

REGULATIONS ON FOREST- LAND CLASSIFICATION, LAND USE PLANNING AND LAND ALLOCATION

Part 1 General Provisions

This decree is promulgated and implemented pursuant to the provisions of the following legislation:

The Land Law, Articles 16, 17, 18, 20, 21, 22, 40, 41 and 42

The Forestry Law, Articles 11, 12, 13, 16, 25, 28, 30, 41, 42, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 60, 61, 62 and 63

The Property Law, Articles 12, 22, 26, 55, 58 and 59

The Family Law, Articles 26, 27, and 28

The Water and Water Resources Law, Articles 8, 9, 29, 30 and 31 ???

The Environmental Law, Articles 14, 15, 37, 38, 39, and 40 ???

The Agricultural Law,.....????

Article 1: Objective of the Regulations on Forest-Land Classification, Land Use Planning and Land Allocation

Pursuant to the Land Law, Forestry Law, Property Law, Family Law, Water and Water Resources Law and the Environmental Protection Law the regulations in this Decree provide the framework for the government of Laos to fulfil it's mandate on forest-land classification, forest land use planning and land allocation.

Article 2: Scope of Regulations

These regulations specify:

- The authorities, rights, duties and activities of the relevant agencies in forest and forest land classification at national and provincial levels;
- The procedures for classifying forest and forest land at national and provincial levels;
- The authorities, rights, duties and activities of the relevant agencies in land use planning and land allocation at the district and village levels;
- The procedures for conducting land use planning and land allocation at village level;
- The obligations of relevant agencies to co-ordinate forest and forest land classification and land allocation activities;
- The requirements of relevant agencies to co-operate in reporting and sharing forest and forest land classification and land allocation information.
- The procedures for securing land allocation information at district and village level.

Article 3: Key Definitions for Forest-Land Classification, Land Use Planning and Land Allocation

“Forest land” is all parcels of land with or without forest cover as defined in Article 19 of the Land Law, Article 4 of the Forestry Law and all forest land described in the Decree for Protected Areas.

“Classification of forests and forest land” means the delineation of the various forest categories as defined in Articles 16, 17, 18, 19, 20, and 21 of the Forestry Law and other categories or zones of forest and forest land described in this Decree

“Classification of water bodies land” means the delineation of water bodies defined in Article 39 of the Land Law for management and use by communities, organisations, families or individuals authorised by the State.

“Degraded forests” are forests which have been heavily damaged as defined in Article 21 of the Forestry Law and available for allocation to individuals and organisations for agricultural purposes.

“Agricultural land” is land delineated for agricultural purposes as defined in Article 15 of the Land Law and Article 21 of the Forestry Law.

“Water bodies land” is land defined in Article 39 of the Land Law

“Zoning” means the identification, using pre-determined criteria, of areas or zones of forest and forest land at the macro and village level to assist forest-land management planning and use.

“Village Forest and Forest Land Use Planning and Land Allocation” are the activities undertaken by district and village authorities and villagers to transfer forest zones and allocate agricultural land to individuals and organisations to manage and use in accord with relevant Articles of the Land Law and the Forestry Law.

“Allocation” means the decision of a competent authority to allocate forest or forest land to an individual or organisation to possess and use in the long term; Forestry Law Article 50.

“Transfer” means the delivery of the possession and use rights of forest or forest land from one individual or organisation to another; Forestry Law Article 53.

“Land Use Planning” means the activities undertaken to investigate and plan the transfer of categories of forest and the allocation of agricultural land to individuals and organisations at village level and the planning of activities to manage and use the forest areas transferred and the agricultural land allocated.

“Land Allocation” means the activities undertaken to allocate agricultural land to individuals and organisations at village level.

“Procedures” are the village forest and forest land use planning and land allocation procedures described in this Decree, other procedures specified in prior Decrees which are still valid, and prior Governmental Resolutions, Prime Ministerial Orders, Ministerial Orders and Ministerial Instructions.

“Land Allocation Record Keeping” is the establishment and maintenance of a set of district records on forest land transferred to communities and agricultural land allocated to families or individuals by the Ministry of Agriculture and Forestry in accordance with Articles 17, 18, 21 and 22 of the Land Law and as specified in Part 6 of this Decree.

Part 2

Management Authority for Forest and Forest Land Classification.

The term “forest land classification” refers to the designation of forest and forest land at national and provincial levels.

Article 4: National Level Authority

The National Assembly has the ultimate authority for forest-land classification and forest land use planning and land allocation in the Lao PDR

The Central Land Management and Forest Allocation Committee, in the Office of the Prime Minister, is assigned authority to direct and manage the national program of forest-land classification, land use planning and land allocation.

The Ministry of Finance is assigned by the Government to take charge of the centralised management of all functions in land management as provided for in Articles 8 and 9 of the Land Law.

