

## **THE GOVERNMENT**

### **DECREE No. 119/2006/ND-CP OF OCTOBER 16, 2006, ON ORGANIZATION AND OPERATION OF THE FOREST PROTECTION SERVICE**

#### **THE GOVERNMENT**

*Pursuant to the November 25, 2001 Law on Organization of the Government;*

*Pursuant to the December 3, 2004 Law on Forest Protection and Development;*

*At the proposal of the Minister of Agriculture and Rural Development,*

#### **DECREES:**

##### ***Chapter I***

#### **GENERAL PROVISIONS**

**Article 1.-** Governing scope and subjects of application

##### **1. Governing scope**

This Decree guides in detail the implementation of the provisions of Chapter VI of the 2004 Law on Forest Protection and Development regarding the organizational system, tasks and powers of forest protection agencies; tasks, powers and responsibilities of forest protection personnel, commune forest protectors and forest protection collaborators; conditions for ensuring the operation of the forest protection service; coordination between the forest protection service and concerned agencies; and management, direction and administration of the forest protection service.

##### **2. Subjects of application**

This Decree applies to state agencies, domestic as well as foreign organizations and individuals that are involved in forest protection activities in the Vietnamese territory.

**Article 2.-** Principles on the organization and operation of the forest protection service

1. The forest protection service is organized and operates on the principle of professional unity from the central to local level. Forest protection agencies are established in localities where exist forests, in important hubs of forest product trading or areas of concentrated forest product processing as stipulated in this Decree.

2. The forest protection service operates under the sole leadership and management by the Agriculture and Rural Development Minister and submits to the direction and administration by People's Committees at various levels regarding forest protection activities in localities.

3. While conducting forest protection activities, forest protection agencies closely coordinate with specialized agriculture and rural development agencies, armed forces' units, state agencies, the Vietnam Fatherland Front and its member organizations and rely on the strength of all the people to perform their assigned tasks.

##### ***Chapter II***

#### **ORGANIZATIONAL SYSTEM, TASKS AND POWERS OF THE FOREST PROTECTION SERVICE**

**Article 3.-** Organizational structure of the forest protection service

1. At the central level: the Forest Protection Department under the Agriculture and Rural

**Development Ministry.**

2. In provinces and centrally run cities (referred to as provinces for short): Forest Protection Sub-Departments under provincial Agriculture and Rural Development Services.

3. In districts, provincial towns and cities (referred to as districts for short): district Forest Protection Bureaus under Forest Protection Sub-Departments. District Forest Protection Bureaus manage commune forest protectors.

4. In national parks of 7,000 hectares or more, nature conservation zones and other special-use forests of 15,000 hectares or more, headwater protective forests of 20,000 hectares or more that are at the high risk of encroachment, Special-Use Forest Protection Bureaus or Protective Forest Protection Bureaus may be set up in accordance with law.

5. Forest protection organizations specified in this Article have the legal person status, working offices, own seals and state treasury accounts in accordance with law.

**Article 4.- Organizational structure of the Forest Protection Department**

The Forest Protection Department has a director, several deputy directors, an assisting body; forest protection units in charge of forest fire prevention and fighting; Forest Protection Bureaus of national parks under the management of the Agriculture and Rural Development Ministry; and dependent non-business units.

The Agriculture and Rural Development shall decide on the establishment, merger and dissolution; and specify the tasks, powers and organizational structures of units under the Forest Protection Department.

**Article 5.- Tasks and powers of the Forest****Protection Department**

1. Advising and assisting the Agriculture and Rural Development Minister in performing the state management over forest protection and ensuring the observance of the forest protection and development law nationwide:

a/ To formulate and perfect legal documents on forest protection and forest product management;

b/ To formulate long-term, five-year and annual plannings and plans on forest protection and forest product management; plans and projects against law-breaking acts in the domains of forest management and protection, forest product management and forest fire prevention and fighting nationwide;

c/ To formulate technical standards and specialized procedures, rules and regulations on forest protection and forest product management;

d/ To formulate professional criteria, titles and benefit regimes and policies for the forest protection force; and the payroll norm of the forest protection service;

e/ To direct, guide and inspect the implementation of laws, strategies, plannings, plans, standards, procedures and regulations after they are promulgated; to provide uniform professional guidance on forest protection and forest product management nationwide;

f/ To propose to the Agriculture and Rural Development Minister necessary guidelines and measures for the implementation of laws, policies and regimes in the domain of forest management and protection and forest product management;

g/ To prepare a planning on the forest product-control network nationwide;

h/ To organize international cooperation in the domain of forest protection and forest product management.

