

THE SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness

REGULATION
ON CUSTOMARY LAW-BASED FOREST MANAGEMENT,
PROTECTION AND DEVELOPMENT

Vi Po E 2 Village, Po E commune, Kon Plong district,
Kon Tum province



Po E, December 2015

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LEGAL BASIS

1. Land Law in 2013;
2. Law on Forest Protection and Development in 2004 (passed at the 6th session of 11th National Assembly on December 3, 2004);
3. Ordinance 34/2007/PL-UBTVQH11 dated 20 April 2007 of the 11th National Assembly's Standing Committee on exercise of democracy in communes, wards and townships;
4. Decree 23/2006/NĐ- CP dated 3 March 2006 of the Government on implementation of Law on Forest Protection and Development;
5. Decision of 186/2006/QĐ-TTg dated 14 August 2006 of the Prime Minister promulgating regulations on forest management
6. Joint Circular 03/2000/ TTLT- BTP- BVHTT- UBMTTQ dated 31 March 2000 on guideline and implementation of regulations and rules of villages and residential areas;
7. Circular 70/2007TT-BNN dated 1 August 2007 of the Ministry of Agriculture and Rural Development on enacting and implementation of regulations on protection and development of village community forest;
8. Traditional customary law and experience of forest and land management and protection of the community in Po E 2 village, Po E commune;
9. Contents of village meetings that have finally been agreed on 15 December 2015;

FOREWORD

Vi Po E 2 is located in the south east of Po E commune, Kon Plong district, Kon Tum province. It borders with Quang Ngai province in the north, Vi K Oa village in the east, Vi Po E 1 village in the south and Ngoc Tem commune in the west.

As of December 2015, there are 44 households with 127 people living in the village. All of them are of the H're ethnic minority.

The village is surrounded by a number of high mountains, including Van Ra Gam and Vang Duc in the north, Vang A Ren in the east and Vang Nhia in the south, in which Vang Ra Gam and Vang Nhia play an especially important role in both the material and spiritual life of the H're community in Vi Po E 2 village.

The H're community in Vi Po E 2 has been maintaining their tradition of forest management, protection, use and development based on their traditional customary law in order to sustain their cultural identity, secure the water supply for production and living, and secure a clean and safe living environment in the village in line with the State's policies and guidelines.

To achieve these goals, all families and people in Vi Po E 2 village, Po E commune have agreed upon the Regulation on forest management, protection and development with contents as bellows:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Regulation prescribes behavioral norms of households and individuals living in Vi Po E 2 village, Po E commune in forest management, protection and development.

Article 2. Subjects of application

All households and individuals living in Vi Po E 2 village, regardless of sex, ethnicity, age, political level, culture, religion and permanent or temporary residence, are equal in rights and obligations, and must well implement all the articles prescribed in this Regulation.

Chapter II

LAND AREA CLASSIFICATION BASED ON ECOSYSTEM AND CULTURAL CUSTOMS OF THE H'RE IN VI PO E 2

Article 3. Sacred forests

1. Defined as the forest areas where the H're in Vi Po E 2 practice their ritual ceremonies to worship the Natural Spirits, such as Zàng Loang (Tree Spirit), Zàng Vang (Forest Spirit), Zàng Trech (Water Spirit) and other Spirits, and to protect the water source and environment according to the Vi Po E 2's traditional customs.

2. The sacred forests include:

- a. Vang Ra Gam of plot 7, sub-zone 434;
- b. Vang Po Ta of plot 4, sub-zone 434;
- c. Vang Xeo of plot 4, sub-zone 435
- d. Cemetery forest in Vang Pak Lieng of plot 4, sub-zone 434.

Article 4. Forests for water source protection

1. Defined as the forest areas to be managed and used in accordance with State law and for protection of water source and environment.

2. These forest areas include:

- a. Vang Duc of plot 1, sub-zone 435;
- b. Vang A Ren of plot 4, sub-zone 434;
- c. Vang Pak Lieng of plot 4, sub-zone 434;
- d. Vang Nhia of plot 4, sub-zone 435.

Article 5. Areas for agro-forestry production

1. Defined as the vacant forest areas for planting agro-forestry tree species, especially in mixture with native tree species to enrich the forest;

2. These forest areas include:

- a. Vang Po Ta;
- b. Vang Pak Lieng;

c. Vang Xo Rung.

