

**REGULATION ON CUSTOMARY LAW-BASED FOREST GOVERNANCE
Pom Om village, Hanh Dich commune, Que Phong district, Nghe An province**

LEGAL BASIS

- 2014 Law on Forest Protection and Development (passed at the 6th session of 11th National Assembly on 3 December 2004);
- 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;
- Circular 139/2004/CP dated 25 June 2005 on handling of administrative violations in forest management and protection and forest products management;
- Decree 23/2006/NĐ- CP dated 3 March 2006 of the Government on implementation of Law on Forest Protection and Development;
- Decision 106/2006/BNN-PTNT on establishment, management and use of community forests;
- Decision 186/2006/QĐ-TTg dated 14 August 2006 of the Prime Minister on promulgating regulations on forest management;
- Resolution 30-NQ/TW dated 12 March 2014 of the Politburo;
- Article 160 on land used for belief practices of the Land Law 45/2013/QH13;
- Circular 43/2014/NĐ-CP dated 15 May 2014;
- Wishes of the Pom Om villagers for continuing to preserve and practice their long-lasting forest governance customs based on beliefs of the Thai ethnic minority group in Pom Om village;
- Determination of the Pom Om villagers to implement their civil responsibilities for use and development of over 426 ha of forest in accordance with the land use right, ownership right to house and other properties attached to land Certificate CH 00001 of Pom Om village, Hanh Dich commune granted by the Que Phong District People's Committee on 30 July 2012.

BASED ON THE POM OM VILLAGE REGULATION

The land use right, ownership right to house and other properties attached to land Certificate CH 00001 of Pom Om village, Hanh Dich commune, which has been granted by the Que Phong District People's Committee on 30 July 2012, has been implemented by the Pom Om's villagers as below:

Part 1: Planning and classification of 426.50 ha of forest based on the ecosystem and cultural customs of the Thai ethnic minority group in Pom Om village, Hanh Dich commune

A. Pu Ke Me Khuong sacred forests

I. Worshipping areas of the sacred forests:

They are: the top of Tang Bia 19 forest mountain of 77 ha in lot e, plot 8, sub-zone 85; Nhoi Hoc top mount and Pha Hung top mount of 78.85 ha in lot f, plot 14, sub-zone 8 which have the total area of 19,77 ha located in lot 3, plot 8, sub-zone 85; Na Buoc sacred forest of 5,76 ha in lot b & c, plot 9, sub-zone 85; Pha Khong sacred forest of 119, 11 ha located in lot g, plot 9 and part of lot e, plot 8, sub-zone 85.

II. Cemetery area

The cemetery area is located in Na Buoc sacred forest with the total area of 1.78 ha located in lot a, plot 8, sub-zone 85.

III. Area used for herbal medicine preservation and development

Defined as the areas located in the south-west of Pu Huot mountain with the total area of 5.75 ha in lot f, plot 8, sub-zone 85.

B. Areas for forest protection, use and regeneration

Defined as the forest areas for use and protection for environment protection.

These areas include:

- Area ranging from Hua Tat to Pha Ngam, including lot e and part of lot d, plot 8 with the total area of 11.15 ha;
- Pu Huot foothills in the south-east of Vai Mu;
- Area in the south-east of Pu Huot with the total area of 12.24 ha in lot h & j of plot 7.

C. Agro-forestry production areas

Defined as the vacant areas for cultivation of a variety of agricultural and forestry species and for fishing (agro-forestry farms);

- Na Mit with the total area of 6.38 ha located in lot g, plot 7 and lot d, plot 8 of sub-zone 85.

- Na Mo, Nam Lo, Kem Ho Quai, Ten Puc, Na Mit, Hua Tat and other areas alongside the streams potential for aquaculture production.

D. Grazing areas

Defined as the areas for grazing cattle (buffalos, cows and goats) in Huong Dong, Huoi Hay and Cham Hieng.

Part 2. Pom Om's strategy for forest governance and development. Allowable activities

1. Receive land for forest plantation in accordance with the land use planning in Part 1;

2. Raise cattle under the forest canopy in accordance with the village regulation;

3. Develop family economy through agro-forestry production;

4. Plant, exploit and use non-timber forest products in accordance with the village regulation;

5. Community is allowed to exploit timber for commercial purpose in accordance with the village regulation and prevailing law;

6. Households are allowed to exploit timber for domestic use in accordance with the village regulation;

7. Graze cattle in accordance with the village regulation.

Part 3. Prohibited activities

1. Watershed forests and sacred forests

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

*** *Penalty***

a) For village members: A fine ranging from VND 30,000 - VND 50,000 shall be imposed for the first violation or one wine jar in equivalence. Products shall be confiscated and notified to all villagers;

b) For outsiders: A fine ranging from VND 50,000 – VND 100,000 shall be imposed for the first violation. Products shall be confiscated and informed to the competent authority for handling. A double fine shall be applied for the second violation. Tools and products shall be confiscated and the case shall be transferred to the competent authority for handling;

c) For violations committed in the sacred forest, in addition to the fine prescribed above, the violators shall be subject to a fine of one pig of 10 kilos for a village ghost ritual;

d) Forest fire violators are subject to compensation for the real value of the loss and shall be handled by the competent authority in accordance with law.

