

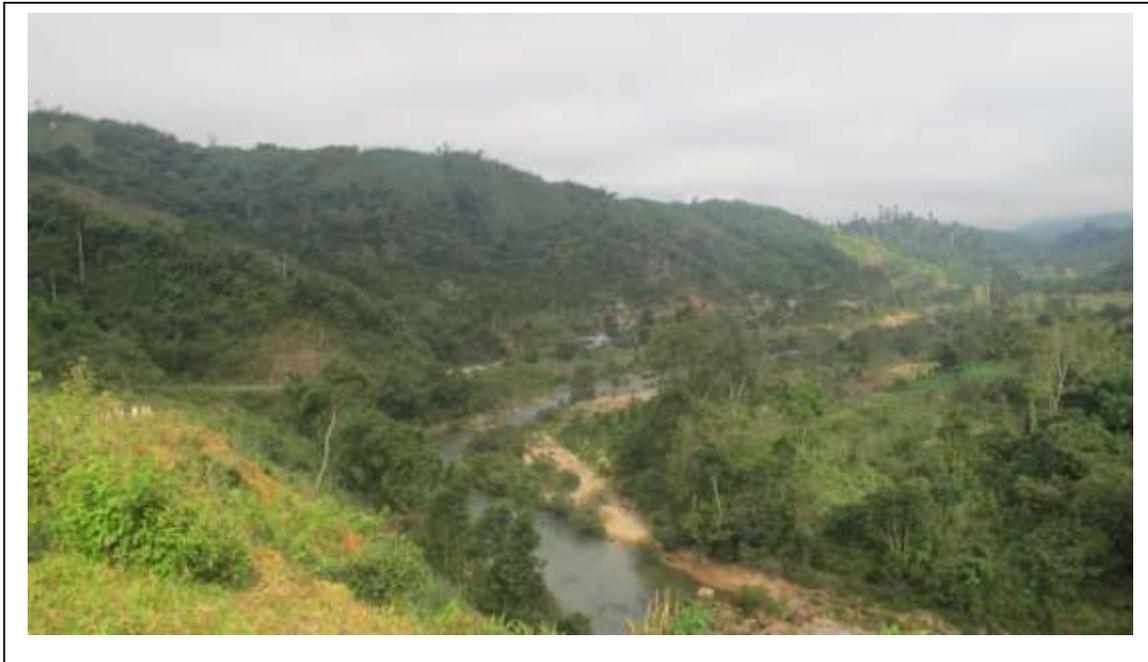
**THE SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

**REGULATION**

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

**Tu Ngu village, Dak Nen commune, Kon Plong district, Kon Tum province**



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**Tu Ngu village, Dak Nen commune, Kon Plong district, Kon Tum province**

**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 3 December 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 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 guiding on establishment 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 Ka Dong ethnic group in Tu Ngu village;
9. Contents of village meetings that have finally been agreed on 19 February 2017.

## **FOREWORD**

Tu Ngu village is located in the north of Dak Nen commune, Kon Plong district, Kon Tum province. It borders with Xo Luong village of Dak Nen commune in the north, with Son Tra district of Quang Ngai province in the east, with Dak Lup village of Dak Nen commune in the south and with Mang But commune of Kon Plong district in the west.

As of December 2016, there are 26 households with 110 people living in the village. All of them are of the Ka Dong ethnic minority.

The Ka Dong community in Tu Ngu village manage, use, protect and develop their forest and land in order to maintain their cultural identity, secure the water supply for production and daily use, and secure a clean environment and safe life in line with the Government policies and guidelines.

To achieve these goals all the villagers in Tu Ngu have agreed upon the Regulation on forest management, protection and development with the contents as bellows:

### **Chapter I**

#### **GENERAL PROVISIONS**

##### **Article 1: Scope of regulation**

This Regulation prescribes behavioral norms of households and individuals living in Tu Ngu village, Dak Nen commune in forest management, protection and development.

##### **Article 2: Subjects of application**

All households and individuals living in Tu Ngu village, regardless of sex, ethnicity, age, political level, culture, religion and permanent or temporary residence, are equal in rights and obligations, and must strictly follow all the Articles prescribed in this Regulation.

### **Chapter II**

## **LAND USE CLASSIFICATION BASED ON ECOSYSTEM AND CULTURAL CUSTOMS OF THE KA DONG IN TU NGU VILLAGE**

### **Article 3: Sacred forests**

1. Defined as the forest areas where the Ka Dong in Tu Ngu village practice their ritual ceremonies to worship the Natural Spirits, such as Zàng Long (Tree Spirit), Zàng Ngok (Forest Spirit), Zàng Đăk (Water Spirit) and other Spirits, and to protect their water source and environment according to the Tu Ngu's traditional customs.

