Study on Land Allocation to Individual Households in Rural Areas of Lao PDR

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Study on Land Allocation to Individual Households in Rural Areas of Lao PDR

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Acronyms

ADB ...............Asian Development Bank
AusAID ..........Australian Agency for International Development Assistance
BIRD .............Bokeo Integrated Rural Development
CBNRM ...........Community Based Natural Resource Management Research Project
DAFO ............District Agriculture and Forestry Office
DLMA ..........District Land Management Authority
DoF .............Department of Finance
DoL ...........Department of Lands
DDoL ............District Lands Office in the Department of Lands
DoNLUPAD ...Department of National Land Use Planning and Development
GoL ............Government of Lao PDR
LA ..............Land Allocation
LL .............Land Law
LSC ............Land Survey Certificate
LSUAFRP ......Lao-Swedish Upland Agriculture and Forestry Research Program
LT .............Land Title
LTD ............Land Tax Declaration
LTP .............Land Titling Project
LTR ............Land Tax Receipt
LUC ............Land Use Contract
LUP ............Land Use Planning
LUP/LA .......Land Use Planning and Land Allocation
LWU ..........Lao Women Union
LYU ..........Lao Youth Union
MAF ............Ministry of Agriculture and Forestry
MOF ............Ministry of Finance
NAFRI ..........National Agriculture and Forestry Research Institute
NAFES ...........National Agriculture and Forestry Extension Service
NBCA ..........National Biodiversity Conservation Area
NLMA ..........National Land Management Authority
NTFP ..........Non-Timber Forest Product
NRM ..........Natural Resource Management
PAFO ............Provincial Agriculture and Forestry Office
PDOL ............Provincial Department of Lands
PLMA ..........Provincial Land Management Authority
PM ..........Prime Minister
RDMA ..........Rural Development of Mountainous Regions
SC ............Shifting Cultivation
SCSPP ........Shifting Cultivation Stabilization Pilot Project
SUFORD ......Sustainable Forestry and Rural Development Project
TA .............Technical Assistance
TLUC ...........Temporary Land Use Certificate
Executive Summary

In the present study land allocation in rural areas of Lao PDR was investigated by a team of national consultants supported by two international consultants in 3 provinces (Savannakhet, Bokeo and Luang Namtha). Interviews in preparation of this study were conducted with experts at national level as well as provincial and district authorities and line agencies. In 6 villages the study team met with village chiefs and village committees who gave an account of the land allocation and land management situation in their villages. Finally, 36 randomly selected households were interviewed in the six villages concerning their land use and land tenure situation.

The legal framework for land use planning and land allocation (LUP/LA) in Lao PDR has been analysed based on the relevant laws (Land Law, Forest Law, Agricultural Law etc.). A national LUP/LA program under the overall responsibility of the Ministry of Agriculture and Forestry has been created in 1996. Until 2003, district agricultural and forestry staff have conducted LUP/LA activities in a total of 5400 villages in all provinces of Lao PDR. It is estimated that approximately 300,000 Temporary Land Use Certificates have been issued as a result of LUP/LA. The recent creation of the National Land Management Agency (NLMA) as a central agency in charge of all issues relating to land management and administration by merging the former DoNLUPAD, the Department of Lands and the housing and state land section of State Asset Department requires a review of tasks and responsibilities also with regard to the LUP/LA activities.

In the past four years several authors and organisations have attempted to analyse the main impacts of the LUP/LA program on rural livelihoods and the environment. It is reported that in general, LUP/LA has been beneficial in the delineation of village boundaries and resource use zones, has helped to reduce land conflicts and improve forest protection. On the other hand, land allocation has lead to a reduction of agricultural and forest use area available to the households living in upland areas. In numerous cases this has resulted in decreased yields and insecure livelihoods. The results of this study confirm most of the impacts identified during previous surveys.

Based on a detailed analysis of the present situation of land allocation and land registration in rural areas, the study team comes to the following conclusions and recommendations:

- In future, the land use planning activities should be dissociated from land allocation activities; while LUP at local level should remain under the overall responsibility of MAF, all land registration activities should fall under the newly established NLMA and its subordinate institutions.

- LUP/LA documents and maps are in most cases either incomplete or lost altogether. There is no systematic record system in place at DAFO to check that all relevant documents elaborated during LUP/LA are kept in a filing system. Furthermore, storage conditions of TLUC hardcopies at DAFO are often inappropriate and unsafe. A recommendation is made to initiate a simple Land...
Use Planning and Land Allocation Record System, consisting on an overview of available LUP documents and a certificate checklist on the TLUCs issued. Finally, the complete set of all TLUC documents will be handed over to DDoL (DLMA), while DAFO will keep all documents relevant to LUP and zoning.

- The validity of TLUCs (currently only 3 years) should be extended for up to 10 years after the date of issue.

- In future, DLMA staff should conduct 3-yearly land registration campaigns outside the LTP II area. During these campaigns villagers are encouraged to officially register the land allocated to them by TLUC more than 3 years ago and which they have developed and cultivated for at least 3 consecutive years. The DLMA staff issues LSC documents for these land users. If the land has not been brought under cultivation within a period of 10 years, the TLUC becomes invalid.

- The form used for the LSC is reviewed nation-wide to assure that this document is systematically registered both in the name of the husband and wife to avoid gender inequalities.

- Within the LTP II area, TLUCs will be converted to a Provisional Land Certificate (PLC) and after 10 years of uninterrupted occupation the holder can apply for a permanent land title.

- Despite the fact that this is illegal, villagers pass on temporary land use rights to others based on the TLUC. Tracking of such transfers or sales of use rights is extremely difficult. It is proposed to require all village chiefs to keep simple Land Transfer Record Books in which any land transaction must be registered. The land transfer record book is checked at least once per year by DoL (DLMA) staff.

- The amount of land allocated to households in the past has never come anywhere near the ceilings for land allocation per labour force specified in the Land Law. Furthermore, the common practice during LUP/LA to allocate “undeveloped” land parcels and to prescribe a monitoring exercise of these parcels within a 3-year period has not been successful.

- Land allocation in rural areas and the issuance of TLUCs in its present form should be discontinued. Instead, village authorities are officially made responsible for managing all unallocated and reserved land within the village boundaries, but outside the protected forest areas. Claims to develop or use any additional land by a household must be submitted to the village authorities. Once the land has been brought under production or occupation for 3 consecutive years and when the village chief has certified the rightful claims of the household by issuing a “Land Ownership Certificate”, the land user can request DDoL staff to measure the parcel and issue a LSC during one of the 3-yearly land registration campaigns.
The issuance of communal land certificates should be delayed until further experience has been gained.

In future, the land registration activities proposed in this document for areas located outside the LTP II areas will require an increase in technical staff for the future DLMAs and an appropriate human resource development program.

Boundary demarcation, zoning and land use planning activities at village level should be expanded to cover all villages of Lao PDR until 2010.

As a general rule there should be a review of the land use zoning in villages where the proportion of the village area to be protected (conservation, protection, regeneration forests, cemetery and spiritual forests) covers more than 75% of the total village area.

In areas with a continued dependence on rotational shifting cultivation to secure livelihoods, villagers with the advice of DAFO staff are encouraged to designate one or several “agricultural use zones” within their village area. In future, rotational swidden agriculture would only be permitted for selected families in such designated areas. The area must be large enough to maintain locally adapted rotation periods e.g. of 5 to 7 years to avoid degradation of the natural resources.

Village authorities should play a much stronger role in local land management and should be increasingly qualified by training and awareness raising to cope with their additional responsibilities. The transfer of some tasks and responsibilities in land management to village authorities is in line with principles of decentralisation and subsidiarity.

A new land management coordination committee should be created bringing together representatives of all 7 ministries which have clear responsibilities for certain state land units according to the Land Law.
1 Introduction

Land allocation is defined as the demarcation and issuing of use rights to specific land parcels. The obvious reasons for the state to allocate land to the users are to secure the rights of use to a piece of land, to create incentives to invest in this land and to provide for sustainable land use practices and systems. The objectives for land allocation in Lao PDR were further identified to reduce shifting cultivation, to improve social security and livelihood, and to protect the environment.

In 1996, the Government of Lao PDR officially adopted a nationwide program on land use planning and land allocation (LUP/LA). The program aimed at providing villagers individual access to additional land resources as well as at safeguarding the nation’s forest areas by delineating various forest categories during land use zoning exercises at village level. Implementation of LUP/LA has varied throughout the country, but studies on the effects and impacts have shown that several of the expected results have generally not been achieved. The LUP/LA program has now been drastically decreased due to budget constraints after activities have been conducted in only approximately half of the nation’s villages. It thus now seems justified to review the lessons learned in land allocation and propose some necessary changes in view of future land policy development.

During the Lao-German government consultations in June 2004 it was agreed that the German Government would support a new project for the Development of the Land Policy Framework in Lao PDR starting from 2005. This project will be part of the Land Titling Project (LTP) II (2004-2008), currently funded by World Bank and AusAID. German technical assistance (GTZ) will directly support and advise relevant sections of the new National Land Management Authority created by Decree No.67/PM in May 2004 in view of further land policy development.

In preparation of this new project, the GTZ Sector Project Land Management has agreed to fund at least two studies on relevant land policy issues identified in the project documents of LTP II. The present document reflects the results of the first study dealing with land allocation in rural areas of Lao PDR, while a second study on land markets is planned for early 2005.

This study was conducted by a team of national consultants from GoL line departments (DoNLUPAD and DoL) with support by two international consultants (GTZ). Between October 4th and December 17th 2004, research has been conducted in the provinces of Savannakhet, Luang Namtha and Bokeo as well as at the central level in Vientiane, where key actors and experts in the field of land allocation were contacted and interviewed. As key representatives of national line agencies dealing with land management were part of the study team, some results of this study could eventually be interpreted directly for the formulation of the Implementation Decree on the Land Law currently in its final stage.

The terms of reference for this study are presented in Appendix 1.
2 Methodology

The main intended output of this study is to present options for the modification or adaptation of procedures and regulations concerning future land allocation activities in Lao PDR. The overall focus was therefore not so much on carrying out an impact assessment of previous land allocation activities in the country. Such reviews of impact are available in a number of other studies and have been conducted for various parts of Lao PDR (see i.e. Bokeo Integrated Rural Development (BIRD), 2003; Ministry of Finance (MoF), Department of Lands (DoL), 2002; RODENBURG/PHENKHAY, 2000; Rural Development of Mountain Areas (RDMA), 2004; EVRARD, 2004; THONGMANIVONG/ BADENOUCH, 2001; ADB, 2001). The objective was rather to focus on the general policy level, gathering information from agencies involved in the process as well as from researchers and independent observers. To that end, the study team prepared a comprehensive review of existing legal and policy documents, studies and reports on LUP/LA procedures in Lao PDR as a starting point. Then, the team conducted interviews with government authorities at the national, the provincial and the district level as well donor organizations and private sector companies involved in or knowledgeable about the process of land use planning and land allocation. These included among others the Ministry of Agriculture and Forestry, the Department of Lands in the Ministry of Finance, the Faculty of Forestry at the National University in Dong Dok, the LSUAFRP and the Lao Consulting Group.

During field trips to three provinces (Savannakhet, Luang Namtha and Bokeo) and three districts (Phalan Xai, Muang Sing and Houay Xai) it was attempted to gain insights in the application of LUP/LA in practice and to discuss procedures and opinions with those in charge of implementing the national policy and guidelines. The three provinces were selected by the study team with the intention of getting a balanced perspective of the situation, which could then be generalized for the whole of Lao PDR. There are considerable differences between the more stable settlement areas and agricultural systems in Savannakhet representative for large parts of the southern region of Lao PDR, compared to the northern part marked by insufficient availability of arable land and in particular paddy land. Consequently, shifting cultivation practices are far more widespread and important in the rural population in the northern region such as in Luang Namtha and Bokeo.

In total, the study team developed five different questionnaires or interview guidelines:
- one for national institutions, which was subsequently adapted to each specific interview partner,
- one for the provincial level, to be used for interviews with representatives of the Provincial Agriculture and Forestry Office (PAFO) and the Provincial Department of Lands (PDoL) with slight adaptations according to respective responsibilities of these two institutions,
- one for the district level, applied for interviews with staff from the District Agriculture and Forestry Organization (DAFO) and the District Department of Lands (DDoL),
• one for the discussions with the village committees and village chiefs on the general situation concerning land management and land allocation at village level,
• and one for household interviews (see Appendix 15-21 for interview formats used)

At village level, the study team spent one day per village starting with a semi-structured interview and discussion with the village committee and the head of village. This interview generally focused on the experiences and perceptions of the LUP/LA-process as well as land management practices and land tenure issues. In the second part of the village stays, structured in-depth interviews were conducted by the team members with six randomly selected households per village.

The data from the provinces has been collected during two separate field trips, one to the province of Savannakhet (11th Oct.-15th Oct. 2004) and the second to the provinces of Luang Namtha and Bokeo (23rd Oct.-6th Nov. 2004). In general, the team received valuable support and information by the relevant line agencies in all provinces. Yet, the study team also encountered the following difficulties and constraints:
- Contradictory and misleading answers were given by different levels and institutions, making it difficult for the study team to entirely comprehend the application of the LUP/LA process in some cases.
- Communication problems were encountered in the Akha village of Ban Phiyeu where only few villagers spoke Lao language and no translator was at hand.
- In some cases, random selection of households was impeded by pre-selection of households by the village chief and by the fact that many villagers were occupied with their rice harvest and not available for interviews during the daytime.
- In all villages, the study team was accompanied by government officials, which could have influenced the answers given to some of the questions. It was noticed that on several occasions interviewees were trying to receive prior approval from the officials for their answers. On the other hand, in remote villages there were also cases when the company of district staff familiar to the villagers turned out to be helpful to establish contacts and to create a relaxed working atmosphere.

