

**The Forestry Law**

National Assembly

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Vientiane, 11/10/1996

President of the National Assembly

[seal of the President of the National Assembly]

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**Part I General Provisions****Article 1. Function of the Forestry Law**

This Forestry Law determines basic principles, rules, and measures relative to the administration, maintenance, use of forestry resources and forest lands, promotion of rehabilitation, planting and propagation of forestry resources in the Lao People's Democratic Republic in order to balance nature, make forests and forest lands a sustainable source of sustenance and used by the people, ensure the protection of water resources, preventing soil erosion, protecting flora, trees, aquaculture and wildlife and the environment, contributing to national socio-economic development for continually increasing wealth.

**Article 2. Forests**

Forests are a precious national natural resource comprise of flora, multiple types of trees which grow naturally or which are planted and the existence of which is necessary for the preservation of the environment and the existence of humanity.

**Article 3. Forest Resources**

Forest resources are resources which have life and which do not have life are comprised of soil, flora, trees, water, marine animals, wildlife, etc., which are all in the area of forest land.

**Article 4. Forest Land**

Forest lands are all parcels of land which do or do not have forest coverage which the State had determined are forest lands.

**Article 5. Ownership Relative to Forests and Forest Lands**

Natural forests and forests lands are the property of the national community whom the State represents in the administration and allocation of individual use and reasonable organization. Individuals and organization shall have the right to possess and use any tree, natural forest and forest land provided only that [they] have received approval from the relevant authorized agency.

For trees and forest which individuals or organisations have planted or have rehabilitated by

their own labors or funds with acknowledgment of the State, [such shall be considered] the property of the planter or the rehabilitator who has the right to possess and use, to receive the results of, transfer and succeed to [the interests thereof] according to the laws and regulations.

#### Article 6. Promotion of the Preservation and Propagation of Forests

The State promotes individuals and organizations to participate in the preservation, rehabilitation, planting of trees and propagation of forestry resources by issuing policies, rules and measure in order to make forests an abundant, valuable and natural resource which will never be exhausted.

Article 7. Rights, Benefits Relative to Preserving and Administering Forests and Forest Land  
Individuals and organizations who the State has assigned forests [or] forest lands for preservation and administration have the right to receive compensatory benefits, i.e., use of wood, harvesting forest products, etc. according to specific regulations issued by the relevant agency.

#### Article 8. Obligations in the Preservation of Forests and Forest Lands

Individuals and organizations have the obligation in the preservation of forests, forestry resources, forest lands, water sources, marine animals, wildlife and the environment, proper use of forests and forest lands according to regulations, to not degrade forests, to exhaust them, to issue necessary measures for the prevention of forest fires, contribute to preventing the destruction of forests by any means.

### **Part II Administering Forests and Forestry Activities**

#### Article 9. Administering Forests

#### Article 10. Surveying, Allocation and Categorization of Forest Type and Area

#### Article 11. Administrative Planning, Forest and Forest Land Use

#### Article 12. Assignment of Forests and Forest Lands to Local Authorities for Administration and Use

#### Article 13. Assignment of Forest and Forest Lands to Individuals and Organizations for Possession and Use

#### Article 14. Transformation of Forests and Forest Land

#### Article 15. Transformation Fees for Natural Forests or Forest Land

#### Article 9. Administering Forests

The administration of forests is comprised of surveying, forest allocation, forestry data and statistics collection, listing, categorization, demarcation of forest areas and forest lands, planning use, issuing regulations, distribution of forest and forest land use [and] technical recommendations.

#### Article 10. Surveying, Allocation and Categorization of Forest Type and Area

The Government assigns the Ministry of Agriculture and Forestry to co-ordinate with relevant sectors, local authorities to conduct forest surveys and allocation, to collect data relative to forests in the entire country to categorized type, to determine area, to monitor the circumstances of forest changes, the area of forest lands and the environment.

Determination of the types of forest, the area and the forest land area for each type must principally reference the location, the circumstances, the significance and the suitability of the forestry resource and forestry resource and forest lands existing in each geographical area of the country.

In addition, there must be a determination of forest types, the area of the forest, and forest land under central, provincial, prefectural, district, village, organizational, and individual administration.

#### Article 11. Administrative Planning, Forest and Forest Land Use

The Government determines the general administrative and use plans for forests and forest land throughout the country, which plan is comprised of long, medium, and short term plans which are thereafter submitted to the National Assembly for consideration and adoption. Local authorities, with reference to the Government's general plan and actual local circumstances shall make an administrative and a use plan for forests and forest lands in their localities and shall thereafter submit such to higher authorities of adoption.