Article 6. Areas for rice cultivation

1. Defined as the cultivation areas of local rice species suitable to the climate, weather and soil conditions of the village;
2. They include:
 - a. K Lang Tu;
 - b. K Lang Ru;
 - c. K Lang Po E.

Article 7. Grazing areas

1. Defined as the areas for grazing cattle (buffalo, cow, goat);
2. Fixed grazing areas are located below the mountains of Vang Ra Gam and Vang Pak Lieng;
3. Non-fixed grazing areas cover the rice cultivation areas during its land holiday period lasting from post-harvest in August until planting rice seedlings in March of the following year to make use of the cattle's manure for the next rice crop.

Chapter III

ALLOWABLE ACTIVITIES

Article 8. Sacred forests

1. To have access to the forest for collecting sacred leaves by hand to worship Yang;
2. To collect Plo leaves for fermentation to make wine for the village rituals. Leaves should be collected gently without scratching the trunk or causing any damage to the tree.

Article 9. Other forests, fields and streams

1. To have access to the forest for collecting firewood, non-timber forest products (NTFPs), such as bamboo shoots, mushrooms, leaves for fermentation to make wine and herbal medicine as well as other traditional forest vegetables for daily livelihood of the whole village;

2. To collect small trees for building fence or animal cage traditionally with prior notice to the village leaders and forest protection Group;
3. To additionally plant rare and precious native tree species available in the Vi Po 2's forests for enrichment;
4. To harvest aquaculture products within Vi Po E 2 in the traditional method and according to the village culture.

Chapter IV

PROHIBITED ACTIVITIES

Article 10. Watershed forests and sacred forests

1. All types of exploitation, deforestation and collection of forest products;
2. Slash and burn cultivation;
3. Wild animal poaching by all means;
4. Everyone must strictly implement regulations on forest fire prevention measures

Article 11. Forests for traditional water source protection

1. Slash and burn cultivation;
2. Exploitation of all types of timber for sale without prior approval of the competent authority;
3. Wild animal poaching by all means;
4. Exploitation and use by outsiders;
5. Everyone must strictly implement regulations on forest fire prevention;
6. Graze cattle in the newly planted forest areas

Article 12. Animal husbandry areas

1. Graze cattle, exploit timber and collect NTFPs by outsiders
2. Make traps and hunt animal;
3. Harm the local cattle.

Article 13. Agro-forestry production areas

1. Conduct production and cultivation activities within the territory of Vi Po E
2. village by outsiders;
 2. Graze cattle in newly planted secondary crops areas;
 3. Use herbicide to damage the environment;
 4. Use new species to damage the environment and soil

Article 14. Fields and streams

1. Use herbicide to damage the environment of human and habitat of aquatic species
2. Use chemicals and electricity for fishing aquatic species
3. Over-exploit water species biodiversity around streams in Vi Po E 2.

Chapter V

RESPONSIBILITIES AND RIGHTS OF GROUP FOR COMMUNITY FOREST AND LAND MANAGEMENT AND PROTECTION AND COMMUNITY MEMBERS

Article 15. Establishment of Group for community forest and land management and protection

1. Group for community Forest and Land management and protection is selected by the villagers including 9 members which is assessed by all village members and the Elder's Council on yearly basis. The Group's members can be changed or added very one or two years depending on the specific case of each member;
2. In special cases the Group can be added with more members or re-selected given no agreement is reached by the entire community.

Article 16. Members of Group for community forest and land management and protection

1. Village Party Secretary
2. Village Head
3. Head of village Fatherland Front
4. Village Elder's Council
5. Village Youth Union
6. Village Women's Union

7. Village War Veteran's Union
8. Policeman
9. Head of village army force

Article 17. Functions and rights of Group for community forest and land management and protection

1. Represent the community to discuss and negotiate with relevant organizations and individuals in terms of forest and land management and protection;
2. Collaborate with Thach Nham Watershed Management Board and Po E commune in forest management and protection;
3. Make decisions on village issues related to forest and land management;
4. Undertake planning and implementation of annual plan and 5-year plan for community forest management;
5. Disseminate and implement Regulation on forest management, protection and development;
6. Organize and assign teams and individuals to patrol for forest management and protect forests and monitor forest fire prevention;
7. Organize the establishment of nurseries at all village's households to plant forest tree species, such as fermentation tree, reconciliation vegetable and other forest vegetables in order to build nutrition gardens at the household's;
8. Mobilize young people to go to the forest to collect seasonal fallen fruits for seeds to be planted at each household's garden and around the village sacred trees;
9. Handle violations against the village Regulation. More complicated cases beyond the Regulation will be transferred to the Communal People's Committee for resolution;
10. Organize a monthly meeting or unscheduled meetings, when necessary, to assess the Group's activities and criticize individuals and households that have violated of the village Regulation.

