Discussion Paper

on

Reviewing Land Allocation Documents to Facilitate the Land Registration Process

Lao-Swedish Forestry Program
Land Use Planning Sub-program

September, 1999

Introduction
This document has been compiled to facilitate discussion on land allocation procedures and land documents which will be used by MAF and DoF in the process of land registration. Various events have occurred in recent times which necessitate a review of these procedures and documents including:

1. The recent adoption of a procedure for land registration and land titling by the National Forest and Land Management Committee which has cleared the way for preparing procedures and documents for the registration of rural agricultural land in the future.

2. The development of pilot land registration procedures and methods by the LUP sub-program of the LSFP for the registration of Temporary Land Use Certificates (TLUC). This work has brought to light various deficiencies in the documents which need to be rectified if TLUC registration is to proceed smoothly.

3. Discussions at LSFP meetings regarding gender at which it was concluded that the wording regarding land ownership in the TLUCs may disadvantage women who are the rightful owners of inherited land.

4. Discussions with the Lands Department and the Pilot Land Titling Project during which it was confirmed that action needs to be taken to develop procedures and forms to facilitate the process of TLUC holders acquiring Land Development Certificates (LDC) and Permanent Land Use Certificates (PLUC).

Firstly, each of the land allocation forms currently in use, ie, the TLUC, the Land Use Contract (LUC) and the Land Parcel Map Form (LPMF), are discussed to elaborate deficiencies and highlight issues. Solutions are proposed and modifications to the forms are suggested to ensure they are appropriate for a land registration system.

Secondly, new procedures required to facilitate the transition from TLUCs to PLUCs and Land Registration are discussed and formats for the forms required are suggested. This includes the LDC and the PLUC. Provisions and conditions for granting and issuing these various forms are also proposed.

It will be necessary to examine these procedures and forms closely and edit them as required. To accomplish this it is suggested that discussions are convened between the National Program for Shifting Cultivation Stabilisation (NPSCS), the Lands Department and the LUP sub-program of LSFP.

The following tasks need to be achieved in the near future:
1. Approval and adoption by the NPSCS/DOF of the procedures and methods for TLUC registration developed by the LUP sub-program.
2. Introduction of the TLUC Registration procedures and methods as a standard practice in the LUP and LA process.
3. Discussions between the MAF/DoF, MAF/DoL, the NPSCS and the LUP sub-program of LSFP on the proposals contained in this discussion paper.
4. Approval and adoption of new procedures for the issue of PLUCs.

1. Discussion on the Temporary Land Use Certificate
The Temporary Land Use Certificate (TLUC) is the document issued at the time of land allocation which provides proof of the right of a person or persons to use a parcel of agricultural land.

The TLUC provides the land use entitlement for a period of three years after which the owner has the opportunity to convert the TLUC to a Permanent Land Use Certificate if certain land development has been undertaken and stable land uses are adopted.

A TLUC can be rescinded should the land not be used by the certificate holder during the specified period of three years, or if the land has been abandoned or if the land has not been used appropriately. Villagers are also subject to sanctions if they use land which has not been allocated.

The Land Use Contract discussed elsewhere in this document provides further details on the obligations of TLUC holders.

There are a number of deficiencies in the current TLUC document which have become apparent during pilot activity on land registration. Discussions regarding the impact of land allocation practices on the rights of men and women also indicate that the TLUCs should be reviewed to ensure that the documents reflect the intent of the Property and Family Laws.

1.1 Matters Requiring Consideration

It is appropriate that the TLUCs be reviewed with the aim of facilitating (as distinct from constraining) a commitment from farmers to develop and use allocated land efficiently and appropriately and to increase the opportunity for the adoption of stable and sustainable land use practices.

1.1.1 Duration or Life of Temporary Land Use Certificates

The Issue

The period of three (3) years specified for TLUC holders to make the transition from traditional cultivation practices to stable forms of land use is often not compatible with the capacity or capability of many villagers because of the large variation in the characteristics of farming systems in the country.

In addition the ability of farmers to make the transition is largely determined by factors which farmers do not control such as market availability, access to quality planting materials, credit facilities, extension services and transportation etc.

Further it is technically very difficult, or impossible in many cases, for resource poor farmers in the uplands to accomplish the desired land development or land use changes within three years.

Therefore the three year limitation does not address the issue of poverty alleviation.
Article 7 of the Decree on Land Tax states that land users are entitled to land tax exemptions as follows:

- Newly cleared fields in mountainous areas (upland fields or swidden fields) shall be exempted for a period of 5 years from the day the fields are cleared.
- Newly cleared fields in the plains (paddy land fields) shall be exempted for a period of 3 years from the day the fields are cleared.
- Long-term industrial tree and fruit tree orchards shall be exempted for a period of 2-5 years from the day the trees are planted based on length of time the various varieties take to reach production.

