

Village Rights and Responsibilities to Manage Land & Natural Resources

A Legal Guidebook for the Lao PDR



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This section describes village rights and duties stipulated in current laws, decrees, and regulations in a concise, clear and easy to understand manner, which can be summarized into 6 rights and duties as shown as follows:

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These articles of law are taken from all relevant legal documents published and disseminated by the Lao government. These documents include the Constitution, the Local Administration Law, the Forestry Law, the Land Law, the Law on People's Courts, Civil Procedure Law, Prime Minister Decrees, and Regulations, Orders and Instructions of the Ministry of Agriculture and Forestry.

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INTRODUCTION



I.1 Objectives of this Booklet:

This booklet is designed:

- To provide a guideline for villagers to study, understand and apply laws to their daily lives, and to raise villager awareness of their rights and responsibilities to manage and utilize land and forest resources in accordance with sustainable forest management policy. Also, it is intended to enable local administrative offices to become the implementing unit of the government policies.
- To provide a reference document for local administrative offices and relevant government sectors and to guide law enforcement officials in regard to the management and utilization of land and forest resources within the village administrative boundaries.
- To enhance the capacity of local administrative offices to lead and monitor law enforcement in regard to management and utilization of land and forest resources.

I.2 Relevant Legislation:

- The Constitution of the Lao PDR, 2003.
- Local Administration Law, 2003.
- Forestry Law, 1996.
- Land Law, 2003.
- Law on People's Courts, 2003.
- Civil Procedure Law, 2003.
- The Ordinances of the Republic No 02/RDP, Dated 20/10/2003 on Legislation Development.
- The Prime Minister's Decree No 59/PM. Dated 22/05/2002 on Sustainable Management of Production Forest Areas.
- The Prime Minister's Decree No 192/PM. Dated 07/07/2005 on Compensation and Resettlement caused by Development Project.
- The Prime Minister's Decree No 101/PM. Dated 20/04/2005 on Implementation of the Land Law.
- The Regulation on Establishment and Sustainable Management of Production Forests No 0204/AF, Dated 03 Oct 2003.
- The Regulation on the Management of Village Forests No 0535/AF, Dated 18 June 2001.
- The Order on Customary Rights and the Use of Forest Resources No 0054/AF, Dated: 07 Mar 1996.
- The Recommendations on Customary Use of Forest Resources No 0377/AF, Dated 17 Apr 1996.
- The Instruction on Land-Forest Allocation for Management and Use No 0822/AF, Dated 02 Aug 1996.

2 BASIC KNOWLEDGE OF LEGAL ACTS



2.1 Historical Background of Legal Acts in Lao PDR

In the past Lao ethnic groups lived in small and widely dispersed community groups. Their way of life was based on traditional beliefs handed down through many generations. After these communities expanded there was increased contact and interrelation between distinct groups that sometimes gave rise to conflict. Therefore, the need arose for rules and regulations to facilitate mutual benefit, peace and social order.

Before 1975 Laos did have a national system of law, but these statutes were largely not applicable to the communal rights of ethnic groups. This system was abolished after the establishment of the Lao People's Democratic Republic. In order to address urgent needs and requirements new strategies were needed to protect and strengthen the nation. The new government issued a number of laws and decrees that would govern society: Civil Procedure Law, Criminal Law, Law on People's Courts and various other legal documents. Then, in 1991, the government of the Lao PDR introduced the first constitution. Existing laws and legislation were amended in a systematic way to complement the new constitution. Presently, there are over 50 volumes of law that have been debated and approved by the National Assembly.

2.2 Definition of a Legal Act

A legal document can only be issued by a State organization and is divided into one of two categories: a general binding act issued for managing the State, economy and society; and a specific binding act for administrative servicing. (Ordinances No 02/RDP Article: 2)

2.3 Why do we need a Legal Act ?

We live together as a society with similar traditions, customs and beliefs. If individuals in such a society do whatever they please it can create problems and adversely impinge upon the rights of other society members. This gives rise to confusion and conflict. Therefore, in order that we exist together fairly and peacefully, we must have legislation to control behavior, protect individual rights, regulate our actions and solve the various disputes that arise from time to time.

2.4 Legal Acts System of the Lao PDR

Legal Acts refer to the variety of official legal documents which are considered, adopted, made effective and enforced by separate legal processes and with different scope. In the Lao PDR, the system of legal acts is comprised of the following:

- The Constitution;
- Law;
- Resolutions of the National Assembly;
- Resolutions and Instructions of the Standing Committee of the National Assembly;
- Ordinances and Decrees of the President of the Republic;
- Decisions and Decrees of the Government;
- Decree, Decisions, Orders and Instructions of the Prime Minister;
- Decisions, Orders, Instructions and Notices of Ministers, Heads of Ministry-equivalent organizations, Heads of organizations relevant to the Government, Cabinet Directors, Directors General, the President of the Supreme People's Court, the Prosecutor General, Provincial Governors, the Governor of Special Zones, District Governors and Municipal Mayors.
- Village Regulations.



2.5 Definition of each legislation documents

The Constitution

The constitution is the fundamental law of the nation determining the political system, the economic and social system, the fundamental rights and obligations of citizens, and the organizations and activities of State authorities. The Constitution is adopted by the National Assembly and approved by no less than two thirds of the total number of the deputies of the National Assembly. (Ordinances No 02/RDP Article: 12)

Law

A Law is a legal act of the National Assembly determining the principles, policies, regulations, provisions and measures and aiming to regulate the social rapport in any important domain, having binding force throughout the country and being used for a long period of time. A law is adopted by the National Assembly and voted into effect by the majority of the number of the deputies present in the Session. (Ordinances No 02/RDP Article: 13)

Resolutions of the National Assembly

A Resolution of the National Assembly is an approval of any issue in the National Assembly Session relating to the economic and social development plan and budget plan, the adoption of laws and others issues relevant to the competence of the National Assembly. (Ordinances No 02/RDP Article: 14)

Resolutions and Instructions of the Standing Committee of the National Assembly

A Resolution of the Standing Committee of the National Assembly is an approval of any issue discussed in the meeting of the Standing Committee relating to the implementation of the decision of the National Assembly, the monitoring on the implementation of the Constitution and laws, including the interpretation of the Constitution and laws, and others issues relevant to the competence of the Standing Committee of the National Assembly. (Ordinances No 02/RDP Article: 15)

Ordinances of the Republic

An Ordinance of the President of the Republic is a provision determining the principles, policies, regulations, and measures under the law and aiming to regulate the social rapport. An Ordinance is issued by the President of the Republic on the recommendation of the Standing Committee of the National Assembly. (Ordinances No 02/RDP Article: 16)

Decrees of the President of the Republic

A Decree of the President of the Republic is a specific binding provision, such as Decree on the promulgation of the constitution, laws, pardons, medal decorations, appointments, upgrades, mutation or demission, and others provided for by the law. A Decree is issued by the President of the Republic on the proposition of the Government or other parties concerned. (Ordinances No 02/RDP Article: 17)

Decisions of the Government

A Decision of the Government is a decision by the meeting of the Government on any issue discussed in such meeting by the vote of a majority of more than half of the number of the members of the Government present in the meeting. (Ordinances No 02/RDP Article: 18)

Decree of the Government and of the Prime Minister

A Decree of the Government and Prime Minister is a provision determining principles, regulations, policies and measures in order to regulate the social rapport in any domain. The Decree is issued by the Government or the Prime Minister within their competence. (Ordinances No 02/RDP Article: 19)

Decisions

A Decision is a general binding provision issued for detailing and implementing the legal acts of the higher State organs or a specific binding provision for administrative servicing. A decision is issued by the heads of State organizations concerned within their competence. (Ordinances No 02/RDP Article: 20)

Orders

An Order is a general binding provision issued for organizing and implementing the economic and social development plan and budget plan, laws, ordinances, regulations or a specific binding provision for administrative servicing. (Ordinances No 02/RDP Article: 21)

Instructions

An Instruction is a general binding provision issued for organizing and implementing the economic and social development plan and budget plan, laws, regulations, plans or any work by indicating the comprehensibility, methods, steps, vehicle and equipment use and term of the implementation, coordination and others. (Ordinances No 02/RDP Article: 22)

Notices

A Notice is a document issued by State organizations of all levels for notifying the parties concerned or for accomplishing any work. (Ordinances No 02/RDP Article: 23)

Village Regulations

A Regulation of the village is a general binding provision issued by the village for implementing the orders, instructions and notices of the higher organizations of the State or a specific binding provision for administrative servicing within the village competence. (Ordinances No 02/RDP Article: 24)

3 VILLAGE RIGHTS AND RESPONSIBILITIES TO MANAGE AND USE LAND



The government of the Lao PDR has recognized the village as the most basic level of local administration and is under the authority of district and municipal governments. Also, the village is the fourth level of forest management organizations, following the Ministry of Agriculture and Forestry, the Provincial Agriculture and Forestry Office, and the District Agriculture and Forestry Extension Office, respectively, (Constitution Article:75/78; Local Administrations Law Article: 2/4/5/46/47; Forestry Law Article:59/65;)



3.1 Village Rights and Duties to Implement Government Policies and Laws

- Villages have the right and duty to establish a village forest unit ¹ or organization ² to assist and be the representatives of the village to manage the forest resources within the administrative boundary of the village (Constitution Article:44; Forestry Law Article:63.5; Decree 59/PM Article:3.5/8.4; Regulation.0535/AF Article:10/11; Regulation. 0204/AF Article:29;)



- Villages have the right and duty to create forestry or community forestry groups ³ to conduct any forest management activity in accordance with the law, such as a forest production and harvesting group (Constitution Article:44; Regulation0535/AF Article:11.4; Regulation0377/AF Article:6)

- Villages have the right and duty to issue special administrative rules⁴ to manage, protect and use land and forest resources within the administrative boundary of the village in consensus with its own situation but not against the existing laws (Forestry Law Article: 63; Local Administration Law Article: 53; Regulation.0535/AF Article:10.2,11.1; Regulation 0377/AF Article: 7;)
- Villages have the right and duty to publicize, educate, and train regarding the law and regulations on management and use of land⁵ and forest resources⁶ (Forestry Law Article: 63.3;)



- Villages have the right and duty to implement policy rewarding persons who do excellent work and punish persons who break the rules, according to their own roles and responsibilities. (Forestry Law Article: 68,69,72; Regulation 0535/AF Article: 15,16;)



- Village individuals and organizations whose right to manage and use land (with or without certificate) forest and property in the area of development project has been taken⁷ by the government, either permanently or temporarily, must be compensated⁸ as stipulated in the law. (Land Law Article: 71/72; Decree192/PM Article:1/3/5/6; Regulation0377/AF Article: 5;)



3.2 Village Rights and Duties to Use Lands and Forest Resources as stipulate in the legal document.



- Village people have an obligation to utilize agriculture land, forest land and forest resources, and to pay duty⁹, tax¹⁰ and other fee such as: resources fee, forestry fee, forest land rental fee, land transfer fee, in accordance with the regulations and laws (Forestry Law Article:57; Land Law Article: 60;)



- Each village household is eligible for an allocation of agricultural land¹¹ for each legally-defined laborer¹² in the family, in the following amount: for animal raising and paddy rice (1 ha); for tree planting and commercial crops(3ha); for fruit trees (3ha); and for livestock grazing (15ha)¹³(Land Law Article:17,21)
- The State allocates and grants the rights to use the degraded or barren land for tree planting or forest regeneration to individuals and organizations based on their labor¹⁴ and financial¹⁵ capacity but not more than 3 ha per laborer in a family. In case an individual seeks to lease more land, they have the right to apply for lease or concession¹⁶ to the State. For organizations seeking to lease land, their real productive capacity is taken into account by the government. (Forestry Law Article:13,50, Land Law Article: 21)



- Villagers with full ownership¹⁷ of land and forest have the following 6 rights: (1) the right to use¹⁸; (2) the right to benefit from and to use as collateral¹⁹; (3) the right to transfer and lease²⁰; (4) the right to protect²¹; (5) the right to inherit²²; and (6) the right to compensation²³ if taken by the State. The Village administration has the following rights: (1) the right to manage; (2) the right to use; and (3) the right to protect. (Constitution Article:17; Land Law Article: 5,53,70,71; Forestry Law Article: 49,52,63; Order0054/AF Article: 9;)

- The rights of ownership of land and forest²⁴ depends on the land classification in the village, which includes: (1) permanent agriculture land, (2) temporary production land, (3) land which remains from I and allocation that maybe used for forest plantation, (4) reserved land (5-10%); and (5) forest land²⁵ including: watershed protection forest, village conservation forest and production forest) (Inst.0822/ AF Clause: II-.b)
- The Village Administration, in cooperation and with the assistance the District Agriculture and Forest Office, has the right and duty to allocate land and forest resources to individuals and organizations in the village to manage and use (Constitution Article: 17; Forestry Law Article:13,63; Land Law Article:3,22)



- For trees and forest planted and/or rehabilitated by individuals or organizations using their own labor or financial resources and with the acknowledgment of the State²⁶, they shall be considered as the property of those individuals or organizations with the right to possess, use, harvest, transfer, succeed and compensation (Constitution Article:16,17; Forestry Law Article: 5,52; Decree192/PM Article :6; Regulation0535/AF Article: 7.2; Regulation 196/AF Article 23)
- The land user receives an official document to identify ownership type, which is categorized according to the terms and rights of use (see table below): (Forestry Law Article: 49,51,52,53,54; Land Law Article: 13,18,22,44,48,49,71,72; Decree192/PM Article:1,3,5,6; Regulation0377/AF Article:5; Regulation 0822/AF Article:3;)