The composition of the study group, consisting of three Lao national consultants and one international consultant, proofed to be very effective especially for gathering information at local level. The preliminary results of the study were then discussed and crosschecked with two advisors, the Head of DoNLUPAD in Vientiane and an international consultant on NRM and Land Management.
3 Framework and Procedures of LUP/LA in Lao PDR

3.1 Legislation and Regulations

The Constitution, while determining that the national community owns all land in Lao PDR, protects the rights of individuals to use, transfer and inherit their land use rights (Art. 15).

3.1.1 Land Law

According to the land law, all land in Lao PDR is under the ownership of the national community and the state is in charge of allocating use rights for land to individuals and organizations (Art. 3). Article 17 limits the areas to be used for agricultural production:

- to 1 ha/labour force for rice cultivation and farming,
- to 3 ha/labour force for industrial crops, annual crops and fruit tree orchards,
- to 15 ha/labour force for using deforested land for growing grass for livestock,
- Article 21 limits the area of degraded forest that can be allocated to 3 ha/labour force.

Present land ceilings set by the Land Law therefore pose no problem to assure sufficient access to land.

These use rights for agricultural land (Art. 18) and forests (Art. 22) are first limited to three years, after which the user can apply for a long-term use right in form of a title. Procedures of land registration are laid down in Art. 43ff. stating that the TLUC – if available – is one of the necessary documents for registering land (Art. 45) and that the TLUCs may be inherited for the remaining use period, but may not be sold, leased or used as collateral (Art. 48).

Article 52 identifies land allocation as one way to acquire a land use right besides transfer and inheritance. Article 55 limits the right to use the land for individuals and organizations to the regulations of the state management plan\(^1\). If allocated land is not used, the land use right will be returned to the state (Art. 62). The monitoring task is not specified in the Land Law, which only assigns it to the authority in charge of the land category without indicating the level within this authority that should be in charge of monitoring (Art. 78).

3.1.2 Forest Law

According to the Forest Law of 1996, natural forests and forested lands are property of the national community, which the state represents when allocating individual use. Individuals and organizations shall have the right to possess and use forests and their resources only with prior approval from authorized agencies (Art. 5).

The Ministry of Agriculture and Forestry is the leading agency in coordinating all relevant sectors and local authorities to conduct forest surveys and allocation, to categorize the forest areas and to monitor changes to forest areas. The rights of

\(^1\) On which the land use contract attached to the TLUC is based.
individuals and organisations to use forests are limited to the category of degraded forests and shall be allocated according to the labour and financial capacity, but not exceeding three ha/labour in a family (Art. 13). It is prohibited to transform forests for other purposes; exceptions must be based on the interest of the public good (Art. 14). Forest categories are stated in Article 16:

- Protected Forests,
- Forest Reserves (Conservation Forests),
- Production Forests (areas used to provide for the requirements of peoples’ regular and continual daily living needs in terms of wood and NTFPs, where collection does not seriously affect the environment (Art. 19))
- Rehabilitation Forests,
- Degraded Forests (areas which have been heavily damaged and which are separated for reforestation and regeneration or to be allocated to individuals and organizations for reforestation, permanent agro-forestry, livestock production or other purposes).

Exploitation of wood and NTFPs may be undertaken specifically in production forest and in areas, where forestry exploitation has been planned (Art. 25). Article 30 recognizes customary uses of forests within the limits of the law.

### 3.1.3 Agricultural Law

The national assembly passed the Agricultural Law in 1998 and it includes some references to the land allocation program. According to Art. 11, the state allocates the use of agricultural land for production and according to the abilities of the land to provide every household with sufficient land to undertake production subject to their capacities by granting the right to use. Land allocation is considered to support the transfer towards fixed cultivation and is aimed at decreasing and ultimately stopping shifting cultivation.

Individuals and organizations that have received approval to use agricultural land must cultivate the land within three years or otherwise their use right will expire (Art. 14 and 18). The responsibility of allocating land is vested in the district level of the MAF (Art. 72). However, village authorities also have the duty to allocate areas for cultivation and animal husbandry for each family within the village (Art. 73).

### 3.1.4 Other Laws, Decrees and Regulations

There are a number of other laws and regulations with relevance to land allocation such as: the Property Law, the Inheritance Law, the Family Law, the Prime Minister’s Decree No. 150/PM on the implementation of land tax, the Prime Minister’s Decree No. 52/PM on document registration, the Prime Minister’s Instruction and Recommendation No. 03/PM on expansion of land management and land & forest allocation.

Under the Property Law, Art. 2, the five types of property in Lao PDR are state, collective, individual, private and personal. Communal property is not provided for. The obligation of holders of land use rights to develop their allocated land is addressed in Art. 22 of the Property Law, stating that individuals retaining property without clearance or any form of production will be subject to fines and expropriation.
In the context of land management and land allocation, the most relevant decree is the Prime Minister’s Decree 03/PM on land allocation, stating that:

- all out-posted government staff should internalise the principles of land use zoning and land allocation,
- shifting cultivation land should be converted to agriculture and forestry,
- subsistence farming should be converted to more market-oriented practices,
- unauthorized clearing on land zoned as forest should be stopped and
- staff capacity of agencies dealing with land allocation should be upgraded.

Presidential decrees dealing with land management issues are:
- PD/03 of 2000  ➔ land tax

Prime Ministerial Decrees dealing with land allocation and registration are:
- 22/PM of 1999  ➔ Implementation of the (old) Land Law; this implementation guideline for the Land Law is currently being revised and adapted to the amended Land Law
- 52/PM of 1993  ➔ Registration of Documents
- 99/PM ➔ Land and House Ownership in Urban Areas
- 150/PM of 2000 ➔ Implementation of the Presidential Decree on Land Tax
- 169/PM ➔ Forest and Forest Control and Management
- 186/PM ➔ Land Allocation throughout the Country
- 194/PM ➔ Transformation of State Land Use Rights etc. to Government Personnel
- 237/PM of 2001 ➔ Role and Function of DoNLUPAD ➔ replaced by 67/PM, dated 05/18/2004, integrating DoNLUPAD into the NLMA

Ministerial Decrees dealing with land registration are:
- 2232/MoF of 1997 ➔ Fees for issuing Titles
- 996/MoF of 1998 ➔ Land Parcel Registration
- 997/MoF of 1998 ➔ Systematic Registration
- 998/MoF ➔ Sporadic Registration
- 1362/MoF 1999 ➔ Role and Function of DoL ➔ replaced by 67/PM, dated 05/18/2004, integrating DoL into the NLMA
- 748/MoF of 2000 ➔ Cadastral Surveying and Mapping

Ministerial Approvals:
Ministerial Approval/Decision on Customary Rights and the Use of Forest Resources 0054/MAF is based on Decree 169/PM, recognising the rights to use forests, forest land and forest products in accordance with the customs of villagers. In Art. 4 it guarantees that customary rights can be exercised freely as long as they do not interfere with legislative regulations, implying that traditions are generally overruled by law (MoF/DoL, 2002). Art. 5 allows customary rights to forest resources to be transferred according to custom. If the means of livelihood are affected by resettlement, Art. 8 provides for a compensation to be paid.
Recommendations 0377/MAF, Para. 2 limit the forest use rights in the case of “undifferentiated slash and burn”. Rotational shifting cultivation practices, however, do not seem to be impeded by legislative regulations as long as they are carried out in degraded forest areas.

3.2 **Responsibilities of Line Agencies Involved**

The 1997 Land Law as amended in 2003 sets out the main institutional responsibilities for land management and administration in Lao PDR and defines twelve specific functions of land management, which the Land Management Authorities must fulfil. Management responsibilities for these functions are assigned in a general way to seven line ministries. The Prime Minister’s Decree No. 67 dated 18 May 2004 identified the functions, rights and organisational structure of the Land Management Authorities. Land administration is centrally controlled by the Department of Lands under the Ministry of Finance. Policy decisions on land allocation, however, are taken by the Ministry of Agriculture and Forestry. The policy of land allocation is part of the strategy to stabilize shifting cultivation and the central policy decisions are taken within the Shifting Cultivation Reduction Extension Center under the Ministry of Agriculture and Forestry.

3.2.1 **Ministry of Agriculture and Forestry and Subordinate Institutions**

Article 60 of the Forestry Law sets the rights and duties of the Ministry of Agriculture and Forestry and its line agencies at provincial and district level. At the national level this involves:

- to serve as governmental logistics center in developing and propagating strategic policy guidelines into work programs, projects, regulations and laws to administer forests and forestry activities,
- to coordinate with relevant parties to survey the national forestry potential in order to categorize forest areas, determine areas for preservation, and to consider the conversion of forests.

At the provincial level this involves:

- to conduct surveys of the natural forestry potential in order to allocate forest areas and determine natural preserves,
- to issue licenses for the exploitation of wood and forestry products,
- and to consider the conversion of forest lands.

At district level this involves:

- to organize the assignment of forest lands and degraded forests to people and families at every village to rehabilitate or maintain them,
- to monitor and inspect the adherence to regulations on forest use, and to consider the conversion of forest lands.

The Department of Forestry under MAF is responsible for the implementation of the LUP/LA program, which is being undertaken in rural areas. At district level, the Department of Agriculture and Forest Office (DAFO) is the leading agency for carrying out LUP/LA and DAFO staff is conducting all the necessary steps at the local level. It is
also – in theory – the responsibility of DAFO to provide extension services in the process of LUP/LA (Step 7). Ultimately, the DAFO issues the TLUCs and is – in theory – responsible for monitoring whether land within the district area is used according to the purpose of its land category (Step 8).

### 3.2.2 Ministry of Finance and Subordinate Institutions

The Department of Lands (DoL) under the Ministry of Finance (MoF) is the core national agency responsible for the design and implementation of land administration programs. The mandate of DoL, defined by Prime Minister’s Office Decree No. 104, is to carry out the design and supervision of national land registration and titling programs through the offices of the provincial services. The issuance of titles and the registration of transactions is the responsibility of the PDOl, the conversion of TLUC to a title is also part of these responsibilities. Provincial land offices also issue survey certificates for non-titled land and are in charge of keeping a land registry if district levels are not capable of doing so.

District Land Units (DDoL) conduct valuations of land parcels to facilitate the calculation of registration fees and may also issue Land Survey Certificates. Registration of non-titled land is done at district level. Prime Minister’s Decree 150/PM on the implementation of the presidential decree on land tax specifies the procedures for land tax collection at district level by DDoL. DDoL offices, while expanded and strengthened during the implementation of the first LTP project\(^2\), still have limited resources and capabilities, a factor that needs to be fully recognized in the formulation of a national land registration program.

With the proclamation of Decree 67/PM, dated 05/18/2004, DoL will be integrated in the newly established National Land Management Agency (NLMA).

The Department of State Assets Management (DSA) under the Ministry of Finance is responsible for the registration, supervision and maintenance of the assets in the form of property, land and enterprises owned by the State. The Provincial State Asset Office is responsible for collecting the natural resources tax (NRT) from companies, while the district level is in charge of collecting the NRT from individual households and/or traders. The NRT is charged for the collection of NTFPs and the harvesting of timber from the forest areas.

### 3.2.3 DoNLUPAD

The Department of National Land Use Planning and Development (DoNLUPAD) (established through Prime Minister’s Decree No. 237/PM, dated 11 December 2001) under the Office of the Prime Minister has the responsibility of assisting the GoL in ensuring coordination and implementation of national policy, legislation and regulation of land administration and management, state management and administration of land survey, land use planning and land development throughout the country. It succeeds and takes over some of the responsibilities of the former Land Re-Management Committee. DoNLUPAD consists of 4 divisions, namely the Division of Land Legislation, the

\(^2\) See Appendix 14 for details on the LTP.
Division of Land Control, the Division of Land Development and Promotion, and the Administrative and Information Division.

With the proclamation of Decree 67/PM, dated 05/18/2004, DoNLUPAD will be integrated in the newly established NLMA.

3.2.4 NLMA

The National Land Management Agency (NLMA) is the new central agency in charge of all issues relating to land management and administration. This agency results from the merger of the former DoNLUPAD, the Department of Lands and the housing and state land section of State Asset Department. None of the present units dealing with land use planning and land allocation under the MAF or any of its departments are included in NLMA.

3.3 Methodology and Procedures of LUP/LA in Lao PDR

3.3.1 Background of the Program

In 1993, the Lao Government created a National Land Use Planning and Land Allocation (LUP/LA) Program (this chapter follows ROCK, 2004, 12ff). It was mainly the Lao-Swedish Forestry Program (LSFP) with its Sub-Component on “Participatory Village Development and Sustainable Land Use”, which assisted the GoL to develop and institutionalise the LUP/LA approach and conducted extensive capacity building measures. Various other donor-funded projects also supported the LUP/LA programme financially and technically. Based on the experiences gained in the LSFP target provinces, a national LUP/LA Manual was published in 1997 and revised in 2001. LSFP also produced numerous technical guidelines, working papers and brochures further describing the proposed LUP/LA approach (see LSFP, 2001).

