

APPRAISAL OF LAND USE CLASSIFICATION POLICY FOR PROMOTING PARTICIPATORY FOREST MANAGEMENT IN LAO P.D.R.

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Abstracts

According to the land law, the right of utilization of land is granted to organizations and individuals. Furthermore, the land for which the right will be allocated is only the degraded forest land, among the forest land classified into five types by the forestry law. In addition, the customary use of forest products by local inhabitants is not allowed in the protection forest and conservation forest.

On the other hand, our survey disclosed that local inhabitants are harvesting forest products from all types of land, and they regard the agricultural land, fallow land and grass land as swidden land as a unity. Therefore, the enforcement of the land use classification based on the present vegetation results in dispossessing people of their livelihood. Furthermore, the land use classification policy was planned on the presupposition that swidden agriculture will be abandoned, which makes its effectiveness doubtful.

As a strategy to promote participatory forest management, we propose 1) to frame the "transition period" and to adopt measures to sustain swidden agriculture on a small scale, and 2) to introduce an adjective law which will sustain the present harvesting of forest products as much as possible.

Introduction

Forest policy will be effectively implemented on the assumption of certain legal status of land, consisting of land classification and land possessor. This is the reason why we should consider the land use classification policy for promoting participatory forest management.

In the first section, the rights of local inhabitants who are earning a living from forests and forest land under the constitution, the land law and forestry law, are discussed. In the second section, the actual use of land and forest by the local inhabitants, in Vang Vieng district as an example, is described based on the results of our field work. In the third section, the problems of the land and forest use classification that confront them are specified considering the disparity between the legal system and the actual state.

Finally, the strategy to establish an effective land use classification policy, which

is the sustainable base for participatory forest management, is proposed.

1. Outline of land use classification policy

1-1. Land and forest classification

According to the land law enacted in May 1997, Laotian land is classified into eight categories; agricultural land, forest land, constructional land, industrial land, communicational land, cultural land, land for national defense, and land around water resources. Among them, the land types for which the right to utilize is allocated to the organizations and individuals are agricultural land, forest land, and constructional land.

Among the eight land types classified by the land law, the right to utilize forest land is prescribed by the forestry law, enacted November in 1996, in detail. In the forestry law, the forest is classified into the following five categories: 1) protection forest to conserve watersheds, to guard against soil erosion and to protect dense forests, etc.; 2) conservation forests to conserve wild animals and plants; 3) production forests to produce wood and non-wood forest products (NWFP); 4) regeneration forest, or the young fallow to be regenerated immediately; and 5) degraded forest land or barren land. Note here that the regeneration forest will be reclassified into protection forest, conservation forest or production forest, and degraded forest land into production forest or agricultural land in the future.

1-2. The rights of local inhabitants to the land and forests

Out of these forest types, the forests for which the right of utilization can be granted to organizations or individuals are only degraded forest land. According to articles 48 - 58 of the forestry law, organizations and individuals have the rights of possession, use, profits, transfer and inheritance. The right to utilize the land in Laos is considered to be nearly equal to the land ownership in the capitalistic countries (NAMURA & INOUE, 1998).

In the forestry law, the customary forest utilization is defined as "long-term use of forests, forest land and forest products approved as socially and legally" (Article 30). In concrete terms, it includes collection of wood for the fence and fuel, harvesting of forest products, hunting for household consumption and others, but does not include swidden agriculture. Such customary forest use is granted for all forest land excluding protection forests and conservation forests. The customary forest use damaging forest resources is not granted, and neither is that infringing other rights belonging to individuals or organizations. In other words, the customary forest utilization is granted with restriction, and has weak competence against other rights.

2. Actual use of forest and land by local inhabitants

2-1. Method of survey

Five villages in the Vang Vieng district, Vientiane province, were surveyed. Two of them are the villages of Lao Loum or Lowland Lao, two are the villages of Lao Theung or Hillside Lao, and one is the village of Lao Sung or Highland Lao. The survey period was December 1996 - January 1997, and August - September 1997, each for two months.

