LAO DEMOCRATIC REPUBLIC
Peace Independence Democracy Unity Prosperity

INSTRUCTION ON
LAND- FOREST ALLOCATION FOR MANAGEMENT AND USE

To: The Governors, of all provinces, the Major of the Prefecture and the Head of special zone all over the country

- Pursuant to the Prime Minister's decree No. 99/PM, dated 19/12/92 concerning land
- Pursuant to the Prime Minister's decree No. 186/PM, dated 12/10/94 on Land-Forest allocation for tree planting and protection.
- Pursuant to the Prime Minister's decree No. 169/PM dated 30/1/93 on management and use of forest and forest land
- Based on the provisional regulation No. 22/PCM, dated 21/03/1989 on the management and use of agricultural land in Lao PDR.
- Based on the instruction of the continuation on implementing land management and land-forest allocation No. 03/PM, dated 25/0611996.
- Pursuant to the resolution of nationwide review conference on land management and land-forest allocation, held on 19/07/96.

To unanimously and effectively implement the said degrees, regulations and instructions all over the country, the Ministry of Agriculture - Forestry issues the instruction on Land-forest allocation with the following content:

I. OBJECTIVES AND TARGETS

A. Objectives

1. To manage and use natural resources in general and the land, forest and watershed resources in effective and sustainable way as well as to ensure the protection of the environment and the natural richness in perpetuity.

2. To reduce and progress towards total termination of shifting cultivation by developing permanent agricultural-forestry system and occupation, in view to gradually uplifting the livelihood of pluro-ethnic population, particularly the shifting cultivators families and poor families to satisfactory level.

3. To promote higher production of food and foodstuff.

4. To promote the investment in commodity production thus generating additional income for household.

B. Targets
1. To be able to preserve existing -forested area and gradually expand the forested area.

2. To be able to effectively implement step by step the regulations, rules, decrees and laws relating to the management natural resources, particularly forest resources.

3. To be able to make the distribution plan for all types of land, and all plots of land in the villages across the country clearly have the owners to manage and use for the long term.

4. To increase self reliance, creativeness and enthusiasm, of pluro-ethnic population to actively and seriously invest in production.

5. To establish a uniform system for the management of land, primarily agricultural and forestry land all over the country, allowing easier monitoring on the use of land, particularly the implementation of the government's policy on land tax.

6. Each province must work out the plan for reducing and gradually eliminating shifting cultivation practice together with the plan for producing food and commodity by taking land-forest allocation as the forefront work and focussing on the preservation of forest and environment, the basic completion is aimed for from now to the year 2000.

II. METHODOLOGY

A. General Principles

1. Land-forest allocation to families, villages, collectives, divisions, specified in this instruction relates to the determination of land use planning at village level, primarily agricultural-forestry land, land in good condition suitable for agricultural production with the aim to produce commodity, land which can not be used for agriculture must be allocated to families or collectives for tree planting, agricultural land is absolutely not to be used for tree planting, land covered with forest should be classified into 3 categories, water source forest, Protected forest area, utility forest, then allocated to village communities to protect under adequate rule.

2. The land-forest allocation is to be focussed on land which does not bear permanent production for those who do not have production land or for tree planting, for those Who have already land for permanent production before and acknowledged by the state or local community, land title should be given to them immediately so that they can pay taxes to the state according to laws.

3. The land forest allocation in the past should be reviewed, if such allocation is found inappropriate to this instruction, particularly allocated land is not put into use according to the purpose of allocation or the land is much larger than the land holder’s capacity and left idle without any production, the holder should be educated and encouraged to put the land into production, if he does not follow, he must be warned, if he show neglect a fine must be made according to the rules, and if he resists the land should be re-appropriated by the state and allocated to others for use in the production.

4. Land-Forest allocation must be linked to the protection of forest and the environment, including the fertility of land and at the same time it also links to commodity production in agriculture-forestry in particular, and to the short and long term socio economic development of the country in general.

Therefore these factors are to be referred to as the guideline for planning the operation of land-forest allocation.

5. Land-Forest allocation must be implemented on priority areas focussing on water sources, national protected forest areas, hydropower catchment areas, irrigation system areas, rural development areas of the provinces, new settlement areas, shifting cultivation areas for instance.