#### Article 12. Assignment of Forests and Forest Lands to Local Authorities for Administration and Use

After allocation and division of forest types and determining forest lands, the Government shall assign rights to local authorities, from there the province and the prefecture shall assign to the district and the district to the village to be responsible.

In the assignment of forests and forest lands, the provincial authorities, the prefecture, the district or the village which have adjoining borders shall participate and acknowledge such.

#### Article 13. Assignment of Forest and Forest Lands to Individuals and Organizations for Possession and Use

The State assigns rights to use degraded forest lands or defoliated lands to individuals and organizations according to their labor and financial capacity to plant and rehabilitate forests for individuals the area shall not exceed three hectares for each laborer in a family. In case more is needed, [the concerned individual] has the right to lease [more] from the State. For organizations, reference is made to actual production capacity.

For enterprises which need to use degraded forests or defoliated land to plant trees, the state shall have a specific policy on a case by case basis.

Individuals and organizations are absolutely prohibited from using dense or reed natural forests for planting their trees which [forests] can themselves grow as natural forests.

#### Article 14. Transformation of Forests and Forest Land

It is prohibited to transform forestry area or forest lands which the State administers or which the State has assigned to an individual or an organization to possess and use according to purposes provided for some other purpose. In necessary cases and for the public good there may be transformation of forests or forest land to use for some other purpose, but there must first have been approval from the relevant authorized agency.

The authorized agency in approving relevant to transformation of forest and forest lands are comprised of:

District authorities for forest area or forest lands of three or less hectares with the approval of the Provincial or Prefectural Agriculture and Forestry Division;

Provincial and Prefectural authorities for forest areas or forest lands in excess of three hectares to one hundred hectares with the approval of the Ministry of Agriculture and Forestry;

Ministry of Agriculture and Forestry for forest and forest land areas in excess of one hundred hectares to ten thousand hectares with the approval of the Government;

Government for forest and forest land area in excess of ten thousand hectares or more with the approval of the National Assembly.

#### Article 15. Transformation Fees for Natural Forests or Forest Land

When there is transformation of a natural forest or forest lands into some other purpose, whether that change is permanent or temporary, those who have received permission for the transformation must be liable to pay fees for such transformation, modifications to the land and to replant trees; for wood and forestry resources, such are the property of the State.

### **Chapter 2 Categorization of Forest Type**

#### Article 16. Forest Types

Forests in the Lao People's Democratic Republic are divided into the following types:

- 1 Protected forests;
- 2 Forest Reserves;
- 3 Production Forests;
- 4 Rehabilitated Forests;
- 5 Degraded Forests or Defoliated Land

#### Article 17. Protected Forests

Protected forest are forests and forest land which are divided for the purpose of protecting water sources, preventing soil erosion, strategic areas for national defense, prevention of natural disasters, the environment, etc.

#### Article 18. Forest Reserves

Forest reserves are forests and forest lands which are separated for the purpose of preserving species of flora and fauna, nature and other precious things in terms of history, culture, tourism, the environment, education and experimental scientific research.

#### Article 19. Production Forests

Production forests are forest and forest lands which have been separated to provided for the requirements of national socio-economic development and peoples' regular and continual daily living needs in terms of wood and forest derived products which do not seriously affect the environment.

#### Article 20. Rehabilitated Forests

Rehabilitated forests are young reed forests which are separated for rehabilitation and complete restoration into old natural reed forests.

#### Article 21. Degraded Forests

Degraded forest are forests which have been heavily damaged, i.e., the land area has no forest [coverage] or the air is defoliated which is separated for reforestation or to assign to an individual and to an organization to use for reforestation, and to organise reforestation, permanent agro-forestry and livestock production or use for some other purpose according to the national socio-economic development plan.

### **Chapter 3 Administration of Forestry Activities**

#### Article 22. Forestry Activities

Forestry activities are all undertakings relative to forests and forest resources perform in or outside of forest areas and forest land, i.e., surveys, design, planting, rehabilitation, maintenance and preservation, forest development, exploitation, moving wood and wood products, processing, protection of forestry resources, preservation of water sources, forest related natural environment and propagation of species of flora, species of trees and marine

animals including stopping dry rice cultivation forests [and encouraging relevant individuals] to undertake fixed occupations.

#### Article 23. Undertaking

Individuals or organizations may undertake any forestry activity provided only that approval has been received from the relevant forestry administration agency.

#### Article 24. Registration of Forestry Activities

Registration of forestry activities shall be conducted according to the Business Law promulgated by the State.

### **Part III Regulations for the Use of Forests and Forest Land**

#### Chapter 1 Exploitation of Wood and Forest Derived Products

##### Article 25. Exploitation of Wood and Forest Derived Products

Exploitation of wood and forest derived products can be undertaken specifically in production forest which have been surveyed and allocated and surveyed for exploitation, [and] only in areas which forestry exploitation has been planned in order to ensure that the exploitation of wood is continuous and exploitation can be repeated in areas which have already been exploited.