The Ministry of Finance has been charged with managing agricultural land in accord with Articles 16, 17 and 18 of the Land Law, managing forest land in accord with Articles 20, 21 and 22 of the Land Law and managing water body land in accord with 40, 41, and 42 of the Land Law.

The Ministry of Agriculture and Forestry is assigned the jurisdiction for zoning and demarcation of forest and agricultural land categories as provided for in Articles 11 and 12 of the Land Law.

National Agriculture and Forest Research Institute and the Forest Inventory and Planning Centre are assigned to undertake the national forest inventory and to assist with forest and forest land classification.

The Ministry of Agriculture and Forestry and its Departments are assigned the authority for the co-ordination of forest land use planning and land allocation programs nationally as specified in Articles 60, 61 and 62 of the Forestry Law.

The National Program for Shifting Cultivation Stabilisation, located in the Department of Forestry, is assigned to assist the National Land Management and Forest Allocation Committee and the Ministry of Agriculture and Forestry with the forest land use planning and land allocation program.

Article 5: Provincial Level Authority

The Provincial Land Management and Forest Allocation Committee is appointed to manage forest-land classification, land use planning and land allocation programs at

provincial level. This committee has the ultimate decision making authority on such matters at provincial level

The Provincial Agriculture and Forestry Office is assigned to assist the Provincial Land Management and Forest Allocation Committee with the co-ordination of forest land use planning and land allocation programs in each Province in accordance with Article 61 of the Forestry Law.

Article 6: Use of Forest and Forest Land Classification and Allocation Information by Relevant Authorities

The agencies responsible for national and provincial level forest and forest land classification shall, on request from national, regional and provincial planning, development and environmental authorities, provide forest-land classification information for planning purposes.

The DAFO and District authorities responsible for village level land use planning and allocation shall, on request from provincial planning, development and environmental authorities, provide land use planning and land allocation information for planning purposes

Information provided shall include:

- Forest and forest-land use zones classified and delineated.
- Forest-land use zone management agreements
- Land use zone boundary agreements of all types
- Forest-land use maps of all types
- Forest-land data of all types
- Forest-land allocation data of all types
- Proposed zone development plans

Article 7: Agency Co-operation and Co-ordination

National, provincial, prefecture and district authorities must consult and co-operate in classifying and allocating forest and forest land particularly when forest types, categories or zones of forest and forest land adjoin or cross the borders or management areas of the different authorities.

The consultation between relevant national, provincial and district agencies shall be managed by the National, Provincial and District Land Management and Forest-Land Allocation Committees.

National and Provincial authorities when classifying forest and forest land must consult and participate with village authorities and villagers before determining forest and forest land categories.

Part 3

Rights and Duties for Forest and Forest Land Classification,

Article 8: National Level Rights and Duties

The National Assembly has the ultimate responsibility for decisions on forest-land classification and forest land use planning and land allocation.

The Central Land Management and Forest Allocation Committee shall:

Assist the Prime Minister's Office to:

- Prepare and issue Orders regarding forest and forest land management and use
- Develop forest and forest land National Land Use Master Plans in accord with Decree 22/PM (1999) based on information gathered and produced by the Ministry of Agriculture and Forestry and the National Agriculture and Forest Research Institute
- Co-ordinate the establishment and functioning of Provincial Land Management and Forest Land Allocation Committees
- Set priorities for implementing forest land use planning and land allocation which shall support the National Socio-economic Development Plan.

The Ministry of Agriculture and Forestry shall:

- Determine the significance and the suitability of the forest resource in each geographical area.
- Identify forest and forest land use zones at macro levels based on the government's specified forest categories
- Monitor forest change and determine the locations and the area affected by the change.
- Delineate water body areas in accord with Articles 40 and 41 of the Land Law.
- Co-ordinate forest land allocation activities in co-operation with other authorised authorities as specified in Article 60 of the Forestry Law and in Articles 4 and 7 of this Decree.
- Develop and disseminate forest and forest land use policy to provincial and district levels
- Provide a representative on the National Land Management and Forest Allocation Committee

The National Agriculture and Forestry Research Institute shall:

- Undertake a National Forest Inventory and prepare provincial inventory reports as required by Article 10 of the Forestry Law.
- Conduct surveys and produce forest and forest land information for the Ministry of Agriculture and Forestry to classify national and provincial forest and forest land

use zones based on forest and forest land classification criteria established by the government.