It is understood that this is intended to provide an incentive for farmers to invest in land development and improved land use practices after a TLUC is issued.

The mandatory 3 year period as specified in the current TLUCs is consistent with this incentive only in respect to rice paddy land development and inconsistent and counter to this incentive in respect to all forms of agriculture in the uplands.

Addressing the Issue

The issue could be addressed in the following ways:

- Consider the constraints and opportunities of the particular farming systems and the resources available to farmers, and then determine realistic periods for farmers in the various farming systems to make the transition from non-sedentary to sedentary land uses.
- Provide training on farming systems analysis for staff responsible for allocating land to provide them with adequate decision making capabilities.
- Apply land tax exemptions as an incentive for farmers to invest resources in land development and improved land uses. See reference to the Decree on Land Tax above.
- Include the provisions and conditions of the TLUC by writing them on the back of the TLUC document. This could also include explanations about the transition to a Land Development Certificate and the Permanent Land Use Certificate and the land tax requirements and exemptions which apply.

Changes to the TLUC

The TLUC form could be amended so that the period of the TLUC covers a period from 3 to 7 years depending on the farming system and intended land use.

1.1.2 Gender Considerations in Land Allocation

The Issue

Under the laws of the country men and women are equally entitled to hold property. The Land Law specifies that any property acquired during marriage is regarded as joint property. Land owned by a women prior to her marriage remains her individual property and is not included in the joint property acquired during marriage. Land allocation should not therefore be detrimental to the interests of women.
When the Pilot Land Titling Project was being formulated was being prepared in 1995 it was found that mistakes in land registration were being made for a number of reasons, including, poorly worded forms, a lack of awareness of gender issues by officials, a high incidence of illiteracy and a lack of understanding by villagers of the requirements and implications of the official processes, (Project Document, 1995).

It is very doubtful if these entitlements are fully understood by staff responsible for allocating agricultural land or the villagers claiming land for allocation. Therefore land entitlements may not be considered thoroughly.

Being granted a TLUC is an initial step in the process of land registration and land titling so traditional land inheritance and ownership situations within families need to be examined and considered before land is allocated and TLUCs are issued.

The TLUC form currently in use, although referring to “Head of the Family” and “Spouse”, is worded in such a way that it infers that the head of the family is generally the man. There is ambiguity in the wording which could result in entitled individuals not being allocated the land.

Addressing the Issue

The issue can be addressed in the same way that the Pilot Land Titling Project has dealt with the matter, ie, by:
• providing training to land allocation staff on gender awareness and the content and implications of the Family Law and the Property Law.
• engaging the Lao Women’s Union to assist in publicising among women their rights in the land allocation process.
• improving the wording of the TLUC form so that it is non-ambiguous and reflects the intent of the laws of the country.

Changes to the TLUC

The TLUC should be re-formatted to remove the short-comings mentioned above. An attempt has been made to do this in the example provided in this report. It will require further careful consideration.

1.1.3 TLUCs in the Land Registration Process

The Issue

The LSFP has initiated a pilot land registration program so that land allocation data can be stored and managed properly which will facilitate the process towards land titling in the future. The main tool in this management system is a land register.

During the work to develop TLUC registers in pilot villages it was found that some information necessary for preparing them was not available on the TLUCs.

The reason for this is that the current system of preparing land allocation maps and documents is an owner-based system instead of a land parcel-based system. Land
parcel numbering on a village basis has not been done. Normally parcels for each family are numbered separately. This is not a workable proposition if the registration of land parcels is to be accomplished accurately.

Each parcel allocated needs to have its own unique number so that it can be identified easily. Other information about that parcel of land can be accessed using the unique parcel number.

Another problem is that the details of a number of land parcel parcels are included on the one TLUC, i.e., a number of parcels have the same TLUC number. This makes the management of the record system very difficult if the ownership of a parcel changes or a parcel is sub-divided. It also increases the potential for mistakes and opens the opportunity for illicit practices.

**Addressing the Issue**

The issue can be addressed by:

- Changing the procedures for numbering the parcels of land on the land allocation documents when land allocation is undertaken.
- Changing the land use mapping procedures to ensure that all parcels allocated and indicated on the village land use map are numbered with a unique number before the land allocation activity is completed.
- Preparing one set of documents for each parcel of land allocated.
- Training land allocation staff on land registration procedures and methods so they are aware of the importance of land registration for the survival of the land allocation program.

**Changes to the TLUC**

The format of the form should be changed as follows:

- One TLUC should be prepared for each parcel allocated
- Provision should be made on the TLUC form for entering unique land parcel numbers.