The exploitation of wood must be performed according to the following principle regulations:

- use of selective cutting, clear is prohibited except in necessary cases;
- cutting of pre-determined trees to ensure continuity of species;
- cut trees must be collected to utilize for maximizing [wood] value;
- cut trees according to technical [standards];
- cut trees by restricting destruction of surrounding trees, ensuring that there will be no environmental impact, soil erosion or drought;
- after cutting, the forest must be maintained and protected or reforested;

For the exploitation of forest derived products, i.e., mushroom, roots, bulbs, vines, sprigs, shoots, leaves, flowers, fruits, bark, oils, sap, etc., shall be performed according to specific regulations issued by the relevant authorized agency.

##### Article 26. Moving Wood and Forest Derived Products

Moving wood and forestry derived products must be undertaken according to regulations, i.e., payment for resources, each log must be marked and stamped, be accompanied by removal documents, be removed according to a pre-determined road and must be declared at the declaration post.

##### Article 27. Cutting of Self-Planted Trees

Cutting of self-planted trees for family use shall be reported to the village administrative authorities for notice and inspection.

If wood is to be moved to another district, a report must be made to the district forestry officials for inspection.

For the cutting of trees as commodities, approval must be obtained from the Provincial or Prefectural Agriculture and Forestry Division by a request through the District Agriculture and Forestry Office.

##### Article 28. Wood Exploitation and Harvesting Wood Derived Products from Controlled Forests and Village Use for Family Consumption

Cutting trees in village production forests for building, repairs and family consumption is allowed but in the area of village production and of wood types which are not prohibited of which the volume does not exceed five cubic meters, one long per family which needs [the wood] which must be cut from a predetermined area and undertaken according to regulations issued by the village administrative committee. Harvesting forest derived products for family consumption shall be pursuant to village regulations as adopted by the District Agriculture and Forestry Office.

#### Article 29. Export of Wood and Forest Derived Products Abroad

The export of wood and forest derived products abroad must be pursuant to regulations, i.e., received Government approval, exported pursuant to an approved amount and via an approved [export] post.

#### Article 30. Customary Use of Forests and Forest Lands

Customary use of forests and forest lands is the use of forests, forest lands and forest derived products which have been undertaken for a long period of time and which are recognized by society or by law by which the harvesting of wood which is not of a prohibited type to make fences, for firewood, harvesting forest derived products, for hunting and for harvesting marine animals which are not prohibited for family use and for other customary uses. Such customary use shall not cause damage to forests or forest resources and are not to prejudice the rights and benefits of individuals or organizations.

The customary use of forests, forest lands and forest derived products must be undertaken according to regulations regarding forest and forest land issued by village administrative authorities in compliance with the special objectives of the village from time to time and which are proper and in accordance with Article 63 of this law.

### **Chapter 2 Forest Industries and Forest Derived Products**

#### Article 31. Establishment and Undertakings of Wood or Forest Derived Products Processing Plants

#### Article 32. Administration of Wood Exploitation Machinery and Wood Processing Machinery

#### Article 31. Establishment and Undertakings of Wood or Forest Derived Products Processing Plants

The establishment of wood processing plants or processing plants for forest derived products must be undertaken strictly pursuant to regulations regarding the establishment of wood processing plants or processing plants for forest derived products and must have received approval from the Ministry of Agriculture and Forestry and other relevant agencies. The undertakings of such plants must be according to regulations, i.e., use of proper raw materials and maximization of utility, proper distribution of processed products according to regulations.

#### Article 32. Administration of Wood Exploitation Machinery and Wood Processing Machinery

The importation and distribution of all types wood exploitation machinery and wood processing machinery must be approved by the Ministry of Agriculture and Forestry and must pursuant to other relevant regulations.

The possession and use of wood cutting machinery and wood chopping machinery must be registered with the Provincial or Prefectural Agriculture and Forestry Division.

### **Chapter 3 Planting and Rehabilitation Trees**

#### **Article 33. The Purpose of Planting and Rehabilitation Forests**

Planting and rehabilitating forests is to preserve and to propagate national forest resources in order to provide for a non-exhaustible wood and forest derived products use, to protect water sources, land, marine animals, wildlife and the environment for a balance as well as being significant State, organizational and individual revenue.

#### **Article 34. Promotion of Tree Planting**

The state promotes individuals and organizations to widely plant trees and as groups, whether [planting specific] species of flora, short term, medium term or long term species by issuing various suitable policies for domestic and foreign investment, i.e. credit policies, taxation, species of flora and trees, lease extensions as well as increasing the leasehold area, etc., pursuant to regulations.

