

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

BASIC GUIDING MANUAL
ON INITIAL LAND AND FOREST ALLOCATION
IN LUANG PRABANG PROVINCE
FOR LEADING COMMITTEE AND TECHNICAL STAFF

By : Forest Service of
Luang Prabang Province

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Foreword

The experimental operation of land and forest allocation has been undertaken since 1989 and has, up till today, achieved gradual successes thanks to lessons drawn from other provinces. Through this implementation period, an evaluation work can be made and a certain number of lessons can be drawn which enable the defining of the methods of organization, planning and implementation of the initial operation of land and forest allocation in Luang Prabang Province in order to acquire uniform understanding and practices in all districts of the province.

This manual will be used not only to provide advices for field work operation, but also to form a basis for higher ranking committee in performing evaluation, monitoring and control works. In addition, this manual can be used in training program and also as technical document which is to be propagated to concerned team works in Luang Prabang province.

Some modifications and improvements might be made to the manual in the future. This will further improve the understanding of the system and raise the standard of land and forest allocation operation in Luang Prabang.

We, all technical staff, are ready to gladly receive proposals, guideline and lessons from all experienced persons in order to bring a revision and improvement to this technical manual. We would like to express our thanks in advance to all readers for using this manual and for giving a commentary view on it.

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Introduction.

The second congress of the Party Committee of Luang Prabang province had made an evaluation on the present situation of the environment and forest resources in our province which has alarmingly been deteriorated due to the fact that more than half of the population in the province still live on irregular agricultural production through slash and burn cultivation. In addition, in each year, there is wide-rang of disorderly cutting of trees and forest fire which, therefore, leads to heavy and continual destruction of forest and other natural resources. This destruction is mainly caused by the slash and burn cultivation practiced by local ethnic peoples who essentially require food for their living.

Proving facts

1) At present, the forest coverage of Luang Prabang province is in a very deteriorated condition. Today, the forest coverage is only 22% as compared to 70% as it was 50 years ago. If the forest is allowed to be continually destroyed, our Luang Prabang Province will certainly be subjected to negative effects for its socio-economic and environmental development by the next ten years.

2) Many rivers and water ponds have been dried up and there is frequent drought or flood.

3) Weather condition is subjected to irregular changes (not conformed with seasonal period).

4) Natural environment is destroyed, particularly the number of water and wild animals and the forest have, rapidly, been reduced, become rare and non-available.

5) Peoples are threatened by rice and food shortages in every year.

In order to resolve the above problems, the party, Government and Administrative Authority of the province have taken various measures and have put various methods into use, especially by setting-up of a number of organizations and projects. The main project is, however, the project of land and forest allocation or the assignment of land and forest to the people who will manage and use them accordingly to the Party's policy guideline and to the State Laws and regulation.

Main objectives of land and forest allocation method.

- 1) To improve, gradually, the living conditions of the multi-ethnic population by limiting and, thereafter, reducing the practices of slash and burn cultivation.
- 2) To ensure that the management and protection of forest are seriously and fully implemented.
- 3) To ensure that each land type and land parcel acquire clear ownership.
- 4) To encourage people to use their creativeness, efforts and capital in the reform and development of the land in a serious manner.
- 5) To evidently create the zones for agricultural and forest production.

General Objectives:

- To reduce and, thereafter, to stop completely the practices of slash and burn cultivation.
- To ensure permanent occupation and to gradually improve the living conditions of the people.

- To produce food products at the place of consumption.
- To produce commercial products.

Specific Objectives:

- To resolve the problem of dispute on productive land among the people
- To know the condition of development by section of the village
- To determine the administrative boundaries of each village.
- To clearly determine the forest land area and agricultural land area in the village.
- To reform the management and use of land in each village so that the possessor and user of allotted land is able to give the land as long term inheritance.

Policies:

- Family which does not have a rice-field or a permanent occupation shall, first of all, make effort to find, by itself, the area which can be cleaned to make a rice-field. If necessary, the state will, appropriately, allot an area which is to be used for agricultural and forest production. This land area shall not be higher than 4 "lau" (parcels) and shall be determined on the basis of the working capacity of one individual used in slash and burn cultivation at a rate of 0,5 hectare per main labour unit.
- Owner of agricultural and forest land use right shall, practically, use the land for the purpose of agricultural, forestry and livestock production.
- A family, in which the father or mother work as civil service personnel or company's employee or army officer or police personnel or businessman, shall not be allowed by the state to practice slash and burn cultivation any more. However, the State will allot one or two land parcels which are to be used for industrial crop cultivation or fruit trees plantation for commercial purposes or for planting industrial trees for

consumption as well as for commercial purposes. However, this land allocation depends on the availability of land area in the region.