2. Organizing and directing professional operations and providing professional guidance:

a/ To direct, guide and inspect the application of measures against illegal forest destruction and other illegal acts of encroaching upon forests and forest land;

b/ To organize the forecasting of forest fire dangers and build a specialized forest fire prevention and fighting force;

c/ To direct the making of statistics on and inventory of forests and forest land;

d/ To assist the Agriculture and Rural Development Minister in managing the system of special-use forests and protective forests; to direct the protection of special-use forests directly managed by the Ministry.

3. Organizing and directing the inspection and handling of violations of the forest protection and development law nationwide:

a/ To guide and inspect various authorities and branches in their discharge of state management responsibilities for forests and forest land;

b/ To direct and organize the inspection and settlement of complaints and denunciations related to forest management and protection and forest product management in accordance with law;

c/ To direct and inspect the handling of administrative violations; carry out criminal investigation into law-breaking acts related to forest management and protection and forest product management committed by local forest protection agencies in accordance with law;

d/ To manage and issue forms for the sanctioning of administrative violations in the domains of forest management and protection and forest product management, special permits for the transport of forest products, rare and precious forest plants and animals, and permits for the import or export of wild plants and animals throughout the country in accordance with law.

4. Conducting propagation, dissemination and education of forest protection and development law.

5. Building up the forest protection force and providing professional training for forest protection personnel:

a/ To manage and provide uniform professional guidance among the forest protection service nationwide in accordance with law and the decentralization of the Agriculture and Rural Development Ministry;

b/ To organize professional training and re-training to civil servants and employees of the forest protection service;

c/ To manage the procurement and supply of forest protection uniforms, badges, stripes, insignia, flag and cards; weapons and equipment, support tools and special-use equipment and facilities to the forest protection force nationwide.

6. Researching and applying scientific and technological advances in activities of the forest protection force.

7. Performing other tasks assigned by the Agriculture and Rural Development Minister.

#### **Article 6.-** Organizational structure of provincial Forest Protection Sub-Departments

A provincial Forest Protection Sub-Department has a director, several deputy directors, a body assisting the director, and dependent units.

Provincial-level People's Committees shall specify tasks, powers and organizational structure of provincial Forest Protection Sub-Departments under the guidance of the Agriculture and Rural Development Ministry and the Home Affairs Ministry.

#### **Article 7.-** Tasks and powers of provincial Forest Protection Sub-Departments

1. Advising competent authorities on forest protection and assurance of the observance of the

forest protection and development law in localities:

a/ To formulate legal documents on forest protection and forest product management in localities in accordance with law;

b/ To formulate long-term, five-year and annual plans and plans on forest protection and forest product management, plans and projects against law-breaking acts related to forest management and protection; exploitation and use of forest products; and forest fire prevention and fighting in localities;

c/ To mobilize armed forces units and other forces and means of local units and individuals to promptly prevent and cope with serious forest fires and forest destruction in necessary and emergency circumstances;

d/ To direct, guide and inspect the implementation of laws, strategies, plans, standards, processes, procedures, regimes and policies after they are promulgated; to provide professional guidance on forest protection and forest product management in localities;

e/ To propose competent authorities to decide on necessary guidelines and measures for ensuring the enforcement of forest protection law, policies and regimes on in localities.

2. Organizing and directing forest protection in localities:

a/ To direct and organize the application of measures against illegal forest destruction and other illegal acts of encroaching upon forests or forest land;

b/ To organize the forecasting of forest fire dangers; to build up a forest fire prevention and fighting force; to make statistics on, and inventory of, forests and forest land; to participate in controlling forest pests;

c/ To manage the system of special-use forests and protective forests in localities; to directly organize the protection of locally managed special-use forests and protective forests;

d/ To direct and coordinate with forest protection forces of forest owners and population communities in conducting forest protection activities.