Administratively, Lao PDR is organised in 17 provinces and 1 municipality, districts and approximately 10,800 villages. National funds were made available to the provincial authorities in support of the LUP/LA programme. Provincial and District LUP/LA Steering Committees under the chairmanship of the Vice-Governor supervised the training activities, selected priority areas and coordinated implementation. While the Provincial and District Agriculture and Forestry Offices (PAFO and DAFO) were responsible for the overall organisation of LUP/LA activities, it was mainly the forestry staff, which took a leading role in the implementation of the program. In numerous cases, and due to the lack of staff at DAFO, other institutions such as the Office of Finance (DDoL), the Army and sometimes the Police were requested to second additional staff to the LUP/LA teams. In recent years, the LUP/LA program was continuously reduced due to lack of funds, but the general target of reaching all villages by 2005 is still being maintained.

In most districts the teams conduct LUP/LA activities quite systematically village by village depending on the financial resources made available. Usually, activities start in more accessible villages and are implemented during a period of 3 to 5 working days by a team of 4-6 people. Generally, this time period is not sufficient to finish all 6 working stages foreseen in the first part of the LUP/LA process. Generally, LUP/LA is seen as a
one-time exercise, with very ambitious targets, which have to be fulfilled. At the end of these intensive periods of land use planning, which saw a varying degree of participation by the local population, the land allocation follows and Temporary Land Use Certificates (TLUC) are issued to households.

The GoL uses the LUP/LA programme as a tool to enforce policy issues, such as the eradication or stabilisation of shifting cultivation, the elimination of poppy cultivation and the relocation of settlements or village consolidation. Other objectives are the promotion of decentralized and community-based management of natural resources, the increase of investment in land and of the national tax base and the general improvement of living conditions.

3.3.2 Procedure of LUP/LA

Although originally intended as a participatory planning approach, the GoL uses the current practices of LUP/LA mainly as a tool to implement and enforce regulations and policies at village level. Therefore it would be misleading to describe the general approach as participatory in nature. In those cases where LUP/LA is directly supported by donor-funded projects, the approach tends to be much more people- and needs-oriented, takes longer and generally produces better results.

The LUP/LA approach in Lao PDR can be described as follows:

- LUP/LA focuses at the village level and is applied systematically village by village.
- The LUP/LA approach is conducted by a group of 4-6 trained district staff (DAFO, Finance etc.) in 5 days on average (only “one time” exercise).
- The original methodology proposed in the manual and the technical guidelines have been adapted in consideration of limited funds and staff capacities.
- Major stages are the village boundary delineation, land use zoning and land allocation to households.
- Village LUP/LA Committees are established, a Village Forest Management Agreement (VFMA) is signed and TLUC are handed over at the end of the exercise; village leaders sign pre-defined village regulations (by DAFO).
- TLUC are issued only for additional land allocated to families, such as home gardens, commercial crop areas, orchards, new paddy, tree plantation, and sometimes swidden agriculture plots.
- In many areas villagers have systematically been allocated only 3 plots per family for rotational shifting cultivation.
- Land use plans are usually hand drawn on the basis of enlarged topographic maps; enlarged aerial photos (1:10.000 scale, 1999) are used in project supported LUP/LA; a land use zoning map is drawn on wooden boards and erected in the village.
- Copies of TLUC and the maps are kept at DAFO; the Office of Lands is supposed to get copies; keeping of records is a serious problem.
3.3.3 Working Steps

From the beginning of the program, official guidelines suggested eight stages for the implementation of LUP/LA at the local level. This work plan, although rarely carried out completely, comprises the most important guidance for LUP/LA-staff at district level. Stage 1-4 wraps up the land use zoning and land use planning activities, while stage 5 and 6 are the core steps for land allocation. Villages are required to establish a village LUP/LA-committee, including representatives of all mass organizations. Monitoring is done on a sporadic basis by the villagers themselves. The LUP/LA-committee, however, has ceased to exist in many villages.

Figure 1: Working Steps of LUP/LA in Lao PDR

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<tbody>
<tr>
<td>Stage 1</td>
<td>Preparation for the implementation of LUP and LA activities (training of staff/preparation of materials, villager consultations)</td>
<td>LUP and LA preparation</td>
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<tr>
<td>Stage 2</td>
<td>Village boundary survey, land use zoning, forest surveys and land use mapping</td>
<td>Village boundary delineation and land use zoning</td>
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<tr>
<td>Stage 3</td>
<td>Data collection and analysis concerning land tenure, socio-economic conditions and needs</td>
<td>Data collection and analysis</td>
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<tr>
<td>Stage 4</td>
<td>Village land use planning and land allocation meeting</td>
<td>Village land use plans</td>
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<td>Stage 5</td>
<td>Agricultural field measurements</td>
<td>Forest and agricultural land allocation decisions</td>
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<tr>
<td>Stage 6</td>
<td>Preparation of forest and agricultural agreements and transferring rights to villagers</td>
<td>Field measurements of agricultural lands</td>
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<td>Stage 7</td>
<td>Land use management extension</td>
<td>Forestry land agreements and transfer of rights to villagers</td>
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<tr>
<td>Stage 8</td>
<td>Monitoring and evaluation</td>
<td>LUP and LA information storage</td>
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<td>Stage 9</td>
<td>-</td>
<td>Agricultural land allocation records</td>
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<td>Stage 10</td>
<td>-</td>
<td>Monitoring and evaluation</td>
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In 2001, the LSFP proposed revised procedures for LUP/LA, featuring the following changes (see LSFP, 2001, 4f):

- The stage “Extension” was removed, as it is an ongoing process that cannot be completed as a phase of LUP/LA. Extension is rather seen as a part of a village development process.
- Procedures for the preparation of village land use plans and the demonstration of land use practices for upland situations were added to the LUP/LA-work plan.
- The issue of data loss was addressed with the incorporation of procedures and methods to store LUP/LA-information (land allocation data, village agreements, village land use maps, TLUCs).
As there is no standardised system for registering details of the TLUCs issued to the individual households, establishing a system of land allocation record books in each DAFO is introduced as another stage in the process. According to the Director of the Extension Center for the Reduction of Shifting Cultivation, Mr. Boualy Phramuang, the 10-stage-procedure of LSFP is now being adopted for government-funded LUP/LA-villages.

Slightly modified stages and working steps are applied in certain project areas. The ADB-funded Shifting Cultivation Stabilisation Pilot Project in Huaphan Province, the EU-funded Forest Conservation and Rural Development Project in Phongsaly Province and the GTZ-supported Rural Development Programme in Mountainous Areas in Bokeo and Luang Namtha Province are currently the most active in the review and further development of the LUP/LA methodology.

Pilot projects within the LSUAFRP are applying the method of Agro-Ecosystem Analysis (AEA) (MAF/NAFRI, 2004), designed to zone and analyse agricultural systems in order to plan and prioritise research and development activities. It comprises a multi-disciplinary approach to gather biophysical as well as socio-economic data, mostly using secondary data.

### 3.3.4 Status Quo of LUP/LA

Some government reports mention that between 1995 and 2003, 330,000 households have been issued TLUCs in some 5400 villages, where elements of LUP/LA have been carried out. It is difficult to estimate the number of certificates that circulate in the villages, given the sporadic statistics at national and aggregated level. Considering that a maximum of 3 plots of land can be issued to the individual household, it is often assumed that a total of 600,000 - 900,000 TLUCs might have been handed out to individuals (see MoF/DoL, 2002, vii).

**Figure 2: LUP/LA Implementation in Villages**

When taking into consideration that only about 50% of the LUP/LA-villages have
actually been allocated land\textsuperscript{3}, one might come up with different figures. Supposing that 2700 villages have been issued certificates and that these villages have on average 60 households, which have received on average 1.7 certificates per household, then a far smaller number of only around 275.000 TLUCs might be in use in the villages. Since its initiation in the mid-90’s, the LUP/LA-program has decreased in annual volume. Currently the government-funded campaign has more or less stopped across the country due to a lack of budget. Figure 2 illustrates the slow-down of the government-sponsored LUP/LA-program in recent years.\textsuperscript{4} As the sum of the villages reached over the years in the table above (7130 villages) exceeds the total number of villages that carried out elements of the LUP/LA-procedure (approximately 5400 villages\textsuperscript{5}), it is assumed that whenever certain steps are completed at a later stage and villages are revisited by LUP/LA teams, these villages are counted twice in these statistics.

\textsuperscript{3} Comment Mr. Boualy Phramuang.
\textsuperscript{4} The figure of 300 villages for the year 2004 appears to be highly exaggerated. This figure seems to reflect government plans, but not the real achievement.
\textsuperscript{5} According to official statistics by MAF.
4 Summary of Previous Studies on LUP/LA

The following studies have been analyzed in preparation of this report:

- **BOKEO INTEGRATED RURAL DEVELOPMENT PROJECT- BIRD (2003): Research on Land and Forest Allocation System.** This study by Peter Jones and Saychamphone Moua from the Lao Consulting Group investigated the impact of forest and land allocation on villager’s livelihood security and came up with recommendations to address some of the most serious shortcomings identified in the LA procedures. Research was carried out between August 25th and September 18th 2003 in 14 villages of Houay Xai District/Bokeo.

- **BRITS / GRANT / BURNS (2002): Comparative Study of Land Administration Systems – Lao PDR Case Study.** This report is part of a worldwide study prepared by Land Equity International Pty Ltd for the World Bank. It summarizes all relevant data and procedures concerning the land administration system in Lao PDR following a standardized set of topics applied for all the countries investigated.

- **EVRARD (2004): La mise en oeuvre de la reforme fonciere au Laos, Rome.** This study funded by FAO describes the impacts of land reform on land access and rural livelihoods and focuses on changes in swidden agriculture particularly in the northern region of Lao PDR.


- **Ministry of Finance / Department of Lands (MoF/DoL) (2002): Existing Land Tenure and Forest Lands Study.** This study was submitted by the Lao Consulting Group, which conducted research in 12 villages with Lao Loum, Khammu and Hmong population in the municipality of Vientiane and the provinces of Luang Prabang and Savannakhet. It investigated customary land tenure systems and the extent to which formal land titling may be introduced in rural areas and the required approaches and procedures for such activities.


- **TAKEDA (2003): Land allocation program in Lao PDR.** This conference paper from a member of the Graduate School of Asian and African Area Studies at Kyoto University discusses the impacts of LUP/LA on NTFP-collection and livelihoods in marginal mountainous areas of Lao PDR. It argues that many NTFPs are directly dependent on human disturbance of the forest cover and the variety of habitats thus created.

- **THONGMANIVONG/BADENOCH (2001): Land Allocation Policy in the Lao PDR.** This study by Sithong Thonmanivong from the Faculty of Forestry at
the National University of Laos and Nathan Badenoch from the World Resource Institute at Chiang Mai, Thailand focused on the impact of land allocation on upland agriculture systems. They conducted research in a total of 6 villages in Nan and Xieng Ngeun District/Luang Prabang between August 2000 and May 2001.

- **FUJITA/PHANVILAY (2004): Land and Forest Allocation in Laos.**
  Summary of three studies conducted by the National University of Laos in Vientiane from the perspective of decentralized resource management.

### 4.1 On the LUP/LA-Process
Several authors describe that the quality of the LUP/LA-procedures differed substantially between villages throughout the country. This is mainly due to the variability of the technical and social skills of the local staff involved (see MoF/DoL, 2002; BIRD, 2003; THONGMANIVONG/BADENOCH, 2001). Members of LUP/LA teams have limited facilitation skills or knowledge of land use assessment, cadastral surveying, mapping and participatory processes (THONGMANIVONG/BADENOCH, 2001). A structural problem of LUP/LA is the fact that it is designed and perceived as a one-time exercise without addressing the future need to review zoning and allocation (RODENBURG/PHENKHAY, 2000).

In most areas the LUP/LA activities were carried out as one rushed sequence of working steps limiting the time for participation and reflection (RDMA, 2004). Villagers were mainly asked to participate in the initial steps of data collection, but not during the crucial subsequent steps of e.g. land use zoning or the drafting of village regulations. Very little attention was paid on the dissemination of information on LA to the villagers. Overall, the short implementation process is identified as a major constraint of LUP/LA, leading to inadequate resource management plans insensitive to customary resource use and management practices (FUJITA/PHANVILAY, 2004). Several authors also highlight the limited participation of women in the LUP/LA activities (THONGMANIVONG/BADENOCH, 2001; RODENBURG/PHENKHAY, 2000). Nevertheless, LUP/LA work resulted in some direct cooperation between district authorities, staff of line agencies and village organization e.g. on boundary delineation, which has possibly helped to build up trust in some cases. Yet on the whole, LUP/LA did little to strengthen organizational capacity of local institutions (DAFO) to become more accountable to villagers (FUJITA/PHANVILAY, 2004).

The core problem of LUP/LA is the missing follow-up in the modules of extension (step 7) and monitoring & evaluation (step 8), none of which is provided on a larger basis (see EVRARD, 2004; TAKEDA, 2003). In the few cases when extension messages by GoL actually reached the villages, this sometimes even worsened the livelihood situation, such as a case of active encouragement for the cultivation of job’s tear in the allocated plots in Luang Prabang Province. After a successful cultivation period, the farmers faced insurmountable problems to market their harvest and many of them lost one entire cropping season (THONGMANIVONG/BADENOCH, 2001).

In line with the new strategy on decentralization defined by the Government (Decree 001/00/PM) local institutions (at village and district level) will be in charge for an
increasing number of tasks, e.g. land registration, tax collection, complying with land use plans, land distribution and conflict resolution and it remains questionable whether village institutions and even less district authorities are prepared for these new responsibilities (THONGMANIVONG/BADENOCH, 2001). The fact that both villagers and LUP/LA-staff were found to use differing names for identical documents indicates the confusion about the process (RODENBURG/PHENKHAY, 2000).