In the villages selected for survey, we asked the village leaders about the land category recognized by the villagers, the customary rule for the use of land and forest, and the actual use of forest products. We also asked each of the 128 households in the five villages whether they are using each forest product or not, based on a check list of forest products. At the same time, the relative economic level of each household was evaluated using some indices, to clarify the actual state of the use of forest products by each income bracket. To put it concretely, building materials of house (roof, floor, window, wall) and durable goods were used as indices of the income bracket. Building materials and durable goods were scored considering their market prices, and the sum of each score was regarded as the household income.

2-2. The state of the utilization of forest products by local inhabitants

No difference was found in the use of forest products between the people in each income bracket. Independent of the ethnicity and income bracket, each household was found to use 20 - 30 kinds of NWFP (see Table 1). NWFP were collected mostly for household consumption, but in the VK village, resin and others are the main cash income source. For the people in the Vang Vieng district, not only the wood useful as house materials but also NWFP were confirmed to be important as resources for a living.

2-3. Land classification by local inhabitants

Generally the main works to earn a living of Lowland Lao, Hillside Lao and

Table1:Utilization of NWFP

Village	The number of samples (households)	Income level (score)	The number of the species utilized per household		
			Only for self consumption (species)	Also for exchange (species)	Total (species)
HPM village in total	49	7	23	1	25
Upper classes in HPM	15	16	22	1	23
Lower classes in HPM	34	3	24	1	25
VK village	23	32	18	3	22
MX village	21	18	22	1	25
NP village	25	15	18	0	30
SL village	10	15	17	0	18

Note: The main ethnic group in HPM village and VK village is Lowland Lao, that in the HX village and NP village is Hillside Lao, and that in SL village is Highland Lao. The income bracket in HPM village was classified into upper class with more than 10 points, and lower class with less than 10 points.
Source: household interview with questionnaire

Highland Lao are said to be wet rice cultivation, swidden agriculture and poppy cultivation, respectively. In the area surveyed, however, the difference in the way of life peculiar to each ethnic group is disappearing due to long wars, migration before and after revolution, and mixing of the groups. In fact, Lowland Lao is practicing swidden agriculture due to lack of the land suitable for wet rice cultivation. Furthermore, Highland Lao is not cultivating poppy, and is earning a living by swidden agriculture. Therefore, the discussion in this section is focused on the land types classified by Hillside Lao, or swiddeners since old times. Table 2 shows the land types existing since old times.

The two villages of Hillside Lao we surveyed, were established in the 1970s. At the beginning, some households had about 10 swiddens, but by the governmental regulation, each household now has only 5 - 6 swiddens. The people

Table2:Land categories existing since old times

Land categories	Local name	Customary ownership	Remarks
Houselots, etc.	Pate Koun	private	
Swidden land	Pate Re	private	
Communal forest land	Pate Bri Kui Sai	village	A
Crematory and burial forest land	Pate Raman	village	B
Dense forest land	Pate Bri Kut	open access	C

Remarks A: Swidden agriculture is prohibited for haevesting forest products.
 B: It is located to the west of the village
 C: It has already disappeared

Source: Interview

classify the land for swidden agriculture as follows.

- 1) Pate Re Tu or swidden after abandonment: One year after abandonment. Many grasses.
- 2) Pate Reng Kenyon, or young bush fallow: Two - three years after abandonment. Grasses and small trunk trees are intermixed. The trunks are nearly as thick as a wrist.
- 3) Pate Reng Ke, or forest fallow : The forest crown is closed with fewer grasses. Three to four years or more after abandonment. The trunks are thicker than 10 cm.

In both villages, Pate Reng Ke has been reused for swidden agriculture, but at present, most of the people in the HX village are reusing Pate Reng Kenyon. In the NP village, many are reusing Pate Reng Ke, but several households are using Pate Reng Kenyon.

Communal forest land was established to insure the use of forest products. Swidden agriculture is prohibited there. Bamboo and small trunk trees for household consumption are free to felling, but the felling of large trunk trees is prohibited.

2-4. Use of forest products in each land category

Land for harvesting forest products in the HX village was examined in detail. The inhabitants were harvesting wood from communal forest land and dense forest land, and NWFP from the fallow forest land, grass land and dense forest land. They are using forest products not only from forest but also from every category of land including grassland preferentially occupied by Gramineae.

The right of exclusive utilization is granted only for the swidden land under cultivation. Forest products can be harvested freely from the fallow land, even if it is the abandoned swidden land owned by other persons.