3. Ensuring the observance of the forest protection and development law in localities:

a/ To inspect and guide authorities and branches to perform the state management of forests and forest land in localities;

b/ To direct and organize the inspection and settlement of complaints and denunciations and the fight against corruption among local forest protection agencies in the domain of forest management and protection; forest product management, exploitation and use in accordance with law;

c/ To manage, direct, inspect and organize the handling of administrative violations; to take legal action against, and conduct criminal investigation into, law-breaking acts related to forest management and protection and forest product management in accordance with law;

d/ To protect legitimate rights and interests of forest owners when forests are encroached upon.

4. Organizing the propagation, dissemination and education of the forest protection and development law in localities.

5. Building up the forest protection force and providing professional training for forest protection personnel:

a/ To manage and direct the operation of dependent units in accordance with law;

b/ To provide professional training and re-training for local forest protection personnel and forest guards;

c/ To allocate and manage forest protection uniforms, badges, stripes, insignia, flags and cards; weapons, support tools and special-use equipment and facilities for local forest protection forces; forms for handling of administrative violations related to forest

management and protection and forest product management.

6. Researching and applying scientific and technological advances in activities of local forest protection forces.

7. Managing personnel, payrolls, material and technical foundations, implement wage regimes and other regimes and policies on preferential treatment, commendation and disciplining of local forest protection personnel in accordance with law.

8. Submitting the professional direction and abiding by the regime of reporting and statistics under the guidance of the Forest Protection Department.

9. Performing other forest development tasks assigned by competent state agencies.

**Article 8.-** Organizational structure of district-level Forest Protection Bureaus

A district-level Forest Protection Bureau has a head and several deputy heads; the office, local forest protection stations; and forest-gate forest protection stations.

Presidents of provincial-level People's Committees shall decide on the establishment, merger and dissolution and specify the tasks, powers and organizational structure of district-level Forest Protection Bureaus under the guidance of the Agriculture and Rural Development Ministry and the Home Affairs Ministry.

**Article 9.-** Tasks and powers of district-level Forest Protection Bureaus

1. Advising and assisting presidents of district-level People's Committees in formulating legal documents on forest protection and development and forest product management in localities; and mobilizing armed forces units and other forces and means of local units and individuals in order to prevent and cope with

serious forest fires and forest destruction in necessary and emergency circumstances.

2. Coordinating with relevant state agencies, armed forces units and forest protection forces of forest owners in forest protection in localities:

a/ To conduct activities of forest protection, forest fire prevention and fighting; and control of forest pests;

b/ To inspect and prevent acts of violating state regulations on forest management and protection and forest product management; to patrol and suppress organizations and individuals that destroy forests, illegally exploit, stockpile, trade in, or transport forest products, or illegally hunt forest animals in localities;

c/ To disseminate and educate laws, regimes and policies on forest management, protection and development and forest product management, exploitation and use; to mobilize people to protect and develop forests; to build up and provide professional training for community-based forces engaged in forest protection and forest fire prevention and fighting;

d/ To guide forest owners and local population communities to formulate and realize plans on forest protection and forest fire prevention and fighting and forest protection conventions;

e/ To coordinate with the forest protection bureaus of special-use forests and protective forests in forest protection and forest product management activities in localities;

f/ To perform other forest development tasks assigned by competent state agencies.

3. Organizing, directing and managing professional operation:

a/ To manage personnel, payroll, funds, material and technical equipment and foundations, implement wage regimes and regimes and policies on preferential treatment, commendation and disciplining of their personnel in accordance with law;

b/ To arrange, direct and inspect commune forest

protectors; to monitor the forest and forest land developments;

c/ To organize, direct and manage operation of forest protection stations;

d/ To handle or propose competent agencies to handle violations related to forest management and protection and forest product management in accordance with law;

e/ To inspect the implementation of plans, plannings and schemes on forest business and exploitation procedures;

f/ To submit to the direction and administration of, observe the regimes of reporting and statistics, and perform other tasks assigned by directors of provincial-level Forest Protection Sub-Departments and district-level People's Committees.

**Article 10.-** Organizational structure of forest protection bureaus of special-use forests and protective forests

1. A forest protection bureau of a special-use forest or protective forest has a head and several deputy heads; the office and forest-gate forest protection stations.

