

# Lao People's Democratic Republic

## Peace Independence Democracy Unity Prosperity

Ministry of Agriculture and Forestry

No 1758/MAF

Vientiane Capital, date 30/07/18

### Guidelines

#### **On the implementation of the order No. 09/PM, dated 02 July 2018 regarding Intensification on Land Use Management for Industrial Tree Plantations and Other Crops Nationwide**

- Based on the Decree of the Prime Minister No. 99/PM, dated 9 March, 2017, on the Organization and Implementation of the Ministry of Agriculture and Forestry.
- Based on the order No. 09/PM, dated 02 July 2018 regarding Intensification on Land Use Management for Industrial Tree Plantations and Other Crops Nationwide.
- Based on the proposal of the Department of Policy and Legal Affairs No. 353/DoPLA, dated 24/7/2018.

**In order to implement the order No. 09/PM, date 02 July 2018 regarding Intensification on Land Use Management for Industrial Tree Plantations and Other Crops Nationwide and to increase knowledge and develop a common understanding for effective and efficient implementation,**

**The Minister of Agriculture and Forestry hereby issues this guideline:**

#### **I. Objective and Target**

1. To guide the implementation of the order No. 09/PM, date 02 July 2018 regarding Intensification on Land Use Management for Industrial Tree Plantations and Other Crops Nationwide and to increase knowledge and develop a common understanding for effective and efficient implementation
2. For the Agriculture and Forestry sector to take ownership on coordination with other Ministries and sectors at the central and local level and relevant local organizations at the provincial level down to the village level to ensure they fulfill their responsibilities regarding implementation.
3. To divide clear responsibilities between central and local authorities on the promotion, management, monitoring and inspection of industrial trees, banana plantations and other cash crops to ensure that it is focused, and socio-economic benefits are effective and efficient in accordance with the direction on green growth and sustainability.

#### **II. Content**

1. Industrial Tree Plantations

- 1.1. The Department of Forestry in collaboration with the Department of Forestry Inspection, the Department of Agricultural Land Management and Development in collaboration with the relevant sectors, Vientiane Municipality Agriculture and Forestry Office, Provincial Agriculture and Forestry Office and local authorities are to continue to review the implementation of the Order of Prime minister No. 13/PM, date 11 June 2012 focusing on resolving unsettled issues concerning state land concessions for existing rubber and eucalyptus plantations in order to transition the use and management of land owned by the state, individuals, legal entities, organizations and communal land to strictly enforce the law and regulations;
- 1.2. The Department of Forestry in collaboration with the Vientiane Municipality Agriculture and Forestry Office, Provincial Agriculture and Forestry Office to strictly put on hold the consideration and approval of all proposals for state land concessions or renting land for rubber plantations. For land owned by individuals and legal entities, to continue to provide support as appropriate according to the category of type of land use as defined by the sector;
- 1.3. The Department of Forestry in collaboration with Vientiane Municipality Agriculture and Forestry Office, Provincial Agriculture and Forestry Office and local authorities to continue to support industrial tree plantations projects namely eucalyptus, leucaena, teak, bamboo and other traditional types of tree under the following principles:
  - 1) In surveying and identifying the areas for the plantation, the focus should be on degraded land and barren land that have been allocated;
  - 2) In identifying and selecting the type of trees for the plantation, should take into consideration the suitability to the climate conditions of each locality;
  - 3) All plantations must be registered with the Agriculture and Forestry Division in order to certify the ownership, source of trees and for better management, to protect and implement the policy on plantation promotion in accordance with the law and regulation.
  - 4) All rental and concession land for plantations are allowed only in allocated areas and must adhere to the following procedures:
    - Undertake a study on the socio-economic aspects, suitability to nature, user rights or land use rights, local labour, survey on the forest situation and forest resources, discussion to obtain consensus from the local community and other necessary procedures;
    - Produce an economic and technical feasibility study which must received endorsement from the Department of Forestry or Vientiane Municipality Agriculture and Forestry Office based on the size and the value of the investment project;
    - Produce an Environmental and Social Impact Assessment report including appropriate measures to resolve issues which has been certified by relevant sectors;
    - Develop an action plan on the areas of expansion, village development, the promotion of community participation in production activities, the use of

technology, benefit sharing and considerations regarding the protection of the environment and natural water source;