#### **Article 35. Promoting the Rehabilitation of Reed Forests**

Individuals or organizations who have preserved and rehabilitated reed forests and have restored them as dense forests by restoring the forest, forbearing from clearing land for dry rice cultivation, from cutting trees and from burning such forest, shall receive special commendations and privileges from the Government, i.e., credit and tax privileges.

#### **Article 36. Location and Species of Trees to be Planted**

The planting of trees principally shall be conducted on degraded lands, vacant land, defoliated lands which have been allocated and lands where there has been approval for cutting trees for which there are plans to use such for some other purpose.

#### **Article 37. Plans for Planting Trees and Rehabilitating Forests**

Reference the Government's forestry development plans, local forestry agencies under the recommendation of local administrative authorities shall be responsible for drafting planting plans and for short term, medium term and long term rehabilitation of forests within their own localities, including express provisions regarding species of trees to be planted, locations, and areas for planting or rehabilitation, both in rural and urban areas, as well as those who will conduct the planting or rehabilitation and the budget for planting, rehabilitation, and preservation.

#### **Article 38. Regulations for Planting and Rehabilitating Forests**

In order to make the conditions of planted and rehabilitated forests be proper and in accordance with standards as issued by the forestry agency, it is necessary to ensure proper and appropriate planting and rehabilitation techniques.

The Ministry of Agriculture and Forestry has the duty to issue various regulations to promote and administer techniques and nature studies relative to the natural succession of species, production of species and planting, selective cutting, cleaning forests, and other technical measures relative to planting and rehabilitating forests.

### **Chapter 4 Marine Animals and Wildlife**

#### **Article 39. Marine Animals and Wildlife**

Article 40. Having Possession of, Hunting, and Removing Marine Animals and Wildlife.

#### **Article 39. Marine Animals and Wildlife**

Marine animals and wildlife living naturally in the territory of the Lao People's Democratic Republic are the property of the national community, of which the State is the central

administrative representative and which is uniform throughout the country. The State assigns rights and responsibilities to Lao citizens to preserve, propagate species and use such animals according to laws and regulations of the State and to ensure the continuing increase in the number of marine animals, wildlife.

The State will determine types of restricted and unrestricted marine animals and wildlife according to specific terms which a relevant agency will issue.

#### Article 40. Having Possession of, Hunting, and Removing Marine Animals and Wildlife

The possession of certain aquatic animals and wild life shall be first authorized by the relevant authorities.

Certain categories of animals may be caught or hunted, however, it is prohibited to hunt during prohibited seasons or in prohibited areas; it is prohibited to use equipment with destructive features such as: bombs, poisons, electricity, etc.

For the animals in prohibited categories which are close to extinction, it is absolutely prohibited to catch or hunt them except for necessary study and research purposes and which is necessary since that animal will injure people. Before or after killing approval must be requested or there must be a report to the relevant authorities. The animal killed will become the property of the State.

It is prohibited to remove, export, import, or buy or sell prohibited marine animals and wild life whether dead or alive, including animal carcasses or any part of that animal, except if approval has been received, but such must be undertaken according to regulations. Significant hunting implements such as any type of hunting guns must have received approval and be registered.

### **Chapter 5 Preservation of Forests**

#### Article 41. Preservation of Forests

To protect water sources, to prevent erosion, strategic national defense areas, to protect against natural, environmental and other disasters, it is necessary to strictly protect protected forests e.g., it is prohibited to practice dry rice cultivation, to cut, to destroy, to burn, to move the trees, to cut wood for fuel wood, to raise live stock [in the forest], erect houses, build other activities, including digging soil, rocks or minerals, hunting or collecting prohibited animals or forest products.

#### Article 42. Preservation of Forest Reserves

To protect forests in order that they be abundance, as well as vegetation, animals species, and biodiversity for sustainability and expansion while allowing forests, the beautiful natural panorama for development national parks appropriate for tourism and scientific research and experimentation, it is necessary to protect reserved forests and reserved forests must be divided into absolutely prohibited areas, areas of controlled use and border areas.

Absolutely prohibited areas: are forest areas and forest lands which are places where animals live, forage and propagate their species and are places where there are many dense species of flora. It is absolutely prohibited to undertake forestry activities and to collect forest products in this area, including entering into that area without authorization. The removal of flora and fauna is similarly prohibited provided only if special authorization has been granted by the local administrative authorities and the Ministry of Agriculture and Forestry.

Areas of Controlled Use: are forest areas or forest lands which adjoin or are near to areas which are absolutely prohibited, in which areas public use is restricted relative to harvesting wood, forestry products and game hunting which will be defined in detail in specific regulations in order to give effect to such absolutely prohibited area.