Finally, the authors of a major survey on poverty in Lao PDR funded by ADB mention that rural people in the survey⁶ when asked to define the main causes of poverty identified land allocation as the prime cause for impoverishment in three regions out of four (north, east, center). Effects of land allocation were especially negative for villages relying on swidden agriculture, of which 90% are regarded as poor (ADB, 2001)

Recommendations made in the studies concerning the LUP/LA process:
- Further differentiate the standard approach according to regional pre-conditions and settings (MoF/DoL, 2002)
- The criteria for land allocation in a particular village need to be defined together with the villagers (RDMA, 2004)
- A thorough analysis of land capabilities and development potentials needs to accompany the LUP/LA approach (RDMA, 2004)
- In case land is allocated to individual households, extension and promotion services need to be performed on a long-term basis (RDMA, 2004)
- LUP/LA should be regularly followed up during monitoring visits, so that any problems or conflicts can be identified at an early stage (RDMA, 2004)
- Conduct the main steps of LUP/LA in phases, leaving sufficient time for reflection and people’s participation; e.g. a time span of 25-30 days is suggested to complete LUP/LA in upland areas (THONGMANIVONG/BADENOCH, 2001)
- Intensify capacity building efforts for LUP/LA teams in terms of training in facilitation, on technical issues and in the form of coaching (THONGMANIVONG/BADENOCH, 2001)
- Define priority areas and situations for LUP/LA implementation and classify villages into various categories which require different forms of support in LUP/LA (THONGMANIVONG/BADENOCH, 2001):

4.2 Land Use Zoning

The positive impact of zoning in general is supported by many studies (e.g. RDMA, 2004), concluding that it helped to clarify the village boundary and improved the regeneration and protection of the forest area. The same studies, however, also suggest that the zoning of agricultural use areas and production forest areas is unbalanced in favor of protection and conservation forests, which account for roughly 90% of the zoned forest area. Virtually all studies involving field surveys report a disproportionate increase of protected zones (protection, conservation and regeneration forest areas) and a reduction of the areas accessible for villagers for agricultural production and forest use (RDMA, 2004). Zoning is mostly undertaken with the objective of reducing shifting cultivation

⁶ Including villages of 50 ethnic minorities from all provinces of Lao PDR.
and does not primarily consider the area needed per household to secure the livelihood (BIRD, 2003).

A focus on land use zoning only and not to proceed with land allocation has been a good solution for villagers in remote areas. Overall, the LUP/LA tool addresses the open-access problem by defining resource boundaries and reconstructing resource management institutions. Some authors caution however that village arrangements are limited in dealing with high resource competition and conflict situations (THONGMANIVONG/BADENOCH, 2001).

**Recommendations with regard to land use zoning:**
- In villages still relying on shifting cultivation sufficiently large agricultural use areas should be defined during the zoning to allow sustainable rotational cultivation systems (RDMA, 2004)
- In areas with over-emphasized protection forest areas and too little land classified for production purposes, the zoning should be reviewed (RDMA, 2004)

### 4.3 On Land Allocation and Land Titling

Basically two strategies have been followed in Lao PDR to address tenure security: land allocation to rural households and systematic land titling starting from urban and peri-urban areas. These two approaches were thought to complement each other. In fact, however, land titling takes a long time to reach the rural areas and there is no clear perception as to when titling activities will follow-up on the land allocation conducted within the framework of LUP/LA (EVRARD, 2004). As villagers observed that no monitoring activities were conducted after LUP/LA and no transfer of the temporary land use certificates to more permanent titles was carried out after three years, some villagers started to perceive TLUCs as permanent transferable land use rights. In one instance, as many as 85% of the allocated plots have been involved in unregistered land transactions (EVRARD, 2004).

In some cases land titling may result in land grabbing by better informed and more prosperous land owners and could thereby have a negative influence on the land security of disadvantaged villagers (MoF/DoL, 2002). Government officials are particularly concerned about this issue and have tried to include preventive measures in the procedures so as to limit land sales and to avoid land concentration. Nevertheless, some new landowners are already selling their land and heading into the hills to build on and cultivate unclaimed land, while displaced farmers increasingly migrate to urban areas (BRITS / GRANT / BURNS, 2002). A net increase in land tax revenues for GoL has been reported in areas where land registration has been undertaken (BRITS / GRANT / BURNS, 2002).

In most studies, TLUCs are found to be adequate to identify rightful owners of land, but there are deficiencies in the practical application of the process, which in some cases has the effect of providing insufficient land for viable villager livelihoods (MoF/DoL, 2002).

Currently, no forest parcels are registered in the name of the state or as communal land in the name of village authorities. Therefore, no formal transfer of ownership or use rights
to forest areas is conducted during the LUP/LA procedure (MoF/DoL, 2002). The only document which gives villagers a stronger mandate in the management of the forest resources located within the village boundaries is the Village Land Management Agreement, which is signed at the end of the LUP/LA activities.

**Recommendations:**
- Three options for village boundary and TLUC registration (MoF/DoL, 2002):
  1. **Registration of self-contained village management areas as Village Boundary Registration** (provides communal use right for village, allows villagers to carry out allocation themselves, inexpensive, requires little staff involvement)
  2. **Interim TLUC Checklist System**, signed by land holder, village chief and district officials (cheapest approach where TLUCs have been issued, no survey required if more land was allocated → villagers could measure themselves)
  3. **TLUC Land Record Book System** at DAFO, where all information about a land plot is compiled (requires little effort to extend a certificate’s term, tracking land ownership changes is difficult)

- Register communal land in the name of the village to enforce communal management of village area (MoF/DoL, 2002)

**4.4 Documentation**
In general there is poor registration and management of land allocation data at district level. Copies of TLUCs and land use maps are stored in district agricultural offices without any specific protection or classification. Hardly any of the data has been registered in computerized files. This entails a high risk that within the next years all relevant data from the LUP/LA activities will disappear (MoF/DoL, 2002). In the villages LUP/LA documents are even more incomplete and at risk of being lost or destroyed.

Overall, there are huge difficulties with data compatibility and storage. Information is not categorized and recorded in a consistent and compatible way by different village, district and provincial authorities (BRITS / GRANT / BURNS, 2002). No documentation can be found at district, provincial or national level on the stages of LUP/LA procedures reached in the various villages. It can only be estimated that land allocation stages have been performed in no more than 50% of the country’s villages (EVRARD, 2004).

**4.5 Forests**
As a result of LUP/LA activities in the year 2000-2001 a total of 91% of village forest areas has been delineated as protection forest, while only 9% has been classified as use or production forest accessible to villagers, diminishing rights to forests considerably and probably not based on scientific research (MoF/DoL, 2002; BIRD, 2003). The policy on forest protection pays little attention to its consequences on villagers’ livelihoods and food security and also has negative impacts on the crop diversity and access to NTFPs (EVRARD, 2004). Even after LUP/LA, NTFP collection is operated on an open-access basis, which threatens the long-term sustainability. Therefore a planning for sustainable
use systems with ceilings of NTFP extraction is required as a follow-up to LUP/LA (BIRD, 2003).

In several areas regeneration forests and protection forests were found to have improved after LUP/LA (RDMA, 2004).

**Recommendations:**
- Adopt a more flexible approach for the implementation of the policy on forest protection and regeneration; adapt the approach to site-specific situations and give priority to people’s need for agricultural land and NTFP collection.

### 4.6 On Shifting Cultivation

With 2.4 ha/capita of forest area, Lao PDR has the highest rate of forest per inhabitant among all South East Asian countries (TAKEDA, 2003, 105) and with 0.82 area units per person an ecological footprint of only 1/10 of those in developed countries\(^7\). These figures suggest that concern for environmental protection might not generally be of more urgency than the issue of peoples’ livelihoods. Nevertheless, a national target has been set to stop shifting cultivation practices by the year 2010 and LUP/LA is one of the core instruments to accomplish that goal. The restrictive policy on shifting cultivation has lead to a decrease of available agricultural areas and to negative impacts of the program on food security and livelihoods (see EVRARD, 2004). Even though official documents by MAF and the GoL acknowledge that cyclical agriculture may be potentially sustainable in situations of low pressure on the land, the policy of allocating a maximum of 3 plots per family in shifting cultivation areas has been widely applied. This leads to shortened fallow periods, soil depletion, increasing erosion problems, higher weed infestation and eventually to decreasing harvests (see EVRARD, 2004; BIRD, 2003).

Some studies suggest that the agricultural area allocated for shifting cultivation is only \(\frac{1}{4}\) of the area actually used every year (or 4% if a six year rotation period is assumed). However, as long as there is no regular monitoring, this mismatch is not easily discovered and therefore poses no problem for peoples’ livelihoods as they continue to use the necessary area beyond allocated plots (see BIRD, 2003, 13).

Where market access exists, villages have been found to discontinue with shifting cultivation and to adopt permanent cultivation techniques on a limited number of fields (MoF/DoL, 2002), which supports the theory that shifting cultivation cannot be stabilized until viable alternatives have been identified either within the agricultural sector or beyond (THONGMANIVONG/BADENOCH, 2001).

The penalty system imposed by the shifting cultivation stabilization and the reforestation program especially affects villagers with no access to paddy land, in particular relocated families obliged to cultivate areas within zones classified as forests. Having to pay fines limits the options of these families to direct their cash income towards more productive activities (see BIRD, 2003).

\(^7\)see [http://www.acdi-cida.gc.ca/CIDAWEB/webcountry.nsf/VLUDocEn/Laos-Factsatataglance](http://www.acdi-cida.gc.ca/CIDAWEB/webcountry.nsf/VLUDocEn/Laos-Factsatataglance)
An aspect that has not received due attention in the policy to reduce shifting cultivation is the close relationship between human disturbance in forests and the number of NTFPs. Studies show that a broad range of NTFPs can only be gathered from areas featuring various habitats. These are exactly the type of areas that are created in a shifting cultivation system – ranging from open, light to dark, forested habitats. Therefore, a reduction of shifting cultivation would be accompanied by a decrease of NTFPs and would reduce this livelihood option for local villagers.

A clear distinction between cyclical or rotational swidden agriculture, which is considered acceptable within limits and the pioneer swidden systems, which are not acceptable, has been laid down in documents by MAF. Unfortunately this differentiation is not reflected in official policy documents. Therefore a blanket restrictive approach towards swidden agriculture in general has been adopted in all provinces. It is intended to reduce rotation periods to less than 4 years in order to encourage villagers to adopt new agricultural methods by creating an artificial land pressure (EVRARD, 2004).

In some areas within the northern provinces of Lao PDR, the area of upland swidden rice increased by as much as 47% after LUP/LA as no agricultural extension service was provided to these farmers (EVRARD, 2004). After restrictions with regard to shifting cultivation have been put in place, villagers have developed some coping strategies, such as obtaining and clearing land in remote areas without government notice. Relocated villagers sometimes continue swidden cultivation in their “old” village areas while also cultivating newly allocated plots in their new host village. There is a risk of shifting cultivation not diminishing, but just becoming more anarchic with people practicing it being dispersed over a wider area. Land leases and sales to relocated villagers have increased, providing a source of income but at the same time reducing agricultural assets of local residents. As these transfers are not registered, an increasing gap develops between reality and official information on land allocation (EVRARD, 2004).

In most areas, farmers do not command over technical requirements to realize a more market-oriented cropping system (THONGMANIVONG / BADENOCH, 2001). Nevertheless during LUP/LA people don’t articulate their land needs under shifting cultivation because of their perception of being taxed for all their fallow areas, while this would only be the case for the cultivated plots per year (THONGMANIVONG/BADENOCH, 2001).

**Recommendations:**
- LUP/LA needs to focus on the identification of agricultural use areas during the zoning stage and allow villagers to maintain longer fallow periods for rotational swidden practices within these use areas (THONGMANIVONG/BADENOCH, 2001)

### 4.7 On Insufficient Land Availability for Agriculture

One purpose of LUP/LA has been to foster the identification of additional land for paddy development during the land zoning activities. Yet, in the northern region of Lao PDR the

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8 For this reason, NTFP are sometimes translated as Non Timber Fallow Products (see NAFRI, 2004).
expectations for the identification of additional paddy land have not been met. In fact, the limited areas with potential for paddy development pose a threat to the sustainability of the land allocation process. Currently, there is no clear strategy on how to continue after all land suitable for paddy development has been allocated (THONGMANIVONG/BADENOCH, 2001). In general, options for agricultural use of the allocated plots are limited in a typical rural setting in Lao PDR and villagers are being left with no alternatives (ADB, 2001).

**Text Box 1: Future Pressure on Land**

Lao PDR currently has 5.8 Mio inhabitants, its population density is at 24.5 persons/square mile. Even though these are low numbers compared to the Southeast Asian average of 316 persons/square mile, demographic figures point at a strong and increasing population growth in the near future. Growth rates are stable at around 2.3%, the average age is 18.6 years and 42% of the people of Lao PDR are younger than 15, which combined accounts for a doubling of the population in 25 years (see Population Reference Bureau, 2004, p. 12).

This means that in 25 years from now, the double number of people will have to live from more or less the same amount of land, which illustrates the urgency to properly address the issue of land insufficiency. Pressure on land will not decrease in future. It will continue to grow and it will require a broad strategy to cope with it, including agricultural extension, birth control and the provision of opportunities outside the agricultural sector.

In the guidelines on the LUP/LA approach it is considered necessary to classify between 10 and 15% of the village area as “reserved land for future allocation”. Yet, in practice the need to identify reserved land was not appropriately addressed during LUP/LA (THONGMANIVONG/BADENOCH, 2001). In a survey of 11 villages in Luang Namtha province researchers found that all reserved land had already been put under cultivation within three to five years after the LUP/LA exercise or had never existed in the first place (RDMA, 2004).