2. The Agriculture and Rural Development Minister shall decide on the establishment, merger or dissolution of forest protection bureaus of national parks under its management.

3. Provincial-level People's Committee presidents shall decide on the establishment, merger or dissolution of forest protection bureaus of special-use forests or protective forests in their localities under the guidance of the Agriculture and Rural Development Ministry and the Home Affairs Ministry.

**Article 11.-** Tasks and powers of forest protection bureaus of special-use forests or protective forests

1. To protect forest resources, fight against forest

destruction; prevent and fight against forest fires; to control pests in special-use forests or protective forests.

2. To inspect and handle acts of violating the forest law in accordance with law.

3. To mobilize the people into forest protection.

4. To organize, direct and manage forest protection stations in special-use forests or protective forests.

5. To patrol and suppress organizations or individuals that destroy forests, illegally exploit, stockpile, trade in or transport forest products or illegally hunt or catch forest animals. When necessary, to coordinate with district-level Forest Protection Bureaus in mobilizing armed forces and other forces and means of local organizations and individuals to extinguish forest fires and fight illegal forest destruction.

6. To manage personnel, payrolls, funds, material and technical foundations and equipment, implement wage regimes and other regimes and policies on preferential treatment, commendation and disciplining of their personnel in accordance with law.

7. To submit to the direction and administration of, observe the regimes of reporting and statistics and perform other tasks assigned by, the director of the Forest Protection Department or directors of provincial-level Forest Protection Sub-Departments.

8. To perform forest development tasks within special-use forests or protective forests as assigned by competent authorities.

### Chapter III

#### POWERS AND RESPONSIBILITIES OF FOREST PROTECTION PERSONNEL, COMMUNE FOREST PROTECTORS AND FOREST PROTECTION COLLABORATORS

**Article 12.-** Powers and responsibilities of forest protection personnel on duty

1. Powers:

a/ To request concerned organizations and individuals to supply necessary information and documents for check and investigation; to conduct on-site inspections at forest product-processing establishments and gather evidences in accordance with law;

b/ To stop means of road or waterway transport when having grounds to believe that these means illegally carry forest products or wild animals; to check forest products and wild animals at railway stations, airports or seaports in accordance with law;

c/ To sanction administrative violations and apply measures to prevent administrative violations in accordance with law;

d/ The director of the Forest Protection Department, directors of provincial-level Forest Protection Sub-Departments; heads of district-level Forest Protection Bureaus and heads of Forest Protection Bureaus of special-use forests or protective forests may take legal action against, or conduct criminal investigation into, acts of violating the law on forests in accordance with law;

e/ To use weapons, equipment, support tools and spy dogs in accordance with law.

2. Responsibilities:

a/ To abide by the forest protection and development law, this Decree and the law on cadres and civil servants;

b/ To properly perform their assigned functions and tasks; to wear uniforms, badges, stripes and insignia on duty;

c/ To bear responsibility in accordance with law for failure to fully discharge their duties and powers.

**Article 13.-** Tasks of commune forest protectors

1. Commune forest protectors are state employees within the payrolls of district-level Forest Protection Bureaus who are assigned to work in communes, wards or townships where exist forests, under the management and direction of the heads of Forest Protection Bureaus and, at the same time, the direction of presidents of commune-level People's Committees.

The number of commune forest protectors depends on the size of forests and the nature of forest protection work.

2. Commune forest protectors have the powers and responsibilities defined in Article 12 of this Decree and the following tasks:

a/ To advise commune-level People's Committee presidents on the state management of forests and forest land; to form community-based forces to conduct forest protection, forest fire prevention and fighting and forest pest prevention and control; to formulate plans on forest management, protection and development; to guide and inspect the implementation of these plans after they are approved; to mobilize self-defense and militia forces and other forces and means into the prevention and fighting of forest fires and illegal forest destruction;

b/ To make statistics on, and inventory of, forests and forest land under their assigned management; to inspect the use of forests by forest owners in localities; to certify the origin of lawful forest products at the request of forest owners in localities;

c/ To coordinate with local forest guards in the forest protection and forest fire prevention and fighting; to guide and monitor forest owners in the forest protection and development;

d/ To guide and mobilize village and hamlet people to formulate and implement their own forest protection conventions;

e/ To disseminate and mobilize people to observe the forest protection and development law;

f/ To inspect, detect and apply measures to

promptly prevent acts violating the forest protection and development law; handle administrative violations according to their competence and assist presidents of commune-level People's Committees in handling administrative violations related to forest management and protection and forest product management in accordance with law;

g/ During their operation, to report to, and seek directive opinions of, heads of district-level Forest Protection Bureaus and presidents of commune-level People's Committees and submit to the professional direction of heads of district-level Forest Protection Bureaus, agencies in charge of forestry, and to the inspection of commune-level People's Committees;

h/ To perform other forest development tasks assigned by heads of Forest Protection Bureaus and by commune-level People's Committees.

