coastal areas)

I. NECESSITY

II. GROUNDS FOR PLAN DEVELOPMENT

III. CONTENT OF THE PLAN

1. Directing viewpoints

2. Objectives of the Plan

a) General objectives

b) Specific objectives

3. Scope of the Plan

4. Term of the Plan

5. Content of the Plan

a) Describing issued to be dealt with in priority order;

b) Duties, schemes, subject and programs proposed for implementation; roadmap of implementation (starting time and ending time).

c) Method of implementation of the Plan;

d) Conditions to ensure the implementation of the Plan;

IV. SOLUTIONS TO IMPLEMENTATION OF THE PLAN

4.1. Solution to policies and law

4.2. Technological and scientific solution

4.3. Solution to international cooperation

4.4. Solution to resources

V. ORGANIZATION OF PLAN IMPLEMENTATION

5.1. Assignment of duties of Services and sectors, district, towns and cities.

5.2. Budget estimates for implementation of integrated management Plan in coastal areas.

*This translation is translated by **LawSoft**, for reference only. **LawSoft** is protected by copyright under clause 2, article 14 of the Law on Intellectual Property. **LawSoft** always welcome your comments*