The LUP/LA approach as a whole has failed to resolve the problems of resource and land scarcity and degradation as a result of lacking review, insufficient development of alternatives and promotion of innovative approaches (FUJITA/PHANVILAY, 2004).

**4.8 On Customary Tenure Systems**

The change from a communal land tenure system especially in ethnic minority areas to a parcel system may have a negative impact on the village’s ability to flexibly react to land needs of disadvantaged families when all arable land is distributed to individuals (MoF/DoL, 2002). Reciprocal traditional use rights between villages are also limited by the demarcation of village boundaries (EVRARD, 2004), sometimes resulting in potential conflicts over the resolution of these claims (RDMA, 2004).

In some cases modern laws in Lao PDR are in contradiction to customary tenure systems. For example Art. 17 and 18 in the Inheritance Law, Art. 18, 57 and 62 in the Land Law and Art. 20 and 35 in the Forestry Law are in conflict or inappropriate for some traditional land inheritance and land use practices (MoF/DoL, 2002). The Lao Theung population was found to be especially affected by LUP/LA as they practice long-rotation-farming-systems (THONGMANIVONG/BADENOCH, 2001). LUP/LA often simplifies complex resource use practices by applying a legal classification (FUJITA/PHANVILAY, 2004) and in many cases village regulations have been pre-
defined by DAFO, ignoring existing traditional rules and lacking sufficient consideration to the specific situation in each village (RDMA, 2004).

**Recommendations:**
- There is a need to rebuild and strengthen community management approaches (THONGMANIVONG/BADENOCH, 2001)
- Village regulations should be drafted entirely by villagers themselves based on a general format provided to them and should include all traditional resource management practices (RDMA, 2004)

### 4.9 On Gender Issues

The standard form of the TLUC entitles the land use right “to the family of Mr. …… (and) “Name of Spouse”, potentially requiring a woman owning a plot of land to accept joint ownership with her husband (MoF/DoL, 2002). Women are grossly underrepresented in ministries, agencies, departments and committees dealing with land allocation, resulting in a disregard of gender sensitivity of the entire LUP/LA-process from policy level to implementation (DoNLUPAD, 2004; RODENBURG/PHENKHAY, 2000). Collecting firewood and NTFPs, typically a woman’s task in villages of rural Lao PDR, can be more time consuming and difficult due to the zoning activities in forest areas (RODENBURG/PHENKHAY, 2000).

### 4.10 On Resettlement

There are several interferences between LUP/LA and the relocation of people in the rural areas. In some cases it is argued that the reduction of allocated upland plots has favored the decision of villagers to relocate to other areas. On the other hand, zoning and agreements defined during LUP/LA have been made irrelevant after strong in-migration to a village. It was found that LUP/LA should be avoided in any village subject to important population changes due to migration. In one study in Luang Namtha, it was found that after LUP/LA the population in villages had increased by over 50% as a result of resettlement. In these cases enormous discrepancies emerge between the number of households and the available arable land (RDMA, 2004). As villagers try to accommodate their relatives, old land management agreements are revoked and when necessary even land in protected areas will be distributed to the newcomers.

The resettlement issue in Lao PDR is complex and has many facets. Further research on the effects of relocation of villagers and merging of entire villages is currently under way by LSUAFRP in Luang Prabang and Oudomxai Provinces. In most cases, relocation of villagers leads to increasing pressure on land resources in their new settlement area and often results in land conflicts between ‘old’ and ‘new’ villagers that are poorly controlled and dealt with by the authorities (EVRARD, 2004; RDMA, 2004). The arrival of migrants also leads to an increase in informal land transactions and a break down of regulations on resource use (EVRARD, 2004). One solution is seen in the zoning of more agricultural land in the respective villages instead of repeating the process of land allocation (see BIRD, 2003).
Recommendations:
- Newly arrived migrant families need to be integrated in the LUP/LA process; in case of a massive influx of relocated families LUP needs to be reviewed (RDMA, 2004)
- Land use zoning should not take place in villages awaiting resettled migrants (EVRARD, 2004)
- Organized displacement and resettlement of highland communities should be stopped and replaced by on-site development after the accessibility has been improved (EVRARD, 2004)
- International donor support should be rather given to develop highland communities instead of solving problems created by their resettlement (EVRARD, 2004)
5 The LUP/LA Program in the three Study Areas

5.1 Status of LUP/LA Implementation in the three Provinces

Savannakhet
The LUP/LA Program has not reached all villages in Savannakhet Province due to a lack of budget. LUP/LA activities in Savannakhet started in 1996 (see Figure 3) and eventually reached 1,544 villages with 139,614 families before the program was discontinued in 2002. In the district of Phalan Xai less than 1/3 of all villages have undergone the LUP/LA process. The GoL funded LUP/LA activities in 26 villages, while in 7 other villages LUP/LA was conducted as a piloting and training measure as part of the Lao-Swedish Forestry Program.

Luang Namtha
In Luang Namtha the Government-funded LUP/LA program was started in 1996 and discontinued in 2003, after having allocated land in 5 districts to 262 villages and 27,288 households. Provincial Government in Luang Namtha claims that all land close to road infrastructure has already been allocated, while in remote areas LUP/LA remains uncompleted.

Figure 3: State of LUP/LA in the three Study Areas

<table>
<thead>
<tr>
<th>Province</th>
<th>Savannakhet</th>
<th>Luang Namtha</th>
<th>Bokeo</th>
</tr>
</thead>
<tbody>
<tr>
<td>LUP/LA started in year</td>
<td>1996</td>
<td>1997</td>
<td>1994</td>
</tr>
<tr>
<td>LUP/LA-Districts</td>
<td>15</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>LUP/LA-Villages</td>
<td>1544</td>
<td>262</td>
<td>378</td>
</tr>
<tr>
<td>Households allocated</td>
<td>139,614</td>
<td>27,288</td>
<td>18,779</td>
</tr>
<tr>
<td>Status quo of LUP/LA</td>
<td>stopped</td>
<td>stopped</td>
<td>completed 1999</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>District</th>
<th>Phalan Xai</th>
<th>Muang Sing</th>
<th>Houay Xai</th>
</tr>
</thead>
<tbody>
<tr>
<td>Villages</td>
<td>82</td>
<td>90</td>
<td>129</td>
</tr>
<tr>
<td>LUP/LA carried out in …villages</td>
<td>33</td>
<td>60</td>
<td>129</td>
</tr>
<tr>
<td>Households allocated</td>
<td>2162</td>
<td>3271</td>
<td>5990</td>
</tr>
<tr>
<td>Area allocated (ha)</td>
<td>-</td>
<td>3482</td>
<td>4161</td>
</tr>
</tbody>
</table>

In 2003 and 2004 a revised and improved approach to LUP/LA was followed in a total of 16 villages in the target districts of Muang Sing and Nalae of the RDMA Program. These activities were funded by GTZ. Furthermore, the Dutch NGO ZoA funded LUP/LA activities in 4 additional villages in the District of Muang Sing.

Bokeo
The province of Bokeo started implementation of the LUP/LA program in 1994 and completed\(^9\) it in 1999 in all 5 districts, reaching a total of 378 villages and allocating land to 18,779 households.

\(^9\) Completion of the program does not mean that all steps of LUP/LA have been completed. In fact, about 50% of the LUP/LA-villages in Lao PDR have not been allocated land (pers. comm. Mr. Boualy).
In the district Houay Xai land was allocated during LUP/LA to 5990 households in 129 villages, but monitoring or follow up activities have been limited due to the lack of resources provided for such purposes.

### 5.2 Procedure of LUP/LA

Overall, LUP/LA activities in each province were supervised and coordinated by Provincial and District LUP/LA committees bringing together representatives of all major line agencies and mass organizations. Provincial and District Governors chaired the LUP/LA committees respectively. In line with the official guidelines, PAFO and DAFO have been designated a leading role in the implementation of the LUP/LA program at the local level. In all three provinces, the forestry services within DAFO provided the largest amount of field staff to facilitate LUP/LA. Other line agencies involved in the LUP/LA activities were DDoL, LWU, Office of Commerce, Dept. of Finance, State Assets, the Army, LYU and the Police. Consequently, the composition of the facilitating staff varied widely between the districts and underwent frequent changes during implementation.

The training provided to the selected field staff differed from intensive training on LUP/LA procedures including geodetic methods (GPS, use of compass, thematic maps, GIS) in donor-supported districts to very limited training in others. Most training events in LUP/LA were organized and conducted by staff from the Department of Forestry in Vientiane. Any staff joining LUP/LA implementation at a later stage only received on-the-job training.

Usually, the time spent per village varied between 3 and 10 days. In Muang Sing and Nalae a phased approach of LUP/LA is applied since early 2004 consisting normally of two weeks (one week per phase) for the facilitation of a more participatory LUP/LA process. The first phase includes a situation analysis and mapping of present land use. Sufficient time is given to villagers to discuss, evaluate and disseminate land use issues. The second phase starts with zoning activities and a village meeting on land allocation. Monitoring, extension and evaluation were not performed in any of the districts due to a lack of budget. Generally, insufficient time was spent for LUP/LA in all villages, the entire process ranging between five and ten days. An indicator for lacking participation and discussion on village level is the fact that almost half of the households could not remember LUP/LA taking place in their village.

**Savannakhet**

In Savannakhet, DAFO, DDoL, Courts and LWU were involved in the LUP/LA program. According to the provincial level, 6 steps (out of the 8 steps) have been performed, but it remains unclear in how many villages the steps of land measurement and land allocation have actually been reached. The procedures were found to be easy to carry out in the lowland areas, while it was difficult to allocate land in upland areas, mainly as villagers resisted the idea of being taxed for their agricultural land. Therefore, in several villages no land was allocated and only homestead areas were measured.

All provinces admitted that the LUP/LA process was not entirely clear at village level and numerous misunderstandings continued to exist, e.g. the perception that the
ownership of allocated land was transferred to the individual while in fact it continues to be vested in the national community. Provincial authorities in Savannakhet indicated that the villagers themselves could carry out detailed land allocation, once the zones have been delineated during LUP/LA. As soon as formal land titling reaches these areas, it will therefore be necessary to re-measure the allocated plots and demarcate them on rectified aerial photographs. Furthermore, the provincial level suggested that due to the long and costly process of land titling, tenure security is not reaching rural areas fast enough.

**Luang Namtha**

In Luang Namtha there seems to have been good co-operation between DAFO and DDoL in the initial phase of LUP/LA. Later, the DDoL discontinued its involvement because of insufficient budget for staff. Once again, the LUP/LA teams included members form DAFO, Lao Front, LWU and LYU. These teams spent between one and two weeks in the villages, depending on their size and location.

Households were usually only allocated 2-3 plots, even when they used to cultivate up to 5 or more plots in the past. In Ban Phiyeu, only LUP was carried out as all arable land was at that time already occupied and claimed by villagers. There were no requests to turn TLUCs into PLTs after three years, as villagers – realizing that no monitoring was undertaken - perceived the TLUCs to give them permanent land use rights. This perception that allocated land is “theirs” sometimes results in the practice to leave it undeveloped, while other, unallocated plots of land are taken into cultivation. Provincial staff in Luang Namtha mentioned that insufficient planning preceded the land allocation, which often led to a lack of resources during the process and consequently to varying results at local level. It was suggested that instead land use zoning should have been completed province-wide, including a survey on slope inclination and land classification.

**Bokeo**

A wide range of institutions was involved at the beginning of LUP/LA, including DAFO, DDoL, State Assets and the Police, while only DAFO staff continued the activities in the long run. On average, LUP/LA teams spent only one week in the villages. With a land market evolving in some LUP/LA villages, requests by the villagers to have their TLUCs turned into the Land Tax Declaration (01) have been registered. These requests mostly concerned construction, paddy and garden land in areas close to urban centers. The normal procedure for the applicant is to submit an application form certified by the village chief (including a certificate of residence) to PDoL, which issues the Land Tax Declaration (01). Citizens of remote villages may also submit their application forms to the DDoL. However, the provincial level has no aggregated figures on the extent of these requests. The provincial level in Bokeo considered the LUP/LA activities to be too general and accompanied by insufficient technical advice. Although the eight steps of the LUP/LA-approach are clear in principle, there is a need to specify the actual sub-steps in more detail.

### 5.3 Land Availability

Securing access to adequate land resources for individual households is in principal one of the fundamental intentions followed by the LUP/LA approach. As part of this study it
was attempted to clarify how the issue of land availability and land sufficiency were dealt with during the LUP/LA activities at village level (see Text Box 2).

**Text Box 2: Land Insufficiency in Practice**

The situation of a family interviewed in Ban Bollek illustrates the difficulties of new and resettled families. The family, which was unaware of the land allocation process that has taken place in their village, bought agricultural land for rice cultivation for 3 Mio. Kip in the Nam Theun area and has developed it in the following years. Recently, this land has been expropriated for the hydropower project Nam Theun. They asked to be compensated in land, but instead received only 1 Mio. Kip in cash, which they used to purchase a small rice paddy, which however is too small to sustain the family. As the village holds no reserved land, the family began shifting cultivation in the conservation forest to compensate for the loss of agricultural land, which again was sanctioned by the village committee and a fine of 2 Mio. Kip was imposed on the family. As they were only barely above poverty line – they hold rice for 3-4 months – they were not able to meet this fine. Currently they use different plots transferred to them by family members. However, they have no rights on this land in the form of written proof and their relatives could take it away from them from one day to the other. The village chief is uncomfortable with imposing penalties on this family, but has no choice when following legal regulations concerning agricultural use of forest areas. This example illustrates how villagers and village authorities have very limited options to address issues of land insufficiency appropriately. Fining those that are struggling to sustain their livelihood is certainly no option that should continue to be carried out in future land management procedures.