#### **Article 14.- Forest protection collaborators**

1. Forest protection collaborators are Vietnamese citizens who supply information to, and support activities of, the forest protection service in accordance with law and are recognized by forest protection agencies at various levels.

2. Expenses for operation of collaborators shall be paid by forest protection agencies. Collaborators are entitled to remuneration for their supply of information according to state regulations; have their information sources kept confidential and their legitimate rights and interests protected in accordance with law.

### **Chapter IV**

#### **CONDITIONS FOR ENSURING OPERATION OF THE FOREST PROTECTION SERVICE**

##### **Article 15.- Payroll and funds**

1. The payroll of the forest protection service

belongs to the state administrative payroll. The average forest protection payroll limit is nationwide, with one paid forest protector for 1,000 hectares of forest.

The Agriculture and Rural Development Ministry shall coordinate with the Home Affairs Ministry in specifying the total forest protection payroll for each province or centrally run city.

2. Funds for operation of the forest protection service are allocated from the state budget under annual plans.

a/ The central budget shall fund:

- The operation of the Forest Protection Department and its dependent units;

- The printing and issuance of forms on sanctioning of administrative violations, procurement of weapons, equipment and support tools for the forest protection service nationwide.

b/ Local budgets shall fund the operation of local forest protection forces in accordance with state budget law.

##### **Article 16.- Equipment and facilities for the forest protection service**

The forest protection service is equipped with facilities like state administrative agencies and special-use equipment and facilities, including: communication devices; equipment and facilities for forest fire prevention and fighting and forest pest control; specialized control and inspection equipment; and weapons, support tools and spy dogs.

##### **Article 17.- Regimes and policies for forest protectors**

1. Civil servants and employees of the forest protection service are entitled to wages, seniority allowance, occupation-based allowance and other



allowances as prescribed by the State.

2. Civil servants, employees and contractual laborers working in forest protection agencies who get wounded or die while on duty shall be recognized as invalids or martyrs according to current regulations of the State.

**Article 18.- Forest protection uniforms**

1. While on duty, forest protectors wear:

a/ Forest protection badges pinned on caps;

b/ Forest protection stripes pinned on shoulder-  
straps;

c/ Forest protection emblems pinned on collars;

d/ Forest protection insignia pinned on the left  
breast pocket;

e/ Forest protection embossment pinned on the left  
sleeve;

f/ Uniforms of the forest protection service have  
three types for use in winter, summer and on formal  
occasions, of a uniform style and colors.

2. To issue together with this Decree an Appendix  
on forest protection badge, stripes, emblems, insignia,  
banner, flag, embossment and uniforms (not printed  
herein).

3. It is strictly prohibited to make counterfeit forest  
protection uniforms or abuse these uniforms for  
improper purposes.

**Article 19.- Mobilization of forces and means**

1. When it is necessary to reinforce forces and  
facilities in order to promptly stop illegal forest  
destruction or to prevent and fight forest fires, the  
following persons are competent to issue mobilization  
orders:

a/ When a forest fire occurs on a large scale, the  
Agriculture and Rural Development Minister shall

request presidents of provincial-level People's  
Committees to mobilize local forces and means;  
ministries, branches and social organizations to  
mobilize their forces and means;

b/ Presidents of provincial-level People's  
Committees may issue an order to mobilize forces  
and means of organizations and individuals in their  
localities;

c/ Directors of provincial Forest Protection Sub-  
Departments may issue an order to mobilize forces  
and means of local forest protectors agencies.

2. Agencies of persons competent to issue  
mobilization orders shall pay all expenses for mobilized  
organizations and individuals according to the state  
regulations on financial management.

