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Overviews on legislations on functional zoning in Protected Areas in Viet Nam





General comments

Definitions of conservation areas (protected areas) and functional zones of the protected areas are mentioned in various legal normative documents, such as:

- Law on Cultural Heritages and its guidelines;
- Law on Fishery (2003) and its guidelines;
- Law on Forest Protection and Development (2004) and its guidelines;
- Law on Environmental Protection (2005) and its guidelines;
- Law on Biodiversity (2008) and its guidelines.



1. Strictly Protected Zone

Law on Biodiversity and its guidelines	LFPD and its guidelines	Law on Fishery and its guidelines
<p><i>A zone managed to protect the integrity of natural ecosystems and endangered species or rare species prioritized for protection.</i></p> <p>Prohibited Activities</p> <ul style="list-style-type: none">•Hunting, fishing and exploiting wild species;•Building structures or houses;•Investigating, surveying, exploring and exploiting minerals;	<p><i>A zone subject to intact preservation, strict management and protection to oversee natural developments of the forests</i></p> <p>Prohibited Activities</p> <ul style="list-style-type: none">•Hunting, trapping or catching wild animals•Activities which change the natural landscapes of forests, except those following:<ul style="list-style-type: none">○ The construction of works in service of tourism must comply with forest planning approved by competent authorities, such as footpaths, makeshifts or plant signboards for patrol and in service of eco-tourism as well. Tourist footpaths must ensure safety for tourists and subject to guidance and inspection by forest owners.	<p><i>A marine zone to be wholly protected and strictly managed to monitor the natural developments of the aquatic animals, plants and typical aquatic habitat</i></p> <p>Prohibited Activities</p> <ul style="list-style-type: none">•Exploitation of living and non-living resources;•Aquaculture in any form;•Establishment of infrastructure and construction



Law on Biodiversity and its guidelines

- Raising cattle and poultry on a farm scale,
- Conducting aquaculture on an industrial scale;
- Illegally living and polluting the environment.

LFPD and its guidelines

- Activities which affect the natural life of the wildlife or species under conservation.
- Releasing and raising or planting animal or plant species introduced from other places, which had earlier not existed in special-use forests. In special cases, such must be decided by the Minister of Agriculture and Rural Development or reported to the Prime Minister for decision.
- Exploiting organism resources and other natural resources.
- Causing environmental pollution.
- Bringing toxic chemicals, explosives or inflammables into forests, set fire in forests or at forest edges.
- Grazing cattle or poultry.

Law on Fishery and its guidelines

- Discharge of waste water and waste;
- Fishing and marine vessels.
- Stepping on coral reef and seaweed.



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Required activities	Required activities	Required activities
<ul style="list-style-type: none">None defined	<ul style="list-style-type: none">Resettlement of residents;Establishment of short term contracts with entitled residentsProtection, conservation measures to maintain natural succession in order to restore natural ecosystemsConstruct access facilities for ecotourism.	<ul style="list-style-type: none">Low impact tourism including the useScientific research and monitoringTourist vessels under certain conditions



2. Ecological Restoration Zone

Law on Biodiversity and its guidelines	LFPD and its guidelines	Law on Fishery and its guidelines
<p><i>A zone managed to recover, regenerate the natural ecosystem and habitat suitability for endangered precious and rare and priority protection.</i></p> <p>Prohibited Activities</p> <ul style="list-style-type: none">• Hunting, fishing and exploiting wild species;• Building structures or houses;• Investigating, surveying, exploring and exploiting minerals;• Raising cattle and poultry on a farm scale, conducting aquaculture on an industrial scale;• Illegally living and polluting the environment.	<p><i>A zone subject to strict management and protection for natural rehabilitation and regrowth of forests</i></p> <p>Prohibited Activities</p> <p>Similar to all prohibited activities for strictly protected zone.</p>	<p><i>A marine zone to be managed and protected for rehabilitation and facilitation of aquatic species and ecosystem to naturally reproduce</i></p> <p>Prohibited Activities</p> <ul style="list-style-type: none">• Exploitation of living and non-living resources• Aquaculture in any form;• Establishment of infrastructure and construction• Discharge of waste water and waste;• Fishing and marine vessels.• Stepping on coral reef and seaweed.



2. Ecological Restoration Zone

Law on Biodiversity and its guidelines	LFPD and its guidelines	Law on Fishery and its guidelines
	Required activities <ul style="list-style-type: none">• Resettlement of residents• Establishment of short term contracts with entitled residents• Protection, conservation measures to maintain natural succession in order to restore natural ecosystems• Construct access facilities for ecotourism.	Required activities <ul style="list-style-type: none">• Low impact tourism including the use• Scientific research and monitoring• Tourist vessels under certain conditions



3. Development zone

Law on Biodiversity and its guidelines	LFPD and its guidelines	Law on Fishery and its guidelines
Not defined	Not defined	<p><i>A marine zone in the remaining part of the MPA, where aquaculture, fishing, ecotourism, training and scientific research activities are allowed to be conducted</i></p> <p>Prohibited Activities</p> <ul style="list-style-type: none">• Trawling and other destructive fishing methods• Treading or anchoring on the coral reef, seaweed except for force-majeure;• Discharge of waste and waste water. <p>Required activities</p> <ul style="list-style-type: none">• Fishing regulated by MARD not affecting the aquatic species and habitat as regulated by MPA management board.• Aquaculture when allowed by competent authorities and regulated by MPA management board.• Passage of fishing vessels, maritime vessels and other vehicles• Tourist vessels subject to regulation• Approved tourism infrastructure



3. Administrative and Service Zone:

Law on Biodiversity and its guidelines	LFPD and its guidelines	Law on Fishery and its guidelines
<p><i>A zone allowed the construction of buildings and facilities to serve the administration and scientific research; biodiversity conservation, environmental education and some other activities of the protected area”</i></p> <p>No specific regulations or limits</p>	<p><i>A zone used for construction of working offices and facilities for daily-life activities of special-use forest management boards, research and testing institutions, as well as tourism, recreation and entertainment facilities</i></p> <p>Prohibited Activities</p> <ul style="list-style-type: none">•Hunting, capture or trapping for forest animals <p>Allowed/required activities</p> <ul style="list-style-type: none">•Very limited silvicultural activities	<p>NOT APPLICABLE</p>



3. Buffer Zone:

Law on Biodiversity and its guidelines	LFPD and its guidelines	Law on Fishery and its guidelines
<i>An area of forest, land, or water-surface land bordering a protected area and having the function to prevent and reduce encroachment upon it.</i>	<p><i>LFPD:</i> ‘The area surrounding, and adjacent to a PA, having the function of preventing and reducing negative impacts from outside onto the PA’</p> <p>Decree 117/2010/ND-CP and Circular 78/2011/TT-BNNPTNT define concretely the definition of buffer zone.</p> <p>Circular 78/2011/TT-BNNPTNT provides a concept of “internal buffer zone”</p>	<i>A Protected Belt (500-1000m) wide</i>



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10 Comments:

- 10** There are many definitions for functional zones, buffer zones. These definitions are not consistent, clear enough for performing demarcation, planning and management;
- 10** State authority over each functional zone is not clear in some extents;
- 10** Lacking a connection in the legislation on cultural heritage, biodiversity and SUFs on functional zones and buffer zone.
- 10** Lacking legislation on cooperation among state agencies and between state agencies and existing local community over management, delineation, planning of functional zones.



Thank you for attention