Examples of the current TLUC form and the proposed layout for a new TLUC form are provided below.
TEMPORARY LAND USE TRANSFER FORM

- Based on the policy of the Party and the Government on the allocation of land and forest for use by families,
- Based on the directives on the procedures for the allocation of land and forest……

The Forest and Agricultural Land Allocation Committee of………..District, Province
Agrees to grant the right to manage and use land……………………………………
To the family of Mr…………………………., Age………………………….Years
Name of spouse……………………., Age…..years, occupation…………………………
Presently domiciled at Unit……, ………………….Village,…………………District
As proposed by the said person for the use of land from the District Forest and Agricultural Land Allocation Committee on the date of………..as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Location</th>
<th>Area North</th>
<th>South West</th>
<th>East</th>
<th>West</th>
<th>Land Use or Crop Option</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>Next to Distance</td>
<td>Next to Distance</td>
<td>Next to Distance</td>
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<tr>
<td>Total</td>
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</tr>
</tbody>
</table>

Therefore, this temporary transfer of land use right is issued as evidence.

Remarks:
Detailed sketch maps of each portion of land transferred is included on the back of this document.
The Temporary Transfer of Land Use Right document is produced in 3 copies:
1 copy is retained by the person granted the land use right.
1 copy is retained by the village head.
1 copy is retained by the District Agriculture and Forestry Office.
The Temporary Transfer of Land Use Right document is effective for a period of 3 years from the day it is signed.

Signed and Acknowledged by the Village Chief
Transferee
District Forest and Land Allocation Committee,

1…………………………
2…………………………
3…………………………
1.3 Proposed New Format: Temporary Land Use Certificate

Lao People’s Democratic Republic
Peace Independence Democracy Unity Prosperity

………………Province No.____/DAFO
………………District
Forest and Agricultural Land Allocation Committee

TEMPORARY LAND USE CERTIFICATE

- Based on the Land Law and the policy of the Party and the Government on the allocation of land and forest for use by families,
- Based on the directives on the procedures for the allocation of land and forest as stipulated in the Prime Ministers Instruction No.03/PM of 12/7/1996 and the Ministry of Agriculture and Forestry Directive No. 822/MAF of 2/8/1996.

The Forest and Agricultural Land Allocation Committee of………..District,…………Province
Agrees to grant the TEMPORARY right to use and manage land as indicated below
To Mr and Mrs or Mr/Mrs (strike out those not applicable)
Names or Name of land owner…………………………………………………………………..
Occupation/s………………………………………………………………………………………….
Age……………………………………………Years
If married, name of spouse……………………………………, Age……….years,
Presently domiciled at Unit………, …………………Village………………….District
Land Allocated on the date of………………….
Particulars of land parcel allocated are as follows:

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Location</th>
<th>Area</th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
<th>Proposed Land Use or Development</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Next to</td>
<td>Distance</td>
<td>Next to</td>
<td>Distance</td>
<td>Next to</td>
</tr>
</tbody>
</table>

This Temporary Land Use Certificate is issued as evidence of ownership and the right to use and manage the land in accordance with the attached Land Use Contract.

Remarks:
1. Two (2) copies of the Temporary Land Use Certificate are produced:
   1 copy is retained by the person granted the land use right.
   1 copy is retained by the District Agriculture and Forestry Office.
2. A detailed sketch map of the land parcel is attached to the TLUC on a Land Parcel Map form.
3. A Land Use Contract (or Land Development Plan) is attached to the TLUC.

<table>
<thead>
<tr>
<th>District Agriculture and Forestry Office (representing the State)</th>
<th>Village Head</th>
<th>Land Owner/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature and Stamp</td>
<td>Signature and Stamp</td>
<td>Signature/s</td>
</tr>
</tbody>
</table>
1.4 Conditions Related to the TLUC

(On the Back of the TLUC)

1. Provisions

1.1 Stable Land Development and Land Use

1. The holder of this Temporary Land Use Certificate is bound/obliged to progressively develop the land to a stable form of land use within a stipulated period of time depending on the type of land use or development.

2. At the time that the land covered by this Temporary Land Use Certificate is assessed as having been developed (or in the process of being developed) appropriately, the Temporary Land Use Certificate may be converted to a Permanent Land Use Certificate.

3. The issue of a Permanent Land Use Certificate will be contingent upon the owner being granted a Land Development Certificate from the Ministry of Agriculture and Forestry declaring that the land described in this TLUC has been appropriately developed.

4. The allowable period to effect stable land use will depend on the type of land use or land development proposed by the owner on the TLUC. The allowable periods are as follows:

- Rice paddy land: Maximum of 3 years
- Long-term industrial trees and fruit trees orchard land: From 2 to 5 years from the day the trees are planted based on the length of time the particular varieties take to reach production.
- Annual upland cropping land: The owner must adopt stable farming methods including some form of soil erosion measures on each plot allocated within a period of 7 years in order to be eligible for the issue of a Land Development Certificate.

