



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Ministry of Agriculture and Forestry

No. 1758/MAF
Vientiane capital, date 30.07.2018

Instruction

The implementation of Order No. 09/PM, dated 02 July 2018, on the enhancement of governance in the use of concession lands for industrial tree plantation and the plantation of other crops nationwide

- Pursuant to the Prime Minister Decree No. 99/PM, dated 09 March 2017, on Organization and Implementation of MAF;
- Pursuant to the Prime Minister Order No. 09/PM, dated 02 July 2018, on enhancement of governance in the use of concession lands for industrial tree plantation and the plantation of other crops nationwide;
- Pursuant to the Proposal from Department of Policy and Legislation, No. 353/DPL, 24 July 2018.

In order to enhance key messages of the Order No. 09/PM, dated 02 July 2018, on enhancement of governance in the use of concession lands for industrial tree plantation and the plantation of other crops nationwide, to ensure for acknowledgement, intense comprehension and mutual implementation will be processed productively, efficiently and effectively,

Minister of Agriculture and Forestry issued the Instruction:

I. Objectives and Expectation

1. To supervise methodology for implementing the Order No.09/PM, dated 02 July 2018, on enhancement of governance in the use of concession lands for industrial tree plantation and the plantation of other crops nationwide, for mutual acknowledgement and comprehension;
2. To stipulate MAF to be lead in collaborating with concerned ministries, sectors at central and local levels, and relevant local authorities since provincial to village level for implementing this Order by their high responsibilities in order to ensure that the governance in the use of concession lands for industrial tree, banana and other crops plantations be in compliance with related laws and legislations strictly;
3. To divide the responsibilities operated by central and local level in promoting, managing, and monitoring the industrial tree, banana and other crops plantations for more transparent, including focal point, ensuring effectiveness and productivity of social and economic aspects which follow the green and sustainable policy.

II. Contents

1. Industrial tree plantation

- 1.1. In collaboration with DOFI, Department of Agriculture Land Management and Development, also related sectors, PAFOs, provincial office for concerned sectors and local authorities, DOF shall continue to re-inspect the implementation of Prime Minister Order No. 13/PM, dated 11 June 2012, which focus on addressing constraints of the State land concession for Para Rubber and Eucalyptus plantations in previous years to be solved completely, to ensure the

governance and use of State land, land belongs to individuals, legal entities, organization and public to be enforced in accordance with laws and legislation strictly;

- 1.2. DOF and PAFO are stipulated to strictly cease the reviewing and considering of proposal on Para rubber plantation. Regarding individuals, legal entities and organization that use the lands under their land ownerships for Para rubber plantation, it shall continue to be promoted the used of lands appropriately based on the land use type determined by related sectors.
- 1.3. In collaboration with PAFOs and local authorities, DOF shall continue to encourage and promote the industrial tree plantation for eucalyptus, acacia mimosa, acacia mangium, teak, bamboo and other native species based on principles as followings:
 - 1). Degraded forestland and barren land shall be emphasized to conduct the inventory and boundary determination for plantations based on the allocated areas;
 - 2). tree species determination and selection for plantation shall be based on specific climate characteristic for each local area;
 - 3). Every plantation shall be registered to Agriculture and Forestry sectors for land ownership certification, timber origin justification with aim for more convenience in management, protection and implementation of plantation promotion policy in accordance with laws and legislations;
 - 4). the land lease or concession for plantation shall be operated in allocated areas only, and shall be implemented by following procedures:
 - to study of social-economic baseline, natural suitability, rights to use land or land use rights, local labour, survey of forest and forest resources, consultation with local people and other concerned issues;
 - to conduct the Feasibility Study which needs to be approved by DOF or PAFOs based on project scales and project values;
 - to conduct the Environmental and Social Impact Assessment including appropriate measures mitigations which need to be approved by concerned sector;
 - to conduct the land exploration plan, village development plan, local people involvement in production, technology usage and benefit sharing shall be related to protection of water sources and environment;
 - 5). The plantation for commercial and environmental protection purposes shall be operated at allocated areas which will be facilitated by relevant policies based on laws and regulations;
- 1.4. In collaboration with PAFOs and local authorities, DOF shall hurry to survey, allocate and plan the land use of Protection Forest and Conservation Forest, which need to be completed soon by following principles:
 - 1). to operate inventory and area determination by indicating buffer zone, general use zone, strict nature reserve zone, water source reserve zone, corridor zone, biodiversity reserve zone, forest recovery zone and village use forest in accordance with forest management system for each forest category;
 - 2). Allocation and land use shall be planned for Protection Forest and Conservation Forest with local people involvement who live in, and surround such Protection Forest and Conservation Forest;
 - 3). The Protection forest and Conservation forest shall be registered;
 - 4). The Protection forest and Conservation forest shall be managed and protected as following:
 - inventory, boundary indicating and marking shall be operated based on the agreement between concerned sectors and local authorities;
 - Survey shall be conducted for baseline gathering to identify the area characteristics, slope, water source, biodiversity, social-economic data, with aim to indicate the strict nature reserve zone and general use zone, buffer