The National Program for Shifting Cultivation Stabilisation shall:

- Co-ordinate land use planning and land allocation activities through-out the country with central, provincial and district authorities
- Set priorities for village land use planning and land allocation in focal development areas, National Bio-diversity Conservation Areas and areas where there is a high incidence of shifting cultivation.
- Provide training and advice on village land use planning and land allocation to provincial and district administrations and authorities.
- Produce training guides and manuals on village land use planning and land allocation
- Collate village land use and land allocation data from provincial and district levels and provide this to the Ministry of Agriculture and Forestry and the National Land Management and Forest Allocation Committee
- Monitor the progress and impact of land use planning and land allocation programs at provincial, district and village levels and present results to higher authorities
- Provide a representative on the National Land Management and Forest Allocation Committee

Article 9: Provincial Level Rights and Duties

Provincial Administrations shall:

- Establish and operate Provincial Land Management and Forest-Land Allocation Committees to oversee and direct the program and forest land use planning and land allocation.
- Administer and supervise provincial forest land use planning and land allocation programs as specified in Article 61 of the Forestry Law and in Articles 4 and 7 of this Decree.
- Co-ordinate the work of forest and forest land classification at the provincial and watershed levels with Ministry of Agriculture and Forestry officials
- Provide technical support and training for district staff implementing land use planning and land allocation at village level
- Collate land use and land allocation information received from district level and provide reports to higher authorities
- Monitor the progress and impact of land use planning and land allocation programs at district and village level and present results to higher authorities
- Authorised Provincial Land Management and Forest Allocation Committee staff shall forward land use planning and land allocation reports and information to the National Land Management and Forest Allocation Committee.

Provincial Agriculture and Forestry Offices shall:

- Administer and supervise provincial forest land use planning and land allocation programs as specified in Article 61 of the Forestry Law and in Articles 4 and 7 of this Decree.
- Provide the Provincial Lands Office and other authorised units with land use planning and land allocation information received from district level.
- Represent the Department of Agriculture and Forestry on the Provincial Land Management and Forest Allocation Committee.
- Prepare plans to manage the various forest and forest land use zones identified
- Monitor the impact of land use planning and land allocation activities at district and village levels and present results to higher authorities.
- Forward land use planning and land allocation reports and information to the Provincial and Land Management and Forest Allocation Committee and the National Program for Shifting Cultivation Stabilisation

PART 4

Macro Level Forest and Forest Land Classification

Article 10: Forest Classification Authorisation

The Ministry of Agriculture and Forestry is required to classify all forest lands of Laos into 5 categories: conservation, protection, production, regeneration and degraded forest lands in accord with Articles 10 to 15 of the Forestry Law.

The National Agriculture and Forest Research Institute (and the Forest Inventory and Planning Centre) when implementing classification in accord with Articles 8 and 9 of this Decree, shall share information with and utilise technical and human resources of the Provincial Agriculture and Forestry Office. They also shall consult the District Agriculture and Forestry Office regarding the location of village boundaries and village forest-land use zones identified and mapped during village land allocation activities before taking decisions on classifying national or provincial forest and forest land use zones.

Article 11: Tools and Technical Criteria for Forest Classification

Authorised implementing agencies and bodies shall use National Forestry Inventory, the Watershed Classification System data to implement forest and forest land classification. Other classification or zoning tools including Provincial Forest and Land Use Zoning systems or Provincial Natural Resources Management Plans shall also be used if available.

Technical criteria established by the government for classifying categories of forest shall be applied in the classification process.

Classification of forests shall be determined by the geographic or spatial distribution of forest types not by administration boundaries except in cases where an appropriate boundary of a forest category coincides with administrative boundaries.

Article 12: Classification Factors

Classification shall take into account the necessity to protect water resources and watersheds, and to control and limit land degradation, water degradation, and soil erosion. The following factors shall be observed and recognised:

- (1) Defined forest type and agricultural land use type boundaries.
- (2) Defined priority or critical watershed areas and boundaries.
- (3) The established boundaries of all the categories of protected forest within the protected area system of the Lao PDR
- (4) The established boundaries of forest and agricultural land concessions or leased areas designated for development purposes.
- (5) The established boundaries of declared State Production Forest Areas
- (6) The established traditional village boundaries and management areas.

- (7) Existing village natural resource management rules.
- (8) The established boundaries of village sacred or spiritual locations
- (9) Other relevant forest and forest land information available from local sources

Article 13: Categories of Forest and Forest Land

Forest and forest lands shall be classified into 5 categories: Conservation, Protection, Production, Regeneration and Degraded forests as specified in Articles 10, 11, 12, 13, 14 and 15 of the Forestry Law.

Forest and forest land of these 5 categories shall be classified at two levels:

- Macro level, (national and provincial forest categories)
- Village level, (village forest categories)

Authorised national and provincial agencies and bodies shall consult Articles 14, 15, 16, 17, 18, 19, 20 and 21 of this Decree when classifying national and provincial forests.

Authorised district agencies and village representatives shall consult Articles 31, 32, 33, and 34 of this Decree when classifying village forests. (CHECK article Numbers)

Article 14: Designation of National and Provincial Protection Forests

Protection forests shall be classified in accord with Article 17 of the Forestry Law

Protection forests are or shall be classified into two types;

1. National Protection Forest
2. Provincial Protection Forest

National Protection Forest Areas

Agencies or bodies authorised to classify shall comply with the criteria and procedures of the Watershed Classification System when identifying National Protection Forest Areas. They shall also consider the criteria established by the Government to identify critical watershed areas which require protection.