In the province of Luang Namtha, local authorities claim that people do have access to sufficient land as a result of LUP/LA, but lack the resources (labour, finance, know-how) to develop the land in due time. In Bokeo, it was not excluded that families still had insufficient land resources to secure their livelihoods even after LUP/LA, but provincial authorities pointed out that people with insufficient land were given particular support to start more profitable crops on their land, thus increasing the revenue from it. Mostly, this refers to rubber plantations, for which the province provided seedlings (sponsored by private companies). Farmers are expected to repay the investment costs after the first harvest. Priority for these subsidies was given to minority farmers traditionally practicing shifting cultivation, but living along major roads to provide for good market access. Whether this approach to compensate for land insufficiency is suitable for more remote villages and on a larger scale has not been indicated.

Numerous studies, which concluded that an insufficient amount of land has been allocated especially in villages that rely on shifting cultivation, were confirmed by the findings of this study. The official practice of allocating a maximum of 3 plots of land for rotational agriculture as reported in Bokeo allows fallow periods of up to two years, which is insufficient for a sustainable cultivation cycle in these areas. Technical staff and villagers alike maintain that rotational cropping systems in Northern Lao PDR should include 5 to 8 years of fallow period for soil regeneration depending on local conditions. The limitation of rotational shifting cultivation to only 3 plots follows the policy of the GoL to limit swidden agriculture. Combined with insufficient extension services available to rural communities, this will over a longer period of time however result in the degradation of both peoples’ livelihoods as well as the soil cover.

According to the national guidelines for LUP/LA each village should be encouraged to set aside a land area equivalent to 10-15% of the total area as “reserved land for future allocation”. Land in this category is especially set aside for young families and migrants. Experiences in Bokeo and elsewhere have shown that there is usually a higher need for land than can be provided by the village authorities. Some villages have already used and distributed all their reserved land a few years after the initial LUP/LA procedures.
Currently, provincial authorities in Bokeo seem to reconsider the land allocation policy towards disadvantaged families as there are plans to allocate additional upland areas for rubber plantations. It is also considered to give villagers the right to allocate bush fallow land for rubber plantation by themselves.

The unavailability of suitable “reserved land” for new and resettled families is a problem within many villages and can lead to land conflicts. The driving forces behind are natural population growth and uncontrolled in-migration by relocating villagers. It was claimed that official resettlement and merging of villages following the government plans would never result in land conflicts. Resettled people normally receive land subdivided from their relatives or buy land from residents. In the long term, district officials indicated the need for other alternatives to support a growing population on the same area of arable land such as crop intensification, livestock and fishponds. The district of Houay Xai/Bokeo also did not exclude having to turn more forestland into agricultural use area if absolutely necessary.

In Luang Namtha, district authorities reported that a share of reserved land – if available at all – is already being claimed by villagers, thus making it necessary to conduct a survey on how much reserved land is actually free of any existing claims. The status of land of ‘Lao who fled the country’ was also reported to be disputed. While from a legal standpoint it is state land, it is being used and even transferred by individuals, which is understandable as government institutions lack the resources to develop it.

Four of the six villages visited during this study did not have any reserved arable land left to distribute to new or in-migrating families. These are mostly accommodated with land from their own relatives living in that village. These plots, however, have to be returned sooner or later as long-term use rights are normally not transferred and the plots cannot be handed on to others. In the long term, this will lead to a fragmentation in ownership of arable land and to a lasting gap between those holding and inheriting land and those without any land resources.

In interviews at village level, around 50% of the interviewees claimed to have insufficient harvests to sustain their families. Apart from insufficient land availability, this also suggests that current crops and cultivation methods need to be optimised to use the land more effectively.

### 5.4 Land Certificates

The team found a wide range of land certificates in use in the three provinces (see Figure 4 and Appendix 5-13). In some cases even land tax documents are used to substantiate land claims or for local land transactions in rural areas and are therefore included in this overview, although by law these papers cannot be used to claim land ownership. In the three provinces visited during this survey, the various land certificates and titles are used for different purposes. There is some confusion as to the exact purpose and validity of each certificate, e.g. for use as a collateral or for land transactions.
### Figure 4: Different Land Certificates in Use in Lao PDR

<table>
<thead>
<tr>
<th>Name of Certificate</th>
<th>Signed by</th>
<th>Prepared by</th>
<th>Issuing Procedure</th>
<th>Use of Certificate</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Variety of certific - fies/ and titles from old regime</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Still in use to document claims and for land transactions</td>
</tr>
<tr>
<td>Land Declaration Certificate (LDC) (KB1)</td>
<td>DoL</td>
<td>Village Authorities</td>
<td>Village Survey</td>
<td>Indicates land use and used for tax collection • not inheritable • not for sale • not accepted as collateral</td>
<td></td>
</tr>
<tr>
<td>Land Tax Declaration (LTD) (No. 01)</td>
<td>DoL</td>
<td>DoL</td>
<td>Land Tax Collection</td>
<td>Land tax calculation • not inheritable • not for sale • not accepted as collateral</td>
<td></td>
</tr>
<tr>
<td>Land Tax Receipt (LTR)</td>
<td>DoL</td>
<td>DoL</td>
<td>Land Tax Collection</td>
<td>Official receipt for land tax • not inheritable • not for sale • not accepted as collateral</td>
<td></td>
</tr>
<tr>
<td>Temporary Land Use Certificate (TLUC)</td>
<td>District Administration Office</td>
<td>DAFO</td>
<td>LUP/LA</td>
<td>Provides temporary use rights for agricultural land. • inheritable • not for sale • not accepted as collateral</td>
<td></td>
</tr>
<tr>
<td>Provisional Land Certificate (LC)</td>
<td>PDoL</td>
<td>PDoL</td>
<td>Land Adjudication</td>
<td>Issued when LT cannot be issued due to uncertain information. After 10 years of occupation(^\text{10}) holder can apply for permanent Land Title. • not for sale • not accepted as collateral • can be leased for up to 5 years</td>
<td></td>
</tr>
<tr>
<td>Land Survey Certificate (LSC)</td>
<td>PDoL</td>
<td>DoL</td>
<td>Land Survey</td>
<td>Identification of land and tax collection; issued for high value land: housing area, permanent paddy and commercial land • inheritable • for sale • accepted as collateral only outside LTP</td>
<td></td>
</tr>
<tr>
<td>(Permanent) Land Title (PLT)</td>
<td>DoL</td>
<td>Sporadic or Systematic Land Titling</td>
<td>Permanent land use right. • inheritable • for sale • accepted as collateral everywhere</td>
<td>Strongest evidence of person’s right to land. Banks inside LTP area accept only the PLT as collateral</td>
<td></td>
</tr>
</tbody>
</table>

---

In general, DAFO does not charge any fees for the issuing of TLUC, while DoL charges fees of 10.000 Kip for any LSC or LTD and 5.000 Kip per LTR. Documentation and registration procedures are further specified in the Decree No. 52/PM signed in 1993, but the fees charged have been increased since. By law, a TLUC can be replaced by issuing a PLT after three years of land use in conformity with the Land Use Contract attached to

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\(^{10}\) May also be substantiated by other documents. If e.g. the land user can present tax receipts for the past 4 years, then he/she can apply for a regular title after 6 years of holding the Provisional Land Certificate.

\(^{11}\) A Land Ownership Certificate, signed by the village chief and witnesses, is required to apply for a LSC.

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*Source: own documentation*
the TLUC (see Article 18, Land Law). DAFO has the mandate to monitor and confirm the appropriate use of the allocated agricultural land and to submit their findings to DoL in order for a PLT to be issued. Yet, this procedure has not been followed in the rural areas of Lao PDR so far, and therefore hardly any PLTs have been issued for agricultural land outside the peri-urban zones covered by systematic land titling. Only PDoL has the right to hand out permanent land titles.

In remote rural villages most people are not aware of the possibility to transform the TLUC into a more long-term and more secure form of use right and even local authorities ignored the required application process. In the vicinity of some rapidly growing district towns, such as Muang Sing or Houay Xai, requests for the replacement of TLUCs by a LSC or LTD were recorded by DoL. DDoL in Muang Sing claims to have issued roughly 1000 households with LTD for garden land and paddy areas in the plain around the town. In Houay Xai, the District Finance Office notifies holders of TLUCs after three years of the possibility to convert them into LTDs (01). These are the only documents issued by DDoL in Houay Xai, while PDoL issues all other certificates and titles.

In theory, every household being issued a TLUC at the end of the LUP/LA procedures should receive one copy, while another copy is kept at DAFO. In practice, and this was confirmed during the village meetings, storage of TLUCs varies from village to village. In some villages families were able to present TLUCs, which they kept at their houses. Even if TLUCs had originally been handed out to the villagers, many of these were lost or transferred to other members of the family. The situation is often confused and the unsatisfactory storage of the TLUCs in the villages and at DAFO contains a high risk of valuable information being lost once and forever.

During the study it was also noted that the forms used for the TLUCs varied slightly from one district to the other. Not in all forms the names of the male head of household and his wife were recorded. On the contrary, the vast majority of the documents investigated were issued exclusively in the name of the male head of household. In all the household interviews, no TLUC was found to be issued in a woman’s name. This is an alarming case of gender inequality and must be urgently addressed.

5.5 Land Markets

Land use rights can be transferred from one person to the other by sale, donation or exchange (Art. 58, Land Law). This article has been modified from the previous Land Law No.01/97/NA of April 1997 and now specifically permits the sale of land use rights, which opens up the opportunity for legalized land markets.

During this study, existing land markets were found in the districts of Muang Sing and Houay Xai. Land transactions mainly involved agricultural land close to the district towns. Often transfers are carried out in a complex procedure involving the village authorities, as well as district and provincial level officials. District authorities in Muang Sing require the sale contract, a written history of land ownership, the LTR and the LTD (01) to be certified by the village chief and handed to DDoL. DDoL then approves the documents and issues the LTD (01) in the buyer’s name. In Bokeo, formal transfers are being registered at the PDoL as well as at the Provincial Court, following decree 52/PM.
In other cases, the registration of land transfers is simplified with the LSC and/or the LTD being transferred directly from the seller to the buyer's name by DDoL after public notification. However, in all provinces Government officials articulated their concern about illegal transfer of land, which is taking place within and between villages and without the required documents and without notification of the district authorities. These unregistered land transfers in remote areas take place where villagers feel sufficiently secure about their rights even without any formal registration. Some district officials warned that, once these illegal transfers are identified during future land registration, the buyer would be required to pay land tax retroactively for the entire period of “informal” use.

Sometimes, for land transactions in rural areas informal land contracts are signed at village level by the buyer, the seller and witnesses (often including the village chief). In some cases only verbal agreements are applied, while in others the various certificates are directly handed on from one land user to the other.

During interviews conducted in the six sample villages, only village authorities in Ban Lao Louang/Bokeo admitted that land transfers took place in their area. For these transfers, land tax receipts were used or in case the land was not certified an undocumented approval by the village chief. None of these transactions were officially registered at the district level. The household interviews revealed that five of 38 villagers from five of the six villages have been involved in land transfers, either selling or buying, but no leasing of agricultural land was found in the villages. Only two households reported to use their land as collateral.

It can be assumed that only a small percentage of the actual land transactions are notified and registered at the district level. Villagers generally fear long delays when following the official way and try to avoid having to pay transaction fees.

### 5.6 Tax Revenues from Land

Possible revenues from land for GoL include land taxes, natural resources taxes, transfer taxes, various registration fees and fines for misuse of land and natural resources. In all provinces visited the DDoL is in charge of collecting land tax, while the natural resources tax is collected by the Office of State Assets at district level.

Based on annual tax collection guidelines developed by the provincial administration, annual tax collection targets are defined for every district. Based on the available information at DDoL concerning allocated land resources for individual use in all the villages of the district, estimated total land tax amounts are suggested for each village. The suggested annual land tax is then negotiated between DDoL staff and the village authority.

In every village there is one designated local tax collector operating under the head of the village. Land tax is collected by the village tax collector according to the sum agreed with DDoL. The amount of land tax to be paid by every individual household is then determined within the village, either in village tax meetings or by using plot measurements done by the villagers themselves. Tax payments are registered in a land tax
record book. Once the total amount has been received by the village tax collector, district finance officials will issue official land tax receipts.

According to district finance officials, training to carry out land measurements is provided to villagers where Land Declaration Certificates are prepared. Occasional checks and bi-annual visits to the villages are also performed. If villages are given support for their tax collection by DDoL staff, this will reduce the amount of tax repaid to the villages, as DDoL charges for these services. It could be argued that villages not capable of collecting their land tax, which indicates a broader lack of human capacity, are thus further disadvantaged. A varying share of between 6 and 15% of the land tax, depending on location\textsuperscript{12}, is returned to the village authorities as village budget. 60% of this amount is used as a compensation payment for the village tax collector.

The natural resources tax is being directly collected by staff from the Department of State Assets. This tax is either collected from the villagers themselves or from NTFP-traders, depending on the importance of commercial use of NTFPs in the particular area. In Muang Sing, a lump sum of 10,000 Kip is requested from every household, assuming a general consumption of NTFPs for household demand. In Bokeo, where a commercial trade of NTFPs according to a quota system exists, it is the licensed traders who are taxed.

