

Communal land tenure in the Lao PDR

Results from a draft study on pilot experiences

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Climate Protection through Avoided Deforestation (CliPAD)



ການ ຮ່ວມມື
ເຢຍລະມັນ

DEUTSCHE ZUSAMMENARBEIT

16th January 2014





Outline

1. Study background
 - Objectives
 - Methods
2. Overview over pilot cases
 - Sangthong district
 - Nakai district
3. Results



Study background

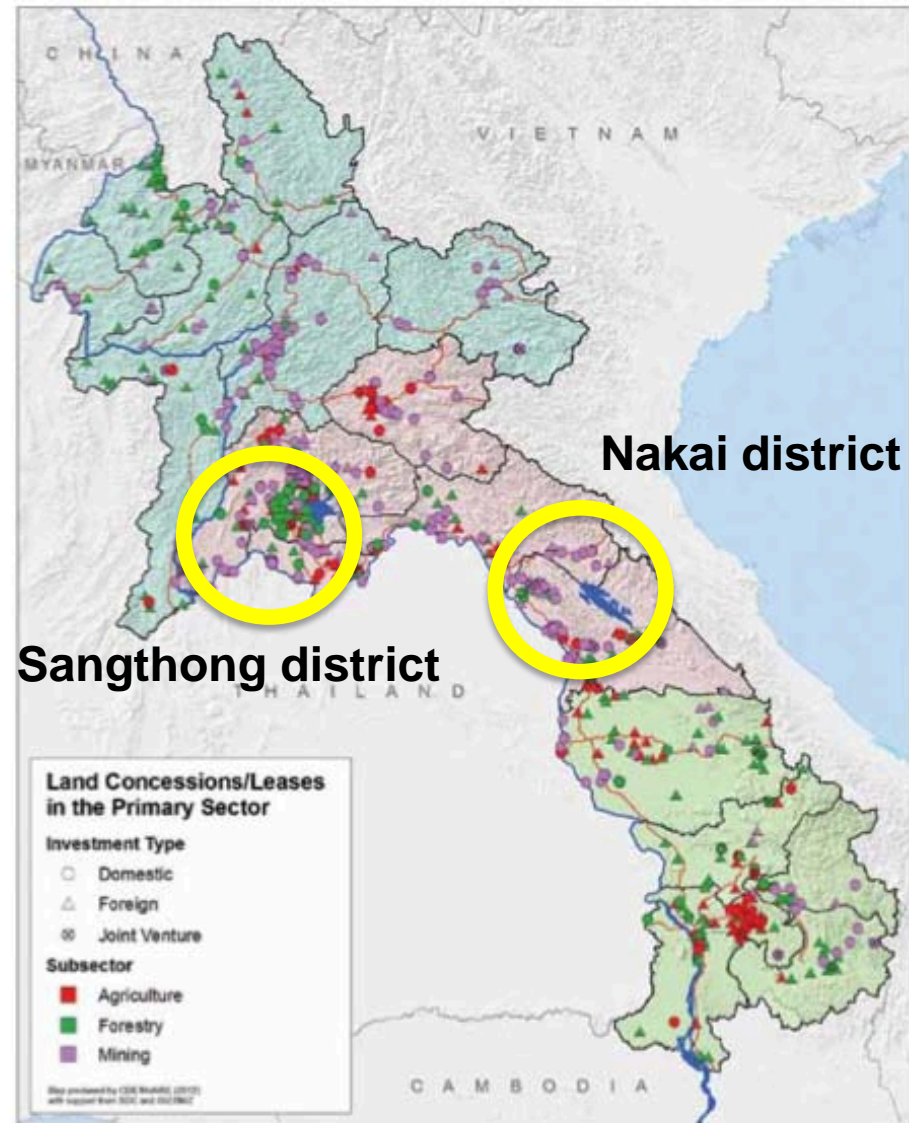
2011: Temporary land use certificates issued in Sangthong district

2013: Permanent titles for resettled households in Nakai district

Question:

What can we learn from these pilot cases?

Are these cases models for other areas of the Lao PDR?