- 5) Tree plantations for industrial purpose and for environmental protection shall take place in the areas allocated. The benefits are stated in the law and regulations;
- 1.4. The Department of Forestry in collaboration with the Vientiane Municipality Agriculture and Forestry Office, Provincial Agriculture and Forestry Office and local authorities are to complete surveys, allocate and plan for the use of land in the buffer zone and forest protection as follows:
- 1) Conduct survey and allocate into the following areas: buffer zone; land use management area; prohibited area; natural water source protection area; corridors; biodiversity conservation area; reforestation area and village forest area, based on the forest management type.
  - 2) Allocate land areas and conduct land use planning for protected forest and conservation forest with the participation of the community who live in and around those areas.
  - 3) Register protected forest and conservation forest land.
  - 4) Manage and look after protected and conservation forest as follow:
    - Survey, define and demarcate the boundary with agreement from the relevant sectors and the local authority;
    - Survey, collect information on the characteristics of the areas, slope, natural water sources, biodiversity, social-economic information to define prohibited areas and land use management areas, buffer zone and corridors which share the boundary with other forest categories;
    - Develop boundary map, location and forest situation;
    - Plan and define measures for protection and reforestation;
    - Conduct forest management according to the plan and measures with local participation;
    - Monitor, inspect, evaluate the implementation of the plan regularly.
- 1.5. The Department of Forestry in collaboration with the Vientiane Municipality Agriculture and Forestry Office, Provincial Agriculture and Forestry Office and local authorities to conduct a survey and clearly define the areas for tree plantation in the production forest focusing on degraded land which cannot be naturally reforested. The purpose is to identify which areas are suitable for industrial tree plantation and other crops as well as to develop legislations related to income generation from tree plantations. This is to ensure that the government, enterprise and community benefit from these activities;
- 1.6. The Department of Forestry in collaboration with the Department of Forest Inspection, Vientiane Municipality Agriculture and Forestry Office, Provincial Agriculture and

Forestry Office and local authorities to continue to inspect and reassess previous industrial tree plantation investment projects as follow:

- 1) All industrial tree plantation projects that take place within areas of protected forest, conservation forest and production forest which violate the law and regulations including not fulfilling their obligations, measures will be taken according to the laws and regulations as well as reported to the Ministry of Agriculture and Forestry in 2018;
- 2) For state land concessions or land rented for industrial tree plantations that already have a signed contract, including investment in the form of 2+3, if gaps have been gaps or insufficient then the contract must be reconsidered and renegotiated to ensure it benefits the state, entrepreneurs and community.

## 2. Banana plantations and other cash crops

2.1 The Department of Plantation, in collaboration with the Department of Agricultural Land Management and Development, Vientiane Municipality Agriculture and Forestry Office, Provincial Agriculture and Forestry Office and local authorities are to conduct inspection of banana plantations and other cash crops as follows:

- 1) Investment projects that have previously received approval should continue to follow up, monitor and register plantation areas, packaging locations, storage, use of fertilizer, use of pesticide to ensure that they meet the technical standards, regulations and phytosanitary standards according to the import requirements of the destination country. The projects which did not receive approval or which is functioning illegally, which uses pesticides that have already been banned in Lao PDR, measures and solutions which are appropriate to the local context and law will be identified;
- 2) New investment projects need to produce a technical-economic feasibility study on the crop which has received certification from the Department of Agriculture or Vientiane Municipality Agriculture and Forestry Office according to the size and value of the investment and strictly follow the relevant laws and regulations;

2.2 The Department of Agricultural Land Management and Development in collaboration with the Department of Agriculture, Department of Livestock and Fisheries, relevant sectors at the central and local level are to conduct a survey and identify the economic and potential areas for plantation and livestock in each region. The purpose is to promote production for food and commercialization for the domestic market and for export;

2.3 The Department of Agriculture in collaboration with relevant sectors at the central and local level are to conduct study to research and analyze the investments of the banana plantation companies and other cash crops in the form of state or individual land rental or concessions. This is to ensure that they follow good agricultural practices and meet the import requirements of the destination countries.