National Protection Forest Areas may include contiguous forest areas distributed across provincial boundaries.

Provincial Protection Forest Areas

Agencies or bodies authorised to classify shall comply with the criteria and procedures of the Watershed Classification System when identifying Provincial Protection Forest Areas. They shall also consider the criteria established by the Government to identify provincial protection forest areas.

Provincial Protection Forests shall be those that meet the protection forest criteria but do not qualify for National Protected Forest status. The boundaries of provincial protection forest areas will be located totally within a provincial boundary.

In cases where Provincial Protection Forests have been provisionally declared, agencies or bodies authorised to classify shall re-assess the classification based on the criteria established by the Government to ensure the areas declared previously meet the criteria.

Article 15: Designation of National and Provincial Conservation Forests

Conservation forests shall be classified in accord with Article 18 of the Forestry Law.

Conservation forests are or shall be classified into two types;

1. National Biodiversity Conservation Areas (NBCAs)
2. Provincial Conservation Forest

National Biodiversity Conservation Areas (NBCAs)

Authorised agencies and bodies shall consult the criteria and the procedures for classifying National Biodiversity Conservation Areas as specified in the Decree on the Protected Area Management No. 2000.

When classifying National Biodiversity Areas authorised agencies and bodies shall identify and comply with the established boundaries of declared National Biodiversity Conservation Areas and shall consider proposals for extensions to existing National Bio-diversity Conservation Areas or proposals for new National Bio-diversity Conservation Areas.

Provincial Conservation Areas

Authorised agencies and bodies shall consult the criteria and the procedures for classifying Provincial Conservation Areas as specified in the Decree on the Protected Area Management No. 2000.

Areas previously termed “District Conservation Forest” shall be amalgamated either into Provincial Conservation Forest categories or re-distributed into Village Conservation categories.

When classifying provincial conservation forests authorised agencies and bodies shall identify and comply with the established boundaries of declared Provincial Conservation Forests.

In cases where provincial conservation forests have been declared for the purpose of conserving or protecting commercial wood production species, consideration shall be given to re-classifying such forest areas to a production category.

Article 16: Other Provisions for Conservation Area Classification

Authorised agencies when delineating the boundaries of conservation areas shall not exclude village forest and agricultural lands of villages which are located inside (Type 1 Villages) or partially inside (Type 2 Villages) conservation or proposed conservation areas. The boundaries of the conservation area shall be defined after which the boundaries of such villages shall be delineated within the boundary of the conservation area using village level land use planning and land allocation procedures.

Land use zoning in Type 1 and Type 2 villages must comply with the zoning criteria and associated restricted uses for forest lands in NBCAs as specified in the Protected Area Decree No. 2000

Article 17: Designation of Production Forest Areas

Production forest areas shall be classified in accord with Article 19 of the Forestry Law

Two types of production forest shall be classified:

1. State Production Forests Areas
2. Village Production Forest Areas

State Production Forest Areas

Agencies or bodies authorised to classify forest areas shall recognise and comply with the boundaries of existing or officially declared State Production Forests.

In cases where the classification of new State Production Forests are being considered, agencies or bodies authorised to classify shall comply with the criteria established by the Government to identify new state production forest areas.

Agencies or bodies authorised to classify state production forests shall utilise National Forestry Inventory and Watershed Classification information in the classification process.

2. Village Production Forest Areas

(To be prepared; see comments attached)

Article 18: Other Provisions for State Production Forest Classification

When State Production Forest areas are located within village management areas national and provincial agencies and bodies authorised to classify shall consult with District and village authorities to delineate the village boundaries.

After consultation, District and village authorities shall be responsible for locating, surveying, delineating and mapping the village boundaries using normal village boundary delineation methods. The declared State Production Forest boundaries will

be located, surveyed, delineated and mapped within the boundary of the village/s management area/s. The delineated State Production Forest area will be labelled “State Production Forest” on the Village Land Use Map copies of which will be secured at district, provincial and central levels.

Article 19: Designation of Regeneration Forest Areas

Regeneration forests shall be classified in accord with Article 20 of the Forestry Law.

One type of regeneration forest area shall be classified:

1. Provincial Regeneration Forest Areas

Provincial Regeneration Forest Areas

Agencies or bodies authorised to classify shall comply with the criteria established by the Government to identify provincial regeneration forest areas.

In cases where Provincial Regeneration Forests have been provisionally declared, agencies or bodies authorised to classify shall re-assess the classification based on the criteria established by the Government to identify provincial forest areas which require regeneration.

The boundaries of provincial regeneration forest areas will be located totally within a provincial boundary.