Table 1: Land Documents and Corresponding User Rights

Type of Land Documents	Terms of Use	Rights	Types of Lands	Owner/ User
1. Land Title ²⁹ Issued by the Provincial or Municipality Land Management Authority	Permanent land use right	1. right to protect; 2. right to use; 3. right to benefit; 4. right to transfer; 5. right to inherit; 6. right to compensation	<ul style="list-style-type: none"> construction land permanent agricultural land: rice field, fruit garden 	Villagers
1. Land Map Sheet ²⁸ registered at Land Management Agency of the Province/City or of the District/Municipality.	Permanent land use right	1. right to protect; 2. right to use; 3. right to benefit; 4. right to transfer; 5. right to inherit; 6. right to compensation	<ul style="list-style-type: none"> construction land permanent agricultural land: rice field, fruit garden 	Villagers
3 Temporary Land Use Certificate ²⁹ (through the land use planning and land allocation process and request by villager); Issued by the district government	Land use deed for 3 years and then can apply for the land title	1. right to protect; 2. right to use; 3. right to benefit (no collateral) 4. right to inherit; 5. right to compensation	<ul style="list-style-type: none"> temporary production land : slash and burn cultivation areas degraded forest use for regeneration of forest and tree planting 	Villagers
4. Certificate for Original Acquisition of Land ³⁰ Issued by the agriculture and forestry sector.	Permanent land use right	Show the historical evolution of the protection and use of land.	<ul style="list-style-type: none"> temporary production land : slash and burn cultivation areas degraded forest use for regeneration of forest and tree planting 	Villagers
5. Land Development Attestation ³¹ Issued by the agriculture and forestry sector.	Permanent land use right	<ul style="list-style-type: none"> Attest that the concerned land parcel has been already developed. Required for forming the land file for applying for land registration. 	<ul style="list-style-type: none"> temporary production land : slash and burn cultivation areas degraded forest use for regeneration of forest and tree planting 	Villagers
6. Village Land and Forest Management Agreement ³² (through the land use planning and land allocation process); Issued by the district government	Considered on a case by case basis	1. right to protect ; 2. right to use; 3. right to benefit; 4. right to inherit 5. right to compensation	<ul style="list-style-type: none"> Forest land within the village's administrative boundaries 	Villages
7. Land Lease Contract ³³ certified by the village administrative office,	Not more than 30 years	1. right to use right to enjoy mutual interests	<ul style="list-style-type: none"> degraded forest land and barren land 	Lao citizen



3.3 Village Rights and Duties to Customary Use of Land and Forest Resources



- The State legally recognizes³⁴ the customary user rights of Lao people based on their traditions³⁵ within the village boundary (**Constitution Article:8; Forestry Law Article:30; Order0054/AF Article: 2; Regulation0535/AF Article: 7,8; Instruction0377/AF Article: 6**)
- The village administrative offices have the right and duty to define specific regulations to exercise customary rights to utilize forests and forest land in accordance with the real situation or special conditions of the village or specific customary rules of the ethnic group (**Forestry Law Article: 63; Instruction0377/AF clause: 7; Regulation0535/AF Article: 11**)

- The customary user rights of a village applies within village boundaries as approved by the district officials and includes the following:



- (1) 5 cu/m of wood per year for housing and school construction; but not allowed for commercial logging³⁶.
- (2) Collection, use and sale of non-protected NTFPs;
- (3) aquatic and wildlife hunting of non-protected species;
- (4) Use of degraded forest for agriculture, planting, grazing, etc.

(Forestry Law Article: 28,30; Instruction0377/AF Article: 6; Regulation0535 Article: 7,8)

- Customary rights to utilize forests³⁷ depends on the following categories of forest land: (1) protection forest³⁸; (2) conservation forest³⁹; (3) production forest⁴⁰; (4) regeneration forest⁴¹; and (5) degraded forest land or barren land⁴² as describes in the following schedule: **(Forestry Law Article: 16,28,30; Instruction0377/AF: 6, Regulation0535/AF Article: 7,8)**

Table 2: Customary Rights to Use Forest Resources

Types of Forest	Right to Cut Trees	Right to Harvest NTFPs	Right to Hunt	Rights to Use Land	References
1. Village Production Forest	Cutting trees shall not exceed 5 m ³ per family, and only non-prohibited trees can be cut	Yes, but only non-prohibited categories and only in a sustainable manner	Only non-prohibited animals, using non-prohibited tools or equipment and only in permitted seasons	No	-Forestry law -MAFInst. 535 -MAFInst. 822 -PMD59
2. Village Protection Forest	No	Yes, but limited and only non-prohibited categories	Yes, but limited and only non-prohibited categories	No	-Forestry law -MAFInst. 535 -MAFInst. 822
3. Village Conservation Forest (<i>Pa Ma Hey Sak</i> , Spirit Forest)	No (unless allowed by village customs)	Yes, but dependent on customary rules of each village	No (unless allowed by village customs)	No	-Forestry law -MAFInst. 535 -MAFInst. 822
4. Village Degraded Forest	Cutting is not permitted	Yes	Yes, but only specific categories, seasons, and with equipment that is not prohibited.	Can use for forest plantation	-Forestry law -MAFInst. 360 -MAFInst. 822
5. National Conservation Forests, Prohibited Area	No	No	No	No	- PMD. 164 - MAFInst. 360
6. National Conservation Forests, Management Area	Yes, but limited to family use only	Yes, but sustainable and only non-prohibited categories	No	No	- PMD. 164 - MAFInst. 360
7. Provincial and District Conservation Forests	No	Depends on the local regulations	Depends on the local regulations	No	Local Regulations



3.4 Village Rights and Duties to Manage and Protect Land and Forest Resources



- The village level, which is the fourth level of forestry organizations just under the District Agriculture and Forest Office, has the right and duty to manage forest resources and forest activities within their administrative boundaries (**Forestry Law Article: 12,59,63; Local Administration Law Article: 2; Decree59/PM Article: 8.4;**)

- The village is obligated to protect forest, land and natural resources in their own village boundary (**Forestry Law Article: 59,63; Local Administration Law Article: 2,4,47;**)

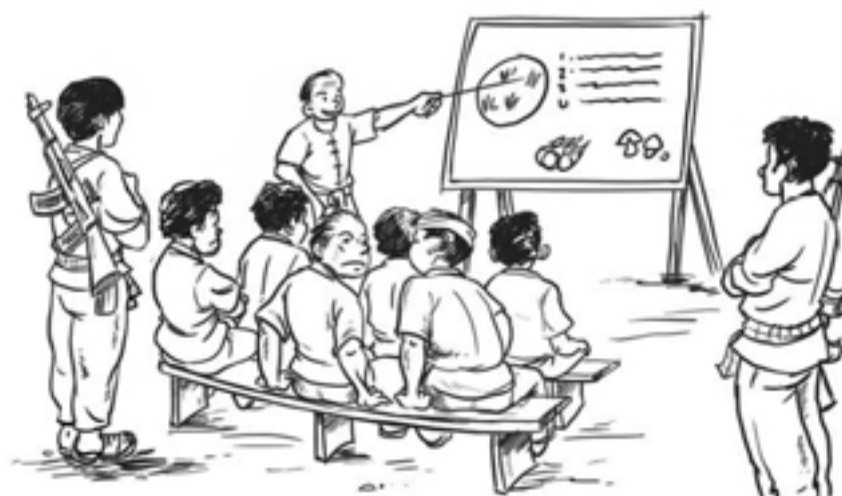


- Regarding village-based forest management in partnership with relevant authorities, villages have 3 rights and duties, as follows: (**Constitution Article: 19; Forestry Law Article: 9, 11, 63;)**
 - 1) to formulate the village's forest management plan⁴³;
 - 2) to regulate the customary use of forest resources⁴⁴;
 - 3) to discuss and decide village issues in regard to the use of forest resources⁴⁵.
- The Village Administration has the right and duty to establish village forest management organizations or village forest management groups to represent and make decisions for villagers in regard to the village forest management activities⁴⁶. (**Forestry Law Article: 63; Decree 59/PM Article: 3.5, 8.4; Regulation 0204/AF Article: 24;)**



3.5 Village Rights and Duties to Monitor the Implementation of Laws Related to Land and Forest Resources

- The Village Administration has the right and duty to monitor the implementation of laws related to forest activities⁴⁷ and to impose sanctions against individual and organizations who violate the forestry law. (**Forestry Law Article: 63,64,65,66,67; Regulation.0204/AF Article:29.3**)
- Village people have the right and duty to protect land and forest resources within their village administrative boundaries by implementing⁴⁸ regulations and laws in cooperation with relevant authorities (**Constitution Article: 19; Forestry Law Article: 8,57; Regulation0535/AF Article: 14;**)
- The enforcement of village rules are in effect for all people of that village as well as people from other villages in regard to activities involving the use of land and forest resources within the village. (**Forestry Law Article :63; Local Administration Law Article: 53**)



- Villages, together with agriculture and forestry offices at all levels, must apply measures for the people who break the rules (arrest, fire, seize evidence⁴⁹, educate or instruct offenders⁵⁰, order to stop temporarily and report to higher levels) in consensus with the law (**Forestry Law Article: 8,57,63,67. 4,69,70,71,72,73; Law on People's Courts Article: 12; Decree59/PM Article: 14; Regulation0535/ AF Article: 11,14;)**

**Table 3: Rights and Duties to Implement Laws and Regulations
Related to Land Conservation and Forest Resources**

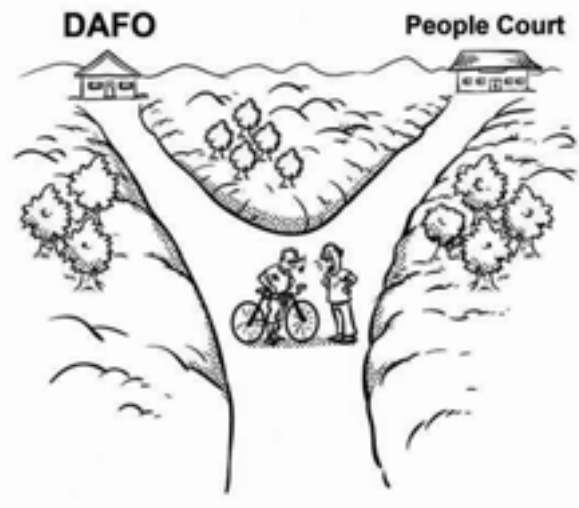
Person or Organization	Report to higher levels	Order to stop temporarily	Educate or Instruct Offenders	Seize for Evidence	Fine	Arrest
1. Village Chief	✓	✓	✓	✓	✓	✓
2. Village Forest Organization/Unit	✓	✓	✓	✓	✓	✓
3. Provincial and District Forestry Officers	✓	✓	✓			
4. Village Guards	✓	✓		✓		✓
5. Villagers	✓					



3.6 Rights and Duties to Resolve Conflict regarding to manage and use of Land and Forest Resources

- All villagers have the right to lodge complaints and petitions, and to give comments to relevant State organizations or the people's court base on the judicial process⁵¹ to solve their problems or disputes pertaining to their rights to land and forest resources. (**Constitution Article:41; Civil Procedure Law Article: 2,42**)
- Villages have the right and duty to mediate⁵², educate, and resolve conflicts regarding land and forest resources and activities⁵³ within the village boundary; in the case such conflicts can not be resolved, they can be appealed to higher authorities or courts for consideration (**Local Administration Law Article: 53; Land Law Article: 79; Decree59/PM Article: 15; Regulation0535/AF Article: 11; Regulation0204/AF Article: 33; Instruction0377/AF Article: 4**)
- In general, conflicts within a village can be divided in the following three types: (**Regulation 0204/AF Article: 33**)
 - 1) Conflict between individual residents of a village;
 - 2) Conflict between a village and an outsider or neighboring village;
 - 3) Conflict between a villager or village and a decision of the government or an official or private organization.

- Villages have two main options to attempt to resolve conflicts on land and forest resources and activities within the village boundary: (**Land Law Article: 80,81; Decree59/PM Article: 15; Regulation0204/AF Article: 33; Order0054/AF Article: 8**)



- 1) Petition local authorities and/or the relevant State organization for mediation of the conflict. Authorities may include the Village Chief, DAFES and PAFO;
 - 2) Petition the Court for two main purposes, as follows: (i²:2)
 - 2.1) To review the decision made by a government agency as mentioned above in pra.1. that was not acceptable to the villager(s)⁵⁴;
 - 2.2) To make a decision on the conflict between the village or villagers and the other party⁵⁵.
- Village units and Lao citizens have the right to file a complaint or petition to the Court to resolve disputes of land and forest resources according to the 4 levels below: (**Civil Procedure Law Article: 42,54,67; Law on People's Courts Article:15,16,27,37,47; Order0054/AF Article: 8**)
 - 1) The Village Level: to mediate the conflict based on fair customary rules and practices of the community. If the parties are not able to resolve the conflict, the complainant can file a claim to the First Instance Court¹.
 - 2) First Instance Courts: conflicts or disputes can be considered by the First Instance Courts, which are the district, municipal, or provincial courts, based on the value or amount of the claim and court jurisdiction.
 - 3) Appellate Court: if the decision of the First Instance Court is not satisfactory to a party in the dispute, he or she has the right to appeal against the decision.
 - 4) Court of Final Appeal: Either party in the dispute can lodge a claim against the decision of the lower court to the People's Supreme Court, which is the final level of appeal.