2.4 The Department of Agricultural Land Management and Development in collaboration with Vientiane Municipality Agriculture and Forestry Office, Provincial Agriculture and Forestry Office and local authorities are to conduct an evaluation of banana plantation projects as follows:

- 1) Inspect the areas of banana plantation of the projects whose contracts run out or that have complete implementation in order to improve and restore the soil to its original condition and plant other crops which is suitable and has potential crops in the local areas.
  - 2) Current projects or new investment projects should check the details of land concession or rental contract to ensure that they are clear and specific. The owner of the projects or companies will be responsible for restoring the forest land and improving the quality of the soil to its original condition as stated in the contract and in alignment with the laws and regulations;
- 2.5 The Department of Agricultural Land Management and Development in collaboration with the Department of Forestry, Vientiane Municipality Agriculture and Forestry Office, Provincial Agriculture and Forestry Office and local authorities are to reassess current agricultural development investment projects, particularly those which take place in the 3 forest categories. If the project does not align with the laws, action will be taken;
- 2.6 The Department of Agriculture, Vientiane Municipality Agriculture and Forestry Office, Provincial Agriculture and Forestry Office, in collaboration with local authorities are to take ownership on the management of the production input as follow:
- 1) Inspect the import, distribution, storage and use of pesticides in each area. This is to ensure that it follows the technical guidelines and the Decree on Pesticide Management No. 258/Gov dated 24 August 2017;
  - 2) Inspect the importation, distribution, storage and use of fertilizer in each area. This is to ensure that it follow the technical guidelines and the Decision on Fertilizer Management No. 2169/MAF dated 10 October 2013;
  - 3) Inspect the importation, distribution, storage and use of seeds in each area. This is to ensure that it follows the technical guidelines and the Decision on Management and Use of Seeds No. 3919/MAF dated 12 December 2012 and the Order on the Prevention, Warning and Observation of Yellow Shriveled Banana Disease No. 0827/MAF date 05 April 2018.

### III Measures and implementation

1. The Department of Forestry, Department of Agriculture, Department of Forest Inspection, Vientiane Municipality Agriculture and Forestry Office, Provincial Agriculture and Forestry Office, in collaboration with local authorities are to advocate and disseminate this guidelines across the country with a focus on village clusters and villages for effective implementation;
2. The Department of Forestry, Department of Agriculture, Department of Agricultural Land Management and Development is to appoint a technical working group to implement these guidelines according to their mandate as well as issue the technical guidelines and handbooks as a reference to promote and strengthen industrial tree plantations, banana plantations and other agriculture crops.
3. The responsible committee is to implement the order No. 09/PM, dated 02 July 2018 in collaboration with relevant sectors at the central and local level, local authorities from provincial, district and village level are to promote, monitor, inspect and evaluate the

implementation of these guidelines strictly and to report to the Ministry periodically. This is to ensure any issues are resolved promptly when they occur.

4. The Department of Policy and Legal Affairs, The Department of Forestry, The Department of Forest Inspection, The Department of Agricultural Land Management and Development, Vientiane Municipality Agriculture and Forestry Office, Provincial Agriculture and Forestry Office and all relevant sectors are to allocate budget and use funding sources in line with the regulations and follow the work plan to effectively disseminate this guideline;
5. Vientiane Municipality Agriculture and Forestry Office and Provincial Agriculture and Forestry Office is to take ownership and lead the line management office - the District Agriculture and Forestry Office, to implement this guideline as well as to report to the Department of Policy and Legal Affairs which is the focal point for the coordination of the working group and for reporting to the Ministry of Agriculture and Forestry on a regular basis.
6. The Department of Policy and Legal Affairs in the presence of the responsible committee is to implement the Order No 09/PM, date 02 July 2018 to support, coordinate, monitor, inspect as well as to submit the report on the implementation of this guideline to the Ministry of Agriculture and Forestry periodically.
7. Any issue that occurs during the implementation of the guideline must be reported to the Ministry of Agriculture and Forestry to ensure any issues are resolved promptly.

This guideline is issued to ensure implementation with high responsibility.

Minister of Agriculture and Forestry

Sign and Seal

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CC:

1. Prime Minister Office 01 copy (for report)
2. MPI 01 copy (for acknowledgement)
3. MOF 01 copy (for acknowledgement)
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