The Finance Ministry shall assume the prime  
responsibility for, and coordinate with the Agriculture  
and Rural Development Ministry in, guiding the  
payment of expenses according to the state  
regulations on financial management to organizations  
and individuals having their personnel and means  
mobilized.

3. Organizations and individual having their forces  
and means mobilized shall comply with the  
mobilization orders of competent persons.

**Chapter V**

**STATE MANAGEMENT OF FOREST  
PROTECTION**

**Article 20.- Responsibilities of the Agriculture and  
Rural Development Minister**

The Agriculture and Rural Development Minister  
shall take responsibility to the Government for  
performing uniform leadership and management of the  
forest protection service and perform the following  
tasks:

1. To provide uniform professional instructions to the forest protection service nationwide;

2. To direct the inspection of the forest protection service's operation;

3. To direct and inspect the management and supply of forest protection uniforms, badges, stripes, flags, insignia and cards; weapons, support tools, specialized means and forms for the sanctioning of administrative violations;

4. To assume the prime responsibility for, and coordinate with ministries, ministerial-level agencies and government-attached agencies in, providing for professional criteria of the forest protection service; to specify the working relations between forest protection agencies and agriculture and rural development agencies at all levels; to formulate the total payroll of the forest protection service and distribute the forest protection payroll depending on the requirements of forest management and protection in each locality; to specify the functions, tasks and organizational structures of local forest protection organizations; and to propose to the Government benefit regimes and policies and special-use equipment and facilities for the forest protection service;

5. To direct the training and re-training of the forest protection personnel;

6. To specify the functions, tasks, powers and organizational structure of the Forest Protection Department.

**Article 21.-** Responsibilities of presidents of the People's Committees at various levels

1. Presidents of provincial-level People's Committees shall take responsibility to the Government for the protection of forests in their localities; to direct and inspect the operation of local

forest protection forces, ensuring the observance of law, the provisions of this Decree, and perform the following tasks:

a/ To direct and inspect operation of local forest protection forces;

b/ To direct the coordination between forest protection agencies and relevant agencies;

c/ To manage local forest protection personnel, ensure funds and conditions for operation of local forest protection forces in accordance with law;

d/ To define the responsibilities of district-level and commune-level People's Committees for management and protection of forests in their localities; the coordination among forest protection forces with local agencies, units, socio-political organizations in forest protection, forest product management and forest fire prevention and fighting;

e/ To conduct propagation, dissemination and education of forest management and protection law, prevent acts of violating the forest law and supervise and assist the operation of local forest protection services;

f/ To specify the tasks, powers and organizational structure of provincial Forest Protection Sub-Departments under the guidance of the Agriculture and Rural Development Ministry and the Home Affairs Ministry.

2. Presidents of district-level People's Committees shall:

a/ Direct and inspect the operation of district forest protection forces to protect and develop forests in localities;

b/ To direct the coordination between forest protection agencies and relevant agencies in district localities;

c/ To mobilize and educate the people to implement regulations on forest management and protection, fight against and prevent acts of violating the law on forests

and monitor and assist the operation of local forest protection forces.

3. Presidents of commune-level People's Committees shall:

a/ Direct and inspect the operation of commune forest protectors to protect and develop forests in localities;

b/ To direct the coordination among commune forest protectors and concerned organizations and individuals in localities;

c/ To propagate and educate the people to implement forest management and protection regulations, fight against and prevent violations of the law on forests.

**Article 22.-** Responsibilities of directors of provincial/municipal Agriculture and Rural Development Services

Directors of provincial/municipal Agriculture and Rural Development Services shall take responsibility to presidents of provincial-level People's Committees for organizing forest management and protection activities in accordance with this Decree; and organize the coordination between forest protection forces and concerned agriculture and rural development agencies in their localities.

## **Chapter VI**

### **IMPLEMENTATION PROVISIONS**

**Article 23.-** Implementation effect

This Decree takes effect 15 days after its publication in "CONG BAO."

**Article 24.-** Implementation responsibilities

1. The Agriculture and Rural Development Minister shall assume the prime responsibility for, and coordinate with concerned ministries in, guiding the

implementation of this Decree.

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

**On behalf of the Government**

**Prime Minister**

**NGUYEN TAN DUNG**