6. Land-Forest allocation must be completed from village to village with the participation of local population and using easy simple method with the understanding and consent of the population, nevertheless effective. A district may be selected for the experiment in one village to draw concrete lessons which will then be extended to other villages.

7. When land-forest allocation is completed, temporary land management permit certificate should be
granted and valid for 3 years for follow up; if anyone complies correctly with the permit certificate, the land management office of the district must issue permanent land title; on the other land if anyone does not comply the state shall withdraw the management and use right.

B. Types of land to be allocated to a village.

In a village land use may be divided into 5 types as,

1. Land type bearing permanent production: paddy field, construction land, garden land (with banana, sugar cane, fruit trees and others.) this type of land is not to be allocated, the land management office of the district is to make actual measurement so as to issue land registration and land title for the population to and use according to the law.

2. Land type bearing no permanent production: shifting cultivation area, fallow land, deforested land and others ... ; this type of land shall be subjected to allocation by redistribution so as to ensure that each family has land for production in accord with the labor, fund of each family, the advice is given on the type of crops suited to the land as well as the way to prepare and conserve the land.

3. With land type left over from the allocation for the agricultural production, any families can be allocated to if they are interested in tree planting or allocated to collective divisions for commercial tree planting or it be may allocated to private investors for commercial tree planting. But this land type must be used only for trade planting and tree planting is absolutely not permitted in agricultural land.

4. The type of land set aside as reserve land of the village in anticipation of tile increase in population of the village and the expansion of production area in the in the future is estimated at 5-10% of total village land area, but the consultation with the population must be held so as to achieve effective use without leaving the land stay idle.

5. The forest types are of 3 categories, water source protecting forest, village forest reserve (sacred forest, cemetry, devine forest) and utility forest; in case where the village has no forest, land should be set aside for tree planting for future use of the village community primarily bamboos, fast growing trees for fuel wood, and a number of construction tree species.

In some cases where neighbouring villages have rich forest, the agreement on sharing the use and protection of the forest may be concluded.

3. LEGITIMATE PERSON TO HAVE ACCESS TO LAND- FOREST ALLOCATION

Family

All families of Lao citizen have the access right to the allocation of agricultural land and degraded forest land for agricultural production, forest rehabilitation and tree planting on a voluntary basis, but the priority is given to families living in the village with the focus on families without permanent occupation.

Those families with permanent occupation are not allowed to practise rotating farming, but there is policy to allocate empty land, degraded forest for tree planting or agricultural land for Agricultural-forestry production and animal raising if there is a need so. Regarding the size and area to be allocated depends on land situation in the locality and the actual capacity of labour and finance of each family.

The families living in other location or state employees families (with no family registration in the village) equally have access right to land allocation for agricultural production and degraded forest land for tree planting on condition that there is some surplus land left over in the locality and those vitro need land must submit the application according to procedure; on the exception that the concerned persons have already used the land before with the recognition of the state or community or as a heritage, in this case the recognition on land must be made according to the reality where land maybe leased to others for production.

Juridical Entities, collectives and divisions

Have access right to the allocation of agricultural land and degraded forest land for tree planting in operating their business. They shall be equitably granted benefit and incentive according to the rules laid down by the
government.

Villages

Have access right to the allocation of forest which may includes protection forest, buffer zone between protected forest areas and other areas, re-growth forest and identified protected areas on the basis of contract and the management regulations specific to each forest type and plot. For the buffer zone and protected area, the allocation must be agreeable with the management plan specific to each of the protected area. Apart from the forest which is allocated to the village within the village boundary, any adjacent forest may be considered for allocating to the said village depending on actual condition and the willingness of the village.

