

LEGALITY STANDARD 2: CONVERSION AREAS

PRINCIPLE 2.1 CONVERSION OF FORESTLAND USING FOR DEVELOPMENT PURPOSE		
Criteria 2.1.1 The conversion of forestland shall be approved in compliance with the law and regulation.		
Indicator 2.1.1.1 The conversion of forest land shall be proceeded within the concession area or project proposals which the Government or each level of related agency has approved only.	Verifiers: <ul style="list-style-type: none"> Concession agreement on the conversion area or a letter of approval for the project proposals 	
Legal reference: <ul style="list-style-type: none"> Law No. 08/NA. Nov 2009 Law No. 02/NA July 2009 Law No. 10/NA Oct 2004 Decree No. 119/PM. 2011. 	Responsible organization <ul style="list-style-type: none"> Planning and investment sector Related line agencies 	Verification procedures <ul style="list-style-type: none"> Review document Interview related staff Field inspection
Indicator 2.1.1.2 The conversion of forest land using for development purpose shall be approved by natural resources and environment sector.	Verifiers: <ul style="list-style-type: none"> Approval letter of forestland conversion issued by natural resources and environment sector 	
Legal reference: <ul style="list-style-type: none"> Law 04/NA 2003 (14) Decree 88/PM 2008 (19) 	Responsible organization <ul style="list-style-type: none"> Natural resources and environment sector 	Verification procedures <ul style="list-style-type: none"> Review document Interview related staff Field inspection
Criteria 2.1.2 Compensation on property and land acquisition to the affected people is in compliance with the law and regulation		
Indicator 2.1.2.1 The harvesting operator has ensured that the project owner compensated the property and land acquisition to the affected people in transparent and fair manner.	Verifiers: <ul style="list-style-type: none"> Minutes of agreement on the price of the compensation signed between head of village and the project owner List of receipts of property and land acquisition compensation of the affected people 	

<p>Legal reference:</p> <ul style="list-style-type: none"> Decree No. 84/PM. April 2016 (Articles 7-9) 	<p>Responsible organization</p> <ul style="list-style-type: none"> Natural resources and environment sector Agriculture and forestry sector Lao National front for reconstruction sector Village administration authority 	<p>Verification procedures</p> <ul style="list-style-type: none"> Review document Interview related government staff and local villagers Field inspection
<p>PRINCIPLE 2.2 HARVESTING OPERATION PLANNING</p>		
<p>Criteria 2.2.1 Boundary demarcation of conversion area is in compliance with the related regulations</p>		
<p>Indicator 2.2.1.1 The boundary of conversion area for harvesting operation was marked on the ground with poles, on the map with boundary divided into different logging compartments based on topographic characteristics, and on aerial photos with GPS points which were endorsed by Department of Forestry.</p>	<p>Verifiers:</p> <ul style="list-style-type: none"> Minutes of demarcation and marking poles on the ground based on the area boundary Detailed map indicating the detailed demarcation boundary at the scale 1:50.000 and 1:10.000 Aerial photo with Points of GPS Aerial photo of monitoring of the project boundary using drone (Gaps). 	
<p>Legal reference:</p> <ul style="list-style-type: none"> Regulation No. 0112/MAF Nov 2008 (Article 7) New regulation on harvesting in conversion areas (Gaps) 	<p>Responsible organization</p> <ul style="list-style-type: none"> DOF Related stakeholders 	<p>Verification procedures</p> <ul style="list-style-type: none"> Review document Interview related staff Field inspection
<p>Indicator 2.2.1.2 Forest inventory and estimation of standing tree volumes including records of timber species and provincial annual harvesting plan for harvesting of the province have completed in conversion areas using for development purpose.</p>	<p>Verifiers:</p> <ul style="list-style-type: none"> Inventory report includes total volume of standing trees and timber species Harvesting plan of the province 	