(Footnotes)

4 ARTICLES OF LEGISLATION STIPULATING TO THE SIX RIGHTS AND DUTIES



CONSTITUTION OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC (Article: 8,16,17,19,41,44,75,78)

Article 8:

The State pursues the policy of promoting unity and equality among all ethnic groups. All ethnic groups have the right to protect, preserve and promote the fine customs and cultures of their own tribes and of the nation. All acts creating division and discrimination among ethnic groups are prohibited.

Article 16:

The State protects and promotes all forms of property rights: State, collective, private domestic and foreign investment in the Lao People's Democratic Republic.

Article 17:

The State protects the property rights (such as the rights of possession, use, usufruct and disposition) and the inheritance rights of organizations and individuals. Land is a national heritage, and the State ensures the rights to use, transfer and inherit it in accordance with the laws.

Article 19:

All organizations and citizens must protect the environment and natural resources: land surfaces, underground [resources], forests, animals, water resources and the atmosphere.

Article 41:

Lao citizens have the right to lodge complaints and petitions and to propose ideas to the relevant State organizations in connection with issues pertaining to the public interest or to their own rights and interests. Complaints, petitions and ideas of citizens must be examined and resolved as provided by the laws.

Article 44:

Lao citizens have the right and freedom of speech, press and assembly; and have the right to set up associations and to stage demonstrations which are not contrary to the laws.

Article 75:

Lao PDR divided the local governance in to 3 levels: province, district and village

- The provincial level consists of provinces and cities;
- The district level consists of districts and municipalities; [and]
- The village level consists of villages.

Provinces are [governed by] governors, cities are [governed by] governors of cities, districts are [governed by] mayors, municipalities are [governed by] chiefs of municipalities and villages are [administered by] village chiefs.

Governors, mayors, chiefs of municipalities and village chiefs have deputies to assist them in their work.

Article 78:

The village chiefs have the responsibility to organize the implementation of the laws, decisions and orders of the State, to maintain the peace and public order of the village, and to develop the village in all fields.

LAW ON LOCAL ADMINISTRATION OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

(Article: 2/4/5/46/47/53)

Article 2: Local Administration

Local administration [refers to] the State administration at the local level. There are three levels of local administration in the Lao People's Democratic Republic: provincial, district and village levels.

The government delegates responsibility to the local administration authorities to manage the territory, natural resources and population in order to preserve and develop into a modern, civil and prosperous society.

Article 4: Authority and Duties of Local Administration are:

1. To implement the Constitution, laws, resolutions, orders, socioeconomic development plans and State budget plans within its area of responsibility;
2. To prepare a strategic plan incorporating socio-economic development plans, State budget plans and defense and security plans based on national strategic plans;
3. To manage political, socio-economic and cultural affairs, natural resources, the environment and national defense and security;
4. To issue resolutions, decisions, orders, instructions and notifications regarding socio-economic and cultural management, and national defense and security within its area of responsibility in accordance with the laws and regulations;
5. To supervise the performance of the organizations under its responsibility;
6. To collaborate and cooperate with foreign countries as assigned by the government; [and]
7. To exercise such other rights and perform such other duties as provided by the laws.

Article 5: Organization Principles and Functions of Local Administration

The organization, functions and operational procedures of the local administrations are implemented in accordance with the principle of democratic centralism, [with devolution of responsibility to the local administration level], which divides responsibility among management levels. The village level reports to the district level, the district level reports to the provincial level and the provincial level reports to the government under the guidance and responsibility of the party committee based on the Constitution and the laws.

Article 46: The Village

The village is a local [administrative territory] at the grassroots level. It is under the supervision of the district or municipality. A village comprises several households.

Article 47: Role and Functions of Village Administrations

The role and functions of each village administration are to implement and manage the socio-economic development plans for the village, to protect and maintain security and public order, and to protect and preserve natural resources and the environment within the village.

Article 53: Authority and Duties of Village Heads

Each village head shall have the following authority and duties:

1. To implement the Constitution, laws, resolutions, orders, and socio-economic development plans to improve the living conditions of the population; to protect natural resources and the environment; and to maintain the peace, security, and public order in the village;

2. To disseminate the government policies and laws to all people in the village; to educate, mobilize and encourage harmony and solidarity of the people; [and] to promote the people's exercise of their rights and their compliance with their obligations;
3. To motivate, promote and facilitate the participation of the Lao Front for National Construction, mass organizations, social organizations and all economic entities and ethnic people in the socio-economic development of the village;
4. To preserve and promote good national traditions and cultures of the multi-ethnic Lao people; to discourage negative occurrences and superstitious beliefs; to promote education within the community; and to educate the community to be responsible for hygiene and sanitation;
5. To manage the people in the village, and to support the people in order to bring about more stable employment and sustainable livelihoods;
6. To convene and preside over village administration meetings and attend meetings convened by higher-level authorities;
7. To propose the appointment or removal of the deputy village chief(s) to the chief of district or chief of municipality;
8. To issue rules and notifications in accordance with the laws and regulations;
9. To propose to higher-level authorities the suspension of orders or the cancellation of activities which are against the laws, rules and the common interests of the village;
10. To resolve local conflicts and complaints of the people within the scope of his authority;
11. To regularly report the overall situation in the village to the chief of district or chief of municipality;
12. To receive some allowances in accordance with the laws; [and]
13. To exercise such other rights and perform such other duties as are provided by the laws.

THE FORESTRY LAW

(Article:2,3,4,5,8,9,11,12,13,16,28,30,49,50,51,52,53,54,57,59,63,64,65,66,67,68,69,70,71,72,73)

Article 2: Forest

Forest is a highly valuable national resource made up of various plant species. Forest occurs naturally or it is planted. The existence of the forest is necessary for the protection and conservation of the environment and for human life.

Article 3: Forest Resources

Forest resources are the various living and non living resources including soil, plants, trees, water, wildlife and all other things in areas of forest land.

Article 4: Forest Land

Forest land is land, with or without forest on it, which the state has determined as forest land.

Article 5: The Ownership of Forest and forest Land

Natural forest and forest land is the property of the national community. The state represents the national community in the management and allocation of forest land for rational use by individuals and organisations. Individuals and organisations only acquire tenure rights to trees, natural forest and forest land when they receive the authority of responsible agencies. Trees and forest planted or regenerated, by individuals or organisations using their own labour or capital and with the recognition of the state, become the property of the planter or regenerator. The planter or regenerator then assumes the rights of possession, use, transfer and inheritance in accordance with regulations and laws.

Article 8: Obligations in the Protection and Conservation of Forest and Forest Land

All individuals and organizations have obligations in the protection and conservation of forest, forest resources and forest land, watersheds, wildlife and the environment. The use of forest and forest land by individuals and organizations must accord with regulations and not degrade or deplete forest resources. Individuals and organizations should develop measures necessary to prevent forest fire and contribute to stopping all activities which destroy forest by all possible means.

Article 9: Forest Management

Forest management consists of survey, inventory and collection of statistics and information about forests, the classification and registration of forest types, the identification and delineation of forest and forest land boundaries, the development of forest use plans, the issuing of forest regulations, the allocation of forest and forest land use and the provision of technical guidance and recommendations.

Article 11: The Formulation of Use & Management Plans for Forest and Forest Land

The government determines an overall management plan for the use of forest and forest land throughout the country. This plan consists of long term, medium term and short term programmes, and it is submitted to the National Assembly for consideration and approval. Local administrative offices formulate management and use plans for forest and forest land, based on the government's overall plan and local conditions, in their area of jurisdiction. These plans are submitted for approval to higher levels of government authority.

Article 12: The Allocation of Forest and Forest Land to Local Administrative Offices for Management and Use

Following the inventory, classification and delineation of forest and forest land the government allocates rights of forest management and use to local administrative offices. These rights are passed down from province and Vientiane Capital to the districts, and then by the districts to the villages which assume responsibility. Provinces, Vientiane Capital, districts and villages which border one another should participate in, and collectively recognize, the allocation of forest and forest land.

Article 13: The Allocation of Forest and Forest Land to Individuals and Organizations for Management and Use

The state grants rights to use degraded forest and barren land to individuals and organizations, for the purpose of planting trees or regenerating forest, depending on their capacity in terms of labor and capital. An individual family will be allocated an area of no more than three hectares for each unit of labour in the family. In case a family or other organization wants a larger area they have the right to request the lease of additional land from the state, and arrangements made will depend on production capacity.

For enterprises that want to use degraded forest or barren land for tree planting, the government has specific provisions for dealing with each case.

It is forbidden for individuals or organizations to use well developed natural forest or fallow forest, which can regenerate naturally, for tree planting.

Article 16: Forest Categories

Forest in the Lao People's Democratic Republic is classified into five categories:

1. Protection Forest.
2. Conservation Forest.
3. Production Forest.
4. Regeneration Forest.
5. Degraded Forest Land of Barren Land.

Article 28: The harvesting of Timber and other Forest Produce from village Management & Use Forest Household Consumption

Tree felling for construction, repair and other household uses is only allowed in the production forest of the village. Only species which are not protected can be used and not more than 5 cubic meters of log (round timber) per family. Tree felling is allowed only in specified areas and in accordance with regulations proclaimed by the village authority. The use of non—timber forest products must also be in accordance with village regulations endorsed by the District Agriculture and Forestry Extension Office.

Article 30: Customary Use of Forest and Forest Land

The customary use of forest, forest land is the use of forest, forest land and forest produce which has been practiced for a long period and is recognized by society and/or law. Customary use includes the collection of non-prohibited wood for fences and fuel, the collection of forest produce, hunting and fishing of non-prohibited species for household consumption and other uses following custom. Customary use should not damage forest or forest resources or affect the rights or benefits of individuals or organizations. The customary use of forest, forest land and forest produce must be in accordance with village regulations on forest and forest land which the village authority has determined, consistent with the special circumstances of the village in each stage of its development, and in accordance with Article 63 of this law.

Article 49 : The Rights of Parties Holding Tenure of Forest and Forest Land

Parties holding tenure of forest and forest land have the rights of possession, use, usufruct, transfer and inheritance. State agencies have rights to manage, use, protect and conserve forest and forest land according to regulations.

Article 50 : The Allocation of Tenure Rights to Forest and Forest Land

Allocation is the agreement of concerned agencies to assign forest and forest land to individuals and organisations for long term possession and use with the security of, and in accordance with, a specific contract and regulations.

Article 51 : The Rights of Possession and Use of Forest and Forest Land

The right of possession of forest and forest land is the right to protect, conserve and make use of forest and forest land which one has obtained. The right to use forest and forest land is the right to make use of forest and forest land for a defined purpose, in order to satisfy the desire of the party holding tenure rights.

Article 52 : The Right of Usufruct from Forest and Forest Land

The right of usufruct from forest and forest land is the right to derive benefits from the use of the forest and forest land, which one has developed, such as rent or as security for a loan.

Article 53 : The Right to Transfer Forest and Forest Land

Transfer is passing tenure rights to forest and forest land, which one has developed, to another party to exercise. Transfer must be reported to concerned officers, a request for new registration made and a registration fee paid in accordance with regulations.

Article 54 : The Right to Inherit Forest and Forest Land

Inheritance of tenure rights to forest and forest land is the passing on of these rights to children, grandchildren, parents or relatives following the death of the person holding the rights. Inheritance must be reported to the concerned officials, registered and a registration fee paid in accordance with regulations.

Article 57 : The Obligations of Forest and Forest Land Users

Users of forest and forest land have the following obligations :

- make use of forest and forest land in accordance with the purpose defined for it in agreements, regulations and laws.
- employ all means in order to protect, conserve and develop forest and forest land to make it a sustainable resource.
- make use of forest and forest land while protecting and conserving watersheds, wildlife and the environment.
- pay resource tax, forest fees and rent for forest land according to regulations and law.
- report and provide information about the use of forest and forest land to government officers responsible for forest management, local administrative offices and the government.

Article 59 & 65: The Organisation for Management of Forest and Forestry Activity

The organisation for forest and forestry activity management includes the Ministry of Agriculture and Forestry, the Provincial and Vientiane Capital Agriculture and Forestry Services, the District Agriculture and Forestry Extension Offices and village administrative offices.

Article 63 : The Rights and Duties of the Village Administrative Office

In the management of forest, forest land and forestry activities the village office has the following rights and duties.