Article 20: Designation of Degraded Forest Areas

Degraded forest areas shall be classified in accord with Article 21 of the Forestry Law

Two types of degraded forest areas will be classified:

1. Degraded Forest Land for Plantation Forestry
2. Degraded Forest Land for Agricultural or Agro-Forestry Production

Degraded Forest Land for Plantation Forestry

Agencies or bodies authorised to classify forest land for plantation purposes shall comply with the requirements of the Regulation on Sustainable Plantation Development No. 2000 and the criteria established by the Government for classifying degraded land for plantation purposes.

In cases where areas have already been classified for plantation forestry purposes the agencies or bodies authorised to classify forest land shall identify and comply with the boundaries of the plantation forestry area transferred or allocated.

Degraded Forest Land for Agricultural and Agro-Forestry Production

Agencies or bodies authorised to classify forest land shall comply with the criteria established by the Government for classifying degraded land for agricultural and agro-forestry purposes

In cases where areas have already been classified for agricultural production purposes the agencies or bodies authorised to classify forest land shall identify and comply with the boundaries of the degraded forest area transferred or allocated.

Article 21: Other Provisions for Concession Area Classification

Authorised agencies or bodies shall classify concession areas for various purposes based on information compiled by the National Agriculture and Forest Research Institute, the Forest Inventory and Planning Centre and Provincial Agricultural and Forestry Offices.

In the classification process the authorised agencies or bodies must consult with the Provincial Agricultural and Forestry Offices and District Agriculture and Forestry Offices concerning village boundaries, village land use zonings and village land allocation before taking decisions on delineating forest land for concession or leasing purposes for individuals or organisations.

If village level land use planning and land allocation has not been done when classification is undertaken, conditions and obligations shall be specified requiring that those granted the concessions or leases shall co-operate with the relevant Provincial Agricultural and Forestry Offices and District Agriculture and Forestry Offices to undertake village level land use planning and land allocation after the concession or lease is approved.

Village level land use planning and land allocation shall be done with each village within the concession or leased area to identify the zones within village management areas where concession or lease activities may be undertaken. Agreed concession areas shall be indicated on the village land use map and will be labelled “Concession or Leased Area”. Rules for the management and use of these areas shall be specified in village regulations and agreements.

Part 5

Village Level Land Use Planning and Land Allocation

Section 1

Authorities, Rights and Duties for Village Level Land Use Planning and Land Allocation

Article 22: Priority Areas for Forest and Forest Land Allocation

Provincial authorities shall plan and implement forest and forest land allocation in national priority areas including the 70 declared focal development sites, 18 areas in which resettlement is necessary because of dam or other development activity and in the 20 declared National Biodiversity Conservation Areas (NBCAs) through-out the country, Concession Areas and State Production Forest Areas.

District authorities shall prepare plans based on the established provincial priorities.

Article 23: Participation of Villagers in Land Use Planning and Allocation

District authorities shall ensure that village authorities, village land use planning and land allocation committees, villagers of all branches and sectors of the community and representatives of neighbouring villages participate through-out the entire process of forest-land use planning and land allocation.

District authorities shall ensure that the rights, duties and responsibilities of villagers shall be recognised in the process of land use planning and land allocation in accordance with Articles 30 and 63 of the Forestry Law and Ministerial Decision 0054/MAF on customary rights.

Article 24: District Level Authority

The District Land Management and Forest Allocation Committee is appointed to manage forest-land classification, land use planning and land allocation programs at district level. This committee has the ultimate decision making authority on such matters at district level.

The District Agriculture and Forestry Office is assigned to assist the District Land Management and Forest Allocation Committee with the planning, co-ordination and implementation of forest-land zoning, land use planning and land allocation at district and village levels in accordance with Article 62 of the Forestry Law.

Article 25: Village Level Authority

The Village Administrative Authorities are assigned to assist district authorities with forest-land zoning, land use planning and land allocation in accordance with Article 63 of the Forestry Law.

Article 26: District Level Rights and Duties

District Administrations shall:

- Establish and operate District Land Management and Forest-Land Allocation Committees to oversee and direct the program of forest land zoning and forest land use planning and allocation at village level.
- Establish Village Land Management and Forest-Land Allocation Committees at village level in consultation with village administrative organisations and village communities.
- Act as a co-ordination body for district agencies involved in planning and implementing village forest land zoning, village land use planning and land allocation.
- Collate and forward village forest land zoning, land use planning and land allocation information to higher authorities as required

District Agriculture and Forestry Offices shall:

- Implement district and village forest land use planning and land allocation programs as specified in Article 62 of the Forestry Law and in Articles 4 and 7 of this Decree.
- Ensure that neighbouring villages co-operate and plan together when land use planning and land allocation is being implemented at village level
- Make arrangements for representatives of neighbouring villages to consult and agree about village boundaries, village management areas, and the management rules for village forest-land use zones which cover more than one village.
- Establish procedures and systems for storing village level land use planning and land allocation information as specified in Articles 36, 39, 40, 41, 42 and 43 of this Decree.
- Establish Land Allocation Record Books for recording village land allocation details and changes to land ownership which occur after land allocation as specified in Articles 39, 40, 41, 42 and 43 of this Decree.
- Provide the District Lands Office with land allocation data for recording or registration purposes.
- Monitor the progress and impact of land use planning and land allocation programs at district and village level and present results to higher authorities
- Collate village land use and land allocation information and provide reports to provincial authorities

Article 27: Village Level Rights and Duties

The Village Administrative Authorities shall:

- Appoint Village Land Use Planning and Land Allocation Committees in co-operation with district authorities
- Assist the District Agriculture and Forestry Office and the District Lands Office in implementing forest land use planning and land allocation

- Participate in decision making on land use planning and land allocation matters within their respective village management areas as specified in Article 63 of the Forestry Law and in Articles 4 and 7 of this Decree.
- Co-operate and co-ordinate with neighbouring village authorities to ensure that village boundaries and management areas are jointly agreed and that forest and agricultural land use plans are appropriate and compatible with the plans of neighbouring villages.
- Maintain records of forest lands transferred and agricultural land allocated to individuals and organisations, maintain records of land ownership changes and report such changes to District authorities.
- Monitor progress with the development and improvement of agricultural land allocated to individuals or organisations
- Provide forest land zoning, land use planning and land allocation data to district authorities

Article 28: Rights and Duties of Individuals and Organisations

Individuals and Organisations shall:

- Have the right to possess and use forest land only after it has been transferred to them and agricultural land only after it has been allocated to them.
- Receive benefits for protecting and managing forests transferred to them including the use of wood and forest products.
- Receive benefits for protecting and managing agricultural land allocated to them including the development of paddy land and fish ponds, the development of pasture for livestock grazing, the cultivation of short term food and cash crops, and the planting of fruit trees, agro-forestry species and commercial trees.
- Receive rights and benefits from forests provided the rights and benefits are specified in village regulations and management agreements.
- Receive rights and benefits from agricultural land provided the rights and benefits are recorded on land use certificates stipulating proper and sustainable management and use.
- Obligate themselves to use the forest and land resources properly and sustainably in accord with the village agreements and land use certificates
- Contribute to the prevention of forests and forest land destruction including measures to prevent forest fires.

Section 2

Procedures for Village Level Land Use Planning and Land Allocation

Article 29: Land Use Planning and Land Allocation Instructions

Authorised district staff shall consult the following instructions when undertaking land use planning and land allocation:

- Prime Minister's Instruction No. 03/PM of 12th July 1996 on the Continuation and Expansion of Land Management and Land and Forest Allocation

- Ministry of Agriculture and Forestry Instruction 822/MAF of 2nd August 1996 on Land and Forest Allocation for Management and Use
- Ministry of Agriculture and Forestry Approval/Decision No. 0054/MAF of 13th July 1998 on Customary Rights and the Use of Forest Resources.

Article 30: Procedures for Conducting Forest and Forest Land Use Planning and Land Allocation

District staff shall consult the Manual on Participatory Land Use Planning and Land Allocation and Technical Booklets to guide them in implementing the eleven step procedure. District staff shall also follow procedures in accord with Articles 13, 14, 15, 16, 17, 18, 19, 20 and 21 of this Decree when undertaking land use planning and land allocation in villages located in Conservation Areas, Protected Areas, Declared State Production Forest Areas, Regeneration Forest Areas and Concession Areas

The following procedure for conducting village land use planning and land allocation shall be used by District staff:

1. Staff and villager preparation
2. Village boundary delineation and forest and forest land zoning
3. Data gathering and analysis
4. Village land allocation meetings and agricultural land allocation decisions
5. Measurement of allocated agricultural land
6. Transfer of forest and land use rights to communities and individuals
7. Storage of land use planning and land allocation information
8. Establishment of Temporary Land Use Certificate Record Books
9. Preparation of forest and agricultural land use plans
10. Forest and land management extension activity
11. Monitoring and evaluation

Article 31: Categories of Village Forest and Forest Land

District staff shall delineate village forest and forest land in accord with Articles 10, 11, 12, 13 14 and 15 of the Forestry Law and Articles 31, 32, 33, 34 and 35 of this Decree.

Village forest and forest land may be delineated into a number of the following land use zones depending on the prevailing forest types and the forest and land use practices in the village management area. It is not mandatory in any particular village to define zones of each of the following forest and forest land use zones.

Village Conservation Forest Zone
 Village Protected Forest Zone
 Village Use Forest Zone
 Village Regeneration Forest Zone
 Village Plantation Forest Zone
 Village Agricultural Land Zone
 Village Sacred or Special Areas
 Village Urban Area

Article 32: Discretion and Flexibility in Implementing Land Use Planning and Land Allocation Activities

Personnel responsible shall implement activities within the 11 step procedure with discretion and flexibility to ensure that the land use planning and land allocation activities are harmonised with village development objectives and plans.