Objectives

1. Analyze pilot cases to answer the following questions:
 - What type of land, and how much of it was awarded?
 - Which steps were followed in the process to obtain the collective land use certificates and titles?
 - Which actors were involved in this process?
 - What rights do these documents provide on the ground?
 - Do the rights given through communal tenure match the community livelihood strategies?
 - How are decisions made about the collective land?
 - Can the process followed in Sangthong and Nakai be used in other communities?
2. Extract lessons for other areas of the Lao PDR
3. Propose recommendations



Methods

1. Desk review of project documents and legal documents
2. Meetings with representatives from government agencies, NGOs, NPAs, bilateral donors, and independent consultants
3. Community interviews with villagers in Sangthong

**Towards Communal Land Titles
in Sangthong District**





Pilot case 1: Sangthong district

- Project: SNV-GDA Bamboo Value Chain Project
- DONRE awarded Temporary Land Use Certificates for 2,189 ha of bamboo forest in 5 villages
- Collective titles were an experiment – no clear implementation process, title documents
- Temporary: certificates are valid for 3 years, then can become permanent
- Exempt from taxes





Example of Communal Land Title

Pilot case 1: Sangthong district

Vientiane Capital
Sangthong District

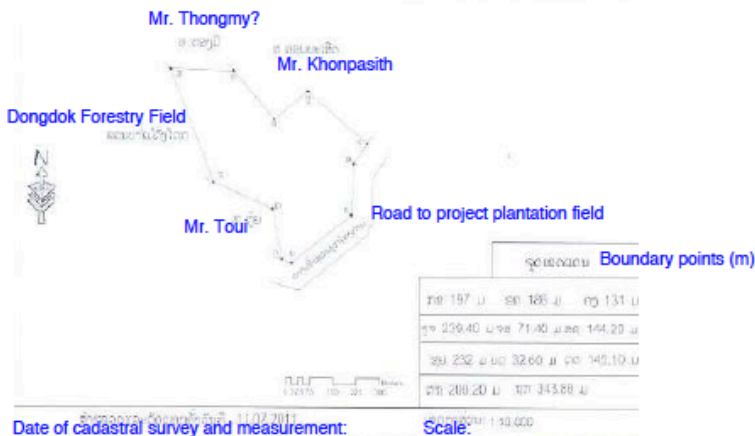
ແຜນທີ່ດິນລັດ
Ketch map of State Land

No. 08

ບ້ານ ຫາບໍ່ managed by Na Po village
according to certificate.....
Type of land: Village Production Forest
Road: small road Unit

District: Sangthong

Land parcel No. Village: Na Po No. of house.....
Area: 17 ha 4873 sqm



Vientiane Capital
Sangthong District Governor

By: Mr. Somsack Phaengkhamhak
Director of Sangthong Land Management Authority

Lounthong Bounmy

Bounthieng Khounsy

Vientiane Capital
Sangthong District

ແຜນທີ່ດິນລັດ
Sketch Map of State Land

No. 08

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Type of land: village Production Forest
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District: Sangthong

Land parcel No. Village: Na Po No. of house.....
Area: 17 ha 4873 sqm

Location of land

Mr. Bunmy Mr. Khonpasith Mr. Toui

Dongdok Forestry field

Boundary points

197 ມ	80	185 ມ	131 ມ
239 ມ	71 ມ	144 ມ	
232 ມ	32 ມ	145 ມ	
200 ມ	107	344 ມ	

Date of cadastral survey and measurement: 11.02.2014 Scale: 1:50,000

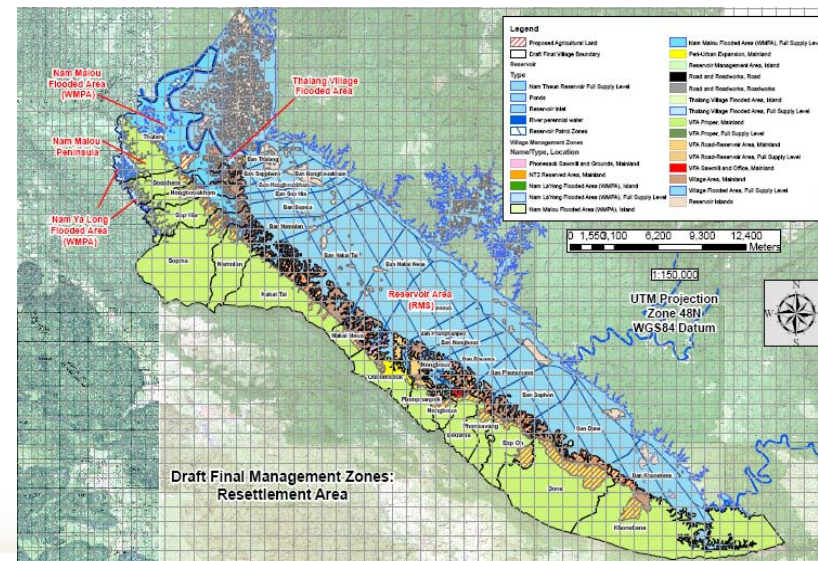
By: Mr. Somsack Phaengkhamhak
Director of Sangthong L.M.A.