2. The sacred forests include:

- a. Ngok Mu Đok – Rock mountain
- b. Ngok Lọc Klich – Cemetery forest

### **Article 4: Water source protection forests**

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. Ngok Ro Si
- b. Ngok Kvang – Bird head-shaped mountain
- c. Ngok Cha Oc – Charcoal fire mountain
- d. Ngok Mo Plic – Bird cave mountain
- e. Ngok Krop

### **Article 5: Areas for agro-forestry production**

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

2. Located at the foot of Ngok Mu Dok, Ngok Lọc Klich, Ngok Ro Si, Ngok Kvang, Ngok Cha Oc, Ngok Mo Plic and Ngok Krop mountains.

### **Article 6: Areas for rice cultivation**

1. Defined as the areas for wet rice cultivation;

2. They are the traditional wet rice cultivation areas located in the east of Dak Meo

### **Article 7: Grazing areas**

1. Defined as the areas for grazing cattle such as buffalo, cow, goat;
2. Fixed grazing areas are located in the flat land at the foot of Ngok Ro Xy and Ngok K Vong mountains;
3. Non-fixed grazing areas are the rice cultivation areas used 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.

##### **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, medicinal herbs and other traditional forest vegetables for daily livelihood of the whole village as well;
2. To collect small trees for building fences or animal cages 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 Tu Ngu's forests for enrichment;
4. To harvest aquaculture products within Tu Ngu village 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 follow 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. Everyone must strictly implement regulations on forest fire prevention;
5. 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. Graze cattle in newly planted secondary crops areas;
2. Use herbicides to damage the environment.
3. Use GMO varieties and products in cropping and animal raising.

**Article 14: Fields and streams**

1. Use herbicides to damage the living environment of human beings and aquatic species;
2. Use chemicals and electricity for fishing aquatic species.

**Chapter V**

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

**Article 15: The establishment of Group for the community forest and land management and protection**

1. The Group for community forest and land management and protection is selected by all Tu Ngu villagers. The group's operation is assessed by the Elder's Council on a yearly basis. The number of the group's members can be changed every one or two years depending on specific circumstances.
2. In special cases the group can be added with more members or re-elected given no agreement is reached by the entire community.

**Article 16: Members of the Group for community forest and land management and protection group**

1. Village Party Secretary;
2. Village head;
3. Head of village Fatherland Front;
4. Village Elder;
5. Representative of the village Youth Union;
6. Representative of the Women's Union;
7. Representative of the War Veteran's Union;
8. Policeman;
9. Head of the village army force.

**Article 17: Functions and rights of Group the community forest and land management and protection**

1. Represent the community to discuss and negotiate with relevant organizations and individuals on forest and land management and protection;
2. Collaborate with Thach Nham Watershed Management Board and Dak Nen communal authority in forest management and protection;
3. Make decisions on village issues related to forest and land management;
4. Undertake planning and implementation of the 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 forest for management and protection and forest fire prevention;

7. Set up 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 for each household;
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 handling;
10. Organize monthly meetings or unscheduled meetings, when necessary, to assess the group's activities and criticize those individuals and households that have violated of the village Regulation.

#### **Article 18: Responsibilities and Rights of community members**

1. Engage in the community forest and land management and protection activities assigned by the community forest and land management and protection group;
2. Well exercise forest fire prevention;
3. Participate in forest patrolling teams for forest protection and fire prevention;
4. Stop and report those who carry hunting tools/equipment and illegally exploit forest products in the community forest to the group;
5. Seize violators with tools/equipment and report to the group for making records.

### **Chapter VI**

#### **REWARD AND PENALTY**

#### **Article 19: Reward**

1. Households or individuals that have well implemented the village Regulation will be rewarded in forms of: having their merits noted in the village traditional Golden Book; being praised by the village broacasting 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 and vilalge leadership;

2. Households that have well managed and protected forest and implemented the village Regulation, in addition to the village rewards, will be recommended for the State rewards and proposed to prioritise the needs 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**

Households or individuals that violate any Article of the village Regulation, depending on cases, shall 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 violations committed in the sacred forest will be handled according to the regulations of the Elder's Council and the Tu Ngu's community forest and land management and protection group;
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, the 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 crops, the violator(s) must take the negotiation within the community for reasonable compensation;
7. For repetitive violations, a 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: Purposes 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 Tu Ngu village. 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 community sacred and traditional water source forests and regeneration forests;
2. Upgrade forest spaces that are potential for cultural and ecological researches for experience sharing and exchange on 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 payments;
2. Voluntary contribution by the community members.

### **Article 23: Fund management**

1. A monthly cost plan shall be approved by the Elder's Council and the village leadership;
2. The Group for community forest and land management and protection is responsible for making the monthly cost plan to be submitted to the Elder's Council and village leadership 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 Tu Ngu village, Dak Nen commune, Kon Plong district, Kon Tum province upon the agreement of all community members for implementation.**

*Tu Ngu, 24 February 2017*

**ON BEHALF OF TU NGU VILLAGE**

**Village Party Secretary**

A Long  
(Signed)

**Elder's Council**

A A  
(Signed)

**Village Head**

A Diem  
(Signed)

**Dak Nen Communal People's Committee**

**Vice Chairman**

Ka Ngoc Nguyen  
(Signed & stamped)