- For family which has a rice field and which is able to be self-sufficient in rice, the State will adopt the same policy as has been used for family having permanent occupation (the evaluation of self-sufficiency capacity shall also include the dry-season rice cultivation if the field can be put into cultivation during the dry-season. In addition, other sources of income shall also be taken into account),

- In case there is a remaining area which is suitable for agricultural and forest production, the State shall distribute this land area to peoples who have the capacity in term of labour or capital which can be used for the development of this area on the basis of the application made by the concerned person and the consideration taken by the committees for land and forest allocation of district and provincial levels in accordance with the rights and powers assigned to each level.

- Distributed land area shall be used accordingly to the advices of the technical staff or of the committee for land and forest allocation which are given at the time of initial distribution.

- The State will recognize the actual possession and use right if the right possessor has paid the land tax accordingly to State laws and regulations and has used the land for regular and continual production or has followed the advices of technical staff given at the time of distribution.

- In each village, the State will undertake the land and forest allocation only once. This means that person who already acquires distributed land will not be again considered by the State.

Strategies.

- The land and forest allocation work shall be linked with the protection, conservation and plantation of forest in order to ensure gradual expansion of forest area. In addition, it shall also be linked with the production of commercial products based on economic targeted region.

- The land and forest allocation work shall be appropriately organized in regions. These regions shall be based on the complexity of possession right : region where peoples from various localities have, previously, retained and use the land and region which is exclusively managed

accordingly to agricultural and forest technical standard and to rural development or to other activities.

- There shall be a separate organization which is to coordinate the implementation work and to take charge of the follow-up, promotion and control works after the land and forest allocation work had been performed at village, district and provincial levels.

- The land and forest allocation shall be undertaken in two phases, such as: The first phase shall clearly determine the allocation of land area for agriculture and forest production which is to be managed and used in accordance with development directives for each sector and is taken as a basis for undertaking a registration of agricultural and forest land possession which is to be completed throughout the province by the year 2000. The second phase is the period of coordinating with land organization in order to perform and inspection work. It is also the period for taking up measurement work and issuing of ownership certificate accordingly to laws and regulation. This phase shall begin to operate after the completion of the first phase or, in case of necessity and urgency, it might be carried out earlier in certain localities.

Organizational Structure

Leading Committee: It consists of the concerned Division committee, direction committees of the district and province. This committee is charged of leading, controlling and providing facilities to the working committee.

Working Committee: It consists of the provincial forest service, working teams of provincial forest service. This committee is charged of carrying out the practical works in the locality and reporting to the next higher authority. At the same time, this committee shall be divided into two groups: The first group at province level shall be charged of conducting research on technical methods, creating forms which are to be used for the record of collected data and for data synthesis. In addition, this group shall also be teachers in the training course on technical matters and on mapping system. The second group, which is posted in each district, is charged of carrying out actual works directly at village level.

Village Supporting Committee: It consists of the village administrative committee and a number of village volunteers. This committee has the function to assist the working committee in the following-up of actual

implementation of the operation after the land and forest allocation has been performed.

Technical measures

- Big mountain having a height of above 50 m shall be divided into 3 parts, such as:

First part: It shall be made a region for permanent agricultural production.

Second part: It shall be made a region for agricultural, forest and livestock production and shall have measures for protection against soil erosion and measures for soil improvement.

Third part: It shall be made a protected forest which needs not require any capital for development, except in case of extreme necessity.

- Small mountain having a height between 20 m to 50 m shall be divided into two parts, such as:

First part: It shall be made a region for permanent agricultural production.

Second part: It shall be made a region for appropriate agricultural, forest and livestock production.

- Small mountain having a height of less than 20 m shall be made a region for permanent agricultural production or for fruit-trees plantation.

- Any area having natural forest which is in good condition or consisting of trees which have high economic value shall be well preserved. It is strictly forbidden to allocate this area for agricultural production purposes.

- In the area of river banks or automobile road sides, a space of 50m from each side shall be preserved. However, the levelled place of this area may be used as rice-field or fruit-trees garden or the sloped area may be used for industrial trees plantation if such area has previously been used.

- The land area along the streamlet sides and pedestrians road sides shall be preserved for at least 30m at each side.
- The land area along the water-track sides and irrigation canal sides shall be preserved for at least 10 m at each side.
- The land area of the upper stream of water reservoir, weir head and natural water source shall be preserved for a radius of at least 500 m from the reservoir side (the widest side during water rising).

Note: The division of mountain into parts aims at facilitating the recognition and understanding of the people. This division into first part to third part starts from the mountain foot up to the top of the mountain based on the conditions of the mountain.

Implementation phases.

General characteristics:

1. To propose the objectives to the village organization committee.
2. To held a gathering of the people, to propagate all concerned documents and to give advices on the supply of data and on the decision-making.
3. To collect data by using the forms which are prepared in advance.
4. To conduct an inspection of village boundaries in coordination with the administrative committee of neighboring villages.
5. To compare the collected data with each productive parcel of each family.
6. To make a consideration, in cooperation with village administrative authority, regarding the approval of each parcel which is to be authorized for each household.
7. To take part in the classification of forest into different categories of forest in the village.
8. To make a request to every household to build or make a fence around acquired land parcel on the basis of their economic condition by aiming mainly at creating biological fence so that each land parcel may have a clear boundary which will facilitate the cadastral survey operation in the second step or phase.

