

**DECREE ON THE MANAGEMENT AND USE
OF FORESTS AND FORESTED LAND
Council of Ministers Decree No. 117/CCM**

Based on the resolutions of the 5th, 6th and 7th Plenary Meetings of the Party Central Committee of the IV session,

Based on the resolution of the 1st National Conference on Forestry of May 1989,

Based on the law on the Council of Ministers no. 1/82/CCM of August 20, 1982,

Based on the proposal forwarded by the Ministry of Agriculture and Forestry,

THE COUNCIL OF MINISTERS DECREES:

**PART I
MANAGEMENT OF FORESTS AND FORESTED LAND**

Article 1

Forests and forested land in the territory of the Lao People's Democratic Republic are the property of the national community represented by the State which performs their global and uniform management at the national level. The state entrusts rights and responsibility to all Lao citizens to preserve, regenerate, maintain and afforest, to use forests and forested land in conformity to the state laws and regulations, and to ensure that the volume of forest would increase steadily.

Article 2

The tasks entrusted to the Ministry of Agriculture and Forestry are:

- study strategic plans, policies, laws and regulations pertaining to forestry, wood industry and environment in view of submitting them for the approval of the Council of Ministers.
- develop provisions, recommendations, and elaborate regulations for the implementation of the above mentioned strategic plans, policies and regulations.
- organize, supervise and control the implementation of the strategic plans, policies and regulations pertaining to forestry, wood industry and environment at the national level.
- monitor and grasp the periodical changes occurring in forest resources.
- organize and direct the system of forestry and environment management network at the national level.
- study and approve the establishment of forestry enterprises, wood and forestry products processing plants and other factories using wooden raw materials as energy generators in the center and localities throughout the nation.
- nominate directors of forestry in provinces and in the prefecture, and directors of wood industry enterprises dependent of the Ministry.
- coordinate with the provinces and the prefecture in the nomination of forestry directors at the level of districts and directors of wood industry dependent of the localities.
- coordinate with the localities and relevant sectors to propagate and educate all Lao citizens to love nature and assume their responsibilities in the safeguard, regeneration, plantation and use of forest resources with high efficiency and in conformity with the state regulations.
- entertain foreign relations and cooperation in the field of sciences-technics on forestry, wood industry and environment,
- train and refresh cadres working in the field of forestry, wood industry and environment.

**PART II
GRANT OF FORESTS AND FORESTED LAND USE**

Article 3

The State grants 2-5 ha of forests and forested land for farmer families to use, 100-500 ha to villages and cooperatives to safeguard, regenerate and reforest within the limits of their localities.

Article 4

Forests and forested land managed and used by villages, cooperatives and farmer families must see their residual stand increase and are subject to usufruct and inheritance or transfer rights in conformity with the state regulations.

Article 5

Any collectivity or individuals volunteering to use fallow land and degraded forested land for the purpose of regeneration and reforestation, or of combining cultivation-livestock-forestry on their own financial means will be promoted and recognized the right by the state, provided the provisions and regulations on forestry are strictly respected.

PART III LAND AND FORESTED LAND USE

Article 6

If wanting to convert forests and forested land to other purposes, such as: construction of communication roads, mining, construction of hydroelectric dam, irrigation ... authorization must be requested from the Ministry of Agriculture and Forestry.

Article 7

Enterprise units authorized to cut trees must comply to the following regulations:

- Exploitation of wood in productive forests must be preceded by surveys and feasibility studies approved by the Ministry of Agriculture and Forestry.
- Obligations must be remitted to the state in totality and in due time.
- Reforestation must be undertaken according to the targets.
- Provisions on wood exploitation must be strictly implemented.

Article 8

The population needing to fell trees within the limits of the forests of villages or of their families to build new dwellings, repair their houses for a volume of 1 to 10 m³, must submit a request to the local administrative authorities which are entrusted to study, certify and present it to the district forestry authorities which will introduce it into annual plans, then forward the latter to the provincial and prefectural forestry authorities for authorization.

Article 9

Restrictions in forestry are:

- it is forbidden to cut wood unless new trees are planted to replace them.
- it is forbidden to cut restricted wood species, except when authorized by the Council of Ministers.
- it is forbidden to exploit general species of commercial trees without authorization from the Ministry of Agriculture and Forestry.
- it is forbidden to exploit exhaustively the forests, except when authorized by the Ministry of Agriculture and Forestry.
- it is strictly forbidden to remove logs from exploitation or wood cutting sites before receiving any authorization and stamping by the Ministry of Agriculture and Forestry (in the case of central enterprise units) or by the provincial, prefectural forestry authorities (in the case of enterprise units or population subject to the management of the localities).

- it is forbidden to damage forests surrounding water sources, covering slopes, plains, primary forests... to burn forests, to light fires near or in forested areas which would cause forest fires.
- it is forbidden to breed animals in young, newly planted forests and reserve s...
- it is strictly forbidden to transact forested land granted by the state.

Article 10

Commercial forestry entrepreneurs must assume the cost for maintenance, forestry resource taxes, special fees (in case of exporting such resources according to the state regulations).

Article 11

The Ministry of Agriculture and Forestry is empowered to collect and remit the maintenance fees, forestry resource taxes and fines generated from forestry to the state budget. Maintenance fees and fines will be planned by the Ministry of Agriculture and Forestry to be used in the protection, regeneration and development of forests. It is strictly forbidden to use this fund for other purposes. If deemed necessary, the state will allocate part of the forestry resource taxes in addition to this fund.

PART IV OFFENSES

Article 12

Any collectivity or individual offending this Decree will be warned, fined, have their bail confiscated, and serious cases will be judged by the court according to the law.

PART V ORGANIZATION OF IMPLEMENTATION

Article 13

The Ministry of Agriculture and Forestry is entrusted to formulate recommendations, elaborate provisions and regulations on the implementation of this Decree.

Article 14

The Ministry of Agriculture and Forestry is entrusted to coordinate with other relevant ministries and local administration authorities in experimenting the grant of forests and forested land in Vientiane Province and Prefecture and in Luang Prabang Province. After the experimentation's completion, drawn lessons must be propagated thoroughly through seminars for their development and realization at the national level.

Article 15

Ministers, heads of simile organizations, chairmen of provincial and prefectural administrative committees have the duty to organize this Decree's strict implementation.

Article 16

This Decree takes effect from the day of its signature, formerly issued provisions and orders contrary to this Decree are considered as superseded.

Vientiane, 5 October 1989
Chairman of the Council of Ministers,
(signed and sealed) Kaysone Phomvihane