2. Forest for protection, use and regeneration

- Exploitation of all types of timber for sale without permission;
- Wild animal poaching by all means;
- Outsiders are prohibited to enter the village forest for exploitation and use;
- Everyone must strictly implement regulations for forest fire prevention

*** *Penalty***

a) For village members: A fine ranging VND 30,000 - VND 50,000 shall be imposed for the first violation or one wine jar in equivalence. Products shall be confiscated and notified to all villagers;

b) For outsiders: A fine ranging from VND 50,000 – VND 100,000 shall be imposed for the first violation. Products shall be confiscated and notified to the competent authority for handling. A double fine shall be applied for the second violation. Tools and products shall be confiscated and the case shall be transferred to the competent authority for handling;

c) Forest fire violators are subject to compensation for the real value of the loss and shall be handled by the competent authority in accordance with law.

3. Animal husbandry areas

- Outsiders are prohibited to take cattle to the village for grazing and to collect non-timber products;
- Make traps and hunt animal;
- Harm the local cattle;
- Villagers are allowed to exploit non-timber products in the animal raising areas,

*** Penalty:**

a) Killing cattle: a compensation for the full value of the cattle shall be paid to the cattle owner by the violator;

b) Injuring cattle: a compensation for the full treatment-related cost of the cattle shall be paid to the cattle owner by the violator.

4. Agro-forestry areas

- Outsiders are prohibited to conduct production and cultivation activities in the areas;
- Graze cattle in the newly planted forests (less than 3 years).

Part 4. Benefits for village and villagers

1. Enjoy their own benefits from forest plantation, intermediate products through forest protection contracting, and to be free in seeking markets for product consumption; be entitled to be shared benefit from community forest management, including commercial timber exploitation from natural forests and plantation forests and exploitation of non-timber products...

2. Enjoy State's incentives

- Be supported and invested in forest plantation, agro-forestry in accordance with the State policies;

- Be supported technically in forest plantation, agro-forestry and silviculture;

- Be protected in legitimate rights by State and compensated upon the State's forest and land recovery.

3. Be considered in meeting needs for timber, forest products for domestic use in principle that all the villagers are entitled to enjoy benefits from forest upon their fulfilment of the committed obligations depending on the following priorities:

a) Subjects:

- Collective: A priority shall be given to the production constructions such as irrigation; tools for agricultural production, building and renovation of the Cultural house and kindergartens.

- Households:

+ Households subject to the social policy having difficulties in housing and wooden furniture.

+ Poor households having a contribution to forest protection and management and are elected by the villagers.

+ Other poor households and individual in the village.

b) Purposes of use

- Wood for coffin;

- Wood for production and public welfare;

- Wood for domestic use;

- For sale for village fund raising;

c) Quota for households

- 0.5 m³ of wood per coffin, or tools for agricultural production

- 1 m³ of wood for household's furniture

- 4 m³ of wood for building house per household

* The volume of timber and forest products exploited annually shall firstly serve the needs of the village collectives and individuals.

4. Benefit sharing

- Benefit sharing in timber exploitation for domestic use: Households that exploit timber for building house and making furniture shall be selected on yearly basis in accordance with the a.m. criteria. They must exploit the right quantity of trees at the right location as planned.

- Benefit sharing for timber exploitation for commercial use:

Commercial timber shall be exploited by the community in accordance with the approved plan and permit. Benefits sharing among the community shall be performed as below:

Revenue from the timber sales, after deducting the exploitation-related costs (including cutting down the trees, cutting trees into pieces, forest cleaning, monitoring, transportation) and natural resources tax, shall be distributed as below:

+ 20% of the total revenue contributed to the forest development fund;

+ 20% of the total revenue paid for collective welfare purposes;

+ 60% of the total revenue paid for households for their contribution

5. Forest Community Management Board and forest protection Group shall receive their monthly allowance taken from the forest management fund. The amount of allowance is subject to decision of the village through the village meeting.

6. Households that implement encouraging activities shall be supported by the State in accordance with the policies and by the village materially and spiritually. The level of incentives shall be decided by the village management Board and community forest management Board. In addition, the village shall also call the local authority at all levels and branches to support those households.

Part 5. Responsibilities and rights of community forest management Board and its members

1. Establishment of community forest management Board

The community forest management Board shall be selected by the villagers which includes 12 members. The Board may be re-selected every year or every two years. In special cases, the Board may be added with more members or re-selected if it not accepted by the community.