Characteristics of plain area to be allocated.

The same practices as in general characteristics have been adopted. However, the area is divided into blocks of equal size based on the irrigation service data or on the actual area acquired through clearance and marking.

Prohibitions

- It is forbidden to retain the land without undertaking an exploitation or production in a serious manner.
- It is forbidden to purchase and sell the agricultural and forest land or to transfer the ownership to another person who acquires legal inheritance right.
- It is forbidden to leave acquired land in idleness.

Understanding of the definition of certain terms.

1. "Rai" (slash-and-burn cultivation area) is an area or a place which is used for agricultural production in an uncontinual manner and for plants cultivation which depends on natural water (rain).
2. "River" consists of large river and large brook which may be used as a means of communication (even if it may be used only in the water-mouth region).
3. "Streamlet" consist of streams where there is water flowing throughout the year or during some period. However, this water stream can not be used for other activities other than for drinking and washing purposes.
4. "Water track" means the canal where water can flow through or "dry-season streamlet".
5. "Irrigation canal" means the water track used for evacuating water to cultivable area.
6. "Water reservoir" means natural pond or reservoir to keep water for the interest of the society.
7. "Weir head" means the place of construction of water weir which takes the construction spot as the center.
8. " Natural water source" is the hole where natural water comes out.

Forest and forest land which are under the direct management of household.

It is a natural forest, some is degenerated forest, in which the state has assigned to the household for development through plantation of trees. In addition, it includes forest which is planted by the peoples themselves and also a small part of natural forest in proximity with the household production area and where the state has recognized that the household has taken care of this forest.

Forest and forest land which are under the management of the village.

It is the forest and forest land in which the State authority has directly confided the possession right to the village and recognised the use right of the village. The forest and forest land which are under direct management of the village consist of the following types of forest: Conservation forest (cemetery forest, "golden forest"), protection forest (forest which is protected by villagers in the area of water source for drinking and washing purposes), production forest (forest where villagers have the right to go in to gather vegetables, bamboo-shoots and to use its usefulness to serve their daily livings). In addition, there is also degenerated forest land which fall under the responsibility of the village.

Forest and forest land which are under direct management of the State.

In general, the forest and forest land in the Lao PDR are under direct management of the State. However, because of the necessity in the planning for re-management and development, the state has delegated some management responsibilities to villages. The forest and forest land which are under direct State management consist of different types of forest, as being classified by State authorities of each level, in which the state has the specific plan for conservation and development.

Reserved water place.

It is the place along the water stream which is reserved for natural reproduction of species or the release of water animals in particular. This reserved water place shall have a clear boundary and all types of catching in this area shall be strictly forbidden, even it is made for a living or necessity.

Division of areas based on complexity in land management.

- Metropolitan area of the province or of the district where peoples used to have land title.
- Area where land title has never been in use; but, there is clear management and clear ownership (area which consist of rice-field and garden).
- Area where all persons are entitled to use all land parcels without previous determination of right.

Division of Areas for the management of land and Forest Allocation operation

- Areas confided to schools and to other development projects of the state and big companies which are to take charge of the management and development.
- Areas which are classified into Various categories of state forest.
- Areas confided to Villages, agencies and organisations which are to take charge of the management.

(Because each management area has the objectives and method of development which are different from one to another).

References:

- Decree No. 186/PM dated 12/10/94 on Land and Forest Allocation for tree plantation and forest preservation.
- Decree No. 169/PM dated 3/11/93 on the management and use of forest and forest land.
- Decree No. 99/PM dated 19/12/92 on land.
- Decree No. 50/PM dated 13/30/92 on Land Tax.
- Decree No. 118/PCM dated 5/10/89 on Management and Protection of water and forest animals and of Hunting and Fishing.

- Guide No. 0298/MAF dated 24/3/93 on the implementation of Decree No.118/PCM dated 5/10/89 (on the division of types of animals and penalties regulation).
- Directive of the Ministry of Agriculture and Forest No. 0370/MAF dated 11/05/90 on classification of forest types.
- Decision of the Minister of Agriculture and Forest No. 730/MAF dated 4/10/91 on Measures taken against violators of Forest Regulation.
- Additional Guide No. 0684/MAF dated 14/7/93 on the implementation of the notification No. 467/PMO dated 4/5/93 on Policy relating to construction wood.
- Regulation No. 0429/MAF dated 18/6/92 on Rights and Functions in the Management of Forest Resources at village level.
- Guideline and Plan for socio-economic development from now up to the year 200 of Luang Prabang Province.