1. organise the implementation of decisions and orders from the District Agriculture and Forestry Extension Office concerning forest, forest land and forest activities.
2. organise the allocation of village forest and forest land to individuals and organisations within the village, to manage, protect and conserve, regenerate, plant, increase and use efficiently according to agreements, plans, and regulations approved by the District Agriculture and Forestry Extension Office.
3. inform and educate villagers of the importance and value of forest and forest land, watersheds and the natural environment so that they fully understand.
4. monitor changes in the conditions of forest, the environment and the operation of forestry activities in the area of the village and report on these to the District Agriculture and Forestry Extension Office.
5. mobilise the people of the village to manage forest and forest land within the area of the village.
6. develop specific village regulations for the management, protection and conservation of forest, watersheds, wildlife and the natural environment appropriate to the actual conditions of the village.
7. organise sedentary livelihoods for villagers aimed at limiting and ending tree felling, damage to the forest and protecting and conserving the natural environment to allow the regeneration and development of forest and forest resources toward a state of natural equilibrium.
8. consider permission for villagers to fell trees within the village in accordance with regulations.
9. monitor and prevent any hunting or sale of forest animals in violation of regulations.
10. lead the timely prevention of harmful activities affecting forest resources, watersheds and the environment such as tree felling, burning forest and all other activities which damage forest resources, wildlife and water sources.

Article 64 : The Objective of Forestry Inspection

Inspection is the monitoring and observation of the operation, management and use of forest and forest land by individuals, organisations, enterprises and forestry officers. The purpose of forestry inspection is to ensure that these activities are conducted in accordance with the Forest Law, regulations and other laws of the Lao Peoples Democratic Republic. Forestry inspection is aimed at effective protection, conservation and development of forest, forest land and forest resources.

Article 66 : The Types of Forestry Inspection

There are three types of forestry inspection, as follows :

- Regular Systematic Inspection.
- Advance Notice Inspection.
- Impromptu Inspection.

Regular systematic inspection is carried out at fixed intervals and must be performed at least once a year.

Advance Notice Inspection is performed as deemed necessary, by informing the party responsible for the management or operation inspected at least twenty four hours in advance. Impromptu inspection is performed as deemed necessary, urgently and without advance notice to the party responsible for the forest management or forest operations inspected. Inspection can examine both documents and the actual operation of forest activities on site.

Article 67 : The Rights and Duties of the Organisation for Forestry Inspection

The forestry inspection organisation has the following rights and duties.

1. inspect documents and on site field operations.
2. order persons under inspection to cooperate and provide information at defined times.
3. implement forestry inspection measures including on site searches, ordering the suspension of operations and ordering that materials and equipment to be inspected are not moved.
4. enforce measures, against those who break the Forest Law and regulations, such as warning, education, fines, detention or arrest, the confiscation of equipment used in offences and bringing legal action against offenders in accordance with the law.
5. request assistance, in the performance of forestry inspections, from individuals, state agencies or social organisations, including the armed forces. These individuals and organisations have an obligation to cooperate with inspection offices in an appropriate manner.

The performance of forestry inspection by forest officers must conform to regulations and laws.

Article 68 : Incentives and Rewards for Good Work

Individuals, organisations or enterprises that perform outstanding work in protection, conservation, management, tree planting, regeneration and the prevention of damage to forest and forest land will receive recognition, incentives and rewards determined by the government. These incentives and rewards include money, credit privileges, tax exemptions, extension of lease period or increases of leased area, and others in accordance with regulations.

Article 69 : Measures against Offenders

The main measures against parties that break the forest law are as follows :

- warning and education.
- fines.
- criminal punishment.

In addition there are other punishment measures.

Article 70 : Warning and Education Measures

Warning and education measures are applied for the following, first time offences, which cause damage valued at less than 50,000 kip.

1. clearing of forest for shifting cultivation outside of allowed areas or in violation of other regulations.
2. cutting of firewood, fence posts or construction timber for household consumption in violation of regulations.

3. collection of forest produce in protected areas and/or in violation of other regulations.
4. hunting and fishing of prohibited species in protected areas or during the closed season.
5. illegal possession of prohibited species in violation of regulations.
6. possession of hunting equipment in violation of regulations.
7. import of plant and wildlife species in violation of regulations.
8. use of forest land in violation of regulations.
9. refusal to cooperate with forestry officers performing their duties.
10. failure to report the use of forest or other information about forest and forest land to forestry officers.
11. other minor violations of regulations.

Article 71 : Fine Measures

Fines will be applied, at twice the value of either the damage, the value of the goods or illegal materials, the value of repairs, resource tax and any other fees or rent, to parties committing the following offences.

1. first offences as described in points 1,2,3,4,5,6,7,8 of Article 70 with damage valued from 50,000 to 500,000 kip, or, if it is a second offence, with a value of 50,000 kip or less.
2. unauthorised import, sale or possession of logging or wood processing machinery.
3. possession or transport of timber or other forest products in violation of regulations.
4. use of raw materials for wood processing factories in violation of regulations.
5. failure to pay resource tax, forest fees or forest land rent.
6. hunting or fishing of prohibited wildlife with a value of no more than 500,000 kip.
7. unauthorised occupation of forest land.
8. unauthorised conversion of forest land.
9. the use of forest land for an unauthorised purpose.

Article 72 : Criminal Punishment Measures

Parties that commit the following offences will be deprived of freedom for between three months and five years and fined twice the value of the goods, materials or damages involved.

1. felling trees, clearing and/or burning forest and causing damage valued at more than 500,000 kip, or repeating these offences three or more times and each time causing damage valued at less than 500,000 kip.
2. hunting and fishing for specially prohibited wildlife, as determined by the concerned agencies, such as kouprey, saola, gaur, elephant, douc langur or fresh water dolphin.
3. hunting or fishing for wildlife with devices which cause mass destruction.
4. the unauthorised import, sale or possession of wood cutting and sawing equipment as stipulated in Article 32 paragraph 2 of this law. The unauthorised import, sale or possession of logging or wood processing machinery three or more times.

Officials who permit the felling of trees or the transport of wood when they do not have authority to do so, approve the conversion, allocation or transfer of forest land in violation of regulations and laws, or misuse their duties or position for personal benefit, will be deprived of their freedom for between six months and five years.

Article 73 : Additional Punishment Measures

In addition to the main punishments described above in Articles 70, 71 and 72, offenders may be subject to additional punishments such as suspension or withdrawal of permits, the withdrawal of tenure rights to forest and forest land, planting trees as a form of compensation, and confiscation of equipment used in, and evidence of, offences.

THE LAND LAW

(Article: 2,3,5,13,15,17,18,19,21,22,44,48,49,53,60,70,71,72,79,80,81,83,84)

Article 2: Land of the Lao PDR

Land of the Lao People's Democratic Republic is the land area which lies within the territory of Lao PDR and includes land surface, underground land, mountains, isles as well as submerged land, water space and air space.

Land of Lao PDR is the main national resource which is the place of living and working of the Lao citizens, and is the important means of production, socio-economic development, national defence and security.

Article 3: Land ownership

Land of Lao PDR is under the ownership of the national community as prescribed in Article 17 of the Constitution in which the State is charged with management in a central and uniform manner throughout the country and allocating to individuals, families and economic organisations for use, lease or concession, armed organizations, State organizations, political organizations, national construction Front and mass organizations for use, and to resident aliens, stateless persons and foreigners and their organizations for lease or concession.

Article 5: Protection of the Interest of the holder of land use right

State protects the lawful rights and interests of the land use right holder with efficiency, regularly peaceful and long-term use of land and ensures the protection right, use right, usufruct right, transfer right and inheritance right.

Article 13: Land lease

State authorizes Lao citizens to lease the State land for a maximum period of not over thirty years and can be extended depending on the case.

The actual determination of the lease period shall be made on the basis of the feature and size of the land use activities.

The lease of the land use right for the developed land between the Lao citizens depends on the agreement of both parties and such agreement shall be certified by the village administration authority, notary office, and shall be registered at the district, municipality administrative authority where the land is located.

Article 15: Agricultural Land

Agricultural land means the land destined to be used for cultivation, animal husbandry and agricultural research and experimentation and for irrigation.

Article 17: Determination of right limit on using agricultural land

State authorizes individuals and families for long-term and efficiency to use the agricultural land in conformity with the allotment plan and purposes and for the areas determined as follows:

- For those using land for cultivating rice and farming, the maximum area is one hectare per working person in the family;
- For those using land for undertaking industrial and annual crops, the maximum area is three hectares per working person in the family;
- For those using land for growing fruit-trees orchards, the maximum area is three hectares per working person in the family;
- For those using deforested land or grass-land for growing grass for animals, the maximum area is fifteen hectares per working person in the family.

In approval for the use of agricultural land area by individuals, the State shall consider on case by case basis by taking into account the feature, size, actual productive ability, conditions and management plan of the agricultural land of the local level.

A working person can receive the right to use many categories of agricultural land if such person owns the conditions and productive ability.

Any person who wishes to use the agricultural land for an area larger than the amount determined for the category of land for which he/she has the use right, he/she may apply for leasing or conceding the land with the State.

In approval of agricultural land area to organizations for production purpose, it shall be based on the actual ability of such organizations.

Article 18: Grant of right to use agricultural land

District, municipality administrative Authority is charged with taking consideration and approval of the grant of the right to use agricultural land under its management to individuals and organizations by issuing to them the land certificates. These land certificates are valid for three years. During the said period, if the land has been used in conformity with purpose and regulations, and no complains, no objections, or the complains have been resolved, then the individuals and organizations could have the right to apply to the land management authorities of the province, city for issuing of land title for long term use right.

Article 19: Forestry land

Forestry land area means the areas of all land parcels which are covered by forest or the land which is not covered by forest but is determined by the State to be forestry land as prescribed in the forestry law.

Article 21: Determination of right limit on using forestry land

State gives the authorization to individual and family for long-term and efficient use of forestry land which is deforested land or degrading land in conformity with the purposes for an area of not over three hectares per one working person in the family. Any person wishing to use forestry land of a larger area, he/she has the right to apply for leasing the land with the State.

The permission for the organizations to use the forestry land shall be based on their actual productive ability.

Article 22: Grant of right to use forestry land

District, municipality administrative Authority is, in coordination with the village administrative Authority, charged with making decision on the grant of use right of forestry land which is under its management to individuals and organizations for use by issuing to them land certificates. These land certificates are valid for three years. During this period, if the land has been used in conformity with the purposes and regulations, and no person has raised objections and claims, or any objections and claims have been resolved, then the individuals and organizations could have the rights to apply to the land management authorities of the province, city for issuing of land title for long-term use right.

Article 44: Types of land registration

Land registration consists of two types, such as:

- Systematic land registration;
- Land registration on request.

The systematic land registration is the registration without request, systematically undertaking in a particular area where the land allocation and categorization for management are necessary needed.

The land registration based on request is the registration made on demands of individuals or organizations to certify their right to use the land.

Article 48: Land certificate

Land certificate is an official document that certifies the rights on agricultural land or forestry land for temporary use which is issued by the district, municipality administrative authority to individuals or organizations who have the right to use such lands.

Individuals or organizations receiving the land certificate have the right to give it as inheritance for the term of the certificate; but have not the right to transfer, to use as share, to use as guarantee or to put on lease.

Article 49: Land titling

Land title is the only one document which is taken as the main evidence for permanent land use right. It is copied out from the Land Register Book in one copy only and is handed over to the land owner who shall keep it as an evidence for a long period until there is a change accordingly to the conditions as prescribed in the law.

Before issuing the land title, the concerned authority shall put the Information Notice at the land management authorities, district, municipality administrative offices, village administrative offices where land is located, and issue the Notification by using the State mass media - publishing in newspapers and announcing by radio broadcasting or by television - for a period of ninety days as from the date of signature of the notification in order to inform the public. During this period, if no claims have been raised or if the claims have been resolved, the land title shall, then, be issued to the holder of land use right.

Article 53: Right of land user

The land use right holder has the following rights:

- right to possess the land;
- right to use the land;
- right to usufruct from land use;
- right to transfer the right to use the land;
- right to inherit the right to use the land.

Article 60: Obligations of the land user

Land user has the following obligations :

1. use the lands in accordance with purposes;
2. not cause damages to land quality and not cause harmful impacts on the natural or social environment;
3. not violate the rights and interests of other persons;
4. implement legal servitudes as stipulated in the law;
5. pay the fees on land;
6. perform the obligations related to land on time, such as: land taxes, transfer taxes, income tax from lease, inheritance tax, fees for names transfer, fees for land legal documents registration, and other fees concerning the land.
7. comply with other land regulations.

Article 70: Compensation for losses caused by legal servitudes

Any individual or organization who receive the right to use the land of other persons from the situation of legal servitudes under term of passing way and drainage canal causing losses to the crops or construction of other persons shall pay a suitable compensation for such losses.

Article 71: Compensation for losses caused by land expropriation

When it is necessary to use the land of any individual or organization for public purposes, the State shall expropriate the land use right but shall appropriately compensate the losses to the owner of such expropriated land.

In order to ensure the compensation for losses due to land expropriation, it is required to have reserved land at a rate of five percent of the total land area of the village, district, municipality, province or city.

In the period of non-use such reserved land can be given on lease temporarily to an individual or organization.

Article 72: Determination of losses

To compensate for losses, a committee for assessing the losses, which composed of representatives of the agencies concerned should be established.

Article 79: Rights and duties in land inspection

Land management authorities have the rights and duties as follows :

- 1.demand needed documents from the individual or organization for inspection;
2. undertake the land site inspection;
- 3.give advice to the land users;
- 4.order to suspend or discontinue temporarily the activities which are not correct to rule on land use,
- 5.Propose the authority concerned to revoke the right to use the land;
- 6.To perform other rights and duties related to the land use inspection.

