

# 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)



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# Outline

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





## Study background

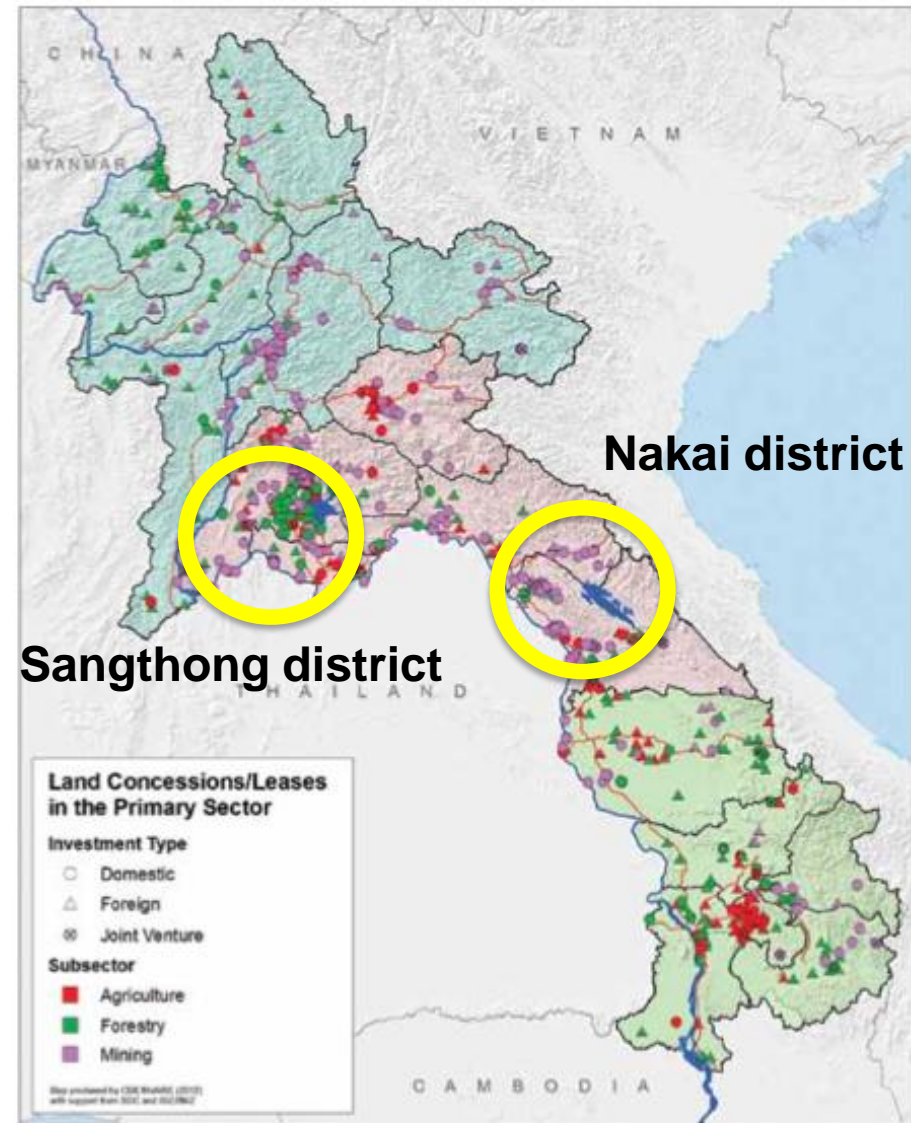
**2011:** Temporary land use certificates  
issued in Sangthong district

**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







## 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







# Pilot case 1: Sangthong district

## Example of Communal Land Title

**Vientiane Capital**  
ນະຄອນຫຼວງວຽງຈັນ

**Sangthong District**  
ເມືອງສັງທອງ

**Ketch map of State Land**  
ແຜນທີ່ດິນລັດ

**managed by Na Po village**  
ຖານະປະຊາກອນທີ່ປະມຸກ

**according to certificate**  
ຕາມປະຕິບັດຂອງປະຕິບັດ

**Type of land: Village Production Forest**  
ປະເພດດິນ: ປະຕິບັດຂອງປະຕິບັດ

**Road: small road Unit**  
ເສັ້ນທາງ: ເສັ້ນທາງນ້ອຍ

**Land parcel No.**  
ເລກທີດິນ

**Village: Na Po**  
ຖານະ: ຖານະ

**No. of house**  
ເລກທີເຮືອນ

**Area:**  
ເນື້ອທີ່

**ha**  
ha

**sqm**  
sqm

**Mr. Thongmy?**  
ທ້າຍທ້າຍ

**Mr. Khonpasith**  
ທ້າຍທ້າຍ

**Dongdok Forestry Field**  
ສະໜອງປະຕິບັດ

**Mr. Toui**  
ທ້າຍທ້າຍ

**Road to project plantation field**  
ເສັ້ນທາງສູ່ປະຕິບັດ

**Boundary points (m)**  
ຈຸດເຂດເຂດ

197 m	186 m	131 m
236.40 m	71.40 m	144.20 m
232 m	32.60 m	145.10 m
200.20 m	343.80 m	