Article 18. Responsibilities and rights of community members

1. Be involved in community forest and land management activities assigned by the Group for forest and land management and protection;
2. Well execute forest fire prevention;
3. Participate in forest patrolling teams for forest protection and fire prevention;

4. Stop and report cases to the Group for forest and land protection when someone equipped with tools or equipment tries to poach wild animal or exploit forest products in the community forest ;

5. Seize violators with tools/equipment and report to the Group for making records.

Chapter VI

REWARD AND PENALTY

Article 19. Reward

1. Household or individual that have well managed and protected forest and implemented the village Regulation will be rewarded by the community in forms of: having their merits recorded in the village traditional Book; being praised via the village loudspeaker or at the village meeting as a good example; being recognized as a Cultural Family or receiving other types of rewarding decided by the Elder's Council;

2. Households that have well managed and protected forest and implemented the village Regulation, in addition to the village rewards, will be recommended reward by the State, and given a priority in having their essential needs met for timber and forest products for renovation of house, buffalo house and rice store, as well as other getting married-related needs when they get mature.

Article 20. Penalty

Household or individual that violate any Article of the village Regulation will be under the penalty as bellows:

1. Be warned at the village meeting for small and first-time violations;

2. Be criticized by the organization that the household or individual belongs to, and at the village meeting; being not considered to be recognized as a Cultural Family (in case of the household) for the second-time violations onwards;

3. For violation committed in the sacred forest will be handled according to the regulations of the Elder's Council and the Group for forest and land management and protection;

4. For violations related to wild animal poaching, hunting tools/equipment and the animal will be confiscated, then the case will be transferred to the Communal People's Committee and forest rangers for resolution;

5. For violations related to the forest fire, violators must re-plant trees if the volume of the damaged trees is small, or the case will be transferred to the Communal People's Committee for handling if the volume of the damaged trees is big;

6. In case of having cattle damage the trees, the violator(s) must take the negotiation with the community for reasonable compensation;

7. For repetitive violations, consideration of not allowing violator(s) to participate in the village traditional activities may be made by the Elder's Council.

Chapter VII

FUND FOR COMMUNITY FOREST MANAGEMENT AND DEVELOPMENT

Article 21. Purpose of fund raising

The fund aims to nurture the sacred forests and meet the spiritual demands of the village, and to support other cultural and social activities for forest and environment protection in Vi Po E 2. In addition, the fund will be used for the following purposes:

1. Conduct training courses on methods of collecting forest products, planting precious and rare native species and building nurseries at the forest edge and the household's to enrich the sacred, traditional water source and regeneration forests;

2. Upgrade forest spaces that are potential for cultural and ecological researches for experience sharing and exchange in terms of ritual-based and customary law-based forest management;

3. Build systems of signboards, maps and diagrams in the sacred forests that are subject to strict protection for the sake of the village and the nation as a whole;

4. Meet spiritual and cultural demands of the village.

Article 22. Source of Fund

1. From forest protection fees

2. Voluntary contribution of community members

Article 23. Fund Management

1. A monthly cost plans shall be approved by the Elder's Council;

2. The Group for community forest and land management and protection is responsible for making monthly expenses plan to be submitted to the Elder's Council for approval;

3. The Women's Union is responsible for fund management and book keeping based on the approved monthly cost plan;

4. The Women's Union, once a month at the village meeting, is responsible for openly notifying the monthly expenses incurred to the villagers and updating them with difficulties and challenges in fund management.

This Regulation is made in 11 pages being a legal document of Vi Po E 2 village, Po E commune, Kon Plong district, Kon Tum province upon the agreement of all community members for implementation.

Vi Po E 2, 15 December 2015

ON BEHALF OF VI PO E 2 VILLAGE

Household
(List per attached)

Elder's Council
A Liet
(Signed)

Village Head
A Thap
(Signed)

Party Secretary
A Phong
(Signed)

Po E Communal People's Committee
Vice Chairman
A Sap
(Signed & stamped)