

**CIRCULAR No. 56/1999/TT-BNN-KL OF
MARCH 30, 1999 GUIDING THE
ELABORATION OF THE CONVENTION
ON PROTECTING AND DEVELOPING**

FORESTS IN THE POPULATION COMMUNITIES IN THE HAMLETS AND VILLAGES IN THE PLAINS AND MOUNTAIN AREAS

In furtherance of Decree No. 29/1998/ND-CP of May 11, 1998 of the Government promulgating the Regulation on democracy to be implemented at the communes, after consulting the Ministry of Justice, the Ministry of Culture and Information and the Government Commission for Organization and Personnel, the Ministry of Agriculture and Rural Development provides the following guidance on the elaboration of the convention on protecting and developing forests:

I. REQUIREMENT OF BUILDING THE CONVENTION ON PROTECTING AND DEVELOPING FORESTS

1. The law recognizes the convention of the hamlets and villages in the plains and in mountain areas (hereafter generally called hamlets) as the rules of behavior within the community and voluntarily observed by the community on the principle of "majority consensus". The regulations on protecting and developing forests in the convention of the hamlet community must, on the one hand, conform with the undertakings and policies of the Party and follow the prescriptions of law, and on the other must inherit and develop the fine customs and habits of the localities.

2. To combat and eliminate harmful habits and superstition and unlawful fines that cause division and disunity within the community.

3. The contents of the convention on protecting and developing forests must be clear, easy to understand and easy to implement.

II. MAIN CONTENTS OF THE PROTECTION AND DEVELOPMENT OF FORESTS IN THE HAMLET CONVENTION

Depending on the socio-economic situation, customs and habits and the characteristics of each hamlet, the forest inspector in charge of the local area shall suggest and discuss with the hamlet chief to determine and select the fundamental contents of

the protection and development of forests in the locality, arrange them in the order of importance and discuss the method of solving them and submit these methods to the conference of the hamlet community in order to discuss and agree on the convention.

The main contents to be discussed in the elaboration of the convention on protecting and developing forests are:

1. Rights and obligations of all members of the community in the protection and development of forests and protection of the living environment. To carry out effectively the movement of "Tree planting during the Tet in eternal gratitude to Uncle Ho". To encourage the regulations of the hamlet community in the convention on the good habits such as: planting a number of commemorative trees at prescribed places such as "garden of happiness", "garden in gratitude to Uncle Ho", "school garden"...

2. Regarding the clearing of hilly plots within the hamlet, apart from making commitments to abide by the regulations of the State, the hamlet may provide for other issues such as intensive cultivation and inter-cropping in order to raise the productivity of the crops and trees.

3. The regulations on forest protection and the mobilization of internal resources to tend, foster and develop the forests owned by the hamlet community, the important primeval forests, historical, scenery and religious forests of the community.

4. On the exploitation, purchase, sale and transportation of timber and other forest products.

5. On the protection, hunting, trapping, catching and use of forest animals.

6. On the raising of domesticated animals in the forests.

7. On the prevention and combat against forest fires, the use of fire in the forests and questions on the prevention and combat against forest pest.

8. On the coordination in organizing the contracting for protection of forests; the acceptance of forests and forest land by each member in the community for the protection of forests, doing business in forestry, afforestation and combined agriculture and forestry production.

9. The question of use, production and multiplication of seeds of plants in forestry production aimed at

ensuring the efficiency of forestry business.

10. The detection and prevention of factors detrimental to forests such as persons from other localities coming to the hamlet to destroy forests for cropping, exploiting, selling, buying, transporting and hunting forest animals illegally and acts of tolerating these wrong acts.

11. On the mutual assistance among members in the community in protecting and developing forests and organizing the service of producing and marketing products.

12. Protecting and developing forests is not only the internal affair of each hamlet. Therefore, in the convention it is necessary to touch upon the question of coordinating among the hamlets in order to ensure efficacious management, protection and development of forests.

13. The hamlet convention may provide for the consideration and handling of violations in the domain of protection and development of forests within the community such as regulations on the compensation for damage and fines. However, the violation handling at the hamlet should be conducted chiefly through propaganda, education, persuasion and reconciliation and in conformity with the concrete situation in each hamlet, and fines contrarily to the prescriptions of law must not be imposed.

14. On the questions of public utility of the hamlet concerning the protection and development of forests such as organizing groups of forest patrol, fire prevention and combat against forest fires, there may be provisions on the mobilization of the people's contributions, which must ensure the principle of voluntariness and the conformity with the provisions in Decree No. 29/CP of May 11, 1998 of the Government on the implementation of the democratic regulation in communes.

III. ORGANIZING THE ELABORATION OF THE CONVENTION ON PROTECTING AND DEVELOPING FORESTS

1. Before organizing the elaboration of the convention on protecting and developing forests in the hamlet community, the local forest ranger must counsel the commune People's Committee and discuss and reach agreement with the hamlet chief

on the contents that should be brought to the hamlet conference for discussions and unanimous vote as well as commitment to implement.

2. The hamlet chief shall convene the conference in two forms: conference of the whole population or conference of representatives of families in the hamlet.

The agenda of the conference shall be as follows:

a/ The hamlet chief presents the contents that need to be dealt with in the convention on protecting and developing forests for the people to discuss and vote on publicly through the contents of each part and the entire text of the convention; the memo of the conference must be fully and faithfully recorded and must be signed by the hamlet chief and the secretary of the conference. This memo shall be sent to the People's Council and People's Committee of the commune together with the draft convention.

b/ If the contents of the convention are approved by two thirds and more of the participants in the conference, the commune People's Council shall consider and propose to the President of the People's Committee of the district to approve.

3. After the President of the district People's Committee approves the hamlet's convention on protecting and developing forests, the commune People's Committee shall organize a conference of the population in the hamlet to inform them of the contents and to discuss measures of implementing the convention of the community.

4. The hamlet population shall appoint a forest protection and development team and the people's Inspector to organize and supervise the implementation of this convention.

5. In case of disputes or violations in the field of protection and development of forests, if it is an internal affair of the community already defined in the hamlet convention, the concerned persons shall be called upon to resolve it in the spirit of negotiation and reconciliation within the community. In case the act of violation and the extent of the violation is prescribed by law to be sanctioned administratively or examined for penal liability, the hamlet chief shall make a written report to the commune People's Committee and at the same time inform the local forest ranger with a view to settlement.

6. The resolution of the hamlet conference to

examine and deal with violations of the convention by family households and individuals in the hamlet shall be valid when it is approved by at least more than half of the participants and is not contrary to regulations of the State.

IV. ORGANIZATION OF IMPLEMENTATION

The Ministry of Agriculture and Rural Development shall assign the Ranger Department with directing the implementation of this Circular, monitoring and periodically inspecting the general situation and report to the Ministry.

The ranger sub-departments in the provinces and centrally-run cities shall closely cooperate with the service of agriculture and rural development, the juridical service, the culture and information service and the administration organization commission of the provinces to direct the elaboration of the convention on protecting and developing forests in the population communities in the hamlets according to this Circular, in conformity with the provisions of law and the natural and socio-economic conditions and the customs and habits of each ethnic community.

In the process of implementation, if any problem arises the People's Committees of all levels, the Services of Agriculture and Rural Development and the Ranger Sub-Departments shall report it to the Ministry of Agriculture and Rural Development for examination and settlement.

*For the Minister of Agriculture and
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Vice Minister
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