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Hanoi, March 26, 2014

CIRCULAR

**REGULATION ON CRITERIA FOR DEFINING BUFFER ZONES OF SPECIAL-USE
FORESTS AND PROTECTION BELT OF MARINE PROTECTED AREAS**

Pursuant to Decree No. 199/2013/ND-CP dated November 26, 2013 of the Government defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development;

Pursuant to Decree No. 57/2008/ND-CP dated May 02, 2008 of the Government promulgating the Regulation on management of Vietnam's marine protected areas with national and international important;

Pursuant to Decree No. 117/2010/NĐ-CP dated December 24, 2010 of the Government on management organization of special-use forest system;

At the request of General Director of Vietnam Administration of Forestry and Vietnam Directorate of Fisheries;

Minister of Agriculture and Rural Development hereby issues Circular on criteria for defining buffer zones of special-use forests and protection belt of marine protected areas;

Article 1. Scope of regulation

This Circular stipulates the criteria for defining buffer zones of special-use forests and protection belt of marine protected areas (hereafter referred to as buffer zones) in the territory of the Socialist Republic of Vietnam.

1. National parks, nature reserves, habitat/species management areas, landscape protection areas under the regulations of law on forest protection and development;
2. National parks, habitat/species management areas, aquatic nature reserves as prescribed by law on fisheries;

Article 2. Subjects of application

This Circular applies to domestic agencies, organizations, hamlet communities, households and individual and foreign organizations and individuals that are related to the definition of buffer zones.

Article 3. Purpose of definition of buffer zone

1. Buffer zones are forest, land, wetland, coastal-island land and marine areas adjacent to special use forests and/or marine protected areas located within the boundaries of the special-use forests or adjacent to the boundaries of special-use forests or marine protected areas. Buffer zones include external and internal buffer zone;

a) Internal buffer zone is within the boundaries of special-use forests;

b) External buffer zone is adjacent to the outside boundaries of special-use forests and marine protected areas;

2. Buffer zones can prevent or mitigate the harmful impacts on special-use forests and marine protected areas; attract people to participate in the activities of special-use forests and marine protected areas under co-management method to gradually improve and stabilize the lives of people in the buffer zones.

Article 4. Criteria for defining buffer zones

1. Criteria for defining internal buffer zones

Việc xác lập vùng đệm bên trong phải đáp ứng các tiêu chí sau:

The definition of internal buffer zones must meet the following criteria:

a) Areas with hamlet communities and residential groups stably living before establishment of special-use forests; having no conditions for immigrant resettlement out of special-use forests; having long-term plan for stabilizing inhabitants in place in accordance with planning of special-use forest;

b) The area inside the buffer zone shall be determined on the basis of the current state of land and water surface actually used of the households stably living and cultivating before establishment of special-use forest, but not exceeding a maximum of 10% of total area of special-use forests.

2. Criteria for defining the external buffer zone of special-use forest

The definition of external buffer zone of special-use forest must meet the following criteria:

a) Areas with hamlet communities living and operating their business and production and traditional living activities;

b) Area of hamlets adjacent to the external boundaries of special-use forest;

3. Criteria for defining buffer zone of marine protected area;

a) The buffer zone of marine protected area has the width not exceeding 1,000 m (one thousand) from the boundaries of marine protected area outwards with the activities of fishery, aquaculture, boat docks, tourist attractions and other activities of the people directly affected the conservation of marine protected areas;

b) The marine protected areas adjacent to land, islands, the buffer zones also include the area of land, coastal water with hamlet communities and residential groups living and operating their business and production and traditional living activities;

4. Special-use forests and marine protected areas with boundaries adjacent to national border, protection forests, other protected areas or national defense areas shall not have to be determined their external buffer zones for those adjacent parts;

Article 5. Responsibility for definition of buffer zone

The Board of management of special-use forests and marine protected areas shall preside over and coordinate with district and communal People's Committee and hamlet communities concerned to make a Report on definition of buffer zones and submit it to the competent authority for approval;