zone and corridor zone in case the area locates nearby other forest categories;

- Map showing forest boundary, location and forest condition shall be made;
- forest management shall be implemented in accordance with indicated plans and measures with local people involvement;
- The implementations shall be monitored, inspected, and evaluated systematically.

1.5. In collaboration with PAFOs and local authorities, DOF shall survey and determine areas for plantation in Production Forest. It needs to focus on the degraded forestland that unable to be recovered naturally for more accurate data with the aim to inform the potential areas to be developed for industrial tree plantation, allocated and promoted the plantation for supplying raw material to be processed to products, also issuing legislations on benefit sharing allocation that received from the plantation in these areas to ensure the benefit to State, operator and people;

1.6. in collaboration with DOFI, PAFOs and local authorities, DOF shall hurriedly continue to inspect and re-evaluate the industrial tree plantation projects that had approved by central and local level in past previous years as follows:

- 1). The industrial tree plantation projects which covers the land areas of Conservation forest, Protection forest and Production forest which seen that they were not in compliance with laws and regulations, and did not fulfil a number of obligations, the measures shall be strictly implemented in accordance with laws and regulations, and the report shall be submitted to MAF in 2018;
- 2). In case the lease or concession of State lands for tree plantation which the contracts had signed, including the investment form in contract farming *2 + 3 form*, if it is seen that there are some gaps, the implementation is not strict, it needs to be reconsidered and re-negotiated again to ensure the benefit entries to the State, operators and people.

2. Banana and other crops plantation

2.1 In collaboration with Department of Agriculture Land Management and Development, DOF, PAFOs and local authorities, Department of Agriculture shall inspect the land lease or concession projects for banana and other agricultural crops as following:

- 1). The investment projects that approved in accordance with laws shall be permitted to continue on promoting, monitoring, and inspecting and plantation registration. They need to be advised regarding the management of place for product packing, place for storage; fertilizer and pesticide utilization shall be in compliance with technical requirement, regulations and Phytosanitary standard of destination country. In case the projects are neither permitted nor operated in accordance with laws and regulations with applying the prohibited chemical substance which ceased the utilization in Lao PDR, the appropriate impact mitigation measures shall be made for each local area based on laws and regulations;
- 2). For the new project, they shall conduct the technical-economic feasibility study for crops plantation, which need to be certified by Department of Agriculture or PAFOs based on project scales and project values, also the projects shall be implemented in accordance with related laws and regulations strictly;

2.2 In collaboration with Department of Agriculture, Department of Livestock and Fishery and concerned sectors at central and local level, the Department of Agriculture Land Management and Development shall survey and determine the agriculture zone, livestock zone based on the potentials for each local area in order to promote the production, contribute to food security and become commercial products for domestic markets and export;

