



# TENURE RIGHTS IN STATE FORESTLAND OF LAO PDR

**BRIEFING NOTE**  
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## ISSUES

The Lao Government is making progress towards its target to issue Land Titles for eligible plots throughout the country, protecting the tenure rights of farmers and individual land holders. However, **communities located inside the three categories of State Forestland (i.e., Protection, Conservation and Production Forests) are precluded, and their tenure rights continue to be at risk.** At present, formal documents for landholders on State Forestland are limited to land tax receipts and Land Use Plans, while the government is remodelling the type and legality of documents certifying land use and tenure rights.

At an inter-ministerial meeting in July 2021, the Ministry of Natural Resources and Environment (MoNRE) and the Ministry of Agriculture and Forestry (MAF) agreed to the general principle that Land Titles can be issued to landholders of permanent residential and agricultural

land in villages that are located inside the three State Forestland categories, but existed already before the official declaration of the respective Forestland, while Land Use Certificates can be issued for non-permanent types of land uses. **A regulation on this matter is yet to be developed.**

The **Land Law does not further specify the nature of rights** of Land Use Certificates, nor does it clarify whether these rights are of a temporary or permanent nature. The process of land rights allocation and issuance of tenure documents requires further clarification, following the provisions of the Forestry Law. It is **unclear which mandatory planning tools and minimum standards are to be applied** for identifying and demarcating eligibility for different types of tenure rights in State Forestland.

*Photo: The mountains surrounding Pakha village, Huameuang district, Huaphanh province (Photo by LIWG)*



## BACKGROUND INFORMATION

Extending over nearly 70 percent of the total land area of Lao PDR, the three categories of State Forestland host approximately 3,000 communities. Formal land tenure rights for these communities have long been debated. A general fear persists that the issuance of formal Land Titles, especially in some remote parts of State Forestland, could trigger undesired land use, such as deforestation, as well as land speculation or developments. International best practice, however, provides evidence **that good land administration, including formal tenure documents for legally obtained land, reduces informal land deals and provides better protection against encroachment into protected areas.** In Lao PDR, land transactions with Land Titles require an official administrative process, while informal land transactions circumvent official processes, or can be sanctioned by corrupt government officials.

Until the adoption of the revised Land Law and Forestry Law in 2019, the Lao legal framework did not provide any adequate legal basis for formalizing land tenure inside State Forestland. Today, both laws **acknowledge the existence of communities inside State Forestland** and their general right to continue living and making a living in those areas, but they still **fall short in clearly describing means to effectively protect these communities' rights to land** and ensuring the commitment of the communities to protect and manage their surrounding forests. The government institutions that have the relevant responsibility will need to formulate appropriate sub-legislation, regulations and guidelines, in order to provide a viable pathway for securing the tenure rights of communities in State Forestland.



Photo: A village located in the mountainous area of Huameuang district, Huaphanh province (Photo by LIWG)





Photo: Pineapple farms and paddy fields along the way to Ngoi district, Lungprabang province (Photo by LIWG)

## RECOMMENDATIONS

The organizations that contributed to the development of this briefing note make the following recommendations to the institutions in the government of Lao PDR that oversee these matters:

1. Draft appropriate legislation, which makes **provisions for the type of tenure documents** to be issued inside State Forestland, based on the nature of land use:
  - a. **Permanent** land use for housing, construction and permanent agriculture: Individual Land titles and State Land Titles for collective purposes.
  - b. **Non-permanent land use** for agriculture, such as animal grazing, crops with a growth cycle of less than one year, or sustainable and controlled shifting cultivation: Land Use Certificates, individual or collective.
  - c. **Village Forestry**: Land Use Certificates or Village Forest Management and Conservation Contracts (VFMCC), which clearly define their tenure status.
2. While **Land Titles are issued in State Forestland to certify individual or collective ownership rights, Land Use Certificates and VFMCCs are issued to certify individual or collective rights to use State Land**. The Land Use Certificates and VFMCCs shall be of the same infinite nature as Land Titles, with no limit to their duration.
3. Define the **minimum standards of Land Use Plans and other appropriate planning tools for identifying eligibility for the different types of land rights**, which include:
  - a. Demarcation of all forest zones and categories within the village.
  - b. Demarcation of areas eligible for the different categorization of land rights as stated in recommendation No 1.
  - c. Ensuring full participation in the process of the communities that are affected.
  - d. Ensuring that maps and data are shared between the relevant local departments and made available to the communities that are affected and the general public.
  - e. Enabling swift implementation to formalize eligible land tenure and use rights.
4. Ensure that **Forest Management Zoning at macro-level for villages inside Forestland is revised or developed** in a timely manner, to clearly identify and distinguish the areas for full protection (totally protected, or core zones) from those that are being used by communities (controlled use zone and buffer zone). Enable a bottom-up identification of the controlled use and buffer zones through verified plans as described in recommendation No. 3 under the leadership of MAF.



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