

**SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

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**REGULATIONS**

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

**Violak Village, Po E commune, Kon Plong district, Kon Tum province**

**LEGAL BASIS**

- Land Law in 2013 ;
- Law on forest protection and development in 2004 passed at the 6th session of 11th National Assembly on December 3, 2004);
- Ordinance of 34/2007/PL-UBTVQH11 dated April 20, 2007 on exercise of democracy in communes, wards and township;
- Decree 23/2006/NĐ- CP dated March 3, 2006 of the Government on implementation of Law on forest protection and development;
- Decision of 186/2006/QĐ-TTg dated August 14, 2006 of the Prime Minister promulgating regulations on forest management;
- Joint Circular 03/2000/ TLT- BTP- BVHTT- UBMTTQ dated March 31, 2000 on guideline and implementation of regulations and rules of villages and residential areas;
- Circular 70/2007TT-BNN dated August 1, 2007 of the Ministry of Agriculture and Rural Development on enacting and implementation of regulations on protection and development of village community forest;
- Traditional customary law and experience on forest and land management and protection of the community in Violak village, Po E commune;
- Contents of village meetings finally agreed on March 22, 2015;

**All households and villagers in Violak village, Po E commune fully agree upon the regulations on community-based forest and land use, management, protection and development as follows:**

**CHAPTER 1**

**GENERAL INTRODUCTION**

- I. Introduction of Violak village and its traditional living space**
  - 1. Geography and Demography**

Violak village is located in the East of Po E commune, Kon Plong district, Kon Tum province. It borders with Quang Ngai province in the north and east, Vi K'Tau village of Po E commune in the south, Vi K' Oa village of Po E commune in the west. As of February 2015, there are total 261 people of 72 households living in the village. All of them are of H'rê ethnic minority group.

## **2. Traditional living space**

The traditional living space of Violak village spreads from Vang Y Phu in the North to Vang Ka La and Vang Ha Ro in the south. The eastern border covers Violak mountain pass of Vang A Xeng and Vang Ka La mountains. The southern border with Vi K'Tau village is marked by K'Tau stream; the western border with Vi K'Tau and Vi K'Oa villages is marked by Vang Ha Ro; and the northern and northeastern borders are Vang Y Phu and Vang Ha Lenh, respectively.

The village is surrounded by a number of high mountains, including: Vang Y Phu and Vang Ha Lenh (in the north), Vang Pa Ro and Vang Go Hoang (in the east), Vang Ka La and Vang Trich (in the south) and Vang Ha Ro (in the southwest), among which Vang Y Phu and Vang Ha Lenh mountains are especially significant for the material and spiritual life of the H'rê community in Violak village as they are the highest mountains of 1,155m over the sea level, from which originates a system of streams such as Nuoc Nong, Po E, Dak Xe Rong.

Although at present Vang Y Phu, Vang Ha Lenh, Vang Pa Ro and Vang Go Hoang mountains of sub-zone 434 are managed by the Thach Nham WMB, the H'rê community in Violak village has still voluntarily managed and protected these mountains according to their traditional customary law.

## **II. Goal for forest and land use, management, protection and development**

Forest and land in Violak village is used, managed, protected and developed for the purpose of maintaining the culture identity of the H'rê' ethnic group; ensuring the water supply for production and drinking; securing safe living environment in accordance with the State's guidelines and policies.

## **CHAPTER 2**

### **LAND AREA CLASSIFICATION AND PLANNING BASED ON ECOSYSTEM AND CULTURAL CUSTOM**

#### **I. Sacred forests**

1. Defined as the spiritual space where the H'rê people in Violak village 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. Moreover, these forests have long been used to protect the village water source and environment according to the village traditional custom.