Article 80: Resolution of land disputes of executive character

The concerned land authorities in collaboration with the administrative authorities at the same level where the land is located is responsible for resolving land disputes of executive character, such as : use of the land without permission, use of the land not in conformity with the purposes, non-use of the land within term after its granting, non-payment of taxes, levies or fees as prescribed by the regulations and other land problems of executive character.

If the land user is not satisfied with the land disputes resolutions, he/she has the right to request the higher authority to resolve such disputes.

Article 81: Resolution of land disputes of civil character

The resolution of land disputes having civil character, such as inheritance of developed land, transfer of land use right and other contracts on land shall be examined and decided by the people's court in accordance with the law.

The land disputes of executive character are first resolved by mediation means by the village administrative authority where the land is located. If the mediation cannot reach an agreement, the disputes shall be submitted to the district, municipality administrative authorities for mediation. If is not unable to resolve such disputes, then both parties have the right to submit the disputes to the court.

Article 83 Measures against violators

Any individual or organisation who has, while using, protecting and developing the land, violated the law and regulations on land causing losses and damages to the public, environment, assets, health or life of other persons shall be subjected to a fine or a penal punishment, depending on the severity of the case, as well as the payment for the compensation of the losses caused.

In addition to the above-mentioned main punishment, the guilty person may receive additional punishment such as: withdrawal of Land Certificate, Land Title or other certificates (approvals) concerning the use of land.

Article 84 Penal Measures

Any individual who has, while performing the work concerning the land, violated the laws and regulations, such as: abuse of power, use power beyond the limits, getting the bribes, forging documents for self interests, which caused the losses to the State, collective interests or to other persons shall be inflicted with disciplinary or criminal punishments, depending on the severity of the case, as well as the payment for the compensation of the losses caused.

LAW ON PEOPLE'S COURTS

(Article: 12,15,16,27,37,47)

Article 12: Levels of decision making in Courts

There are 3 levels of courts involved in decision making

1. Primary level
2. Appeals level
3. Supreme level

District/Municipality People's Court will make the primary decision based on the evidence and laws. The Provincial City Court, will make a decision based on evidence and laws. These are the primary levels of court.

For the Appeals Court, cases have already been heard at the Primary level. The Appeals Court will make decisions for appealed cases based on evidence and laws.

The highest people's court will make the final decision based on law.

Article 15: System of people's courts in Lao PDR consists of:

- People's Supreme Court;
- Appeals Court;
- Provincial City People's Court;
- District/Municipal People's Court;
- Military Court.

The Appeals, Provincial City, District/Municipality Courts are known as Local People's Court

Article 16: Role and responsibility of the Highest People's Court

The Highest People's Court is the highest decision making body in Lao PDR. Its role is to process cases, manage implementation and supervise the workings of local and military courts throughout the country, as set out in the law.

Article 27: Roles and responsibility of the Appeals Court

The Appeals Court is one of the courts in the people's court system of the Lao PDR. It has the role of processing cases at the appeals level, the cases that have already been decided by the Provincial City Courts at the primary level.

Article 37: Roles and responsibility of the Provincial City Court

The Provincial City Court is one of the courts in the people's court system of the Lao PDR. It has the role of processing cases at the primary level, cases that do not involve rights and powers of District/Municipality People's Courts. It also serves as an appeals court for cases decided by District/Municipality People's Court

Article 47: Roles and responsibility of the District/Municipality People's Court

The District/Municipality People's Court is one of the courts in the people's court system of the Lao PDR. Its main role is to educate and mediate cases of conflict. It makes decisions in simple cases where the monetary value is low, as set out in the law.

CIVIL PROCEDURE LAW

(Article: 2,42,54,67)

Article 2: the right to file claims

Individuals, organizations and enterprises have the right to file a claim in court as provided by the laws to protect their rights and interests that have been violated or disputed by other persons.

Article 42: claim

A claim is a document submitted by an individual, organization or enterprise to a court to complain that it has suffered damage from a violation or dispute in respect of its rights and interests. A claim consists of the following main elements: the name of the court in which the claim has been filed; the given name, family name and address of the plaintiff and defendant. The events giving rise to the claim and evidence on which the court may base its decision; the amount of the claim; the requested by the plaintiff and other documents relating to the case attached to the claim. The claim must be signed by the plaintiff or the plaintiff's representative, or should display such person's thumb print; the claim must be affixed with stamps and must be accompanied by the payment of a court fees depending on the case as provide in the Law on Court Fees.

Article 54: results of mediation

When the litigants reach a settlement as a result of mediation, the village mediation unit or the district justice office must make a memorandum and the litigants must sign and affix their thumb prints to it in order to evidence. The memorandum of mediation shall be come effective from the date it is signed. In the case of mediation by court, the mediation settlement shall be effective and enforceable as a final decision of the court. The order for execution of the mediation settlement must be made within five days from the date of the mediation. The court shall not reconsider a case that it has mediated.

Article 67: means to exercise the right to cessation

Litigants have the right to request a cessation and the public prosecutor has the right to submit an objection to a decision of the primary court within twenty days from the date of a decision made in the presence of the parties. The request for cessation or objection must be filed with the People's Supreme Court through the relevant court of appeal. After the receipt of the cessation or objection request, the court of appeal must inform the other litigant. When the allocated timeframe for cessation or objection expires, the court of appeal must sent the request for cessation or objection as well as the case-file to the People's Supreme Court within three days

THE PRIME MINISTER'S DECREE NO 59/MP. DATED 22/05/2002 ON SUSTAINABLE MANAGEMENT OF PRODUCTION FOREST AREAS.

(Article: 1,3.5,8.4,14,15)

Article 1:

This decree covers the identification, establishment, management and use of Production Forest Areas (PFA) and the key principles for monitoring the implementation of sustainable forest management throughout Lao PDR. This Decree further covers the duties and functions of relevant sectors, local authorities and villagers in participatory management of PFAs.

Article 3.5:

The village forestry organization is as one organization setup in the village for making contribution to the management of village forest and chairing by the village head man.

Article 8.4:

The village forestry organization has mandate to organize the villagers for taking participation with the Production Forest Unit into the implementing of all sustainable forest management activities as capable and according to the introduction and regulation issued

Article 14:

The forestry sector and local administrative authority responsible for taking conditional cases to disobeyer. All people must be involve into the restriction of all disobey activities in the production forest.

Article 15:

Population or village those who have problem in production forest should be solved by the organization (village, DAFO, PAFO). If not satisfactory it could submit to the jurisdiction authority for review.

THE PRIME MINISTER'S DECREE NO 192/PM. DATED 07/07/2005 ON COMPENSATION AND RESETTLEMENT CAUSED BY DEVELOPMENT PROJECT.

(Article: 1,3,5,6)

Article 1. Objectives

This decree determines the principles and measurements to reduce and compensate losses and negative impacts on society that arise as a result of the government taking away rights to manage and use land and other fixed local assets involuntarily. This includes changing the objectives of land use, or the limiting the communities' ability to use natural resources which affects their livelihoods or sources of income. The decree aims to ensure that the people affected are compensated for losses and that they receive assistance to improve incomes and livelihoods. They should be better off, equal, or at least not worse off than previously.

Article 3: Definitions

4. The starting date of the project means the day that project officials begin to survey the affects of the project on individuals in the project area. The Project Manager must make a declaration to people

affected 30 days before they register themselves as people affected by the project. The people who do not register themselves will not have rights to receive compensation or other rehabilitation rights.

5. The people that are affected by the project are: individuals, legal entities and organizations that are affected by the project because property is sequestered or there is a change in land use before the project commences. This includes:
 - a standard of living is that is negatively affected
 - rights, ownership or benefits to households, land (especially the area in which they live), place of business, agricultural production, tree plantations, land for raising livestock, water resources, non fixed assets, fixed assets, areas under control (in total or in part) that are negatively affected either temporarily or permanently.
 - business, careers, workplace or place of abode is negatively affected through exchange or not through exchange
 - community resources that are negatively affected

Article 5: Rights of those who receive compensation, resettlement assistance and rehabilitation of livelihoods.

1. Individuals, and legal entities that exist or work in the area of project development that will be sequestered before the project commences are those affected by the project and will have rights to receive compensation, resettlement assistance and livelihood rehabilitation.
2. People who do not exist in the project area but have land and buildings inside the project area also have rights to receive compensation, resettlement assistance and livelihood rehabilitation.

Article 6: Principles of compensation

1. The Project Manager must compensate those who are affected by the project due to loss of land use rights or loss of property (buildings, agricultural produce, trees and other fixed assets) that is lost in total or in part, in equal exchange value.
2. In the case of partial or total affect on land by the project, especially agricultural land, place of abode and place of business, the Project Manager must compensate land based on size and productive ability, and it must be land that is agreed upon between Project Manager and affected people
4. If the land or property is affected temporarily, the people affected by the project must receive compensation in total for their loss of income, property, plants and trees on a case by case basis. The Project manager must ensure that this land and property is returned to its rightful owner in its original condition.
6. The people that are affected by the project living in rural or remote areas that do not have land use certificates or documents evidencing their right to use land and properties owned by them, must receive compensation for loss of this land and property in equal value and extra assistance to ensure their livelihoods are not worse off than before because of the project.
For people living in urban areas the people that are affected by the project not having land use certificates or documents proving their right to use land and properties owned by them, and they do not have land in other areas, must receive compensation for loss of this land and property in equal value and extra assistance to ensure their livelihoods are not worse off than before because of the project.
7. The people that are affect by the project that do not have a problem with their loss of right to use land will receive compensation for property (buildings, plants, trees) in equal value, other assistance during the rehabilitation period and economic rehabilitation assistance in order to ensure their living standards do not decrease because of the project.

8. Complaints, petitions and unsolved problems of the people concerning land, ownership, land use and other property arising before the project that are affected by parts of the project must be solved before the process of compensation commences.

THE PRIME MINISTER'S DECREE NO 101/PM. DATED 20/04/2005 ON THE IMPLEMENTATION OF THE LAW ON LAND

(Article: 2,7,8,12,13,18,19,23,25,26,28,29,31,32,33)

Article 2: Meaning of Terms used in Land Law

“Land Use Right” is the right of a person or an organization who acquires land use right through assignment, exchange, purchase and inheritance. Land use right consists of: land protection right, land utilization right, land usufruct right, right of making the transfer of land use right and land inheritance right. Any person or organization having the above-mentioned land use rights is entitled to lease the land, use the land as loan guaranty, capital or share in joint ventures.

“Land utilization Right” is the use of land and is a component of land use right as specified in Articles 48 and 59 of the Land Law.

“Land lease” is the lease of land performed by the state, legal person or individual person to an organization or another person based on a legal contract.

“Land Concession” is the agreement between the state with the concession applicant, in which the state give land located in some place to the concession applicant for using for a specific purpose as authorized by the state. The land concession holder shall pay the concession charge and the land royalty.

“Family members” include the husband, wife, children, adopted children of the person whose name is mentioned in the land title or the cadastral map. In case of adopted children, there shall be an adoption attestation duly certified by the concerned authority.

“Family Labour Force”: According to the Land Law, it means persons in the family having the age of 14 years and over who are able to work, physically, or intellectually.

“State Land” means all land parcels which are available within the territory of Lao PDR excluding the land for which the state organisation has already issued the land use right certificate to a person or an organization.

“Person who left the land”. According to Article 74 of the Land Law, it refers that person leaving his/her land for going to live in other places, during the country's liberation war shall have no right to claim for the return of the land. This is not included the revolutionaries.

In case of land belonging to the revolutionary, if the administrative authority has already allocated the use right to the people, the revolutionary is not able to claim for the return of the land as in accordance with article 73 of the Law Land.

Persons who left the land and went to live abroad for over seven years without authorization or with authorization, but the person chooses to stay longer than the authorized period and is not under the supervision the Embassy of Lao PDR or the Lao consulate office in the concerned countries and who has broken the legal relation with the state of Lao PDR for over 10 years, the person is not entitled to reclaim the land, as his/right is terminated.

Article 7: Land Management at Local Level

Land Management Agency at Local Level is comprised of:

- Land Management Agency of the province, city and special zone.
- Land Management Agency of the District/Municipality.
- Village Land Unit.

Article 8: Rights and General Functions of Local Land Management Agency

Land Management Agency of local level has the rights and general functions as follows:

- Ensuring land management and administration;
- To manage land registration, and land valuation;
- To undertake the cadastral survey, land allocation, classification of land region, boundaries marking, land category classification and land use planning, land use mapping, assignment of land use right, land leasing, granting of land concession, cadastral record book, withdrawal of land use right;
- To issue land map sheet and land title;
- Collecting statistical data and information on land and providing land services;
- Conducting land control.
- Ensuring the implementation of the rights and functions in accordance with the assignment administrative organization and the technical guideline of the National Land Management Agency.

With regards to the detailed division of rights and functions of the Land Management Agency of each local level, there shall be a separate regulation specifically issued by the National Land Management Agency.

The Local Land Management Agency is charged with collecting and compiling statistical data and the changes relating to land use which is under the responsibility of the concerned local level with the aim of reporting to the National Land Management Agency.