<p>Legal reference:</p> <ul style="list-style-type: none"> • Forestry law No.06/NA. Dec 2007 (Article 18) • Decision No. 0108/MAF 2005 • Decree 32/PM 2012 5.1 • Order 17/PM 2008 Article 14 • Regulation 0221/MAF 2000 • New regulation on conversion areas (Gaps) Harmonize different regulation for different types of conversion areas 	<p>Responsible organization</p> <ul style="list-style-type: none"> • DOF • PAFO • DAFO 	<p>Verification procedures</p> <ul style="list-style-type: none"> • Review document • Interview related staff • Field inspection
<p>PRINCIPLE 2.3 HARVESTING OPERATION IN CONVERSION AREAS</p>		
<p>Criteria 2.3.1 Harvesting operation in conversion area has approved based on the law and regulation</p>		
<p>Indicator 2.3.1.1 Harvesting operation in conversion area is under the harvesting plan of the province which has been approved by the Government and endorsed by the National Assembly.</p>	<p>Verifiers:</p> <ul style="list-style-type: none"> • Provincial letter of application for harvesting plan • Approval letter from the Government • Endorsement letter from the National Assembly • Notification of MAF on annual harvesting plan 	
<p>Legal reference:</p> <ul style="list-style-type: none"> • Order No. 17/PM. Sept 2008 • Regulation No. 0204/MAF. Oct 2003 (Articles 13 and 20) • Instruction No. 0105/MAF. Nov 2008. 	<p>Responsible organization</p> <ul style="list-style-type: none"> • MAF • PAFO • DAFO 	<p>Verification procedures</p> <ul style="list-style-type: none"> • Review document • Interview related staff • Field inspection
<p>Criteria 2.3.2 Harvesting operation complies with harvesting procedure requirements</p>		
<p>Indicator 2.3.2.1 The timber harvesting operator possess harvesting contract and harvesting permit issued by PAFO.</p>	<p>Verifiers:</p> <ul style="list-style-type: none"> • Harvesting permit issued by PAFO • Harvesting contract signed between PAFO and the harvesting operator 	
<p>Legal reference:</p> <ul style="list-style-type: none"> • Order No. 17/PM. Sept 2008. • Order No. 15/PM. 2016 	<p>Responsible organization</p> <ul style="list-style-type: none"> • PAFO • DAFO 	<p>Verification procedures</p> <ul style="list-style-type: none"> • Review document • Interview related staff

<ul style="list-style-type: none"> • Instruction No. 0105/MAF. Nov 2008 • Decision No. 0182/ MAF. Feb 2009 (Articles 6 and 7) • Instruction No. 2157/DOF. Nov 2006. • Guidelines No.1035/DOF, 1036/MAF. Apr 2010 		<ul style="list-style-type: none"> • Field inspection
<p>Indicator 2.3.2.2 The timber harvesting operator complies with harvesting in demarcated and approved area only with clear cut method in all defined compartments.</p>	<p>Verifiers:</p> <ul style="list-style-type: none"> • Points of ground marking area • Map indicating the detailed area boundary at the scale of 1:50.000 and 1:10.000 	
<p>Legal reference:</p> <ul style="list-style-type: none"> • Regulation No. 0221/MAF. Oct 2000 (Articles 3-14) • Instruction No. 2157/DOF. Nov 2006. • Guidelines No. 1035/DOF, 1036/MAF. Apr 2010. 	<p>Responsible organization</p> <ul style="list-style-type: none"> • PAFO • DAFO 	<p>Verification procedures</p> <ul style="list-style-type: none"> • Review document • Interview related staff and villagers at logging area • Field inspection
<p>Indicator 2.3.2.3 The timber harvesting operator who harvests in conversion areas shall comply with procedures of harvesting operation such as harvesting, recording, transporting and log list making.</p> <p>GAP identified as regulations for monitoring harvesting operation for timber from conversion areas are not sufficiently developed. CoC procedures (Form 1-4) from natural production forest could be a good reference to be adapted for timber from conversion areas</p>	<p>Verifiers:</p> <ul style="list-style-type: none"> • Form 1 tree list of actual clear cutting? • Form 2 Transport slip to LL2? • Form 3 Log list arrival at LL2 2? • Form 4 Log list grading at LL 2? 	
<p>Legal reference:</p> <ul style="list-style-type: none"> • Elements of Guidelines No. 0962 to be applied for conversion areas. • Order No 15/ PM. May 2016 • Regulation No. 0112 (To be improved) 	<p>Responsible organization</p> <ul style="list-style-type: none"> • PAFO • DAFO 	<p>Verification procedures</p> <ul style="list-style-type: none"> • Review document • Interview related staff and villagers at logging area • Field inspection