Adjoining Areas: are forest trails or forest lands which are serve as animal trails connecting reserved forests or between reserved forests and other types of forests to preserve the existence and the expansion of wildlife. In that area, it is prohibited to hunt animals, to cut wood, to carry on forestry activities that can be obstruct or which can destroy animal trails.

#### Article 43. Preservation of Flora, Species of Marine Animals, Wildlife Outside of Forest Reserve Areas

Trees species, aquatic species, rare wild life, nearly extinct or having special value which are outside of the preserved forest shall be protected as well as in side the preserved forest that the forestry management agency in collaboration with the local authorities have outlined the specific regulations.

It is absolutely prohibited to export the said trees species or animals species except it is specially authorized by the Ministry of Agriculture and Forestry only.

#### Article 44. Protection Against and Prevention of Tree Species Diseases and Insects

The forestry management agency concerned shall be responsible in the study of data on the occurrence and the epidemic of the vegetation disease and the worms in their forest are by coordination with other relevant work units, shall be responsible in discriminating the category of seeds or seedlings free of disease, create free of disease zone and protecting zone, set up institute to ensure the issuance of production management certificate, the distribution and the use of the seeds free of disease.

To restrict the epidemic of trees species disease and worms, it is absolutely prohibited to import or remove trees species affecting the said disease.

#### Article 45. Protection and Prevention of Forest Fires

The prevention and restriction of forest fire are common duties responsibilities the forestry management agency and local authorities have duties to train the people to be aware about the danger of forest fire and outline the regulations and take necessary measures so that forest fire can not be occurred.

In case of forest fire, the local authorities and the forest management agency shall be enterprising to solve the problem by mobilizing the vehicles, materials, equipment, labors of all factions to put out the fire, the vehicles, materials, equipment according to the appropriateness. The individuals and organization including the defense forces shall collaborate with local authorities in putting out the fire very thoroughly and promptly.

#### Article 46. National Arbor Day, National Fishery and Marine Animal and Wildlife Protection Day

To build up an awareness of a love for and sustainable preservation of forests, marine animals, wildlife and the natural environment for the peoples of the many ethnic groups, the State has determined the 1st of June as National Arbor Day.

Authorities at all levels must co-ordinate with relevant sectors. Be enterprising in planning and widely mobilizing all labor forces, and capital from all parties, including the armed forces, civil servants, primary and secondary students, and people to participate in planting trees. After planting, attention must be paid to the maintenance and protection of the planted trees so that they can grow and develop.

Besides National Arbor Day, the State has determined that the 13th of July as National Fishery and Marine Animal and Wildlife Protection Day. As for the methodology and measures in the organizational implementation of National Fishery and Marine Animal and Wildlife Protection Day is to be carried out similarly to National Arbor Day. Actual tree planting and the release of fish can be carried out all year.

#### Article 47. Forestry and Forestry Resources Development Fund

To ensure the forestry protection work, forested and forestry resources to be conducted very effectively, the state has created forest and forestry resources development funds. The source of forest and forestry resources development funds is derived from the state budget and the individual, juridical person, collective, social organization, intonation organization contributions and others.

The forest and forestry resources development funds are to be used particularly in the forestry works mainly the protection of protected forest, plantation and forest rehabilitation to protect water-shed and environment, to protect and develop aquatic animals and wild life, propaganda, training about the policy, regulations, laws and forestry tectonics, protection of water-shed, environment and others in connection with the forest and forestry resources. For the organization, management and activities of forest and forestry resources development funds, there will be specific regulations.

### **Part IV Rights and Obligations of Forest and Forest Land Users**

#### Article 48. Obtaining the Right to Possess and Use Forests and Forest Lands

Possession of forest land is derived from:

- {bmc bm00.bmp} the transfer;
- {bmc bm00.bmp} the deliver;
- {bmc bm00.bmp} the succession

#### Article 49. Rights of those who Possess and Use Forests and Forest Lands

The possessor of the forest and forest land has right to possess, use, benefit usufruct, transfer and succeed the forest and forest land.

As for the state organization has the rights to manage, use and protect according to the regulations.

#### Article 50. Assignment of the Right to Possess and Use Forests and Forest Lands

Assignment is the decision of the competent agency to assign the forest and forest land to the individuals and organization for the possession and long term use and have the tranquillity according to the contract and specific regulations.

#### Article 51. Right to Possess and Use Forests and Forest Lands

Possession of forest and forest land are the rights to protect, use the forest and forest land that one has acquired. As for the right of using the forest and forest land are the rights to use the forest and forest land according to the target set to satisfy the requirement of the possessor.

#### Article 52. Rights to Receive Benefits from Forests and Forest Lands

Rights to benefit usufruct from the forest and forest land are the rights to benefit advantages from the forest and forest land that one has developed such as: advantages from the lease, advantages from the mortgage.