5. This Temporary Land Use Certificate will remain in effect or valid until a Land Development Certificate is issued, or until such time that the TLUC is rescinded.

6. This TLUC will be rescinded if the development conditions for the issue of a Land Development Certificate are not realised within the allowable periods indicated above.

7. If this TLUC is rescinded the owner will forfeit the land to the care of the Village LUP and LA Committee.

1.2 Agricultural Land Tax Requirements

1. Land tax will be paid on the land allocated according to its topographical position, location and soil quality at a rate as stipulated in Article 6 of the Decree on Land Tax.

2. Land tax will be paid only on land parcels on which agricultural or agro-forestry activities are undertaken in any particular year.

4. Land users are entitled to land tax exemptions as stipulated in Article 7 of the Decree on Land Tax, i.e.,

- Newly cleared fields in mountainous areas (upland fields or swidden fields) shall be exempted for a period of 5 years from the day the fields are cleared.
- Newly cleared fields in the plains (paddy land fields) shall be exempted for a period of 3 years from the day the fields are cleared.
- Long-term industrial tree and fruit tree orchards shall be exempted for a period of 2-5 years from the day the trees are planted based on length of time the various varieties take to reach production.
2. Discussion on the Land Use Contract

The Land Use Contract (LUC) accompanies the TLUC. It outlines the conditions for managing parcels of land which have been allocated to families or individuals.

For each TLUC prepared a LUC is prepared. Under the current procedure of issuing only one TLUC per family the LUC can cover a single parcel or a number of parcels. When the issue of TLUCs is changed to a parcel based system rather than a family based system each LUC will be specific to only one parcel of land.

The LUC in use at the present time seeks to accomplish two things:
- a particular land use on allocated land
- the cultivation of only allocated parcels of land

To accomplish these aims the contract specifies fining land users and the threat of forfeiting the land if offences continue.

Such approaches imply there is a DAFO capacity to monitor land use on all parcels allocated and to effect sanctions should there be irregularities in land use. This is very ambitious given the resources available at DAFO.

Factors which limit the ability of farmers to effect land use changes are often beyond the control of the farmer, ie, access to good quality farming land, lack of markets, transportation, access to quality extension services and capital.

Thus not surprisingly contracts specifying particular land uses or cropping choices are frequently not followed by farmers and they are prepared to pay fines in return for the use of the land for one or two years before they move to another plot.

The question is should contracts be issued if they do not achieve what is intended.

With respect to achieving stable land development and land use change contracts should be replaced by participatory land use planning and extension activities with communities and individuals. A system of encouraging farmers to choose from a number of appropriate land use and cropping options should be used.

Thus farmers should not be contracted to implement a particular land use or cropping practice (targets) in the upland. Reference to specific land use targets should not be included on a land use contract.

With respect to achieving agricultural cultivation in appropriate areas, the LUC should be used as a mechanism to ensure that firstly, cultivation is practised in zones delineated for agriculture and, secondly, that families or individuals use land which has been allocated to them.

Thus the clauses in the LUC which seek to achieve this should be retained in the contract.
The present LUC has references to land use options based on slope classes. While it is most desirable to make this information readily available to farmers the LUC is not an appropriate medium for disseminating this type of information. It should therefore not be included on a LUC. It would be more suitably included in extension recommendations.

The wording regarding ownership of land on the LUC is similar to the TLUC. The wording needs to be improved on the new LUC form to ensure that regardless of gender the responsibilities for appropriate land use are given to the families or individuals granted the entitlement to use the land on the corresponding TLUC.

Examples of the current LUC form and the proposed lay-out for a new LUC form are provided below.
2.1 Current Format: Land Use Contract

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

_______________

............................Province       No._____ DAF
............................District
............................Office

LAND USE CONTRACT

- Based on the policy guidelines of the Party and the State on the allocation of land for production, management and sustainable use by families.
- Based on the work directives in the allocation of village, district and provincial land and forest to families for management and sustainable use.
- Pursuant to the proposal for the right to manage and use land by Mr. .......... ........... , domiciled at Unit........ No....., of .............. Village,.................. District, Province, whose family includes........ members and.......... labour units.

The District Agriculture and Forestry Office representing the State has surveyed and measured the production areas of the proposer on the date of.............. The said land has an area of............ hectares, meeting the standards and conditions for production the details of which are included in the Temporary Transfer of Land Use Form No........ DAF, dated..............

Both parties have agreed to enter this Contract on the Management and Use of Land as follows :

The ..................... District Agriculture and Forestry Office, hereinafter called the State. The farming family hereinafter called the person receiving the right to manage and use land.