3. Specifying the problems of the land use classification policy

To convert the present land classification by the local inhabitants to the land classification by the land law and forestry law, it is an important point whether the present condition of utilize and present situation of ownership are approved or not. In the following, the problems arisen from the classification of this land will be discussed.

3-1. Problems arisen from reclassification of swidden land

The swidden land at present includes the land under cultivation, fallow, and grass land. According to the land law and forestry law, however, the land regarded as degraded land at present is classified into degraded forest land, the land regarded as young bush fallow into regeneration forest, and the land regarded as old forest fallow into village-managed protection forest, conservation forest or production forest.

The problem concerning the land to be classified into degraded forest land is the method of selecting the land for afforestation. The local inhabitants are harvesting NWFP even from grass land. Therefore, uniform afforestation may interfere with the use of forest products by the local inhabitants.

In the land to be classified into regeneration forest (village-managed), the method of adjusting the discrepancy with the customary right of local inhabitants is the most important problem. This is because the local inhabitants have customary tenure rights for all swidden areas, including the fallow land.

Classification of swidden land into degraded and regenerated forest land, and into forest land and agricultural land in the future, has been planned on the pre-supposition that swidden agriculture will be abandoned. Whether this is practicable or not is an important question.

3-2. Problems arisen from classification of felling-prohibited forest land and dense forest land

The forest land where felling is prohibited at present is expected to be classi-

fied into protection forest or conservation forest, and there is no problem. However, selection of the sites for the new protection forests, where customary forest utilization is not permitted, is a problem, because local inhabitants harvest forest products from the forest land with every vegetation.

Dense forest land is also expected to be classified into protection forest, conservation forest and production forest. As in the case of felling-prohibited forest land, the selection of the land for these forest types, becomes a problem, and should be considered to avoid a trouble with the use of forest products by local inhabitants.

3-3. Summary

In conclusion, the problems arisen from the introduction of land use classification in Laos are the methods to be freed from swidden agriculture and to keep the use of forest products by the local inhabitants. Next, we propose a strategy to resolve these problems.

4. Strategy to introduce land use classification policy

4-1. Strategy to be freed from swidden agriculture

Laos government is now trying to classify the present swidden land into private-managed agricultural land and village-managed (partially private-managed) forest land, and planning to establish sedentary agriculture to prohibit swidden agriculture in agricultural land, and to promote afforestation in forest land. As mentioned above, this plan is disparate from the recognition of the people who are utilizing agricultural land and forest land integrally.

Therefore, the main strategy is to frame the "transition period" in an adjective law concerning the land law and the forestry law, and to adopt measures to sustain swidden agriculture on a smaller scale. Technically, the identification of sustainable local techniques, development of appropriate technology, and extension of these ones. Since most of the nation's land is slopes, agroforestry system may be essential. Institutionally, guarantee of the participation of inhabitants and agreement with them on the land use classification are necessary. By these procedures, land may be nominally classified into agricultural and forest land, and actually used under the present category, during the transition period.

During the transition period, old forest fallow is classified into village-managed forest land such as protection forest and nominal private-managed forest land. In addition, the young bush fallow is classified into nominal private-owned forest land and nominal private-owned agricultural land. Then, grass land is classified into nominal private-managed agricultural land and village-managed or private-managed production forest.

After these procedures, rotational agroforestry systems including swidden agriculture is practiced in the nominal forest land and agricultural land. However, reappraisal of land use classification policy itself, based on the results obtained

during the transition period, is necessary.

4-2. Strategy to sustain the utilization of forest products

The government is planning to prohibit the use of forest products in protection and conservation forests, and to allow customary utilization of forests on condition that natural environment is not destroyed and other rights are not infringed in other category of forest land. However, at present, forest products are important for the livelihood of local inhabitants, and are often harvested in grass land and secondary forest.

Therefore, the basic strategy is the introduction of an adjective law that allows enforcement of the land use classification without prohibiting the present use of forest products. In concrete terms, technically, the amount usable and the harvesting method of forest products on a sustainable basis must be studied. Institutionally, it is necessary to obtain full agreement on land use classification through participation of inhabitants, and to establish the regulation for forest use in each village.

Postscript

We hope that participatory forest management will be enforced, based on the participatory process of land use classification.

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Reference

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