2. The sacred forests include:
  - Vang Y Phu of plots 4 & 6, sub-zone 434
  - Vang Ha Lenh of plot 9, sub-zone 434
  - Cemetery forest in Vang Ha Lenh of old Vi Olak

## **II. Forests for water protection**

1. Defined as forest areas for management and use in accordance with the State law, and for protection of water source and environment;
2. These forest areas include:
  - Vang Ka La of plots 1 & 2, sub-zone 439
  - Vang Tech Don of plot 11, sub-zone 434
  - Vang Pa Ro of plot 10, sub-zone 434
  - Vang Ga Hoang of plot 14, sub-zone 434
  - Vang Ha Ro of plots 7, 8 & 9, sub-zone 437

## **III. Areas for agro-forestry production**

1. Defined as blank land areas for planting agro-forestry species in mixture with native species to enrich the forest;
2. These land areas include Vang Troi of plot 6, sub-zone 37 and other areas located along the streams in the regeneration forests with native species such as Loang Prao (Chò Chì) and Loang Ka Xà (Dẻ), which are considered as sacred trees, and seeds of five other sacred trees in Violak village.

## **IV. Areas for rice cultivation (Rice fields)**

1. Defined as areas for planting local rice species, which are suitable to climate, weather and soil conditions of the village.
2. The cultivation areas include:
  - a. Vi Nong below Vang Ha Lenh and Vang Y Phu
  - b. Old Vi O Lak
  - c. Vang Ha Rô

## **IV. Grazing areas**

1. Defined as areas for grazing cattle (buffalo, cow, goat);
2. Fixed grazing areas are located below the mountain Vang Y Phu;
3. Non-fixed grazing areas cover rice fields during period from post- harvest in August until planting rice seedlings in March in order to take advantage of the manure from the cattle during the land holiday for the next rice crop.

## **V. Streams**

1. Steams in Violak village supply water source for cultivation and drinking and, at the same time, provide abundant food for the H'rê's daily life such as fishes, crabs, snails, eels, shrimps...
2. The system of streams include:

1. Teak Nong stream
2. Po E stream

## **CHAPTER 3**

### **ALLOWABLE ACTIVITIES**

#### **I. Sacred forests**

1. To go 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. The leaves should be gently collected with thumb and forefinger without scratching the trunk and making the branches broken or killing the tree.

#### **II. Other types of forests, rice fields and streams**

1. To go 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 food;
2. To collect small trees for making traditional fence and cage with prior notice to the village leadership and forest protection group;
3. To exploit timber for building house in accordance with the village traditional customs and the State law;
4. To additionally plant precious and rare native species that are available in the village for forest enrichment;
5. To harvest aquaculture products within Violak village in the traditional method and according to the village culture.

## **CHAPTER 4**

### **PROHIBITED ACTIVITIES**

#### **I. Watershed and sacred forests**

1. All types of exploitation, deforestation and collection of forest products.
2. Slash and burn cultivation

3. Wild animal hunting by all means.
4. Everyone should strictly follow regulations on forest fire prevention.

**\* Penalty for violation of sacred forests**

1. For the villagers: A warning will be given by the village forest protection group and the elder for the first violation. For the second violation, the fine will be a wine jar and a chicken for the elder to worship Yang. From the third violation forward, the fine of a wine jar and a pig of 10 kilos for the elder to worship Yang will be imposed. Besides, the violator will be punished by the State law;
2. For the outsiders: A fine of a wine jar and a pig of 50 kilos to worship Yang will be imposed for the first violation, and at the same time, tools and products will be confiscated. From the second violation forward, the fine will be double, and all the tools and products will be confiscated and given to the competent authorities for resolution;
3. Those who set forest fire will be responsible for compensation which is equal to the actual value of the losses and will be punished by the competent authority in accordance with the State law.