Both parties have agreed to manage and use the land as follows :

Article 1: The State acknowledges the proposer's right to manage and use the said land in accordance with the laws and regulations on the management and use of forest and agricultural land.

Article 2: The State (District ) shall monitor the use of each piece of land every year, and the person receiving the right to use the land shall use the land in accordance with the following land use management conditions described in Articles 3 and 4.

Article 3: The person receiving the right for the contracted management and use of land shall every year undertake production in at least one piece of land, using sustainable conservation practices.

Article 4: Land which has been allocated can not be sold. If a person sells allocated land, the person will be fined, the amount depending on relevant land use rules.

Article 5: The land managing and using party shall clear and use the land only within the allocated and measured areas.
Article 6: If the land managing and using party fails to perform as provided for in Articles 3 and 4, the District Agriculture and Forestry Office shall fine the party as follows:
- 1st offence: a fine of 5,000 Kip.
- 2nd offence: a fine of 10,000 Kip.
- 3rd offence: a fine of 15,000 Kip and the forfeiture of the temporary land management and use right.

Article 7: In addition to the above conditions in Article 3, 4 and 5, the District recommends that the person receiving the right to use and manage the land should apply sustainable land use options appropriate to slope zones as follows:

0 - 12% Paddy, terraced paddy, pasture (for livestock), fish ponds, short and long term fruit trees and tree crops, and commercial field crops with conservation measures and practices.

13 - 36% Terraced paddy, short and long term fruit trees, commercial value trees, tree crops, and field crops with conservation measures and practices.

37 - 45% Commercial value trees, tree crops and field crops if necessary with conservation measures and practices.

> 45% Commercial trees and conservation of natural forest.

Article 8: This contract is effective from the day it is signed until further modification.

At..................Date........,199..
2.2  Proposed New Format:  Land Use Contract

Lao People’s Democratic Republic
Peace Independence Democracy Unity Prosperity

..................Province                No._____DAFO
..................District

LAND USE CONTRACT

- Based on the policy guidelines of the Party and the State on the allocation of land for management and production by families.
- Based on the land allocation directives issued by district and provincial land and forest management authorities.
- Pursuant to the proposal for the right to manage and use land by Mr and Mrs or Mr/Mrs...........……………………………………………………………………..
domiciled at Unit.......No.....of ...................Village..........................District
...............Province.

The District Agriculture and Forestry Office representing the State has surveyed and measured the production areas of the land claimant on the date of.............. The said land has an area of............hectares. Details of the land allocated are provided in TLUC No……..DAFO.

The following parties have agreed to enter this Land Use Contract:

The .....................District Agriculture and Forestry Office, hereinafter called the State. The family or individual mentioned above, hereinafter called the owner.
Both parties have agreed that the land will be managed and used as follows:

Article 1 : The State acknowledges the owner’s right to manage and use the said land in accordance with the laws and regulations on the management and use of forest and agricultural land.

Article 2 : The State (District ) may monitor the use of the land as it deems necessary, and the owner shall use the land in accordance with the land use management conditions described in Articles 3,4,5 and 6

Article 3 : The owner having been allocated the land shall use the land for agricultural production.

Article 4: The owner is not permitted to cultivate land allocated to another family or individual.

Article 5 : Land which has been allocated can not be sold. If the owner sells this parcel of land, the owner will be fined, the amount in accordance with State land use rules.

Article 6 : The land owner shall clear and use land only within the measured boundaries.
Article 7 : If the owner does not use the land as provided for in Articles 3, 4, 5 and 6 the District Agriculture and Forestry Office shall fine the party as follows:

- 1st offence : a fine of 5,000 Kip.
- 2nd offence : a fine of 10,000 Kip.
- 3rd offence : a fine of 15,000 Kip, and the forfeiture of the temporary land use right.

Article 8 : This contract is effective from the day it is signed.

At....................., Date.........., 199..
3. Discussion on the Land Parcel Map Form

A Land Parcel Map Form is prepared after the parcel has been measured. The parcel is drawn on the form using the field survey data. Depending on the size of the parcel, the map will usually be drawn at a scale of 1:500, 1:1,000 or 1:2,000.

The Land Parcel Map is attached to the TLUC and LUC documents when the land is allocated to families.

Noted on the Land Parcel Map Form are the following details:
- Parcel number
- Location and particulars of adjoining land for identification purposes
- The name of the land owner or owners.
- Approximate land slope
- Direction of slope
- Soil Condition
- Current crop planted or land use
- Next year’s crop or land use

The current form requires that the next year’s crop or land use be indicated. The purpose of this is to enable staff to check if the land was used the following year for the purpose stated. Ultimately what is more important is not what crop will be grown next year but that the land be used productively in the future regardless of the crop grown. Therefore there is not much point in trying to establish from farmers the particular crop to be planted because this will depend on the preference of the farmer.