#### Article 53. Rights to Transfer Forests and Forest Lands

The transfer is the delivery of possession of the forest and forest land that one has developed to other person to benefit the advantages that one has created. The transfer shall be notified the relevant authorities and shall undertake new registration and pay the fees according to the regulations.

#### Article 54. Rights to Succeed to Forests and Forest Lands

The succession, possession of the forest and forest land is the succession of the said rights to

the children, nephew, nieces, father, mother, or the relatives after the possessor of the forest land was dead. The succession must be notified the relevant authorities and shall undertake new registration and pay the fees according to the regulations.

#### Article 55. Customary Rights to Use Forests and Forest Lands

Customary rights to use forests and forests land is to be performed according to Article 30 of this Law.

#### Article 56. Lease of Forests and Forest Lands

Forests and forest lands may be leased or licensed to individuals and enterprises for planting, preservation, and extraction activities, and to use by a relevant agency approving and contracting for such according to regulations.

#### Article 57. Obligations of those who Use Forests and Forest Lands

Users of forests and forest lands have the following obligations:

{bmc bm00.bmp} To properly use forests and forest lands according objectives as determines and in accordance with a contract and the law;

{bmc bm00.bmp} To use all means to preserve and develop forests and forest lands for continuous abundance;

{bmc bm00.bmp} To use forests and forest lands while preserving water sources, marine animals, wildlife and the environment;

{bmc bm00.bmp} To pay royalties, forest fees, and rental for forest land according to regulations and law;

{bmc bm00.bmp} To report and provide data to the forest management authorities, local authorities and the government on the use of forests and forest lands.

#### Article 58. Expiration of the Right to Possess and Use Forests and Forest Lands

Rights to possess and use forests and forest lands may expire in the following cases:

{bmc bm10.bmp} Forfeiture of the right to possess and use;

{bmc bm10.bmp} Transfer of the right to possess and use;

{bmc bm10.bmp} Withdrawal of the right to possess and use.

### **Part V Forestry Administration and Inspection Agencies**

#### Article 59. Forestry and Forestry Activities Administration Agency

Forests and forestry activities administration agencies are comprised of the Ministry of Agriculture and Forestry, the provincial and prefectural Agriculture and Forestry Divisions, the district Agriculture and Forestry Office, and village administrative authorities.

#### Article 60. Rights and Duties of the Ministry of Agriculture and Forestry

In the administration of forests, forest lands and forest activities, the Ministry of Agriculture and Forestry has the following principal rights and duties:

1 Be the governmental logistics center in developing and propagating strategic policy guidelines and Party and State policies into work programs, detailed projects and regulations and laws to administer forests, forest lands, water sources, marine animals, wildlife and forestry activities throughout the country;

2 [Conduct] technical scientific forestry research, create a statistics center network and information on forest, forest lands, forestry resources and water sources;

3 Co-ordinate with relevant parties and localities to survey the natural forestry potential in order to categorise forest areas; determine areas for forest preservation, types of wildlife and

marine animals to be preserved as well as organising the preservation of forestry resources and the natural environment relative to forests;

4 Research and issue opinions regarding investment in forestry activities;

5 Research and train and upgrade forestry technocrats;

6 Consider the conversion of forests or forest lands as determined in Article 14 of this Law;

7 Cooperate with foreign [parties] with respect to forestry activities.

#### Article 61. Rights and Duties of the Provincial and Prefectural Agriculture and Forestry Division

In the administration of forests, forest lands, and forestry activities, the provincial Agriculture and Forestry Division has the following principle rights and duties:

1 Be the direct logistics [coordinator] to the Ministry of Agriculture and Forestry and the provincial and prefectural administrative authorities in researching, directing, planning, inspecting and vertical and horizontal macro-organization regarding forests within the scope of its responsibility under the supervision and inspection of the provincial governor and the mayor of the prefecture;

2 Co-ordinate with relevant parties in its locality. Conduct surveys of the natural forestry potential in order to allocate forest areas, determine natural preserves, types of wildlife and marine animals which must be preserved as well as organizing preservation of forest resources and the natural environment relative to forest within its scope of authority;

3 Research and issue opinions regarding investment in forestry activities;

4 Issue license for the exploitation of wood, forestry products as approved by the Government and according to specific regulations;

5 Consider the conversion of forests or forest lands as determined in Article 14 of this law;

6 Administer and register wood cutting machinery and all types of game hunting guns.

#### Article 62. Rights and Duties of the District Agriculture and Forestry Office

In the administration of forests, forest lands, and forestry activities, the district Agriculture and Forestry Office has the following rights and duties:

1 As the logistics coordinator for the provincial and prefectural Agriculture and Forestry Division and district administrative authorities in researching and implementing plans, work plans, projects, provisions, regulations, orders and notices and instructions of the Ministry of Agriculture and Forestry and the provincial and prefectural Agriculture and Forestry Division under the management of the district chief.