Article 12: Land Registration and Registration of Land Documents

Land Management agency is responsible of carrying out land registration and registration of land documents for the whole country as specified in Articles 43 to 53 of the law on Land based on the division of tasks as follows:

- The National Land Management Agency is charged with conducting research and formulating mechanism and regulations; monitoring land registration and land documents registration;
- Land Management Agency of the Province/City is charged with carrying out land and land documents registration; certifying land use right; issuing the land survey map and land title based on the proposal of the Land Management Agency of the District/Municipality.
- Land Management Agency of the District/Municipality is charged with conducting the land country, land measurement and the forming of documents for land and documents registration.
- Village Land Unit is charged with providing data relating to land for the purpose of forming the land file for applying for land and land documents registration. The land file shall be duly certified by “Nai Ban” (chief of village) and, thereafter, sent to the Land Management Agency of the District/Municipality for consideration.

Article 13: Documents Attesting Land Use Right and Land Utilization Right

Documents certifying the land use right and land utilization right consists of the following: land title, land map sheet, land certificate, original Land Acquisition Certificate and Land Development Attestation.

- Land Title is the highest legal document certifying the land use right. Only the rightful person(s) whose name(s) is(are) included in the land title shall be considered as owner(s) of the land title who shall have the right for using as loan guaranty, capital share, gift; for selling, exchanging, leasing, giving as inheritance. For applying the above-mentioned rights, the holder of the land title has the right to

appoint another person to act as representative. However, the assignment of right shall be made in written form and shall be duly attested by the court registry or the chief of village.

- Land Map Sheet is the document required for forming the file for applying for land registration. For all land map sheets which are registered at Land Management Agency of the Province/City or the Land Management Agency of the District/Municipality, their owners shall have the same rights as the holders of the land tile; however the land map sheet shall be subjected the control of the validity from the land authority before it may validly be used.
- Land certificate is the document certifying the right of provisionally using agricultural land or forest land accordingly issued by the District/Municipal Administrative Authority based on the policy on land management and land and forest allocation. The Land certificate term may be inherited in accordance with the term of the Land Certificate as specified in Article 48 of the Land Law. The holder of Land Certificate who has completed the 3 year period of using the concerned category of land in compliance with the term as specified in Article 18 of the Land Law shall have the right to apply to the Land Management Agency of the province/city or the Land Management Agency of the District/Municipality for the issuing of land title or land map sheet.
- Certificate for Original Acquisition of Land is the document certifying the acquisition of land which shows the historical evolution of the protection and use of land.
- Land Development Attestation is an official document which is issued by the Agriculture and Forest sector with the aim of attesting that the concerned land parcel has been already developed. This attestation is required for forming the land file for applying for land registration accordingly to Articles 18 and 43 of the land law.

Article 18: Land Lease and Land Concession

- The Government, the National Land Management Agency and the Land Management Agency of the Province/city/special zone have the right to give state land on lease or on concession to other person or organization based on the scope of their rights.
- A Lao citizen and socio-economic organization who have duly acquired land use right shall have the right lease their land use right to another person or organization.
- The land lease contract or land concession contract shall determine the purpose, rent charge or concession charge, actual leasing period or concession period. Regarding the concession contract, it is required to determine also the amount of royalty to be paid.
- The lesser, other than the state, shall make the declaration on actual rent charge in order to pay the tax on income from leasing the land to another person.
- The lessor or the concession holder shall use the land in compliance with lease contract or the concession contract as well as in accordance with the law and regulations; and shall be subjected to the control of the concerned authority.
- The National Land Management Agency has the function of undertaking the research on detailed regulation governing land lease and land concession.

Article 19: Rights Acquired from Land Lease or Land concession.

Foreign nationals, persons having no nationality, foreigners and organizations of such persons who have been granted the lease or concession by the state or by Lao citizen shall have the right to use the lease contract or concession contract as capital share or as loan guaranty based on the remaining period of the lease contract or concession contract. However, it is required to have prior agreement by the state or the owner of land use right. Regarding the period of the lease contract or the concession contract, the provision in Article 65 of the Land Law shall be applied.

Article 23: Custom-based Land Use Right

Custom-based land use-right is Land protection and land utilization through the clearance and development of the concerned land parcel in a regular, continued and long term manner. Until now there are currently, no certificate attesting the person land use right.

The state recognizes the custom - based land use right by issuing the land map sheet or land title on case by case basis, as specified in the land law, through the application for land registration submitted to the Land Management Agency. The application for land registration shall consist of the following evidences: certificate for initial a acquisition of land, witnessed, the holder of use right of neighboring land and the village administrative authority where the land is located.

Article 25: Compensation for the Losses

Any person or organization causing damages to another person who receives the land use right and land utilization right shall be held responsible for the payment of compensation for the damages to the concerned person on case by case basis as follow:

- 1). In case of the necessity of using the land for public facility, national defense, national security or using the land for specific development by the state.
- 2). Use of land for the building of accessing passage, irrigation canal, electric wire installation track, water pipe track etc... which are state activities which cause damages to the owner of requisitioned land; except in case the owner of requisitioned land has also benefited from the activity.
- 3). Other activities which cause soil erosion, damages for neighboring land. Such activities include the digging of hole, well, fish pond, water evacuation track, digging of soil for selling, etc...

Article 26: Assessment of Damages

Payment of compensation for damages as specified in article 25 of this Decree shall be made on the basis of the assessment of price by the National Land Management Agency after having coordinated with the concerned local administrative authority and sectoral agency.

Compensation of damage may be paid in money, materials or by providing land in exchange depending on the mutual agreement of the two party and in a reasonable manner.

Article 28: Settlement of Land Dispute

The Settlement of Land dispute shall undertaken in compliance with Articles 73 to 76; Articles 80 and 81 of the Land Law. For all cases relating to land, the definite decision taken by the court shall be implemented in a rigorous Manner.

Any person or organization willing to settle land dispute shall submit the application along with concerned documents to the Land Management Agency for making the study and solving in coordination with the local administrative authority where land is located. In case the Land Management Agency is unable to solve the dispute, the case shall be solved through the legal process.

Article 29: Settlement of Excess Land

The settlement of the problem of land exceeding the rate of each category of land which is determined in the land law shall be carried out in following ways:

- 1) Transfer the excess of land use right to relatives or to other persons who are eligible to receive the excess land
- 2) In case the person is willing to keep the excess land, he (she) shall annually pay the land tax equaling to five times of the normal tax amount.

Within the period of three years as from the date on which the government has officially issued the Instruction for the settlement of excess land. In case of non-compliance with the above paragraphs 1 and 2, the use right of the excess land shall fall under the category of land managed by the state.

Article 31: Settlement of the problems of Land of Aliens, Persons Having no Nationality, Foreigners and their organizations.

Aliens, persons having no nationality, foreigners and their organizations have no right to acquire the land use right as determined in the Land Law. Those who had received the Land use right during the past period shall make the arrangement for settlement of their land issue within a period of three years as counted from the date on which the Government has officially issued the Instruction on the settlement of land issue of the aliens, persons having no nationality, foreigners and their organization through the transfer to Lao citizen or Lao organization.

In case the land is not transferred within the period of three as prescribed above, such shall become land managed by the state. However, the concerned persons are given the priority for applying for land lease of land concession with the state

If Lao citizens or a Lao organizations having the land use right have changed their nationality into foreign nationality, they shall be liable to act in the same way as the aliens, persons having no nationality, foreigners and the organizations of such persons as specified in above first paragraph of this Article.

Article 32: Policy Toward Persons Having Good Performances

An Individual or organization who has used the land in conformity with the law on land in an efficient and effective manner leading to the increase of land value shall be entitle to receive a land tax concession and the facility for extending the period of land leasing or land concession.

Article 33: Measures against violators.

If an individual or organization has undertake illegal land retainment, he(she) shall be subjected to be educated and to the withdrawal of land which is to be state land.

An individual or organization who has changed the land category without receiving authorization shall be subjected to receive a fine equaling to twice of the amount of damages. In case of agricultural land, the fine shall be amounted to five time of average production of the concerned year.

An individual or an organization who has not used and utilized the land in conformity with determined purpose shall be subjected to be educated. If there is no change, he shall be subjected to a fine equaling to two percent of the land value based on the valuation made at prevalent time in the concerned local area. Again, if no change has been made, he shall be subjected to the withdrawal of land use right or land utilization right.

Any official in charge with land management who has opportunistic used and abused his/her function and position, accepted bribe and falsified documents shall be subjected to disciplinary action and penal punishment accordingly to the law.

An individual or organization who gives a bribe to officials charged with land management for the purpose of receiving the land use right, land utilization right, land title or other attesting documents shall also receive penal punishment in accordance with the law.

**THE REGULATION ON ESTABLISHMENT AND SUSTAINABLE
MANAGEMENT OF PRODUCTION FOREST NO. 0204/AF, DATED
03 OCT 2003
(Article: 24,29,33)**

Article 24. Establishment of VFO

Under the supervision and assistance of DAFO(s), the administrative authority(s) from each village or group of villages located in a PFA shall establish a VFO to represent the villagers in participation for implementation of forest management activities and decision-making based on their level of capacity and responsibility.

Article 29. Rights and Duties of VFOs

1. Implement the resolutions, orders and various legislation issued by higher authorities;
2. Participate in all activities of sustainable forest management of a PFA stated in management plans, conflict resolution resulting from production forest activities;
3. Participate in monitoring and enforcement of violations of legislation that may degrade the forest resources and environment in a PFA;
4. Report the evidence of violations occurring in a PFA to a higher authority; and
5. Manage the customary use of forest resources and other uses of villagers according to relevant legislation.

Article 33. Conflict resolution

1. Any conflict between government organizations, individuals, VFOs or villagers regarding forestry activities or over a forest management agreement concerned with PFA management shall be resolved according to the procedure stated in the relevant agreement or contract signed by the parties;
2. If the conflict remains unresolved at the initial level, either party may request resolution at the next higher level or organization.
3. If the conflict is not resolved by the administrative measure, then either party may submit the complaint to the appropriate judicial or arbitration organization.

THE REGULATION ON THE MANAGEMENT OF VILLAGE FORESTS NO. 0535/AF, DATED 18 JUNE 2001

(Article: 2,7,8,10,11,14,15,16)

Article 2: Definition Village Forests:

refer to a forested area delineated after land allocation and handed over by the Government to a village for its management, preservation and planned use for the sustainable development of village forests. Some villages may manage from 2-3 or 5 types of forests and other villages only one type of forest depending on the types of forest existing within the territory of a village, such as: protected forest, reserve forest, production forest, degraded forest or barren land.

Village Production Forest

g: are forests and forest land allocated for customary use of forest resources as described under Article 28 of the Forest Law, which authorizes the exploitation of non-restricted wood species and gathering of forestry produces for family consumption in view of improving the pluri-ethnic people's livelihood in a normal and sustainable manner.

Village Forest Units:

are organizations belonging to the Village Economic Committee adopted and submitted by the village authorities and the District Agriculture and Forestry Extension Office to the District Governor's approval to manage village forests and assist the Village Economic Committee on activities pertaining to forestry.

Article 7. Ownership in the Forest Management

- 7.1 Natural wood and forestry produces entrusted by the Government to a village's management remains the property of the national community. The Government does not authorize persons or entities to undertake commercial wood exploitation, but allows households within a village to exploit wood for the purpose of house construction and repair and household consumption as provided under Article 8 of this regulation.
- 7.2 Trees planted and regenerated by persons or entities on the basis of their own funds and labor with the Government's acknowledgment are their property and such persons or entities have the right to possess, use, benefit, transfer, hand over and inherit such forests.
- 7.3 Forestry produces in natural forests may be gathered for commercial purposes, provided such activities are performed by a group or association based on sustainable management rules and plans endorsed by the Head of the District Agriculture & Forestry Office and approved by the District Governor.

Article 8. Benefit from the Preservation and Management of Village Forests and Forestland.

- 8.1 persons and organizations within a village may make use of the forests, forestland and forestry produces according to the traditions of the village, such as felling non-restricted wood species in village production forests for the purpose of building fences, producing firewood, repairing and building houses, which total volume shall not exceed 5 cubic meters of timber per family requiring such wood. Forestry produces may be gathered from natural forests for commercial purposes, such as mushrooms, bamboo shoots, sticklack, benzoin, cardamom, palm fruit and others t generate additional household revenues. However, in doing so, Article 22 on restrictions to the exploitation and gathering of forestry produces as provided under the regulation 0221/AF.2000, dated 13 October 2000, on the management of wood and forestry produce exploitation, shall be strictly implemented.
- 8.2 The repair and construction of schools, hospitals, temples and other places of public utility within a village shall be considered as special cases by the Head of the District Agriculture & Forestry Office in relation with the authorized volume of wood based on the actual conditions of each site required for public benefit.
- 8.3 Persons and organizations within a village may use degraded forest land, vacant land or bald land within Village Forests according to their labor and financial capacity to grow trees and conduct integrated agro-forestry production over and area not exceeding 3 hectares per labor in the household.

Article 10. Rights and Duties of village Administrative Authorities.

- 10.1 Publicize, disseminate and train villagers to understand and assimilate the Forest Law, resolutions and instructions related to forest activities and the importance of forests.
- 10.2 Approve specific rules on the management of Village Forests outlined by the Village Forest Unit in accordance with the actual conditions based on unanimity within the village.
- 10.3 Organize the village population and existing village mass organizations by dividing responsibilities in detail to efficiently manage the Village Forests within the areas of their villages.