Therefore no benefit is likely to result from having this question on the form and it should be deleted.

The information on current crop planted or land use is however very useful because it can be used as base-line information for monitoring land use change some time in the future (not necessarily the following year). This question therefore should remain on the form.

The current Land Parcel Map Form has no provision for entering a TLUC number. This is valuable and necessary in a land registration system. The format should be improved to include a TLUC number.

The current form indicates plot number, meaning the plot number of the particular family or individual. This is not the correct way to number parcels of land in a land registration system. Therefore family Plot No. should be changed to Parcel Number so that the parcel can be identified in the village register.

The words Family Head and Spouse are used on the form. To be consistent with the wording on the TLUC and the LUC these should be replaced with Owner/s Name and the words Mr and Mrs, Mr/Mrs included so that the ownership of the parcel is beyond doubt.
3.1 Current Format: Land Parcel Map Form

<table>
<thead>
<tr>
<th>Plot No.</th>
<th>Location</th>
<th>Slope (%)</th>
<th>Slope Direction</th>
<th>Soil Type</th>
<th>Land Use or Crop Planted</th>
<th>Land Use or Crop Next Year</th>
</tr>
</thead>
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<table>
<thead>
<tr>
<th>Village</th>
<th>Unit</th>
<th>District</th>
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<table>
<thead>
<tr>
<th>Family Head</th>
<th>Age</th>
<th>Spouse</th>
<th>Age</th>
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<table>
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<tr>
<th>North-Next to</th>
<th>Boundary length</th>
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<th>South-Next to</th>
<th>Boundary length</th>
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<table>
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<th>West-Next to</th>
<th>Boundary length</th>
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Scale: (Tick)  

1: 500  
1: 1,000  
1: 2,000  

Area (ha)  

Date of Measurement  
Name of Surveyor  

N  

⇑⇑⇑⇑
### Proposed New Format: Land Parcel Map Form

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>TLUC No.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td></td>
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<tr>
<td>Slope (%)</td>
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<tr>
<td>Slope Direction</td>
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<tr>
<td>Soil Type</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Land Use or Crop</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Owners Name: Mr and Mrs, Mr/Mrs.

North-Next to ........Boundary length ........

South-Next to ........Boundary length ........

West-Next to ........Boundary length ........

EN Bd

N

Scale: (Tick)

<table>
<thead>
<tr>
<th>1: 500</th>
<th>Area (ha)</th>
<th>Date of Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1: 1,000</td>
<td>Area (ha)</td>
<td>Name of Surveyor</td>
</tr>
<tr>
<td>1: 2,000</td>
<td>Area (ha)</td>
<td></td>
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</tbody>
</table>
## 4. Discussion on the Land Development Certificate

The GOL has agreed to a land registration procedure to enable land holders to acquire title to agricultural land. This procedure has four steps:

1. Issue of a Temporary Land Use Certificate (TLUC)
2. Approval for and issue of a Land Development Certificate (LDC)
3. Land Registration (of a Permanent Land Use Certificate or Survey Certificate)
4. Land Title

The TLUC is issued by the Department of Forestry (DoF) for parcels of land allocated under the Land Allocation programme.

The LDC will be issued by the DoF if a parcel of land has been used and managed in an appropriate manner and in accordance with the terms of the TLUC and the LUC. The requirements or conditions for the granting of a LDC have yet to be considered or specified. To date the LUC form has not been designed.

The conditions which must be met by the land owner to acquire a LDC have yet to be considered closely and specified, but in general terms, the land use or land development must be “stable” and “contribute to the long term conservation of the land”

The DoF is responsible for considering and specifying what land use development and land use practices will qualify a land user to be granted a LDC.

This matter will require very careful consideration because the land development methods and land use practices vary substantially depending on the topography and farming system in which land development and land use is undertaken.

The conditions for the issue of the LDC will have to be sufficiently stringent to ensure than the land is protected for the long term but also sufficiently flexible to enable farmers to make the required land use changes within the resource limitations which confront them.

The process of land registration will require the DAFO to provide an improved extension service in order to raise awareness levels of farmers regarding both the procedures and conditions for land registration and the land development and land use practices required to be granted a LDC.

A procedure and program of land use monitoring will also have to be developed by the DoF/DAFO to enable assessments to be made of land development and land use practices in conjunction with land owners. A major undertaking will be required if this monitoring work is to be done properly as there are thousands of parcels of land to be assessed. A re-distribution of DAFO resources will probably be necessary to accomplish this task.
4.1  Proposed Format:  Land Development Certificate

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

...............Province                No.______DAFO
...............District

LAND DEVELOPMENT CERTIFICATE

- Based on the directives on the procedures for the allocation of land and forest as stipulated in the Prime Ministers Instruction No.03/PM of 12/7/1996 and the Ministry of Agriculture and Forestry Directive No. 822/MAF of 2/8/1996 on the management and use of forest and agricultural land.

