

LAO PEOPLE'S DEMOCRATIC REPUBLIC

PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No. 01/96

THE FORESTRY LAW

Part I
General Provision

Article 1. Function of the Forestry Law

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

Article 2 Forests

Article 5 Ownership Relative to Forests and Forestlands

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

For trees and forest which individual organizations have planted or have rehabilitated by their own labors or funds with the acknowledgment of the State, [such shall be considered] the property of the planter or the rehabilitator who has the right to possess and use, to receive the results of, transfer and succeed to [the interests thereof] according to the laws and regulations.

Article 6 Promotion of the Preservation and Propagation of Forests

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

Article 7 Rights, Benefits Relative to Preserving and Administering Forests and Forest Land

Individuals and organizations who the State has assigned forests [or] forestlands for preservation and administration have the right to receive compensatory benefits, i.e.: use of wood, harvesting forest products, etc. according to specific regulations issued by the relevant agency.

Article 8 Obligation in the Preservation of Forests and Forestlands

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

Part II

Administering Forests and Forestry Activities

Chapter 1

Administering Forests

Article 9 Administering Forests

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

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

The Government assigns the Ministry of Agriculture and Forestry to co-ordinate with relevant sectors, local authorities to conduct forest surveys and allocation, to collect data relative to forests in the entire country to categorize type, to determine area, to monitor the circumstances of the forest changes, the area of nces ou- Tc 5 TcD-.00is, th

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

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

Article 14 Transformation of Forests and Forestlands

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

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

- District authorities for forest area or forest

Article 23 Undertaking Forestry Activities

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

Article 24 Registration of Forestry Activities

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

Part III
Regulations for the Use of Forests and Forest Land

Chapter 1
Exploitation of Wood and Forest Derived Products

Article 25 Exploitation of Wood and Forest Derived Products

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

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

1. Use of selective cutting; clear cutting is prohibited except in necessary cases;
2. Cutting of pre-determined trees to ensure continuity of species;
3. Cut trees must be collected to utilize for maximizing [wood] value;
4. Cut trees according to technical [standards];
5. Cut trees by restricting destruction of surrounding trees, ensuring that there will be no environmental impact, soil erosion or drought;
6. After cutting, the forest must be maintained and protected or reforested;

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

Article 26 Moving Wood and Forest Derived Products

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

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

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

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

Chapter 5 Preservation of Forests

Article 41 Preservation of Protected Forests

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

Article 42 Preservation of Forest Reserves

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

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

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

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

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

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

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

Article 47 Forestry and Forestry Resources Development Fund

To ensure the forestry protection work, forested and forestry resources to be conducted very effectively, the state has created forest and forestry resources development funds.

The source of forest and forestry resources development funds is derived from the state budget and the individual, juridical person, collective, social organization, intonation organization contributions and others.

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

For the organization, management and activities of forest and forestry resources development funds there will be specific regulations.

Part IV
Rights and Obligations of Forest and Forest Land Users

Article 48 Obtaining the Right to Po

Article 49 Rights of those who Possess and Use Forests and Forestlands

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

The state organization has the right to manage, use and protect according to the regulations.

Article 50 Assignment of the Right to Possess and Use Forests and Forestlands

Assignment is the decision of the competent agency to assign the forest and forestland to the individuals 85% and organization for the possession and long term use and have the tranquility according to the contract and specific regulations.

Article 51 Right to Possess and Use Forests and Forestlands

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

Article 52 Rights to Receive Benefits from Forests and Forestlands

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

Article 53 Rights to Transfer Forests and Forestlands

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

Article 54 Rights to Succeed to Forests and Forestlands

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

Article 55 Customary Rights to Use Forests and Forestlands

Customary rights to use forests and forestlands are to be performed according to Article 30 of this law.

Article 56 Lease of Forests and Forestlands

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

Article 57 Obligations of those who Use Forests and Forestlands

Users of forests and forestlands have the following obligations:

1. To properly use forests and forestlands according to objectives as determined and in accordance with a contract and the law;
2. To use all means to preserve and develop forests and forestlands for continuous abundance;
3. To use forests and forestlands while preserving water sources, marine animals, wildlife and the environment;
4. To pay royalties, forest fees, and rental for forest land according to regulations and law;
5. To report and provide data to the forest management authorities, local authorities and the government on the use of forests and forestlands.

Article 58 Expiration of the Right to Possess and Use Forests and Forestlands

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

1. Forfeiture of the right to possess and use;
2. Transfer of the right to possess and use;
3. Withdrawal of the right to possess and use.

Part V

Forestry Administration and Inspection Agencies

Chapter 1

Forest Administration Agencies

Article 59 Forestry and Forestry Activities Administration Agency

Forests and forestry activities administration agencies are comprised of the Ministry of Forestry and Forestry Activities Administration and the Ministry of Forestry and Forestry Activities Administration. The Ministry of Forestry and Forestry Activities Administration is comprised of the Ministry of Forestry and Forestry Activities Administration and the Ministry of Forestry and Forestry Activities Administration.