It is not mandatory to complete all the steps in the land use planning and land allocation procedure in a village during one visit or exercise. Implementing staff must undertake land use planning and land allocation in a proper manner within a period of up to three years per village after assessing available funds, available staff resources, the size of the village, the existing forest and land use systems and any particular problems or requirements in each village.

Article 33: Factors for Sustainable Land Use Planning and Land Allocation.

Land use planning and land allocation staff shall comply with the following guidelines when implementing forest-land allocation;

- **Forest Categories:** Appropriate incentives and limitations shall be defined for communities, organisations and individuals allocated areas of forest and agricultural land based on the categories or zones of forest or forest land determined during forest and forest land allocation.
- **Farming Systems:** Appropriate criteria shall be determined and used to allocate sufficient agricultural land for future sustainable use based on the type of farming system in the village.
- **Customary Land Tenure and Land Use Practices:** Land use planning and land allocation shall be compatible with established customary land use practices. Land allocation shall not drastically alter or destroy the existing land use practices.

Article 34: Additional Procedures for Forest and Forest Land Allocation in Specific Forest Categories or Circumstances

Authorised staff shall comply with the following:

- **Protected Areas:** The Regulations for Protected Areas, issued as Decree No. 2000, The Guide for Protected Area Management,2000 and the Manual for Land Use Planning and Land Allocation in NBCAs,2000.
- **Declared State Production Forests:** Village boundaries will be located, agreed and mapped using normal village boundary delineation methods. The declared State Production Forest boundaries will be located, surveyed, delineated and mapped within the boundary of the village management area. The State Production Forest area will be labelled “State Production Forest” on the Village Land Use Map.
- **Logging:** Logging within defined and mapped village boundaries shall be considered only after authorised personnel have made reference to delineated village forest and land use zones, the village land use map, the village forest and agricultural land management agreement and forest harvesting management plans.

- Concession Areas: Normal land use planning and land allocation procedures shall be followed as specified in Article 21 of this Decree. Concession or leased areas may be granted for commercial crops, fruit tree orchards, animal grazing, (Land Law Article 17) or for commercial tree planting (Land Law Article 21). Provincial and district personnel shall co-operate closely with organisations and companies with approved concession or lease areas to ensure co-operation and understanding exists between the concessionaire and villagers and that appropriate areas within village boundaries are allocated for the approved concession activity or development.

Article 35: Forest and Forest Land Allocation Entitlements

Authorised persons may allocate agricultural land to individuals and families in accord with Article 17 of the Land Law. Authorised persons may allocate forest land to individuals and families under the provisions of Articles 13 and 56 of the Forestry Law and Articles 17 and 21 of the Land Law.

Individuals and families may receive allocations of limited amounts of degraded forest land for agricultural purposes:

Up to 1 hectare per full-time family labour unit for rice and fish farming

Up to 3 hectares per full time family labour unit for commercial short term crops

Up to 3 hectares per full time family labour unit for fruit tree orchards

Up to 15 hectares per full time family labour unit of deforested land or grassland for pasture and cattle grazing

Individuals and families may apply for more land of any category on a leasehold basis.

Individuals and families have the right to receive allocations of degraded forest land for commercial tree planting of up to 3 hectares and may apply for more on a leasehold basis.

Organisations may receive an amount of degraded forest land for agricultural purposes based on the actual capacity of the organisation. (Land Law Article 17)

Organisations may receive an amount of degraded forest land for commercial tree planting based on the actual capacity of the organisation to produce. (Land Law Article 21)

Part 6

Forest and Agricultural Land Allocation Records and Reporting

Article 36: Obligation to Establish Forest and Agricultural Land Allocation Records

Authorised District Agriculture and Forestry Office staff shall establish procedures and records at the District Agriculture and Forestry Office to secure and protect land use planning and land allocation information for each village in which land use planning and land allocation activities are conducted.

Authorised District Agriculture and Forestry Office staff will co-operate and assist the responsible village authorities in establishing land use planning and land allocation records in each village where land use planning and allocation activities have been conducted. The records will include the following information: 1) village land use planning data; 2) village land allocation data; 3) all types of village agreements and rules; 4) land use planning and land allocation reports 5) all types of village maps including land use maps 6) village land allocation record books.

Article 37: Obligation to Report and Provide Data to Land Management Authorities

Authorised District Agriculture and Forestry Office staff shall produce and forward land use planning and land allocation reports and information to the District Land Management and Forest Allocation Committee, the District Lands Office, the Provincial Agriculture and Forestry Office, the Provincial Forestry Office and the Provincial Land Management and Forest Allocation Committee in accord with Article 37 of this Decree.