2 Be responsible for organizing people at the village level, manage and preserve forests and forest land, organize the assignment of forest lands and degraded forests or defoliated land to people and families at every village to plant or assign reed forests to rehabilitate or maintain them so that they become dense and abundant, while also protecting forestry resources, forests protecting water sources, marine animals, wildlife and protecting the natural environment relative to forests.

3 Monitor and inspect the adherence to regulations relative to cutting trees, processing wood, and forestry products, game hunting, fishing and selling wildlife.

4 Research and issue opinions relative to investment in forestry activities.

5 Consider the conversion of forests or forest lands as provided for in Article 14 of this law.

#### Article 63. Rights and duties of the Village Administrative Authorities

In the administration of forests, forest lands, and forestry activities village administrative authorities have the following principle rights and duties:

1 Organize the implementation of the district's directives regarding the forest, forest land and forestry activities;

2 Implement the assignment of village forests and forest lands for individuals and inter village organisations, administer, preserve, rehabilitate, plant, propagate and make effective use according to contract, according to plan and approved regulations from the district Agriculture and Forestry office.

3 Publicize, educate, and train regarding the significance and benefits of forest, forest lands, marine animals, wildlife, water resources and the natural environment so that people in their villages actually understand [such significance].

4 Monitor and record the conditions of change in forests, the environment and the circumstances of the undertaking of forestry works in their villages, and thereafter report such to the district Agriculture and Forestry Office.

5 Appoint people to administer forests and forest lands within its village area.

6 Draft specific administrative regulations, for preservation of forests, water sources, marine animals, wildlife and the natural environment within the village for consistency with the actual conditions of that village.

7 Establish fixed occupations for people of its villages in order to restrict and progressively cease the cutting and destruction of forests and protection of the natural environment, making forests and forestry resources return in abundance.

8 Consider approval for peoples cutting of wood within its own village according to regulations.

9 Monitor and inspect and prevent the hunting of game and the illegal buying and selling of wildlife.

10 Be enterprising in timely fighting bad activities impacting forest resources, water sources, and the environment such as: illegal logging, burning forests and restricting all acts which are detrimental to the forest resources, marine animals, wildlife and water sources.

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## **Chapter 2 Forest Inspections**

### Article 64. The Purpose of Forest Inspections

Inspection is the follow-up and observation of the activities, administration and use of forests and forest lands by individuals, organizations, enterprises and forestry authorities so that such may be effectively and properly carried out in conformity with forest regulations, law and other laws of Lao PDR to protect and develop forests, forest lands, and forestry resources.

### Article 65. The Forestry Inspection Agency

The forestry inspection agency is an agency established under the same system as the forestry administration agency as provided for Article 59 of this law.

### Article 66. Types of Forest Inspections

There are three types of forestry inspections:

{bmc bm10.bmp} Regular systematic inspection;

{bmc bm10.bmp} Inspection by advance notice;

{bmc bm10.bmp} Surprise inspections;

Regular systematic inspection is inspection which has features of regular inspections with specific times which must be conducted at least once per year.

Inspection by advance notice is inspection when deemed necessary but such inspection is conducted urgently without advance notice to parties responsible for or who are conducting forestry activities.

Inspections are to be conducted for the inspection of documents and on site inspection of actual activities.

### Article 67. Rights and Duties of Forest Inspection Agencies

The Forestry Inspection Agency has the following principal rights and duties:

- 1 Inspection of documents and inspect activities on site.
- 2 Order those inspected to cooperate and to provide data to it within a specific period of time.
- 3 Implement measures regarding inspection such as: entering into to inspect a location, order the suspension of activities, issue orders prohibiting the removal of items to be inspected, etc.;
- 4 Apply measures regarding violations of forest laws such as: reeducation, fines, taking into custody or arresting offenders, seizing paraphernalia of the offense, take legal acting against offenders according to the law;
- 5 Request assistance from individuals and State and social organizations including the armed forces in the execution of its inspection duties, such individuals and organizations have the duty to cooperate appropriately with inspection officials.

In conducting inspections, forestry officials must execute such in conformity with regulations and the law.

### **Part VI Privileges [Granted to] Productive Persons and Measures Against Offenders**

#### Article 68. Privileges for Productive Persons

Individuals, organizations or enterprises having exemplary deeds in the protection, management, plantation, forestry rehabilitation and preventing forest destruction and forestry resources will receive commendations and privileges provided by the government such as: bonuses, credit privileges, taxes, duties, extension of lease, increase in the leased area, etc., according to regulations.