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

1. [Conduct] technical scientific forestry research, create a statistics center network and information on forests, forestlands, forestry resources and water sources;
2. Co-ordinate with relevant parties and localities to survey the natural forestry potential in order to categorize forest areas; determine areas for forest preservation, types of wildlife and marine animals to be preserved as well as organizing the preservation of forestry resources and the natural environment relative to forests;
3. Research and issue opinions regarding investment in forestry activities;
4. Research and train and upgrade forestry technocrats;
5. Consider the conversion of forests or forestlands as determined in Article 14 of this Law;
6. Cooperate with foreign [parties] with respect to forestry activities.

Article 61 Rights and Duties of the Provincial and Prefecture Agriculture and Forestry Division

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

1. Be the direct logistics [coordinator] to the Ministry of Agriculture and Forestry and the provincial and Prefectural administrative authorities in researching, directing, planning, inspecting and vertical and horizontal macro-organization regarding forests with the scope of its responsibility under the supervision and inspection of the provincial governor and the mayor of the prefecture;
2. Co-ordinate with relevant parties in its locality. Conduct surveys of the natural forestry potential in order to allocate forest areas, determine natural preserves, types of wildlife and marine animals which must be preserved as well as organizing preservation of forestry resources and the natural environment relative to forestry within its scope of authority;
3. Research and issue opinions regarding investment in forestry activities;
4. Issue a license for the exploitation of wood, forestry products as approved by the Government and according to specific regulations;
5. Consider the conversion of forests or forestlands as determined in Article 14 of this Law;
6. Administer and register wood cutting machinery and all types of game hunting guns.

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

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

1. As the logistics coordinator for the provincial and Prefectural Agriculture and Forestry Division and district administrative authorities in researching and implementing plans, work plans, projects, provisions, regulations, orders and notices and instructions of the Ministry of Agriculture and Forestry and the provincial and prefectural Agriculture and Forestry Division under the management of the district governor.
2. Be responsible for organizing people at the village level, manage and preserve forests and forestlands, organize the assignment of forestlands and degraded forests or defoliated land to people and fa

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

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

Part VI

Privileges [Granted to] Productive Persons and Measures Against Offenders

Article 68 Privileges for Productive Persons

Individuals, organizations or enterprises having exemplary deeds in the protection, management, plantation, forestry rehabilitation and preventing forest destruction and forestry resources will receive commendations and privileges provided by the government such as: bonuses, credit privileges, taxes, duties, extension of lease, increase in the leased area, etc., according to regulations. Article 69. Measures Against Violators

Article 69 Measures Against Violators

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

- x Reeducation;
- x Fines;
- x Criminal Punishment

In addition, there are additional punitive measures.

Article 70 Education and Training Measures

Education and training measures will be applied to the following first offence violations, causing the damages of less than kip 50.000 in value;

1. Clearing forests for dry rice cultivation outside the scope of authority for clearing or dry rice cultivation inconsistent with regulations;
2. Cutting of wood fuel, wood fence posts, wood for construction purposes, for family consumption inconsistent with regulations;
3. The harvesting of forestry products in prohibited areas or harvesting which is inconsistent with regulations;

4. Hunting wildlife or harvesting marine animals in prohibited category in prohibited areas or during prohibited seasons;
5. Having possession of prohibited wildlife inconsistent with regulations;
6. Having possession of game hunting weapons inconsistent with regulations;
7. The import of plant species, marine animal species, and wildlife inconsistent with regulations;
8. The use of forest land inconsistent with regulations;
9. Failure to cooperate with forestry authorities who are performing their duties;
10. Failure to report use and data to forestry authorities regarding forests and forestlands;
11. Other minor violations.

Article 71 Fines

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

1. For the first offence as referred to in clauses 1, 2, 3, 4, 5, 6, 7, and 8 of Article 70 above of which the value of damages is from kip 50.000 to kip 500.000 or such act is a second offence with a value of less than kip 50.000;
2. The import, sale, having in possession of wood harvesting or wood processing machinery without having received approval;
3. Having in possession, remove or export wood or forestry products inconsistent with regulations;
4. Using raw materials of wood processing factories inconsistent with regulations;
5. Failure to pay royalties, forestry fees or rental for forest land;
6. Hunting wildlife or harvesting marine animals in prohibited categories having a value not exceeding kip 500.000;
7. Taking over forestlands without having received approval;
8. Converting forestlands without having received approval;
9. Use of forestlands inconsistent with objectives as determined [for such use].

Article 72 Criminal Measures

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

1. Cuts wood, clears and burns forests, the damages of which exceed kip 500.000 or is an act which is a repeated offence of three or more instances and the damages of each instance is not in excess of kip 500.000.
2. Hunts species of wild animals or marine animals which are prohibited, i.e.: the Ba ox, the Cao La ox, wild buffalo, elephants, the long tailed grey monkey

4. Three or more instances of importing, selling or having in their possession wood cutting machinery or wood chopping machinery as provided for in Article 32, paragraph 2 of this Law without having received approval, or importing, selling or having in their possession such machinery to harvest wood or to process wood.

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

Article 73 Additional Punitive Measures

In addition to the principal penalties provided for in Article 70, 71 and 72 above, violators may receive additional punishment, i.e.: suspen