Article 11. Rights and Duties of Village Forest Units

- 11.1 Assist the Village Economic Committee and the village administrative authorities in outlining specific rules for the management and preservation of forests, water sources, wildlife, aquatic life

and the natural environment within the Village Forests in accordance with the actual conditions of each type of forest

- 11.2 Strictly implement instructions issued by the district, the District Agriculture & Forestry Office and the village administrative authorities in relation with the preservation and management of forests, forestland and village forest activities.
- 11.3 Coordinate with the District Agriculture & Forestry Office and other parties concerned in planning the management of Village Forests by type of forest from time to time in accordance with the socio-economic development programs and projects.
- 11.4 Propose the establishment of groups or associations of forestry produce users to conduct forestry activities within the area of Village Forests, such as gathering forestry produces, growing trees, caring and regenerating forests and others under the regulations and management of the village.
- 11.5 Manage, preserve, protect and regenerate forests and forest resources to achieve ecological balance and sustainable use.
- 11.6 Patrol, monitor and control activities in Village Forests, such as: restriction of hunting, illicit trade of aquatic life and wildlife, exploitation of wood and forestry produces, processing, planting, regeneration and maintenance of village forests.
- 11.7 Restrict activities negatively affecting forest resources, water sources and the environment.
- 11.8 Provide mediation and educational measures when persons and organizations enter into dispute in relation with activities and use of Village Forests.
- 11.9 Instruct the temporary suspension, apply educational measures, seize evidence, impose fines and detain offenders violating the regulations on the management of Village Forests and other relevant rules. Offenders will be handed over to the village administrative authorities for further action as provided by law.
- 11.10 Record and report the management of and activities in Village Forests within the scope of their rights and duties to assist the District Agriculture & Forestry Office in planning, monitoring, control and assessment.
- 11.11 Guide the population and organizations of the village in fighting and restricting forest fires in due time, and outline necessary measures to avoid forest fires.
- 11.12 Participate in consultations and reach unanimity with parties concerned in formulating socio-economic development guidelines and plans for the village.

Article 14. Obligations towards Village Forests Activities

Persons and organizations within a village have the obligation to preserve and develop the forests, forest resources, forestland, water sources, wildlife and the environment in a sustainable manner, to use the allocated village forests and forestland in accordance with the regulations, and prevent their degradation and extinction, outline the necessary measures to prevent forest fires and firmly contribute to the restriction of all forms of forest resources' destruction.

Article 15. Awards

- 15.1 Persons and organizations efficiently contributing to the organization and implementation of village forest activities, in accordance with contracts, plans and regulations, will be awarded and benefit from special treatments granted by state organizations and other organizations concerned as appropriate.
- 15.2 Persons affected by the performance of duties in relation with village forests and their families shall receive appropriate care.

Article 16. Sanctions

Persons and organizations breaching the Village Forests Management Rules and obstructing the activities of Village Forest Units will be warned, educated, subjected to disciplinary measures, detained and handed over to the administrative authorities for further action as provided by law.

THE RECOMMENDATIONS ON CUSTOMARY USE OF FOREST RESOURCES NO. 0377/AF, DATED 17 APRIL 1996

(CLAUSE: 4,5,6,7)

4. The protection of customary rights shall be implemented and acknowledged by such rights' users and third parties without any inconsistency with the issued regulations or laws. Any request or demand to benefit from proper rights by individuals or groups of individuals shall be solved through customary methods corresponding to the pluri-ethnic Lao people's fine traditions by mediation mainly at the village level. If best efforts have been used but no settlement has been reached the matter shall be submitted to the court for consideration in accordance with the laws.
5. Any withdrawal of customary rights inflicting damage to the livelihood of producers and right user, namely in the use of forest land and forest resources, shall be determined and reasonably in cash or in equipment or resettlement, such as: compensation of damage due to removal in the field. Assistance in modifying or removing or supporting resettlement and assistance to right holders by upgrading their living conditions to the original level of capacities in income generation or productions.
6. The right to use forest resources within the village area include:
 - The right to gather forest produce for family consumption as necessary, such as: authorization to seek a living, fire wood, wild vegetable, bamboo shoots, medicinal plants, cut fence wood for family use or gather other forest products not included in the list of restrictions provided in the village level forest management contract while felling natural trees not belonging to the restricted and protected categories for the maintenance and repair of dwellings as necessary in village forests authorized for management and preservation shall abide by the periodically outlined forest regulations.
 - Gathering various types of forest produces available in substantial amount in non-restricted areas for commercial purposes shall respect the scope and quantity of forest produces to ensure their sustainability and development in that area. However, such gathering shall require approval from the Provincial Agriculture and Forestry Service through examination by the district administrative authorities.
 - The right to hunt and fishing for animals not belonging to the list of restrictions outside restricted areas shall be exercised in accordance with the law.
 - The right to use degraded forest land or bald land within a surveyed and managed area in accordance with the village's socio-economic development plans shall be subject to approval by the land and forest allocation committee or technicians or authoritative organizations at the district level.
7. The village administrative authorities are entitled to outline further detailed regulations consistent with the spirit of these recommendations and in accordance with the actual conditions and features of each village or with the features of each traditions and customs of each ethnic.

THE INSTRUCTION ON LAND-FOREST ALLOCATION FOR MANAGEMENT AND USE NO. 0822/AF, DATED: 02 AUGUST 1996 (MAFINST.822: II.B/ 3)

B. Types of land to be allocated to a village. In a village land use may be divided in to 5 types as:

1. Land type bearing permanent production: paddy field, construction land, garden land (with banana, sugar cane, fruit trees and others...) this type of land is not to be allocated, the land management office of the district is to make actual measurement so as to issue land registration and land title for the population to manage and use according to the law.
2. Land type bearing no permanent production: shifting cultivation area, fallow land, deforested land and others...; this type of land shall be subjected to allocation by redistribution so as to ensure that each family has land for production in accord with the labor, fund of each family, the advice is given on the type of crops suited to the land as well as the way to prepare and conserve the land.
3. With land type left over from the allocation for the agricultural production, any families can be allocated to if they are interested in tree planting or allocated to collective divisions for commercial tree planting or it may be allocated to private investors for commercial tree planting. But this land type must be used only for tree planting and tree planting is absolutely not permitted in agricultural land.
4. The type of land set aside as reserve land of the village in anticipation of the increase in population of the village and the expansion of production area in the future, is estimated at 5-10% of total village land area, but the consultation with the population must be held so as to achieve effective use without leaving the land stay idle.
5. The forest types are of 3 categories, water source protecting forest, village forest reservation (sacred forest, cemetery, devine forest) and utility forest; in case where the village has no forest, land should be set aside for tree planting for future use of the village community primarily bamboos, fast growing trees for fuel wood, and a number of construction tree species. In some cases where neighboring villages have rich forest, the agreement on sharing the use and protection of the forest may be concluded.

3. Legitimate Persons to have access to land forest allocation.

• Family.

- All families of Lao citizen have the access right to the allocation of agricultural land and degraded forest land for agricultural production, forest rehabilitation and tree planting on a voluntary basis, but the priority is given to families living in the village with the focus on families without permanent occupation.
- Those families with permanent occupation are not allowed to practice rotating farming, but there is policy to allocate empty land, degraded forest for tree planting or agricultural land for agricultural forestry production and animal raising if there is a need so. Regarding the size and area to be allocated depends on land situation in the locality and the actual capacity of labour and finance of each family.
- The families living in other location or state employees families (with no family registration in the village) equally have access right to land allocation for agricultural production and degraded forest land for tree planting on condition that there is some surplus land left over in the locality and those

who need land must submit the application according to procedure; on the exception that the concerned persons have already used the land before with the recognition of the state or community or as a heritage, in this case the recognition on land must be made according to the reality where land maybe leased to others for production.

- **Juridical Entities, collectives and divisions.**

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

- **Villages.**

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

THE ORDER ON CUSTOMARY RIGHTS AND THE USE FOREST RESOURCES NO. 0054/AF, DATED: 07 MARCH 1996

(ARTICLE: 2,8,9)

Article 2. Definition of customary rights

Customary rights are those rights and obligations held by an individual, a group, or households which have their root in custom and accepted by law and generally not written but customary rights are nonetheless true rights that exist on their own merit. Thus they have the force of law according to the law and legal doctrine of most if not all States.

Article 8. Custom prevails in disputed

The validity of a custom giving claim to a right or the validity of the right claimed by a person or a group, is best assessed and resolved through customary means by the community. With the means of reconciliation in dispute settlement in the villages,. Failing the above *review shall be sought from the Supreme Court.*

Article 9. Compensation in all cases

The law that limits or removes customary relating to the use of forest land and resources will necessarily provide for compensation *in all cases* where the means of livelihood of the users are affected. Compensation may be of a monetary nature *and/or* in kind through provision by the State to the users of an equivalent means of livelihood such as:

- a) Compensation for losses at full replacement cost prior to the actual move
- b) Assistance with the change or move and support during the transition period in the new site when resettlement is unavoidable
- c) Assistance to the users holders in their efforts to improve their former living standards, income

Endnotes

¹ **The Village Forest Unit** is an organization attached to the Village Economic Board, and is ratified by the village administration and the district agriculture and forestry office. The creation of the Village Forest Unit will be approved by the District Chief. Its' main duty is to assist the Village Economic Board on forestry affairs. (Regulation 0535/AF, Article 2)

² **The Village Forest Organization** is one of the local organizations established in villages which are located within production forest area. It takes part in village forest management which is under village jurisdiction, and has the village head as its' chairman. To act in compliance with the rules and regulations, every village within or around the forest production area has to set up its own village forest organization, so as to act as the people's representative in the working process of management of the production forest, each with its' own competence and liability. The organizational structure of the Village Forest Organization is composed of a chairman who is the village chief; a vice-chairman selected by the village meeting; and its' members from the village forest volunteers. The production forest management unit will manage this process and submit reports to the District Office of Agriculture and Forestry who will then submit for further appointment approval from the District Chief. (Regulation 0204/AF Article: 3)

³ **The Forestry Resource Using Group or Association:** This is another organization of people within a village or of people in the surrounding villages; set up for executing the activities related to forestry production within the village area. Their activities include surveying, planning, harvesting, sales, dividend sharing and the obligatory payment to the State in compliance with government law, with acknowledgement of these activities by the village head and the district administration.

⁴ **The specific village regulation for the management, protection, conservation, and use of land and forestry resources:** It is a statute with general effect formulated by the village for the implementation of orders, directives and notices of the high-ranking; and/or it might be a statute with specific effect to serve the administration with jurisdiction, and village functions in conformity with the exact circumstances in the village. The village head has to draft and pass by-laws in the village meeting to obtain comments. Following the broad and deep discussion on each clause of such by-laws and after a unanimous vote, the headman has to put his signature on such by-laws and submit them for the adoption of the District Chief. (Ordinances 02/RDP)

⁵ **Land of the Lao PDR** is the area that lies within the Lao territory, which is composed of surface land, underground, mountains, islands including water territory and air space. The land of the Lao PDR is divided into zones according to the land categories and the objectives of land development. (Land Law Article: 2)

⁶ **Forest resources**, which include living and non-living resources. They are comprised of soil, flora, trees, water, marine animals, wildlife, and others, which are all in the area of forest land. (Forestry Law Article: 3)

⁷ **The Hand-over or Re-transfer:** is the transfer of land or the ownership on land usage and other fixed properties back to the State for various project use, as well as the change of the goal for land use and other restrictions of the right to use the natural resources, where action has caused impact to the livelihood and the income earning potential of the people. (Forestry Law Article 60; Decree 192/PM Article:2)

⁸ **Damage Compensation:** This is compensation in cash or kind for the hand-over of properties impacted by project activities. Such a compensation is valued in cash or replacement in kind, to be used as a substitute for land, housing, basic structures, top-soil properties (crops, trees) and other assets (income) which are affected by the activities of the development project (See the damage compensation procedures on Article 6, Decree No. 192/PM). (Decree 192/PM Article: 3)

⁹ **Land duty** is an annual duty calculated and collected on the land area in use. This is divided into two categories:

(1) Agricultural and forestry land - land use for the agro-forestry production in hectares. It is classified into 3 regions: flat land, hill and mountainous regions. Each region is also divided into 3 base areas such

as: the urban area, the specific economic area, and the rural area, based on the land application for agriculture work: paddy fields, nomadic cultivation land, plantations, cattle raising land, and land used for other agro-forestry purposes; and

(2) Structured land - Land for dwelling structures. This is classified into 5 base areas: The central or provincial municipal vicinity, the district municipal vicinity, town areas under the district administration, rural and specific economic areas. In each of the above base areas, four sub-base areas are divided as follows: the urban center, the urban surrounding, the suburban, and the district enlargement areas as defined in the town plan, and based on the land usage: the land for structure building, the land for industry-handicraft factories/shops, the land for trading-servicing and/or the vacant land). (Decree 150/PM Article: 3.5)

¹⁰ **Tax:** is an obligation paid by every entrepreneur or every person earning a living in Laos. The land and forest taxes are received from the transfer of land, the rental income, and the inheritance of land.

¹¹ **Family Labor Force** means persons in the family having the age of 14 years and over who are able to work, physically or intellectually (Decree 101/PM, Article: 2).