#### Article 69. Measures Against Violators

The principal measures against violators of the forest law are the following:

- {bmc bm10.bmp} Reeducation;
- {bmc bm10.bmp} Fines;
- {bmc bm10.bmp} Criminal punishment.

In addition, there are additional punitive measures.

#### Article 70. Education and Training Measures

Education and training measures will be applied to the following first offense violations, causing the damages of less than Kip 50,000 in value.

- 1 Clearing forests for dry rice cultivation outside the scope of authority for clearing or dry rice cultivation inconsistent with regulations;
- 2 Cutting of wood fuel, wood fence posts, wood for construction purposes, for family consumption inconsistent with regulations;
- 3 The harvesting of forestry products in prohibited areas or harvesting which is inconsistent with regulations;
- 4 Hunting wildlife or harvesting marine animals in prohibited category in prohibited areas or during prohibited seasons;
- 5 Having possession of prohibited wildlife inconsistent with regulations;
- 6 Having possession of game hunting weapons inconsistent with regulations;
- 7 The import of plant species, marine animal species, and wildlife inconsistent with regulations;
- 8 The use of forest lands inconsistent with regulations;
- 9 Failure to cooperate with forestry authorities who are performing their duties;
- 10 Failure to report use and data to forestry authorities regarding forests and forest lands;
- 11 Other minor violations.

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#### Article 71. Fines

There shall be fines equal to twice the cost of damages, the cost of the goods or the offending materials or the cost of remedying [the damages], the costs of the resources, fees or rental for any individual who commits the following offenses:

- 1 For the first offense as referred to in clauses 1, 2, 3, 4, 5, 6, 7, and 8 of Article 70 above of which the value of damages is from Kip 50,000 to Kip 500,000 or such act is a second offense with a value of less than Kip 50,000;
- 2 The import, sale, having in possession of wood harvesting or wood processing machinery without having received approval;
- 3 Having in possession, remove or export wood or forestry products inconsistent with regulations;
- 4 Using raw materials of wood processing factories inconsistent with regulations;
- 5 Failure to pay royalties, forestry fees or rental for forest land;
- 6 Hunting wildlife or harvesting marine animals in prohibited categories having a value not exceeding Kip 500,000;
- 7 Taking over forest lands without having received approval;
- 8 Converting forest lands without having received approval;
- 9 Use of forest lands inconsistent with objectives as determined [for such use].

#### Article 72. Criminal Measures

There shall be punishment of deprivation of liberty from three months to five years and there shall be a fine of twice the value of the goods or material or of the damage costs [against] an individual who commits the following offenses:

- 1 Cuts wood, clears and burns forests, the damages of which exceed Kip 500,000 or is an act which is a repeated offense of three or more instances and the damages of each instance is not in excess of kip 500,000.
- 2 Hunts species of wild animals or marine animals which are prohibited, i.e., the Ba ox, the Cao La ox, wild buffalo, elephants, the long tailed gray monkey (*Presbytis phagrei* or *Presbytis francoisi laotum* Thomas), khadaeng??, dolphins, etc., as determined by the relevant agency;
- 3 Indiscriminate hunting of wild animals or harvests marine animals with explosives;
- 4 Three or more instances of importing, selling or having in their possession wood cutting machinery or wood chopping machinery as provided for in Article 32, paragraph 2 of this Law without having received approval, or importing, selling or having in their possession such machinery to harvest wood or to process wood.

There shall be punishment of six months to five years for employees [civil servants] who approve the cutting or removal of trees for which [he/she] has no right to approve or issue a license to cut trees n excess of what was approved, improperly approving the conversion, assigning or transferring forest lands in contravention of regulations and the laws or taking advantage of [his/her] position and title for [his/her] personal benefit or receiving bribes.

#### Article 73. Additional Punitive Measures

In addition to the principal penalties provided for in article 70, 71 and 72 above, violators may receive additional punishment, i.e. suspension or withdrawal of the license, withdrawal of the right to possess and use a forest, to replant trees, equipment, vehicles, and items involved in the offense will be nationalized.

### **Part VII Final Provisions**

#### Article 74. Implementation

The Government of the Lao People's Democratic Republic is assigned to issue detailed regulations and to implement this law.

Article 75. Effectiveness

This law shall be effective from the date that the President of the Lao People's Democratic Republic issues a Decree to promulgate it.

This law supersedes Decree 169/PM, dated 6 November 1993 regarding the Administration of Forests and Forest Land and Decree 186/PM, dated 12 October 1994 regarding the Division of Land and Forests for Tree Planting and Forest Preservation.

Additionally, all other provisions conflicting with this Law are hereby cancelled.