**II. Traditional watershed forests and forests for regeneration**

1. Slash and burn cultivation
2. Exploitation of all types of timber for sale without prior approval;
3. Wild animals hunting by all means;
4. Exploitation and use by the outsiders;
5. Everyone should strictly follow regulations on forest fire prevention.
6. Graze cattle at the newly planted forest areas

**\* Penalty for violation**

1. For the villagers: A warning will be given by the elder for the first violation. For the second violation, the fine will be a wine jar and a chicken for the elder to worship Yang. From the third violation forward, the fine of a wine jar and a pig of 10 kilos for the elder to worship Yang will be imposed. Besides, the violator will be punished by the State law;
2. For the outsiders: A fine of a wine jar and a pig of 50 kilos to worship Yang will be imposed for the first violation, and at the same time, tools and products will be confiscated. From the second violation forward, the fine will be double, and all the tools and products will be confiscated and given to the competent authorities for resolution;\

3. Those who set forest fire will be responsible for compensation which is equal to the actual value of the losses and will be punished by the competent authority in accordance with the State law.

### **III. Animal husbandry areas**

1. The outsiders are prohibited to graze cattle, exploit timber and collect NTFPs;
2. Trapping and hunting;
3. Harming the local cattle.

#### **\* Penalty for violation**

1. Those who make the cattle dead must compensate the owner the value which is double the actual value of the dead cattle;
2. Those who injure the cattle must fully pay costs for having the animal vetted.

### **IV. Agro-forestry production areas**

1. The outsiders are prohibited to conduct production and cultivation activities within the territory of Violak village;
2. Do not graze cattle in the newly planted crops areas;
3. Do not use herbicide to damage the environment;
4. Do not use new species to damage the environment and soil, negatively affecting the growth and development of other native species available in Violak village.

### **V. Rice fields and streams**

1. Do not use herbicide to damage the environment
2. Do not use chemicals and electricity for catching aquatic species, damaging the environment;
3. Do not overexploit aquatic species to damage the biodiversity.

### **VI. Specific regulations for Vang Ha Ro**

1. Vang Ha Ro is the communal asset of Violak village;
2. Do not transfer, mortgage or donate;
3. Every village member is responsible for enriching the forest by regenerating native species on the basis of collecting native seeds and planting nurseries at the household's;

4. The penalty will be imposed according to the village customary law and decisions made by the Elder's Council;

## **CHAPTER 5**

### **RESPONSIBILITIES AND RIGHTS OF COMMUNITY FOREST PROTECTION GROUP AND COMMUNITY MEMBERS**

#### **I. Establishment of community forest protection Group**

1. The community forest Management Board of 9 members is selected by the Violak villagers. Its performance has been evaluated on annual basis by all village members and the Elder's Council. The change of personnel is made every one or two years depending on the specific situation of the members of the Management Board;
2. In special cases, the Management Board can additionally select or re-select its members upon the approval of the community.

#### **The members of community forest Management Board are:**

1. Village Party Secretary
2. Village Head
3. Head of Fatherland Front.
4. Two village elders
5. Representative from village Youth Union
6. Representative from village Woman's Association
7. Representative from War Veteran's Association.
8. Policeman
9. Head of village military force

#### **II. Functions and rights of forest protection Group**

1. Representing the community to discuss and negotiate with relevant organizations and individuals regarding forest and land management and protection;
2. Coordinate with Thach Nham WMB in forest management and protection;
3. Making decision on village issues related to forest and land management;
4. Organizing planning and implementation of annual and 5-year plans for community forest management;
5. Disseminating and implementing regulations on forest protection and development;
6. Organizing and assigning teams and individuals to patrol forests for management and protection as well as for forest fire prevention;
7. Selecting young people from Violak village and other neighboring villages to collect seasonal native species in order to plant nurseries at the edge of the Vang Ha Ro forest that has currently been voluntarily protected by the community. These nurseries will enrich the forests and serve as models to be shared with the other neighboring villages in Po E commune.

8. Building nurseries for all the households of the village to plant seedlings collected from the forests such as those for fermentation, reconciliation vegetable and other wild vegetables in order to build gardens at the household's;
9. Mobilizing young people to go to the forests for collecting seasonal fallen fruits in order to practice planting at the household's nurseries and around the village sacred trees;
10. Forming reserves - living library of native rice species including 11 native rice species and 43 wild vegetable varieties with full information of the species in forms of documents, photos, video and manuals in order to share with other villages and research institutes;
11. Handling the cases of violation of village regulations. More complicated cases beyond the regulations will be resolved by the communal People's Committee;
12. Requesting the violators to make compensation as stated in the regulations;
13. Organizing monthly meeting or unscheduled meeting when necessary to evaluate the Group's activities and criticize individuals and families for their violations of the village regulations.