**Date of cadastral survey and measurement:**  
ວັນທີປະຕິບັດການສູ່ປະຕິບັດ

**Scale:**  
1:10,000

**By: Mr. Somsack Phaengkhamhak**  
ທ້າຍທ້າຍ

**Director of Sangthong Land Management Authority**  
ຫົວໜ້າອົງການຄຸ້ມຄອງດິນສັງທອງ

**Vientiane Capital**  
ນະຄອນຫຼວງວຽງຈັນ

**Sangthong District Governor**  
ເຈົ້າເມືອງສັງທອງ

**Lounthong Bounmany**  
ທ້າຍທ້າຍ

**Bountheng Khounsuy**  
ທ້າຍທ້າຍ

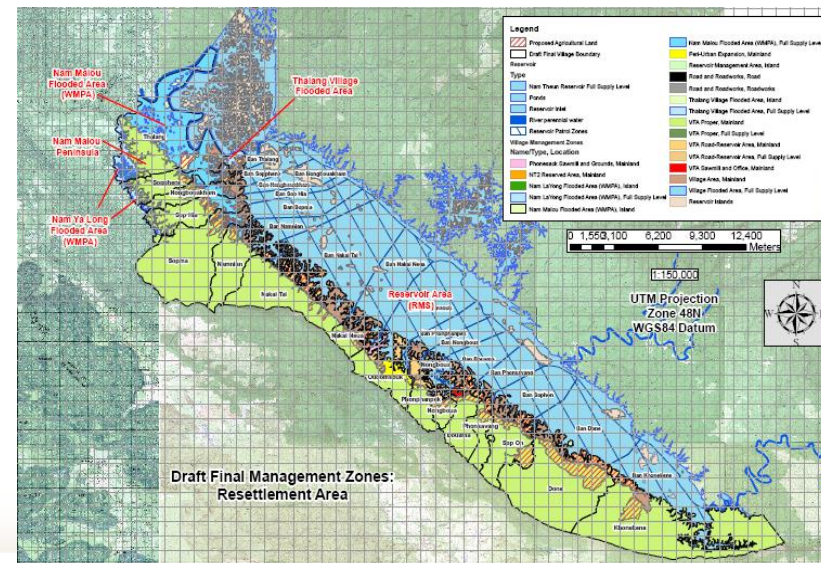






## Pilot case 2: Nakai district

- 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



## ປະເພດດິນລວມໝູ່

### 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. ຕຸງຄຳ	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  
ສັນຕິພາບ ເອກະລາດ ປະຊາທິປະໄຕ ເອກະພາບ ວັດທະນະຖາວອນ  
Peace Independence Democracy Unity Prosperity

ກະຊວງຊັບພະຍາກອນທຳມະຊາດແລະສິ່ງແວດລ້ອມ  
Ministry of Natural Resources and Environment  
ພະແນກຊັບພະຍາກອນທຳມະຊາດ ແລະ  
Provincial/Capital Natural Resource and  
ສິ່ງແວດລ້ອມປະຖົມສູນ/ນະຄອນ  
Environment Office  
ເລກທີ: 159  
No.  
ອອກໃຫ້: 1 08:47 0  
Issued time:

ທີ່ຕັ້ງຕາມເງິນ: 1207.016.04.009.0159  
Location of land parcel:  
ແຂວງ: ຄຳມ່ວນ  
Province: Khammouang  
ເມືອງ: ນາກາຍ  
District: Nakai  
ບ້ານ: ບົວມາ  
Village: Bouama  
ຫຸ້ນ: 1  
Unit:

**ໃບຕາດິນລວມໝູ່**  
Communal Land Title

ອອກໃຫ້ແກ່: ດິນປ່າໄມ້ສາວບ້ານ  
Issued for: Community forest land  
ເປົ້າໝາຍການນຳໃຊ້: ດິນສາທາລະນະປະໂຫຍດ  
Purpose of use: Public benefit  
ປະເພດດິນ: ປ່າໄມ້(ຊາວບ້ານ)  
Type of land: Forest (villager)  
ປຶ້ມສະບັບເງິນເດີນ: 4 ໜ້າ: 9  
License book volume No. Sheet No.  
ຕອນດິນເລກທີ: 1  
Land parcel No.  
ນ້ຳໜັກສະໜອງ: 150.000  
Scale:

ເຂດ: ສະໜອງ: ຊຸມນະບົດ  
Zone: Plateau: rural  
ແຜນທີ່ຕາດິນເລກທີ: A520-954  
Land sketch map No.  
ເນື້ອທີ່ດິນ: 8.464.000  
Land Area:  
ຕາແມັດ  
sqm

**ແຜນທີ່ຕອນດິນ**  
Land Sketch Map

ອອກໃຫ້: ແຂວງ ຄຳມ່ວນ  
Issued at: Khammouang Province  
ຫົວໜ້າພະແນກຊັບພະຍາກອນທຳມະຊາດ  
Director of Provincial Natural Resource  
ແລະ ສິ່ງແວດລ້ອມ  
and Environment Office  
Khamphay Phongphangmeuang  
ຄຳໄພ ແພງແພງເມອງ

ວັນທີ: 11/07/2001  
Date:  
ເດືອນ: 7  
Month:  
ປີ: 2001  
Year:  
ສະໜອງ: ສະໜອງ  
Deputy Director of Land Management Section  
Vongkao Vithanh





# 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

<b>Sangthong District</b>	<b>Nakai District</b>
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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- Mr. Souvanhpheng Phommasane, Agroforestry Consultants (formerly SNV)
- Mr. Choy Oulathong, Agroforestry Consultants (formerly GDA)
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- Ms. Pam de Volder and Ms. Vimol Dalaloy, US Embassy Vientiane
- and all the community members in Sangthong





**Thank you for your attention!**