Members of the community forest management Board:

- Village Party Secretary
- Village Head
- Head of village Fatherland Front
- Village Elder
- Elderly Union
- Youth Union
- Women's Union
- Farmer's Union
- Herbal Medicine Union
- Village War Veteran's Union
- Policeman
- Leader of village militia squad

2. Responsibilities and Rights of the community forest management Board

- Undertake planning and implementation of the annual plan and 5-year plan for community forest management;
- Undertake establishment, notification and implementation of the village Regulation on forest management and development;
- Organize and assign tasks to forest management and protection groups;

- Handle violations against the village Regulation and transfer major violations beyond the village Regulation to the Communal People's Committee for handling;

- Is entitled to establish a community forest management Fund by using revenues from exploitation services, sales of forest products that are permitted by State, people's contribution, bonus, State budget.... The use of fund must be public and transparent before the villagers and under the supervision of the Communal People's Committee;

- Is entitled to select households for exploitation and use of forest products depending on their fulfilment of responsibilities and rights in forest management and development;

- Request the violators to compensate the victims with the amount that shall be equal to the labor and the value of damage;

- The community management Board must establish its own regulation and plan of operation; assign tasks and rights to its members; organize a monthly meeting or unscheduled meetings to evaluate the Board's operation; criticize those individuals and households that violate the village rules.

3. Responsibilities and rights of villagers

- Engage in the community management activities; make plans and regulations, and implement the tasks assigned by the community forest management Board;

- Engage in forest patrolling groups;

- Stop and report cases to the community forest management Board when someone equipped with tools or equipment enters the community forest for wild animal poaching or forest product exploitation;

- Seize the violators with their tools/equipment and products and report to the community forest management Board for making records.

Part 6. Governance and raising community forest development Fund in Pom Om village

1. Use of Fund

The Fund shall be used for the common activities in community forest management and development, including:

- Paying allowance to the community forest management Board, heads and deputy heads of the forest protection groups and members of the households that engage in the forest management and protection activities, such as exploitation, forest cleaning, patrolling and monitoring. The allowance to the

Board, head and deputy head of group shall be 1.3 and 1.1 time higher than that of the household, respectively;

- Build the works and make signboards for forest management protection;
- Buy uniforms and materials for forest patrolling;
- Buy seedlings for forest plantation and enrichment;
- Buy equipment and tools for forestry production;
- Spend on other activities for community forest management and protection;
- Spend on rewards.

2. Fund management

- Open a separate bank account under the name of Pom Om community forest management Board. The head of the Board shall be the account holder. The account shall have two signatories: the Head of the Board and the cashier of the Board;

- The use of fund should be based on plans and shall be approved through the community meeting;

- The Head of the Board is responsible for fund's revenues and spending
- The fund's revenues and spending should be fully recorded with receipts.

- A village meeting, in the witness of the Communal People's Committee, should be organized every six months to publicly advise the financial status of the fund.

Part 7. Reward and Penalty

1. Reward

- Households that have well managed and protected forest shall be rewarded by the community. The level of the reward is subject to the community's decision;

- Individuals that have detected the violation cases i) with compensation shall be rewarded an amount equal to 30% of the total compensated amount; ii) without compensation shall be noted for annual reward.

Households that have well implemented forest management activities and village's rule as well shall be, in addition to the village's praises, recommended for the State's reward and given a priority in meeting their needs for wood and other forest products.

2. Penalty

Households or individuals that have violated the Regulation are subject to the penalty in accordance with law and other forms of village punishment as below:

- Violation in deforestation: Pay 5 labor days to nurture and protect the village forest. If the violators are village members, their compensation amount shall be deducted from their household's benefits. If the violators are outsiders, their cases shall be handled by the communal authority. The cut tree shall be managed and used by the community;

- Violation in wild animal poaching: Confiscate the wild animals and exhibits (animals, hunting tools and transfer to the Communal People's Committee and forest rangers for handling;

- Violation in forest fire: Replant the trees if the volume of the damaged trees is small, or transfer to the Communal People's Committee for handling if the volume of the damaged trees is big;

- In case of having cattle damage the trees, the violators should negotiate with the community for a reasonable compensation;

- Not entitled to enjoy benefits in exploitation of timber and forest products during the case handling;

- Be criticized before the villagers. For repetitive violations, consideration of not allowing the violators to participate in the village traditional activities may be made by the village.

3. Process and procedure for compensation and reward

- Process for compensation: Make records in presence of the community forest management Board and the witness; issue receipts (in case of compensation) and transfer the compensated amount to the community forest development Fund or transfer the exhibits to the Communal People's Committee.

- Procedure for reward:

- + Reward for detecting violations: Submit the acknowledgement paper of the community forest management Board. Bonuses shall be paid every 6 months.

- + Reward for efforts in contributing to community forest management and protection: The community forest management Board shall hold a meeting for reviewing and assessment of households and individuals that have done good job in forest management and protection for reward. Bonuses shall be taken from the community forest development fund.

This Regulation is a legal document of Pom Om village upon the agreement of all community members for implementation.

Household
(Signed)
(list per attached)

Pom Om, 11 November 2014
ON BEHALF OF POM OM COMMUNITY
Secretary **Village Head**
(Signed) *(Signed)*

Deputy Village Head
(Signed)

HANH DICH COMMUNAL PEOPLE'S COMMITTEE

(Signed and Stamped)