- 2.3 In collaboration with concerned sectors at central and local level, the Department of Agriculture shall review and scrutinize the investment projects operated by the banana and other crops plantation companies that formed in lease or concession to the State land and individual land ownership, the projects shall follow the standard of good agriculture practice, and import requirements set by destination countries;
- 2.4 In collaboration with Department of Agriculture, PAFOs and concerned sectors at local level, the Department of Agriculture Land Management and Development shall re-inspect and re-evaluate the banana plantation projects as following:
- 1). The banana plantation projects that hold expired contracts or the projects have been already implemented shall be inspected carefully in order to ensure that there is a proper measure to regenerate and improve the soil conditions for other suitable crops based on potential for each local.
 - 2). For the projects are being implemented or new investment projects, they shall be emphasized the inspection of land lease or concession contract to ensure for a clear plan, which be responsible by project owner or company to regenerate and improve the soil as existing baseline quality in accordance with contract agreed, laws and regulations.
- 2.5 In collaboration with DOF, Department of Agriculture, PAFOs and local authorities, Department of Agriculture Land Management and Development is stipulated to re-inspect the agricultural development projects that cover the prohibited land areas of 3 forest categories (Conservation forest, Protection forest, and Production forest) if it is seen that they are not coherent with laws and regulations, the measure shall be strictly executed in accordance with laws and regulations.
- 2.6 In collaboration with local authorities, Department of Agriculture and PAFO shall be lead for implementing the agricultural production factors management as following:
- 1). To inspect the imports, distributions, storages and utilization of pesticide for each local in order to be in compliance with technical requirements, and to be in accordance with the Decree on Pesticide Management No. 258/GOL, dated 14 August 2017.
 - 2). To inspect the imports, distributions, storages and utilization of fertilizer for each local in order to be in compliance with technical requirements, and to be in accordance with the Decision on Fertilizer Management No. 2169/MAF, dated 10 October 2013.
 - 3). To inspect the imports, distributions, storages and utilization of seeds for each local in order to be in compliance with technical requirements, and to be in accordance with the Decision on Seed Management and Utilization No. 3919/MAF, dated 12 December 2012, and Order on Strictness enhancement for interception, being alerted and getting rid of Panama disease in Banana No. 0827/MAF, dated 05 April 2018.

III. Measures and Implementations

1. In collaboration with local authorities; DOF, Department of Agriculture, DOFI and PAFOs shall be the lead to disclose this instruction throughout the ground level at village cluster and village level for effective implementation;
2. In collaboration between DOF, Department of Agriculture, and Department of Agriculture Land Management and Development are stipulated to appoint a taskforce for implementing this instruction based on their own concerned responsibilities, and issue the instruction, detail technical guideline in order to use as references for encouraging and promoting the industrial tree, banana and crops plantations to be extended properly;
3. It is stipulated that the responsible committee for Order No. 09/PM implementation dated 02 July 2018, is in collaboration with concerned sectors at central and local level, the related local

authorities since district and village level to strictly encourage, monitor, inspect and evaluate the implementation of this instruction, and to report the outcomes to the ministry each period in order to address probable issues promptly;

4. It is stipulated to Department of Policy and Legislation, DOF, Department of Agriculture, DOFI, Department of Agriculture Land Management and Development, PAFOs and all concerned sectors to prepare budget plan and plan to use of other funds which in compliance with laws and legislations with aim to spend for implementing the activities that indicated for implementing this instruction effectively;
5. It is stipulated to PAFOs to supervise and lead their DAFOs to implement this instruction, then summarize and report the outcomes to Department of Policy and Legislation which is the focal point for coordinating of taskforce, in order to consolidate and report the related results to MAF regularly;
6. It is stipulated to Department of Policy and Legislation to be standing actor of responsible committee to review the implementation of the Order No. 09/PM, dated 02 July 2018, with aim to encourage, coordinate, monitor, inspect and summarize outcomes to MAF each period;
7. In case any difficulty would be occurred during this instruction has been implemented, the issues shall be reported to MAF for providing promptly measures and mitigations.

Hence, this instruction is issued for highly responsible in implementation.

Minister of MAF
[Seal and Signature]
Dr. Lien Thikeyo

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1. PMO 01 copy (in reporting purpose).
2. MPI 01 copy (for acknowledgement).
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