Provincial authorities in Luang Namtha suggested combining all responsibilities for collecting tax and fine revenues from land in only one office, in order to eliminate the existing overlap of responsibilities between State Assets and DDoL. Furthermore, there seems to be widespread uncertainty about the applicability and relationship between Decree 150/PM on land tax and the Land Tax Declaration 01/04. Generally, the provincial authorities expressed their confusion about the applicability of various tax regulations, e.g. concerning tax exemptions and tax differentiation for certain crops\textsuperscript{13}.

Enforcement of the penalty system imposed by the Land and Forestry Law is also part of the responsibilities of the district level. Systematic monitoring activities have however been impossible due to restricted staff availability and budget constraints. Basically, district staff has to rely heavily on villager’s cooperation for the reporting of offenses within the village area. While in theory being responsible for enforcing the law, district authorities raised their concerns about any collection of fines from poor families breaking the laws. District staff seems aware of the fact that some families simply cannot attain sufficient yields to feed the family from those plots they have been legally allocated. These families are thus forced to break the law to meet their basic livelihood needs. Consequently, fines for the misuse of land were collected on a very low level throughout the three provinces.

\textsuperscript{12} In Bokeo and Luang Namtha, villages within or near district towns receive 6%, those close to urban areas 8% and those in remote rural areas 15% of their land tax.

\textsuperscript{13} Rubber plantations are for example exempt from any taxation for 7 years in Luang Namtha.
5.7 **Extension Support**

Any land use planning and land allocation activities have to be accompanied by agricultural extension activities throughout the process. Only if farmers are advised on how to transform the allocated land into productive plots for a variety of crops can the final objective of sustainably improved livelihoods be reached.

In the 8-step-methodology of LUP/LA applied in Lao PDR, step 7 is to provide extension support to farmers. In reality, extension activities have lagged behind and are only available in some areas covered by donor-funded projects. In Luang Namtha (2 districts) and Bokeo (4 districts) this is partly the case by RDMA Program. In other districts of Luang Namtha, Bokeo and Savannakhet neither the staff has been trained and equipped for regular extension activities, nor is there any budget available. The general capacity to advise farmers on land use and farming systems is still very limited. Furthermore, an analysis of agricultural potentials and promising strategies for their development are still missing in all districts. In the northern provinces the main extension services provided are in support of rubber plantations and include the dissemination of mixed cropping schemes with rice and other crops to reduce the loss of revenue incurred in young rubber plantations.

5.8 **Monitoring and Evaluation**

This last step of the 8-step-methodology of LUP/LA is carried out only in Luang Namtha, where the DAFO systematically monitors forest areas and state land areas in cooperation with villagers. Typical violations of the regulations include shifting cultivation activities in protected areas, especially in river catchments, and few cases of illegal logging. Provincial authorities in Bokeo see the need for increased monitoring activities, but lack the funds to carry it out. In Luang Namtha, the village level was considered to be capable of monitoring its territory. Authorities and technical staff therefore advocate a full delegation of tasks to that level, which would however require some financial support, e.g. an increased allowance for the village chief and village controllers.

In all provinces officials agreed that land allocated was not used to its capacity. This is partly due to a lack of understanding of the land allocation principles as described above, but also to a lack of labor and funds to develop the allocated plots. Officials repeatedly argued that allocated, but undeveloped land should be returned to the state. In the absence of regular monitoring, such repossessing of land and eventual re-allocation has not been conducted anywhere. Officials in Luang Namtha province suggested that the 3-year-regulation for TLUCs may be inappropriate in upland areas and that legislation needed to be reviewed in this respect.

5.9 **Coordination, Cooperation and Sharing of Responsibilities**

Institutional responsibilities with regard to land management tasks in Lao PDR are currently still shared between the MAF and its line agencies at provincial and district level and the new NLMA including the present DoL and DoNLUPAD. Several other ministries and state organizations are responsible for other parts of the state land area. This sharing of tasks and responsibilities would normally require close coordination among the involved line institutions.
Yet, in all three provinces the provincial authorities criticized the current coordination and cooperation between horizontal and vertical levels of line agencies involved in LUP/LA. Since the abolishment of the LUP/LA steering committees the situation has apparently deteriorated further. This point is stressed by the fact that different data sets on land are used by DAFO and by DDoL, with the DAFO keeping records on allocated land as a result of LUP/LA and the DDoL updating their records on developed land for tax purposes on an annual basis. As these data sets are most of the times not shared, the DDoL collects taxes on developed land covered by a TLUC, which would normally still fall under the 3-year tax exemption period. In another case in Bokeo, the lack of institutional coordination has lead to data collection by DDoL on TLUCs at village level, which would already be available at PAFO. All provinces expressed the need for a work plan and regulations on coordination and cooperation between the main line agencies involved. Another suggestion was to establish a task force on land issues, including representatives of all agencies involved.

As a rule, DAFO does not provide copies of TLUCs to DDoL, while DDoL staff does not inform DAFO on any certificates issued by them. At village level there is confusion on what land resources need to be considered for land tax payments and a summary of all allocated and registered land per family is available nowhere. In several districts it was mentioned that while DDoL visits villages on a regular basis on their tax collection campaigns, DAFO lacks the staff and vehicles to go to the field and therefore is “out of touch” with realities in the villages. Furthermore, DDoL is more often informed about recent land use changes and land transactions by the village chief, while DAFO lacks this information.

The envisaged cooperation between DAFO and DDoL to regularize the Temporary Land Use Certificates after a three-year period and to proceed with the issuing of permanent land titles has not materialized anywhere. Still, both agencies articulated the need and the wish for regular formal cooperation backed up by government work plans, decrees or regulations.

5.10 Impacts of Land Use Planning and Land Allocation

A number of positive and negative impacts of LUP/LA were mentioned in the three provinces visited:

Positive impacts
- reduction of shifting cultivation
- reduced logging activities
- clearly defined land use zones are available
- decreased disputes over village boundaries
- more protection based on regulations for various categories of land

Negative impacts
- decreased access to sufficient land for some families, which still struggle for their livelihoods
unequal performance of LUP/LA throughout the province
insufficiency of allocated land per labor in upland situations
general fact that LUP/LA-teams lacked preparatory and on-the-job training and therefore performed the various steps in an unsatisfactory way

All villages, when asked, expressed their desire for more detailed communal use certificates to be issued for the communally used areas of the village.

One of the main objectives of issuing individual use certificates is to increase tenure security in the rural area. As a general observation, it can be stated that all household interviews revealed that villagers in general and independently of the LUP/LA-process feel very secure about their land. In the six villages visited during this study, no cases of illegal land grabbing of existing agricultural plots have occurred in recent years.

5.11 Results of Village Interviews

5.11.1 Village Committees

Village boundary and zoning
All villages covered by LUP/LA activities have negotiated village boundary agreements with their neighbouring villages and most considered this to be the best result of the LUP/LA process. Many boundary disputes were resolved by LUP/LA procedures, but in some cases such conflicts were newly created or aggravated, for example when agricultural land was added to the area of another village.
Ban Thin That in Muang Sing reported that boundary conflicts with neighbouring villages still lingered, even though a village boundary agreement had been signed. In Ban Phoxi, a stretch of unoccupied land was situated between areas claimed by neighbouring villages, thus making an agreement on village boundaries unnecessary. District authorities subsequently claimed this unoccupied land and allocated it to government staff, resulting in the land to be left undeveloped until now.
Written village regulations were also produced as part of the procedures, yet in some cases it was obvious that they were based on documents drafted by DAFO. According to village authorities, the management of communal areas and the protection of forest areas have improved due to LUP/LA. There was however confusion over the different categories of forest and the use restriction for villagers. This is understandable, as land use maps were either not available (example: Ban Lao Louang) or regulations were poorly communicated.
The problem that village boundaries often intersect complex traditional land use patterns is reflected in the case of Ban Lao Louang, where traditional areas of shifting cultivation have been cut off by the village boundary. It was solved by a mutual agreement between neighbouring villages, respecting each other’s use of these areas. In one instance, agricultural land was removed from the village area by the new boundary delineation from DAFO (Ban Thin That). In Ban Phiyeu, the fact that former bush fallows were categorized as conservation forest during LUP led to limited access and consequently to land insufficiency.

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14 See Appendix 4 and 22 for village data.
In Ban Lao Louang, villagers reported that the land use map has been lost in 1999. It has not been copied from DAFO’s version since, which suggests that it was not used regularly. Village land use boards were available in most villages, although the place where they were erected sometimes suggests that they cannot be consulted in everyday activities (Ban Xieng Lae Kok).

**Reserved land**
Except Ban Phoxi and Ban Xieng Lae Kok, none of the villages had reserves of unclaimed arable land. The area still available in these two villages was 8 and 10 ha respectively.

**Communal areas**
Village authorities claimed that the feeling of responsibility for communal areas, especially forest areas, has increased after LUP/LA. Still, they expressed the need for a communal land certificate indicating their rights and obligations, which would put them in a better position to fend off claims coming from outside the village.
When discussing the land use map in Ban Bolek, it turned out that villagers did not differentiate between conservation and use forest, suggesting that either the categories need to be explained more thoroughly or the forest zoning needs to be reviewed.

**Shifting cultivation**
The issue of shifting cultivation was very difficult to discuss with villagers in the presence of DAFO representatives. Nonetheless, village authorities in Ban Bolek, Ban Lao Louang and Ban Phiyue raised concerns about the restrictive policy towards shifting cultivation. In their eyes, the decreased rotation periods – from traditionally 5-10 years to only 3 years – have led to problems of increased weed infestation, soil depletion and decreasing harvests and they identified LA to be the main reason for these hardships. In Ban Phiyue, where shifting cultivation has been discontinued after LUP/LA, a question was raised on how they could be compensated for reduced yields experienced after LUP/LA.

**Recommendations from village authorities**
As the results of the initial land use zoning are becoming more and more inappropriate under rapidly changing circumstances of resettlement and population growth, representatives of Ban Bolek argued in favor of a review of land use zoning, thus turning use forest areas into badly needed agricultural land. To address the issue of undeveloped arable land, Ban Bolek village authorities suggested monitoring by DAFO and a following redistribution of these plots.
District authorities were reminded by villagers to meet their obligations in the LUP/LA-process. While the village committee in Ban Thin That missed any feedback from government staff concerning their complaints and proposals, representatives of Ban Xieng Lae Kok urgently demanded the provision of extension services.

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15 Villagers in Ban Bolek reported that yields from shifting cultivation plots had been reduced by half after LA.
5.11.2 Household Interviews

Tenure security
All household heads interviewed claimed that they felt secure about their land and their access to it. Except two households all felt even “very secure”. One young household in Ban Xieng Lae Kok explained that the wife’s father is still keeping the certificate for their agricultural land without changing the name on it. In case of a divorce, the husband would not have any substantiated claim on their common piece of land.

LUP/LA-process
When asked whether they could remember the LUP/LA-process taking place in their village, only half of those who commented could do so. Even though most villagers claimed that they were sufficiently involved in LUP/LA, their lack of any memory of the process suggests that in fact they were not. Some villagers outright articulated their discontent with insufficient participation in the process.

Certificates
The certificate most widely used by villagers to support their claim on land was the LTD (01), followed by the TLUC. No TLUC, however, was found to be converted to another certificate and most of them have already expired. Interestingly, many households interviewed claimed to have received land during LUP/LA, but did not present their TLUCs nor any other certificates acquired through the conversion of TLUCs. When asked why they do not convert their TLUC to another certificate, the overwhelming majority of villagers said they were unaware of the procedure to follow. Some also argued that it is not necessary as the TLUC and/or the LTD (01) in their eyes provides them with sufficient tenure security and rights on the land.

Land Sufficiency
The results of the household interviews concerning land sufficiency suggest that there is a correlation between agricultural land available and the perception whether this is sufficient for own needs or not. While over 80% of households holding less than 0.21 ha/person claimed that this is insufficient for their livelihood, 58% of those holding between 0.21 and 0.41 ha/person were content with the arable land at their disposal. The fact that among those holding more than 0.41 ha/person more than half considered their land size to be insufficient, suggests that complaints about land insufficiency have to be taken serious, but do need further investigation on whether it is a real or a perceived need.

Figure 5: Access to Land and Perceived Sufficiency
As mentioned, the issue of shifting cultivation was difficult to discuss on village level with official staff accompanying the study team. Still, villagers doing shifting cultivation reported that rotation periods on these plots have decreased from traditionally 5-10 years to now 3 years, a period in line with current government policy. According to villagers, these shortened rotation cycles resulted in decreasing harvests and some admitted that living conditions for SC-farmers have deteriorated after LUP/LA.
6 Conclusions and Recommendations

6.1 Documentation of LUP/LA/Land Allocation Record System

Documentation of LUP/LA implementation is currently restricted to the number of villages in which the procedures have been applied and the number of households which have received additional land. There is no information available on what stages of LUP/LA have been attained or, in other words, which outputs of the various working steps from the LUP/LA process would be available for each village. It remains therefore uncertain in how many villages e.g. the step of field measurement and land allocation by issuance of TLUCs has actually been reached. Some authors estimate the total number of TLUCs issued between 1996 and 2002 to be in the range of 600,000 to 1,000,000 (MoF/DoL, 2002, p.6), but a review of the more detailed surveys in a number of studies on LUP/LA in selected villages indicates that these figures might be highly exaggerated. In numerous villages the LUP/LA team simply didn’t have the necessary time to reach the step of land allocation, while in others only a small number of households had their additional land measured. Often only one TLUC was issued per household, even if more than one parcel was allocated.