¹² **Agriculture land** means the land used for plantations, livestock, irrigation and also for agricultural studies. (Land Law Article: 15)

¹³ The land ownership used with the aforementioned purposes is based on the condition of the land and its' area within the village, the village and the government socio-economic development plan as well as the actual labor efficiency

¹⁴ **The Labor Capacity** is referred to as the number of laborers who efficiently use their own strength and brain in their work performance.

¹⁵ **The Capital Potential** is referred to cash and assets under anyone's possession used in activity execution.

¹⁶ **Land leasing** is the lease of land performed by the state, legal person or individual person to an organization or another person based on a legal contract. (Decree 101/PM Article: 2)..

Land Concession is the agreement between the State and the concession applicant, in which the State gives land located in a place to the concession applicant for a specific purpose as authorized by the state. The land concession holder shall pay the concession charge and the land royalty (Decree 101/PM, Article: 2).

¹⁷ **The Ownership** is the full and absolute possession rights of the State, the community, the public, the private entity or any individual for the use, usufruct and decisive output from any physical asset within the limit prescribed forth by the laws. (Ownership Law Article: 1)

¹⁸ **The Rights to Use of the Land and Forest** is the right to make use of forest and forest land for a defined purpose, in order to satisfy the desire of the party holding tenure rights (Forestry Law Article: 51; Land Law Article: 55).

¹⁹ **The right to benefit from land and forest and to use as collateral** is the right to derive benefits from the use of the land and forest which one has developed, such as rent or as security for a loan (Forestry Law Article: 52; Land Law Article: 56).

²⁰ **The right to transfer or lease** is passing tenure rights to forest and forest land which one has developed, to another party to exercise. Transfer must be reported to concerned officers, a request for new registration made and a registration fee paid in accordance with regulations (Forestry Law Article: 53; Land Law Article: 57).

²¹ **The right to protect and conserve** is the right offered to any individual or organization by the government for the protection of land used in certain purposes. (Land Law Article 54)

²² **The right to inherit:** It is the right of the children, grandchildren, parents and/or relatives of direct lineage to inherit the land and forest after the death of the owner. Such an inheritance has to be declared to the concerned authorities and a new registration has to be made with the payment of a related premium pursuant to the regulations. (Forestry Law Article: 54; Land Law: 58)

²³ **The right to compensation:** is the right of the citizens and/or organizations who live or earn their livelihood within any area of the development project; or any person who does not live in the project area, but possesses a patch of land or structures within a project area, which are subject to a transfer prior to the project commencement. Those people will be considered as the ones who are impacted

from a project and are therefore entitled to damage compensation, assistance in the move to the allocated area as well as the recovery of their living condition. (Decree 192/PM Article: 5)

²⁴ **Land Ownership:** All land in the territory of the Lao P.D.R. belongs to the national community, under the unanimous integrated management of the government throughout the nation as prescribed forth in Article 17 of the Constitution. It is allocated to any individuals, families, and/or any economic organization for use, rent, and/or concession. (Land Law Article: 3)

Forest and Forest Land Ownership: Natural forest and forestry land area are under the ownership of the national community, in which the State acts as the representative for the management and division of rational use to any individual or organization. Any individual or organization will gain the right for the possession; the use of trees, natural forest, and the forestry land area only once he/she receives an approval from the competent authority or agency. (Forestry Law Article: 5)

²⁵ **Forest lands** are all parcels of land which do or do not have forest coverage which the State has determined are forest lands. (Land Law Article: 19; Forestry Law Article: 4)

²⁶ **The State Acknowledgement:** refers to a documentary attestation issued out by the State to any tree planting entrepreneur, especially Nursery licenses. The nursery garden which is eligible for registration must possess the following standards:

- The land area of more than 1,600 m² (1 Rai)
- All planted trees in the area must be at least 3 years of age.
- All planted trees must be at a survival rate of more than 80% of the initial planted number.

The documents to be submitted for the nursery registration at the district agriculture forestry office where the planting site is located comprise of: the certificate of Land Ownership, Land Taxation Sheet, a letter of proposal and a Residential Attestation of the nursery owner. Any nursery garden with the proper registration made in accordance with the procedures shall be exempt from land tax. The State will acknowledge the right for its possession, use of output, transfer, inheritance and compensation. The owner will receive a rational compensation in pursuant to the following formula: the value of the nursery garden = the value of land use + the value of land development + the value of all planted trees + the value of agricultural crops, if available (Article 23 of the procedures No. 196/A.F). Simultaneously, the entrepreneur will receive the exemption for the maintenance and natural resource cost at the time he/she sells out the planted trees. However, he/she has to make the income tax payment to the State in pursuant to the regulations. (Instruction 1849/AF Clause 1,2,3,4)

²⁷ **Land title** is the only document which is taken as the main evidence for permanent land use rights. It is copied from the Land Register Book in one copy only and is handed over to the land owner who shall keep it as evidence for the period until there is a change according to the conditions as prescribed in the law (Land Law Article: 49).

²⁸ **Land Map Sheet** is the document required for forming the file to apply for land registration. For all land map sheets which are registered at Land Management Agency of the Province/City or the Land Management Agency of the District/Municipality, their owners shall have the same rights as the holders of the land title. However, the land map sheet shall be subjected to a control of validity from the land authority before it may be used (Decree 101/PM Article: 13).

²⁹ **Temporary Land certificate** is an official document that certifies the rights on agricultural land or forestry land for temporary use which is issued by the district or municipality administrative authority to individuals or organizations who have the right to use such land. Individuals or organizations receiving the land certificate have the right to give it as inheritance for the term of the certificate; but do not have the right to transfer, to use as share, to use as guarantee or to put on lease (Land Law Article: 49).

³⁰ **Certificate for Original Acquisition of Land** is the document certifying the acquisition of land which shows the historical evolution of the protection and use of that land (Decree 101/PM Article: 13)..

³¹ **Land Development Attestation** is an official document which is issued by the Agriculture and Forestry sector with the aim of attesting that the concerned land parcel has already been developed. This attestation is required for forming the land file to apply for land registration according to Articles 18 and 43 of the land law (Decree 101/PM Article: 13).

³² **Village Land Forest Management Agreement:** is a document related to the land and forest management signed by the Village Administration and the District Office of Agriculture and Forestry, the content of

which is composed by the rights and responsibilities of each sector for the implementation of activities, and the village by-laws used in the management of work on the village land and on forestry resources.

³³ **Land lease Contract** is the contract to lease land signed by the state, legal person or individual person who own the land and an organization or another person who applies for a lease based on a legal contract. (Decree 101/PM Article: 2).

Land Concession Agreement is an agreement document made between the State and the individual requesting for a concession, in which the State allocates a patch of land to the individual to be used in one of the authorized purposes. The individual with the land concession has to pay for the concession cost and royalty fees.

³⁴ **The State Acknowledgement and Guarantee** are meant that the State has acknowledged and guaranteed by means of issuing legal acts ratifying the right for the traditional utilization of forest, forestry land, and forestry output as outlined in Article 08 of the Constitution, Article 30 of the Forestry Law, Order No. 0054/FD.96, Regulation 0535/AF. 01, Instruction 0377/AF.96 and likes.

³⁵ **Right to Customary Use of Forest and Forestry Land Area** is referred to as the right and obligations traditionally gained by a person, a group of people, or families of Lao citizens, acknowledged and guaranteed by laws promulgated within the Lao P.D.R. Generally, such a traditional right has not been written up, but it is a right applicable in the traditional process and is not against any of the prevailing laws and regulations of the Lao P.D.R. Tradition is defined by the actual utilization and implementation of forest and forestry land areas with the following features: such an actual utilization and implementation have constantly been carried on in the non-prohibited forest and forestry land area previously for at least one life length. These are overall principles which are followed by the groups of people and their families. They consider that the tradition has created such rights and obligations for them. (Order 0054/AF, Article: 2,3)

³⁶ **Right for utilizing the non-prohibited wood not in excess of five cubic meters per family for building - repair of houses and public structures (logging for commercial purpose is prohibited):** The target family which will receive this benefit must be poor or needy families within the village. The wood used in building or repairing houses or public structures must be of a non-prohibited type in the village consumption forest area. Also, this must be approved by the village administration and relevant agency so as to maintain the sustainable use of the forest. In this respect, the provision of this benefit should be determined in conjunction with the survey, the inventory, the tree planting, and the regeneration. The use of wood for the building or repair of houses and public structures must be made in compliance with the village plan for socio-economic development.

³⁷ **Forests** are a precious natural resource comprising 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. (Forestry Law Article: 2)

³⁸ **Protection Forest** is forest and forest land classified for the protection of watershed areas and the prevention of soil erosion. It also includes areas of forest land significant for national security, areas for protection against natural disaster and the protection of the environment and other areas (Forestry Law Article: 17).

³⁹ **Conservation Forest** is forest and forest land classified for the purpose of protecting and conserving animal species, plant species, nature and various other things which have historical, cultural, tourism, environmental, educational and scientific research value (Forestry Law Article: 18).

⁴⁰ **Production Forest** is forest and forest land classified for the purpose of satisfying the requirements of national economic and social development and of people's livelihoods, for timber and other forest products on a sustainable basis and without significant negative environmental impacts (Forestry Law Article: 19).

⁴¹ **Regeneration Forest** is young fallow forest classified for the purpose of regeneration and maintenance so that it increases in maturity toward a state of natural equilibrium (Forestry Law Article: 20).

⁴² **Degraded Forest** is forest which has been heavily damaged such as land without forest on it or barren land classified for tree planting and/or allocated to individuals and organizations for tree planting, permanent agriculture and livestock production, or for other purposes, in accordance with national economic development plans (Forestry Law Article: 21).

⁴³ **Formulation of Plan for the Village Forestry Resource Management:** In the process of land use planning and land allocation, the village forestry resources must be well- categorized and the management plan for each type must be assigned in an appropriate manner by means of surveys, inventory, planting, regeneration, and including rules for its' use and patrolling work.

⁴⁴ **Designation of Natural Resource Using Volume:** After making the management plan for each forest category, especially surveys and inventory in the village production and consumption forest areas, there will also be a designation of the natural resource volume such as the logs, the forestry production and the like in a sustainable manner.

⁴⁵ **Discussion and Approval on the Use of Forestry Resource:** all of the above-mentioned activities must be discussed and approved by the village administration and the concerned sectors so as to be used as an acknowledgement and a reference for implementation

⁴⁶ **Village Forest:** It is a forest land area delineated for a village after the LUPLA process has taken place, which the State has handed over the land and forest to be under the management, protection, conservation and the well-planned utilization of the land area by the villagers. This is made for the constant development and prosperity of the village forest. There can be 2-5 categories of forest in a village or only one in another, depending on the exact forestry circumstance in the village vicinity. Here are the forest categories: protection forest, conservation forest, production forest, regeneration forest, degraded forest or barren land. (Regulation 0535/AF Article: 2)

⁴⁷ **Forestry activities** are all the processes related to the forest and forestry resources carried on, within or out of the forestry area or land. These include survey, design, planting, regeneration, maintenance, development of forest, exploitation, log and forestry output movement, the protection and conservation of forestry resources, watersheds, natural forestry environment, the protection and conservation of crop and plant species, and those of wildlife and aquatic life, as the shifting from cessation of nomadic shifting cultivation to stable agricultural methods takes place. (Forestry Law Article: 22)

⁴⁸ **Enforcement of Laws and Regulation:** is the strict application of laws and regulations into practice by relevant units so as to arbitrate the disputes and to create justice and equality to the society.

⁴⁹ **Seizure of Evidence:** is the confiscation of assets from any wrongdoing and/or any equipment used in the commitment of a breach of the law and then kept in the custody of the concerned authorities in abeyance of the case proceeding. The term "Seizure" will be applicable to the assets of small moveable size such as: cash, logs, forbidden wildlife. The word "Sequestration" shall be applicable to major immoveable properties such as: land, house, plantation, paddy fields. Upon the case proceeding has been completed, and a guilty verdict is handed down by the court, such sequestered evidence shall be nationalized.

⁵⁰ **Reformatory Education** is the lowest measure used against the offender under minor case by the concerned authority to explain to the offender the offense he/she has committed and warning him/her not to do it again.

⁵¹ **Judiciary Process:** is to the dispute arbitration through the prosecution system and the people's court, with the process consisting of: the lawsuit, the case investigation and interrogation, the case judgment and execution of the court decision.

⁵² **Mediation** is the process for solving the disputes at the first instance prior to the formal case proceeding. In this process, both parties have to discuss amicably to look for a solution method with mutual consensus and satisfaction in the presence of relevant sectors acting as the mediation medium.

⁵³ **Disputes on Land and Forestry Resources** is conflict that has been occurring in society which is associated with the rights and functions of land and forestry resource management and utilization. They have to be solved in two forms: The administrative and the judiciary arbitration systems.

⁵⁴ **Decision Review in case of dissatisfaction with the dispute settlement in Clause (I):**

If dissatisfied with the dispute mediation that has taken place under the administrative system at the village, the District Office of Agriculture and Forestry, or the Provincial Service of Agriculture and Forestry level, such a party is able to submit a petition to the regional court where the dispute occurred for a decision review.

⁵⁵ Request for a Direct People's Court Decision over the disputes between the two parties: Any of the parties under dispute has the right to submit a direct petition to the regional people's court for the settlement of their disputes without channeling the case through the administrative system.