### **III. Responsibilities and rights of community members**

1. Getting involved in community forest and land management activities assigned by the forest and land protection Group;
2. Well executing forest fire prevention;
3. Participating in patrolling groups for forest protection and fire prevention;
4. Stopping and reporting to the forest and land protection Group the cases when someone with tools or equipment tries to hunt or exploit forest products;
5. Seizing the violator with tools/equipment and reporting to the Group for making records.

## **CHAPTER 6**

### **REWARD AND PENALTY**

#### **I. Reward**

1. Households that have well managed and protected the forest will be rewarded by the community. The rate will be decided by the community;
2. Households that have well managed and protected the forest and fully comply with the village regulations will be rewarded by both the village and the State. In addition, they are also given the priority in exploiting timber and other forest products for renovating house, buffalo house and rice store as well as for other purposes.

#### **II. Penalty**

1. Households and individuals that violate the village regulations will be handled by the village Elders' Council and forest and land protection Group in addition to the penalty imposed by the Law ;

2. In case of hunting wild animal, the animal and hunting tools/equipment will be confiscated and reported to the communal People's Committee and rangers for resolution;
3. In case of forest fire, the violator must replant the trees if the volume of the damaged trees is small. For the bigger volume, the case will be reported to the commune level for handling according to the law;
4. In case of having the cattle damage the trees, the negotiation with the community for reasonable compensation must be taken;
5. Village meeting for criticism. For repetitive violation, the consideration will be taken into by the Elder's Council to decide whether the violator could be further involved in the village traditional activities.

## **CHAPTER 7**

### **FUND FOR COMMUNITY FOREST MANAGEMENT AND DEVELOPMENT**

#### **I. Purpose of fund raising**

To nurture the sacred forests and meet spiritual demands of the village as well as to support other cultural and social activities for forest and environment protection in order to make Violak a "Cultural Village" of Kon Plong district. Besides, the fund will be used for the following purposes:

1. Conducting training courses on method of collecting forest products, planting nurseries of precious and rare native species at the edge of the forests and at the household's to enrich the sacred, watershed and regeneration forests;
2. Upgrading the forest space that is potential for cultural and ecological researches for experience sharing and exchange in terms of ritual and customary law based forest management;
3. Planning signboards, maps and diagrams of the sacred forests that are subject to strict protection for the sake of the village and the nation as a whole;
4. Meeting the spiritual and cultural demands of the village

#### **II. Source of fund come from:**

- The fines imposed on the violators;
- Contracts for forest protection signed by Thach Nham WMB;

### III. Fund management

- Monthly expenses to be approved by the Elder’s Council;
- The forest protection Group makes monthly plan of expenses to be submitted to the Elder’s Council for approval;
- The Woman’s Association is responsible for fund management and book keeping according to the monthly expenses plan approved by the Elder’s Council;
- In case the fund reaches to VND 1,000,000 (One million Vietnamese Dong), a bank account should be opened at the nearest bank branch;
- The Woman’s Association is responsible for making the accounting book public at the monthly village meeting to review the expenses incurred within a month with the villagers and, at the same time, to update them with the difficulties and challenges in fund management.

**These regulations of 12 pages are legal document of Violak village, Po E commune, Kon Plong district, Kon Tum province upon the agreement of all community members for implementation.**

**Household**

*Violak , Feberuary 22, 2015*

(List per attached)

**ON BEHALF OF VIOLAK VILLAGE**

**Elder’s Council**

**Village Head**

(Signed, full name)

(Signed, full name)

**Party Secretary**

**Po E Communal People’s Committee**

(Signed, full name)

(Signed Full name)

# MAP OF VIOLAK VILLAGE