The Forest and Agricultural Land Allocation Committee of........District,..........
Province having inspected and assessed the land development undertaken and the land use practices adopted on the parcel of land detailed below,
Agrees to grant a Land Development Certificate to:
Mr and Mrs or Mr/Mrs (strike out those not applicable)
Name or Names of land owner/s.----------------------------------------------------------------------------------------
Occupation/s.................................................................................................................................
Age..................................Years
If married, name of spouse.............................................., Age........years,
Presently domiciled at Unit……., ..................Village,.....................District
Land Development Certificate issued on the date of..................................................
Particulars of land parcel for which the Land Development Certificate applies are as follows :

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Location</th>
<th>Area</th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
<th>Proposed Land Use or Development</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Next to Distance</td>
<td>Next to Distance</td>
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</tbody>
</table>

This Land Development Certificate is issued as evidence that the owner/s have developed the land and adopted appropriate land use practices to the satisfaction of the District Forest and Land Management Committee since Temporary Land Use Certificate No............was issued to the owner on........ (date). The issue of this Land Development Certificate entitles the owner to be granted a Permanent Land Development Certificate for a period of 15 years.

Remarks:
1. Two (2) copies of the Land Development Certificate are produced:
   1 copy is retained by the person granted the Land Development Certificate.
   1 copy is retained by the District Agriculture and Forestry Office.
2. Provisions and conditions for the issue of this Land Development Certificate are provided overleaf.

<table>
<thead>
<tr>
<th>District Agriculture and Forestry Office (representing the State)</th>
<th>Village Head</th>
<th>Land Owner/s</th>
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</thead>
<tbody>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Signature and Stamp</th>
<th>Signature and Stamp</th>
</tr>
</thead>
</table>

Signature/s
4.2 Land Development and Land Use Practices Assessment

1. Assessment Personnel
The personnel authorised to undertake the assessments are PAFO and/or DAFO staff who have responsibility for LUP/LA, Extension, Conservation and Gender.

2. Farmer Awareness
The PAFO and DAFO staff mentioned above are responsible for promoting awareness and understanding of the land registration process and the requirements for obtaining Land Development Certificates (LDC) and registering Permanent Land Use Certificates (PLUC). This should be undertaken during advisory or monitoring visits to villages.

3. Monitoring Visits
Monitoring visits have two purposes; one, to advise families or individuals on appropriate land development and land use practices after TLUCs have been issued, and two, to make assessments based on agreed land development and land use practice criteria.

4. Land Development and Land Use Practice Criteria.

Lowland for Conversion to Paddy Rice Fields:
- In normal circumstances the development to paddy fields must be accomplished in no longer than 3 years after land allocation or the owner will be subject to fines or forfeiture of the land.
- The land must have been bunded, levelled, and ploughed to an extent that the field will collect sufficient rain water and be capable of growing a rice crop during the wet season.
- All of the parcel area must have been developed before the LDC can be issued.
- Should an owner with limited resources not have developed all of the land BUT demonstrates that he/she is making reasonable progress with development, the owner may be allowed to continue development without penalty for 1 more year, after which the LDC may be issued.

Upland for Annual Field Crops:
- In order to be eligible for a Land Development Certificate the owner must adopt stable farming methods including some form of soil erosion measure on the allocated parcel within a period of 7 years from the date that the TLUC is issued or he/she will be subject to fines or forfeiture of the land.
- Upland annual field crops should not be planted on land above 45% slope, however if the owner has only steep land, cultivation on slopes up to 60% is permissible, but with soil conservation measures.
- Soil conservation measures of some kind must be used in combination with all upland crops planted. These measures include: Vegetative hedge rows; vetiver grass strips; shallow contoured ditches (hand constructed); shallow contoured ditches planted with short term cash crops (eg, pineapples); shallow contour ditches in combination with leguminous hedge rows (eg, pidgeon pea and leucaena); shallow contour ditches and vetiver grass strips, or other soil erosion structures.
- Conservation cropping practices of some kind must be practised between the contoured soil conservation structures or strips. These include: Contour row planting of field crops between contour strips and shallow ditches; the introduction of legume crops to the cropping system; planting of legume crops in rotation with hill rice and other non-leguminous field crops; no burning of crop residues; maintaining soil cover with crop residues to increase of organic matter; limiting the amount of soil disturbance when preparing land for planting crops; applying animal manure or fertilizer (if affordable) to increase plant growth, plant dry matter and organic matter.
- The owner must have introduced soil erosion measures and/or conservation cropping practices on more than half of the area of the land parcel to qualify for a LDC.