Authorised Provincial Agriculture and Forestry Office staff shall produce and forward land use planning and land allocation reports and information to the Provincial and Land Management and Forest Allocation Committee and the National Program for Shifting Cultivation Stabilisation.

Authorised Provincial Land Management and Forest Allocation Committee Staff shall produce and forward land use planning and land allocation reports and information to the National Land Management and Forest Allocation Committee.

Article 38: Providing Forest-Land Classification and Allocation Information to Rural Development Planning Authorities

Authorised district land management and forest allocation staff must provide and exchange information on the classification and allocation of forest and forest lands to district and provincial planning authorities when requested.

Article 39: Forest and Land Allocation Data Record System

Designated District Agriculture and Forestry Office staff shall establish a forest and agricultural land data record system to systematically record and secure data on forest categories transferred to village authorities and parcels of agricultural land allocated to individuals or organisations. Designated District Agriculture and Forestry Office staff shall ensure that the data is gathered from village Land Use Planning and Land Allocation Committees for entry in the record system.

Article 40: Establishing the Land Allocation Data Record System

The land allocation data record system shall be located and managed at the District Agriculture and Forestry Office. This record system shall be the only official record system for Temporary Land Use Certificates issued by Ministry of Agriculture and Forestry agencies. Designated District Agriculture Forestry Office staff shall prepare a Forest Category Allocation Record Book and a Land Allocation Record Book.

Information on the forest zone identity numbers, the zone types or categories, the zone areas and the date transferred to village authorities shall be entered in the Forest Category Allocation Record Book. The information shall be recorded for each zone or category of forest land transferred to village authorities in every village in which forest-land allocation is undertaken.

Information on the land parcel number, the temporary land use certificate number, the allocation date, the area of the parcel, the land type, the land parcel owner, and the family registration number shall be entered in the Land Allocation Record Book. The information shall be recorded for each parcel of land allocated to individuals and organisations in every village in which agricultural land allocation is undertaken.

Information may be supplied to the provincial level by copying data from the District Agriculture and Forestry Office forest and agricultural allocation record books.

Article 41: Maintaining the Forest Category Allocation Record Book

Designated District Agriculture Forestry Office staff shall enter in the record book data relating to new zones of forest and forest land which are delineated within the village boundary or any changes which occur relating to the zones originally delineated. Land use zone changes shall be indicated on the village land use zoning map. The forest category record book shall remain at all times in the District Agriculture and Forestry Office and shall not be moved from there without the express permission of the District Agriculture and Forestry Office Head.

Authorised DAFO staff shall advise Village Land Use Planning and Land Allocation Committees on the requirements and procedures for reporting forest or forest land use zone changes which occur in the village. Village Land Use Planning and Land Allocation Committees shall provide information on forest zone or category changes to designated District Agriculture and Forestry Office staff within one month of the zoning change taking place.

Article 42: Maintaining the Land Allocation Record Book

Designated District Agriculture and Forestry Office staff shall enter in the record book data relating to new land parcels allocated and any land ownership changes which occur relating to parcels previously allocated.

Designated District Agriculture and Forestry Office staff shall be responsible for the safe and secure storage of the record books at the District Agriculture and Forestry Office. The Land Allocation Record Book shall remain at all times in the District Agriculture and Forestry Office and shall not be moved from there without the express permission of the District Agriculture and Forestry Office Head.

Staff shall advise village land use planning and land allocation committees on the requirements and procedures for reporting agricultural land use changes or allocations which occur in the village and shall ensure that such changes and new allocations are reported to the District Agriculture and Forestry Office.

Village Land Use Planning and Land Allocation Committees shall provide land allocation or land ownership change information to designated District Agriculture and Forestry Office staff within one month of the change or new allocation taking place.

Article 43: Maintaining Temporary Land Use Certificate Data at Provincial Level

Authorised staff at the Provincial Forestry Office shall record the forest zone or category data, the land allocation data and the land ownership change data for each village in a Provincial Temporary Land Use Certificate Record system using either manual or computerised methods. The record system will be maintained by recording forest zone or category data, land allocation data and land use ownership change data reported from the districts.

Part 7

Final Provisions

Article 44: Implementation

All Ministries, Organisations equivalent to Ministries, Provinces, Municipalities, and Special Zones, Districts, economic entities, individuals and organisations shall hereby be informed of and shall strictly apply these Regulations

Article 45: Issue of Instructions

Pursuant to these regulations the Ministry of Agriculture and Forestry is assigned to prepare instructions and guidelines on:

- (1) The classification of forest lands at national and provincial levels;
- (2) The procedures, methods and tasks for implementing land use planning and land allocation at village level.
- (3) The procedures for land use planning and land allocation data collection, security and management.

Article 46: Effectiveness

This regulation becomes effective from the date of it's signature. All regulations and provisions previously issued which are contrary to this one are considered superceded.

Vientiane, date.....