PRINCIPLE 2.4 TIMBER SALE AND TIMBER MOVEMENT TO PROCESSING FACTORY		
Criteria 2.4.1 Timber sale has been complied with regulations on timber sale and purchasing of the Government		
<p>Indicator 2.4.1.1 Timber sale shall be conducted through the bidding procedures.</p> <p>(Gaps timber auction)</p>	<p>Verifiers:</p> <ul style="list-style-type: none"> • Log list at log landing 2 (Form 4) • Timber registration as state assets • Letter of establishment of the bidding committee • Notification letter for involvement in bidding • Minutes of opening of document of bidding • Notification of the winner of the bidding • Timber selling and purchasing contract • Certified letter for royalty payment 	
<p>Legal reference:</p> <ul style="list-style-type: none"> • Presidential Ordinance No. 003/PO. Dec 2012 (Article 40) • Order No. 57/PM. Dec 2014. • Guidelines No. 3211/MOF. Sept 2015. • Notification No. 1813/MOIC. Sept 2015. • Regulation No. 1726/MOIC. Aug 2012. • Instruction No. 2298/MOF. Oct 2004. • Order No 15/ PM. May 2016 	<p>Responsible organization</p> <ul style="list-style-type: none"> • PAFO • Provincial Finance Department • Provincial Office of Industry and Handicraft (POIC) 	<p>Verification procedures</p> <ul style="list-style-type: none"> • Review document • Interview the bidding committee and villagers • Field inspection
Criteria 2.4.2 The harvesting operator has complied the regulation on timber movement from log landing 2 to 3		
<p>Indicator 2.4.2.1 The harvesting operator has in place of timber movement permit from PAFO before proceeding of timber movement.</p>	<p>Verifiers:</p> <ul style="list-style-type: none"> • Certified letter of royalty payment • Timber cancellation from state assets • Transport permit log landing 2-3 	
<p>Legal reference:</p> <ul style="list-style-type: none"> • Instruction 2297MOF 2004 • Instruction 0092/MOF 2009 • Order 57/PM 2014 	<p>Responsible organization</p> <ul style="list-style-type: none"> • Provincial finance Department • PAFO • DAFO 	<p>Verification procedures</p> <ul style="list-style-type: none"> • Review document • Interview related staff • Field inspection

<ul style="list-style-type: none"> • Instruction 3211/MOF 2015 • Decision 1987/MAF 2013 (8) • Agreement 0141/MAF 2010 		
PRINCIPLE 2.5 ENVIRONMENTAL AND SOCIAL OBLIGATIONS		
Criteria 2.5.1 The timber harvesting operator has complied with all environmental and social obligations required by the law and regulation.		
Indicator 2.5.1.1 The timber harvesting operator possesses the environmental and social management and monitoring plan (ESMMP) through the consultation process with the affected people and possesses environment certificate of the project owner which were approved and issued by MONRE.	Verifiers: <ul style="list-style-type: none"> • ESMMP approved by MONRE • Certified document of involvement of local people in impact assessment and identification of mitigation measures • Environment certificate issued by MONRE 	
Legal reference: <ul style="list-style-type: none"> • Law No. 29/NA Dec 2012 • Instruction No. 8029/MONRE. Dec 2013 • Instruction No. 8030/MONRE. Dec 2013 • Ministerial agreement No.8056/ MONRE. Dec 2013. 	Responsible organization <ul style="list-style-type: none"> • MONRE • PONRE • DONRE 	Verification procedures <ul style="list-style-type: none"> • Review document • Interview related staff • Field inspection
Indicator 2.5.1.2 The timber harvesting operator has implemented mitigation measures in accordance with ESMMP and environment certificate and conditions.	Verifiers: <ul style="list-style-type: none"> • ESMMP implementation progress report drafted by the harvesting operator • ESMMP inspection report drafted by PONRE or MONRE • Certified letter of involvement of the affected people in inspection of the implementation of ESMMP. 	
Legal reference: <ul style="list-style-type: none"> • Law No. 29/NA Dec 2012 • Instruction No. 8029/MONRE Dec 2013 • Instruction No. 8030/MONRE Dec 2013 	Responsible organization <ul style="list-style-type: none"> • MONRE • PONRE • DONRE 	Verification procedures <ul style="list-style-type: none"> • Review document • Interview related staff • Field inspection