Article 6. Contents of Report on definition of buffer zones

1. Name of report: Definition of buffer zones or special-use forests or marine protected areas;
2. Legal grounds for definition of buffer zones;
3. Objectives of definition of buffer zone: in accordance with planning objectives of special-use forests, marine protected areas or in the technical-economic feasibility study.
4. Method of definition of buffer zone: including the collection of existing documents, field survey, consultation with communities of buffer zones, mapping for definition of buffer zones and written report on definition of buffer zones;
5. Report on definition of buffer zones must meet the following basic requirements:
 - a) Natural, social and economic current state at hamlets and residential groups expectedly located in the buffer zones;
 - b) Current use of land, water surface, sea surface and the threats to the special-use forests and marine protected areas of the hamlets, residential groups clusters expectedly located in the buffer zones;
 - c) Programs and investment projects of buffer zones related to the special-use forests and marine protected areas;
 - d) Proposed list of hamlets and residential groups in the buffer zone according to the criteria specified in Article 4 of this Circular.
6. Conclusion and proposal;

Article 7. Documents and order of assessment and approval for Report on definition of buffer zones

1. Documents for assessment of Report on definition of buffer zones:
 - a) Report of Director of Board of management of special-use forests and marine protected areas (the original);
 - b) Report on definition of buffer zones specified in Article 6 of this Circular (the original);
 - c) Map of buffer zones shows functional sub-areas of special-use forests and marine protected areas under reference frame Vietnam 2000;
 - d) The Board of management shall submit 01 set of document directly or by post to the Service of Agriculture and Rural Development for the special-use forests and marine protected areas under local management; to the Vietnam Administration of Forestry for special-use forests under the management of Central government; to the Vietnam Directorate of Fisheries for marine protected areas under the management of Central government;
2. Order and procedures for assessment and approval for definition of buffer zones
 - a) Service of Agriculture and Rural Development shall preside over the assessment of Report on definition of buffer zones of special-use forests and marine protected areas under local management and then submit it to the provincial People's Committee for decision and approval;

The Board of assessment consists of: representatives of Services and sectors concerned of provinces, the scientific agencies and units concerned. The leader of Service of Agriculture and Rural Development is the Chairman of the Board;

b) The Vietnam Administration of Forestry shall preside over the assessment of Report on definition of buffer zones of special-use forests under the management of the Central government, the Vietnam Directorate of Fisheries shall preside over the assessment of Report on definition of buffer zones of marine protected areas under the management of the Central government and these Reports shall be submitted to the Ministry of Agriculture and Rural Development for decision and approval.

The Board of assessment consists of: representatives of Vietnam Administration of Forestry or Vietnam Directorate of Fisheries and the agencies of the Ministry of Agriculture and Rural Development; representatives of scientific agencies and Board of management of special-use forests or marine protected areas. Leader of Vietnam Administration of Forestry or Vietnam Directorate of Fisheries is the Chairman of the Board;

d) Time for assessment of documents and approval for Report on definition of buffer zones

The time for completion of assessment shall not exceed twenty (20) working days from the date the Service of Agriculture and Rural Development, the Vietnam Administration of Forestry or the Vietnam Directorate of Fisheries receives valid documents. In case of invalid documents, within three (03) working days, the agencies mentioned above shall notify to the Board of management of special-use forests or marine protected areas for completion;

The time for completion of Report on definition of buffer zones of special-use forests or marine protected areas and return of result is within fifteen (15) working days from the date of receiving the result of assessment;

dd) Announcement of Report on definition of buffer zones: The Board of management of special-use forests or marine protected areas shall announce the Report on definition of buffer zones together with the map of buffer zones after its approval and send them to district and communal People's Committee of buffer zones and other parties concerned;

e) The scope and boundaries of the buffer zones inside and outside of special use forests, the buffer zones outside the marine protected areas are reflected by coordinates on the map and by landmarks on the sites, or buoys on the sea; if the landmarks are not set up or the buoys are not placed, the Board of management of special-use forests or marine protected areas shall get unanimous consent with the parties concerned on the boundaries of buffer zones for management;

3. With respect to the newly-established special-use forests and marine protected areas, the definition of buffer zones shall be conducted simultaneously with the formulation of a project of establishment of special use forests or marine protected areas;

Article 8. Adjustment of boundaries of buffer zones

1. Buffer zones are defined, considered for adjustment simultaneously with the formulation and adjustment of special-use forests and marine protected areas;

2. The state agencies having the authority to approve the Report of definition of buffer zones of special-use forests and marine protected areas are the agencies having the authority to adjust the boundaries of special-use forests and marine protected areas as prescribed by law;

Article 9. Effect

1. This Circular takes effect on May 12, 2014;
2. Any difficulty arising during the implementation of this Circular should be promptly reported to the Ministry of Agriculture and Rural Development for amendment and addition accordingly./.

**FOR THE MINISTER
DEPUTY MINISTER**

Ha Cong Tuan

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