Vientiane Capital
Sangthong District Governor



Pilot case 2: Nakai district

- Project: Nam Theun 2 Hydropower project resettlement compensation
- PONRE awarded permanent titles for ca. 20,000 ha of agricultural and forest land in 14 hamlets
- Livelihood goals from NT2 Concession Agreement not realistic with allocation of individual land only (0.66 ha/household)
- Degraded land can be used as additional agricultural land, forest land for NTFPs
- Exempt from taxes



Map credit: NTPC



ປຶ້ມຄູ່ມືການເຂົ້າເຖິງດິນລວມໝູ່ໃນລະດັບຄົວເຮືອນ ຄຸ້ມ ໜອງບົວ ບ້ານ ຫ້ວຍມະໄລ, ເມືອງ ນາກາຍ, ແຂວງ ຄຳມ່ວນ



ລາຍຊື່ຄອບຄົວຜູ້ທີ່ໄດ້ຮັບສິດ ຄຸ້ມ ໜອງບົວ ບ້ານ ຫ້ວຍມະໄລ

ເລກ NTPC	ຊື່	ວັນເດືອນປີເກີດ	ສາຍພົວພັນໃນຄອບຄົວ	ສະຖານ
384	ທ. ຄຳຟອງ	8/6/1956	ທົວທ້າຍຄອບຄົວ	1
384	ນ. ແພງສີ	3/24/2005	ລູກ/ລູກລ້ຽງ/ລູກນ້າ	1
384	ນ. ດຳດີ	11/13/2002	ລູກ/ລູກລ້ຽງ/ລູກນ້າ	1
384	ທ. ຕຽງຄຳ	1/16/2000	ລູກ/ລູກລ້ຽງ/ລູກນ້າ	1
384	ນ. ໄຕ	9/7/1982	ຜົວ/ເມຍ	1
385	ນ. ດາ	8/6/1943	ພໍ່ເຖົ້າ/ແມ່ເຖົ້າ ພໍ່ປູ່/ແມ່ຍ່າ	1
385	ນ. ໝອມ	3/1/2002	ລູກ/ລູກລ້ຽງ/ລູກນ້າ	1
385	ທ. ລຳພັນ	11/7/2001	ລູກ/ລູກລ້ຽງ/ລູກນ້າ	1
385	ນ. ຜົງ	8/3/1999	ລູກ/ລູກລ້ຽງ/ລູກນ້າ	1

ສາທາລະນະລັດ ປະຊາທິປະໄຕ ປະຊາຊົນລາວ
Lao People's Democratic Republic
ສິດທິພາບ ເອກະລາດ ປະຊາທິປະໄຕ ເອກະພາບ ວັດທະນະຊາດ
Peace Independence Democracy Unity Prosperity

ກະຊວງຊັບພະຍາກອນສ່ວນສ່ວນສູງແລະສິ່ງແວດລ້ອມ
Ministry of Natural Resources and Environment
ຜະແນກຊັບພະຍາກອນສ່ວນສູງ ແລະ
Provincial/Capital Natural Resource and
ສິ່ງແວດລ້ອມປະຈຳແຂວງ/ນະຄອນ
Environment Office
ເລກສີ: 169
No.
ອອກສິ່ງ: 1 047 0
Issued time:

ທີ່ຕັ້ງກອບຄົວ: 1207.018.04.009.0169
Location of land parcel:
ແຂວງ: ຄຳມ່ວນ
Province: Khammouane
ເມືອງ: ນາກາຍ
District: Nakai
ບ້ານ: ບົວມາ
Village: Bouama
ໝວດ:
Unit:

ໃບຕາດິນລວມໝູ່
Communal Land Title

ອອກໃຫ້ແກ່: ດິນປ່າໄມ້ສາວບ້ານ
Issued for: Community forest land
ເປົ້າໝາຍການນຳໃຊ້: ດິນສາທາລະນະປະໂຫຍດ
Purpose of use: Public benefit
ປະເພດດິນ: ປ່າໄມ້(ສາວບ້ານ)
Type of land: Forest (Villager)
ປຶ້ມສະບຽງທີ່ໃບເຊັນສີ: 4 ບົນສີ: 8
License book volume No. Sheet No.
ຕອບດິນເລກສີ: 1 ເນີນສີດິນ: 8,464.000 ຕາແມັດ
Land parcel No. Land Area: sqm
ມາດຕາສ່ວນ: 1:50.000
Scale:

ເຂດ: ສາຍກາງ-ສູນກະບົດ
Zone: Plateau: rural
ແຜນສັງຄານດິນເລກສີ: A520-954
Land sketch map No.
ແຜນສັງຄານດິນ
Land Sketch Map

ອອກໃຫ້: ແຂວງ ຄຳມ່ວນ
Issued at: Khammouane Province
ຕິດຕາລະດັບມາດຕະຖານສ່ວນສູງແລະສິ່ງແວດລ້ອມ
Director of Provincial Natural Resource
and Environment Office
Khamphay Phengphaengmouang
ຄຳໄມ້ ແຫ່ງແພງເມອງ

ວັນທີ: _____
Date:
ຕົວຕາລະດັບສ່ວນສູງແລະສິ່ງແວດລ້ອມ
Deputy Director of Land Management Section
Vongkao Vilahanh

ເດືອນ: _____ ປີ: _____
Month: Year:



Results

1. Community interviews
1. Comparison of pilot cases
1. Success factors
1. Recommendations



Results – Community interviews

Interviewed 37 community members in 5 villages in Sangthong:

1. Collective land is being used more or less, depending on the village
2. One village decided to make the collective land a conservation forest
3. Women are less involved in management and decisions
4. Support for collective titles is strong, but most of the benefits are not economic:
 - “it’s for the next generation”
 - “It’s easy for management, and we know exactly where the boundaries are”
 - “I don’t have plans for using it, or for my children. Still, it protects our land from other villages”
 - “If we have title, we have full rights, and can prevent other people from clearing the forest”
5. There is interest in expanding land area under communal certificates
6. Very few villagers knew that the certificates are only temporary
7. Many villagers were concerned about outsiders buying or stealing land, but this had almost never happened



Results – Comparison of pilot cases

Sangthong District	Nakai District
Bamboo value chain project	Compensation for resettled communities
Temporary	Permanent
District-level approval	Province-level approval
Specifically chosen parcels	All land unless individually owned, state managed (hospitals, schools, etc.)
Degraded bamboo forest	Mixed natural forest with degraded and higher-stocked areas (but no commercial harvesting rights)
In name of community, unclear how membership conferred	In name of community, specific families and direct descendants
Village forest management committee	Decisions need support of 70% of all eligible families



Results – Success factors

Completed PLUP helps solve boundary conflicts

PLUP was already completed in both cases. This helped settle disputes about boundaries and proposed rules for access and use of the collective land.

Sufficient funding

Both projects had funding from donors to finance the full project cost. The communities could probably not pay for these costs.

Approved management plan for bamboo forest

In Sangthong, an approved management plan for the village forest was already in place, providing information about the forest land, and defining sustainable harvest levels.

Support from government

Provincial and local government officials supported collective land rights in both cases. Government agencies implemented all steps, and the projects provided financial and technical assistance.



Results – Recommendations

- 1. Ensure sufficient funding

The communities will not be able to pay for the process – what are other potential sources of funding?

- 2. Issue general legal guideline to facilitate experimentation

Making national-level guidelines based on only 2 pilot cases can be problematic. Instead, provide guidance on main issues (title document, type of land) to allow districts and provinces to gather more experiences with collective land, then discuss lessons

- 3. Flexibility to allow adaptation to local context

The two pilot cases are based on very different resource management objectives. National regulations about collective land should be written to fit the local diversity of the Lao PDR

- 4. Strengthen participation of women

Women in Sangthong knew little about the rules, and were not well represented in the forest management committee, but they are often the ones harvesting resources. Their active participation needs to be encouraged



Results – Recommendations

- 5. Differentiate between economic and conservation use for taxation

Communities' sustainable use and conservation of resources should be encouraged. However, taxation strengthens the ownership rights of the community. If the villagers are extracting resources for sale, find out if a low tax can be collected based on the value

- 6. Recommend follow-up activities, combine with rural legal education

Institutions need to be set up to manage community resources, and follow up should ensure that institutions are functional, and that all members know their rights. Training in community legal rights and responsibilities before and after the titles are given can help strengthen their ownership

- 7. Clarify the need for a management plan for the different types of communal or collective land

Management plans are important for sustainable harvesting of resources, but it is currently unclear whether they are required, and for which types of communal land

- 8. Clarify the process and rules concerning communal land title

See LIWG Policy Recommendations



Thank you

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Thank you for your attention!



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