Upland for industrial trees and fruit trees:
- The owner must establish industrial trees and fruit trees within a period of 5 years from the day the TLUC is issued or he/she will be subject to fines or forfeiture of the land.
- Fruit trees should be planted on the contour and preferably between hedge rows or grass strips.
- Nurturing or protecting naturally occurring commercial tree species such as por sa within the fallow fields so that they eventually become productive is an acceptable land use.
- The owner must have planted fruit trees or commercial trees and/or nurtured or protected naturally occurring commercial trees on more than half of the area of the land parcel to qualify for a LDC.
5. Discussion on the Permanent Land Use Certificate

The Permanent Land Use Certificate (PLUC) is the term used by the DoF to describe a land use certificate which will be issued to land owners to replace the TLUC. Under current rules this will be possible after a period of three years if the land has been developed or used appropriately.

The present rules state that if the land is not developed or used appropriately after three years, the land can be forfeited and re-allocated to another owner.

To date no PLUCs have been issued because a procedure to effect the transition from TLUC to PLUC has not been developed.

Very recently the GOL has adopted a new or revised procedure for land registration and land titling. This procedure has four steps:

1. Issue of a Temporary Land Use Certificate (TLUC)
2. Approval for and issue of a Land Development Certificate (LDC)
3. Land Registration (of a Permanent Land Use Certificate (PLUC)or Survey Certificate)
4. Land Title

The effect of this is that land development and land use practices since allocation will have to be assessed, and if the assessment is satisfactory, a LDC will be issued to the land owner. The assessment of the land development and land use practices and the issue of the LDC is the responsibility of the DoF.

When a LDC is issued the land owner is then in a position to have his land registered at which time a PLUC will be issued. The issue of the PLUC to land users is the responsibility of MAF/DoF. The registration of the PLUC is the responsibility of the Lands Department.

The content and format for the PLUC has not been considered or decided. A PLUC form has yet to be designed. A proposed format for the PLUC is presented below.

The Land Use Planning sub-program of the LSFP has received advice on land registration and has established procedures and methods for registering TLUCs. Manuals on these procedures were recently prepared (September 1999) in order that the information in the TLUCs is secured by the DAFO.

The security and availability of TLUC data at the DAFO is imperative for future transition to PLUCs and the registration of the PLUCs by the Lands Department.

The issue of a PLUC is a strengthening of the right to use and manage land for agricultural purposes. It also is an indicator of the success (or otherwise) of the strategy of the GOL towards stable and sustainable use of agricultural land. PLUCs therefore can serve as a monitoring tool.
Advice received from land registration specialists assisting the LUP sub-program is that the content and format of the PLUCs should be very similar to the TLUC because the document while strengthening the right to use and manage the land, also extends the time the owner may use and manage the land.

A question also remains about the length of time a PLUC should remain valid. Normally rights which are granted to persons are limited in time, eg, for a period of 15 to 20 years. It is suggested that the PLUC be limited to a period of 15 years.
5.1 Proposed Format: Permanent Land Use Certificate

Lao People’s Democratic Republic
Peace Independence Democracy Unity Prosperity

…………..Province       No.____/DAFO
…………..District

PERMANENT LAND USE CERTIFICATE

- Based on the Land Law and the policy of the Party and the Government on the allocation of land and forest for use by families,
- Based on the directives on the procedures for the allocation of land and forest as stipulated in the Prime Ministers Instruction No.03/PM of 12/7/1996 and the Ministry of Agriculture and Forestry Directive No. 822/MAF of 2/8/1996.

The Forest and Agricultural Land Allocation Committee of………..District,………… Province
Agrees to grant the PERMANENT right to use and manage land indicated below for a period of 15 YEARS to:
Mr and Mrs or Mr/Mrs (strike out those not applicable)
Name or Names of land owner/s………………………………………………………………..
Occupation/s………………………………………………………………………………
Age………………………….Years
If married, name of spouse……………………………………, Age……….years,
Presently domiciled at Unit……, ………………….Village,…………………District
Permanent Land Use Certificate issued on the date of……………………………
Particulars of land parcel allocated are as follows :

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Location</th>
<th>Area</th>
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</table>

This Permanent Land Use Certificate is issued as evidence of the right of the owner to continue land use and management on this parcel of land using stable and appropriate land uses and land use practices for a period not exceeding 15 years.

Remarks:
1. Two (2) copies of the Permanent Land Use Certificate are produced:
   1 copy is retained by the person granted the land use right.
   1 copy is retained by the District Agriculture and Forestry Office.
2. A detailed sketch map of the land parcel is attached to the PLUC on a Land Parcel Map form.

District Agriculture and Forestry Office (representing the State)
Village Head Land Owner/s
………………………………..………………………………..
Signature and Stamp Signature and Stamp

Signature/s