II. STEPS OF THE IMPLEMENTATION.

Through the actual practice in the past, the steps of the implementation can be summed up into 8 steps as follows:

1. Step one: Preparatory step.
   - Gathering of related documents such as: (decrees, orders, regulations etc.)
   - preparation of forms for collecting data on socio economic matters and others...
   - preparation of personnel force, such as personnel from agriculture forestry office, land management office and other necessary parties.
   - preparation of material, equipment and budget.
   - preparation of detail plan of operation.
     - preliminary collection of information in village subjected to land-forest allocation.
     - preliminary survey to obtain data on land use of the village in the past and at the present.
     - make and enlarge maps of scale: 1/10,000, 1/5,000 or 1/2,000 depending on the relevance the more recent the aerial photos are available in scale 1/5,000, the much more advantageous for use in planning.

2. Step two: Step for consultation with village
   - discuss with village organisations and authority.
   - listen to report on socio economic situation of the village.
   - absorb the decrees related to land and forest.
   - pass the plan of operation for land-forest allocation of the village.
     - land use plan relevant to Village and in agreement with socio economic development plans of province and district.

   Organised into 2 teams: 
   - Forest allocation team.
   - Land allocation team.
   
   Forest allocation team:  - ground survey on village boundary, forest boundary, other land
boundaries.

Land allocation learn: - collection of information and discussion with each family about agricultural production.

Analyse the problems together with consultation and land use within the village and agree on boundary for land-forest allocation.

+ discuss on the solution to land use conflict and regulate the distribution of agricultural land.

+ discuss to find the best way out for the population, based on specific feature, tradition and other conditions.

4. Step four: Hold open discussion meeting for the whole village

To come to an agreement on land use plan of the village and the determination of boundary for land-forest allocation within the village.

5. Step five: Step for actual field measurement

In actually making the measurement, it should be organised according to the Administrative units prevailing in the village or to production groups such as: rice planting, banana planting, sugar can planting, fruit tree planting and others...

6. Step six: Step for conclusion

- Listen to report of each working team
- Pass draft rule developed in collaboration with villagers for each type of agricultural and forest land.
- Grant the temporary land management permit certificate to each family.
- Write up contract for land-forest allocation committee of the district and village authority and the families depending on the type of land.
- Set up production groups, conservation groups within the village.

7. Step seven: Step for extension

- The agriculture forestry office of the district must make available the personnel to support and provide technical advice as well as to attract other economic agents and agricultural promotion bank to facilitate the commodity production as such: release of credit, provision of fertilizers, insecticides, necessary production equipment and deal with the marketing as well.

- Attention is to be given to training of development agents at village level in each line sector, primarily agriculture, forestry, livestock sectors and others...

8. Step eight: Step for monitoring and evaluation

To be conducted regularly, seasonally draw lessons in to improving the work for higher and higher efficiency, up to 3 year time limit during which the land is put into actual production, the land management authority is to issue land registration and permanent land ownership title in accordance to law.

Points of caution in land allocation: Measures guiding land use.

- slope from 0-12% = to be used as agricultural land.
- slope from 12-25% = can be used for terraced paddy, animal raising, fruit tree planting, commercial cropping with soil protection measures.
In case of the plains it is not necessary to divide according to this system since land area is extensively large, but the implementation should be based on the realities, the important thing is to understand well the ecosystem of target area, biological system together with the knowledge of agricultural forestry production system of the population, which is effective, linked to the use of high technology that is to interpreter aerial photos of 1/5000 scale, make land use map for the present, discuss and determine land use appropriate to the village, then elaborate detailed plan for the work on land-forest allocation this will ensure the sustainable and effective agricultural-forestry production as well as the protection of forest and environment-, at the same time attention must be paid to the extension of 5 gained lessons through the evolution of the work on land-forest allocation in the past and the use of innovative ideas so as to get the work on land-forest allocation improved further to be used effective standard for restricting and progressing towards termination of shifting cultivation of pluro ethnic population.

Regarding other details, the Ministry of Agriculture Forestry has the manual for technical advice on steps of operation on land-forest allocation.

After a period of implementation in the totalities, should there be any parts of this instruction still found irrelevant to life situation, which may lead to problems that the provinces and districts can not solve, this must be quickly reported to the Ministry of Agriculture-Forestry for, prompt and appropriate corrective action.

Therefore, this instruction is thus issued as the directive for the effective implementation of land-forest allocation.

Acting Minister for Agriculture Forestry.

Stamped

Signed

Dr. Siene Saphangtho