In the sample villages visited during this study as well as in the offices of DAFO in the three districts, LUP/LA documents and maps were in most cases either incomplete or lost altogether. There is no systematic record system in place at DAFO to check that all relevant documents elaborated during LUP/LA are kept according to a filing system. Furthermore, storage conditions of TLUC hardcopies at DAFO are often inappropriate and unsafe.

The normal practice is to produce three copies of the TLUC document: one to be kept at DAFO, one by the village chief and one is issued to the household. Yet, the real situation varies from one village to the other. In the three districts visited, copies of TLUCs were kept at DAFO, while in none of the villages the village authorities had received their copies. In one village of Phalan Xai District also the villagers claimed not to have received any TLUCs after land allocation. In none of the districts had DAFO provided DDoL with any copies of TLUCs. In practice there is very limited sharing of information and documents between DAFO and DDoL.

The TLUC document consists of three parts, the certificate, a land use contract (LUC) and a parcel map (see Appendix 5-7). The land use contract outlines the permitted future land use for each parcel and was intended to be used for monitoring activities (in LUP/LA step 8). Each allocated land plot has to be brought under production within a period of three years. There is no known case were the LUC has actually been used for monitoring the agreements made during LUP/LA and therefore there is no “land development certification” issued until now, as it is foreseen under present legislation. In view of currently available staff resources at DAFOs it is difficult to imagine how such monitoring work at parcel level could be carried out in practice.
**Recommendations**

- Initiate a simple Land Use Planning and Land Allocation Record System: each DAFO would be requested to fill in a form sheet specifying the various available LUP/LA documents for each village currently kept at DAFO. This monitoring sheet would reflect clearly which working steps (out of the 8 steps) have been implemented in the villages of every district. In a second table, DAFO staff is requested to prepare a “certificate checklist” on all TLUCs issued until now. In this table, a summary of each TLUC is presented (name of land user, type of land allocated, dates); the overview of the available LUP/LA documents and the certificate checklists by DAFO are compiled per province by PAFO. One set of these documents is submitted to NAFRI and NAFES under MAF, while the certificate checklists are also forwarded to DLMA, PLMA and NLMA for storage in view of future land registration in rural areas, e.g. as part of the Land Information System (LIS) at national level.

- In future, DAFO staff will be responsible for all land use planning activities in rural areas, while NLMA and its subordinate institutions are responsible for all land allocation and land registration activities. Therefore, DAFO staff will assure the monitoring of the defined land use zones in cooperation with village authorities, while DDoL is in charge of storing and safeguarding all types of land certificates (e.g. TLUC, LSC, LTD etc.) and preparing for land registration activities in selected areas.

- In line with this new distribution of tasks and responsibilities, the complete set of all TLUC documents should be handed over to DDoL, while DAFO will keep all documents relevant to LUP and zoning.

### 6.2 Options for Existing TLUCs

The three-year temporary land use period mentioned in the TLUCs has expired in many cases. In the villages there is a diversity of situations, as in some cases the allocated parcels have been used as planned, while in other cases even after 3 years no agricultural use is made of the land. Some land users have preferred to claim and use other land areas instead of land originally allocated to them. Village authorities have expressed their wish to take back the undeveloped land from the designated land user and keep it as reserved land for future allocation or to re-allocate it immediately to families in need of additional land resources. Yet, village chiefs presently lack the authority to enforce this and fear an increase of land conflicts within the village.

In remote rural areas land allocation does not seem to have changed the overall situation concerning access to land, tenure security and investment in land resources. Customary land tenure systems still dominate in these areas and TLUCs are sometimes regarded as superfluous.

**Recommendations**

- Extend the validity of TLUCs for up to 10 years. The expiration date of the TLUCs can be easily monitored using the “certificate checklist”, which implies
that the first TLUCs will become invalid by the end of 2005. During these 10 years the land user should request the conversion of the TLUC either to a Land Tax Declaration a Land Survey Certificate, or a Permanent Land Title.

- In case areas covered by previous LUP/LA come under systematic land registration (LTP II), TLUCs are used as one source of evidence of temporary use rights for the issuing of permanent land titles, equivalent to any other document specified in the official land titling procedures. In any case, the plots will have to be re-measured by DoL staff, as the “parcel maps” attached to the TLUC are found to be inadequate for parcel registration.

6.3 Land transfers/Sales

Despite the fact that this is illegal, villagers pass on temporary land use rights to others based on the TLUC. Tracking of such transfers or sales of use rights is extremely difficult.

Recommendation

- The tracking of land ownership changes can only be approached through a close cooperation with village authorities. Village chiefs are generally the best informed persons on land transfers taking place in the village as they are frequently asked to certify the transaction procedure. One option would be to officially request all village chiefs to keep simple “land transfer record books” in which any land transaction must be registered. The land seller, the purchaser and the village chief would have to sign every entry on land sales registered in this book. In case land transfers based on a TLUC are identified e.g. by Finance/DoL staff, which have not been registered by the village authorities in the record book, the land seller and the village chief would be fined. For all other land sales the official tax rates and fees apply. The land transfer record book is checked at least once per year by DoL staff. This system would provide an incentive for villagers to formalize their land transfers and would supply district authorities with up-to-date data on land use rights in the area.

- Nevertheless, it should be made clear to villagers, that the transfer of TLUCs is not officially recognised as a transfer of land use rights and the buyer cannot use the TLUC (which is not in his/her name) as an evidence of rights during land registration. These people are at risk of losing their entire investment in the land parcel and have to pay retroactive land tax for all the years the land was used.

6.4 Unallocated land

Especially in the northern provinces, the lack of suitable land for paddy development and for permanent crop production is a serious problem. In many villages, unallocated arable and fertile land suitable for cropping is simply not available. Yet, with population growth and sometimes due to relocation of people there is an increase in land needs (see Text Box 1, page 21). Reserved land areas for future allocation have in most cases become scarce. This situation is totally different in the central and the southern region, where more potential land resources are still available, while the labour force constitutes the main limiting factor.
The amount of land allocated to households in the past has never come anywhere near the ceilings for land allocation specified in the Land Law, although in some cases more suitable land would have been available. Instead, an attempt was made to restrict villagers to reduce their cultivation area to force an “intensification” upon them.

Especially land from “Lao who fled the country” and land occupied by government officials is disputed. Land of “Lao who fled” has been declared state land, but there is an increasing pressure to have it allocated to their relatives or successors in title.

The growing population continues to claim more land, even after LUP/LA. In some monitored villages, even at the end of the LUP/LA procedures not all land cultivated or claimed by the local population had been registered. As land allocation by LUP/LA has been conducted as a one-time exercise only, the number of families cultivating parcels without any use certificate is increasing further. It is common to find families in the rural areas using various parcels for different purposes and having a range of different documents to prove their use rights, ranging from TLUCs to Land Tax Declarations or Land Survey Certificates. In addition many families use “unallocated” land according to customary rights, which they have cleared and developed and use without any kind of certificate.

With the promotion of resettlement and village merging in remote and relatively inaccessible rural areas, there are now numerous cases where villagers have joined their relatives living closer to the roads, in lowland areas or in valley bottoms. In many cases these relocated families have been given the right to use part of the land occupied and cultivated by their host relatives, but do not have any documents to prove these temporary use rights. This phenomenon will in the longer run lead to an increase of landless families, as officially the use rights for the entire land remain under the name of the host family.

The common practice during LUP/LA to allocate “undeveloped” land parcels and to prescribe a monitoring exercise of these parcels within a 3-year period has not been successful. In future only land already under cultivation should be allocated and registered. One important criteria is that this land is located in land use zones classified as suitable for agricultural production and not e.g. in forest areas.

**Recommendations**

- With the creation of the NLMA, more staff should be seconded to the new DLMA at district level. As a general rule an update of land allocation should be conducted in every village of the district at least once every 3 years. During this land registration exercise by DLMA staff, all parcels taken into permanent use and lacking any use certificate will be registered and a Land Survey Certificate (LSC) would be issued.
- This 3-yearly exercise would be an opportunity for a general review of the land use certification process in each village, after which no land under permanent cultivation should be left without a clear “owner”. This would also be the
opportunity for villagers to request the conversion of TLUCs into more permanent land certificates (e.g. LSC) or the Permanent Land Title (under sporadic adjudication).

- In the long term, priority must be given to the provision of more opportunities outside the agricultural sector, while at the same time strengthening extension services to make more effective use of the cultivated land. Ultimately, strategies to stabilize the population growth are needed.

6.5 Land Registration in Rural Areas/Conversion of Certificates

Most villagers living in rural areas are not familiar with the options for conversion of their TLUCs e.g. to a permanent land title. Even if information on such opportunities reaches the village, it is unlikely that the potential increase in tenure security of a more permanent land certificate or a land title entices them to actively request registration by approaching district line agencies. All of the 36 interviewed households in 6 villages mentioned that they felt absolutely secure about their present land use rights. The common lack of investment in land is therefore mostly due to other factors.

Following the present system of land allocation in rural areas, villagers would be uncertain whether to approach DAFO or DDoL on the issue of conversion of certificates. It would therefore be more realistic to provide land registration services by DDoL (DLMA) directly to rural communities on a regular basis (e.g. every three years). During these land registration campaigns, DDoL (DLMA) staff would actively promote the conversion of TLUCs before these become invalid.

In interviews at village and district level it became obvious that the TLUCs were perceived by the land users also to constitute the lowest level of land use rights and provide the least tenure security. Even LTD or LSC documents are considered of much higher “value”. Furthermore, most villagers as well as district authorities mentioned that DDoL staff visited the villages more regularly (meaning once a year) than DAFO staff due to the annual tax collection campaigns. DAFO staff apart from donor-funded project activities and the original LUP/LA work only visit the villages sporadically for the collection of agricultural statistics or fining of illegal use of forest areas for shifting cultivation.

In general, a connection needs to be made between the land allocation campaigns in the rural areas and the land titling activities gradually expanding from urban to peri-urban and even to rural areas of Lao PDR. Especially the 7-year-gap between the expiry of the TLUC and the option to apply for a title needs to be addressed. This could be achieved by extending the validity of TLUCs to 10 years as recommended above. The results of this study confirm that use rights need to be substantiated over a period of ten years to minimize the danger of issuing a title to somebody who in fact is not entitled to it. However, in those cases where the land user has cultivated the allocated parcel from the first year onwards, he or she might not want to wait for 10 years to request a more permanent land certificate. Therefore, there should be a mechanism for the conversion to a LSC issued by DDoL (DLMA) within a period of three to ten years after the original land allocation by TLUC.
For this conversion to a LSC only the fact whether the land parcel has been cultivated is checked and the parcel is re-measured. In case a parcel allocated by issuance of a TLUC has not been brought into production within 10 years, the TLUC expires and no further claims can be laid on that land by anybody. This land will then be considered as unallocated reserved land to be redistributed to other land users by the village authorities for land development.

To realize the extension of the TLUC validity, the Land Law would need to be amended which is a time-consuming procedure. Some authors have suggested to create a Permanent Land Use Right Certificate to replace the TLUC after three years with the restriction that the land use right cannot be transferred or sold (MoF/DoL, 2002, Annex 1, Chapter 6.5.). In order to reduce the proliferation of different land certificates (see Figure 4 on page 30) it seems more reasonable to spread the use of LSC documents also in rural areas. As mentioned in chapter 6.3, currently all types of certificates are used in land transfers and sales and the only mechanism for getting more information on this issue would be the introduction of a village land transfer record book.

**Recommendations**

- The validity of TLUCs should be extended for up to 10 years after the date of issue.
- In future, DLMA staff should conduct 3-yearly land registration campaigns outside the ever increasing LTP II area (see Appendix 14). During these campaigns villagers are encouraged to officially register the land allocated to them by TLUC more than 3 years ago and which they have developed and cultivated for at least 3 consecutive years. The DLMA staff issues LSC documents for these land users. If the land has not been brought under cultivation within a period of 10 years, the TLUC becomes invalid. The provisions for fining specified in the land use contract attached to the TLUC should not be applied.
- Within the LTP II area, TLUCs will be converted to a Provisional Land Certificate (PLC) and after 10 years of uninterrupted occupation the holder can apply for a permanent land title.
- The form used for the LSC is reviewed nation-wide to assure that this document is systematically registered both in the name of the husband and wife to avoid gender inequalities.
- As proposed by LTP in 1999, a Land Document Registration System (LDRS) needs to be established in which all types of land use right certificates including the TLUCs could be registered. This would become part of the overall Land Information System (LIS).

**6.6 Future Land Use Planning/Zoning**

Currently land use planning activities at the village level are restricted to the LUP/LA program activities, which have virtually ceased with the exception of areas covered by donor-funded projects and NGOs. In several such project areas the original approach to LUP has been refined and adapted further to the local conditions (see SCSPP-ADB Hua Phan, RDMA-GTZ, BIRD-CORCON, EU-Project Phongsaly).
From the existing studies on LUP/LA and the field surveys conducted during this study, it can be concluded that the main emphasis of land use planning at village level should be on boundary demarcation/registration and on zoning. During zoning the land use categories are differentiated according to the classification foreseen by the laws (Land Law, Forestry Law, relevant decrees on LUP/LA implementation). Village boundary delineation and the signing of boundary agreements with all neighbouring villages have repeatedly been mentioned by villagers as the main positive results of the entire LUP/LA program. There are also indications that forest protection has improved in villages after LUP/LA.

This underlines once again the importance of land use planning and zoning activities at village level, which do not necessarily have to lead directly to land allocation activities to individual households. However, current land use zoning is often unbalanced in favour of forest and protection areas, limiting the area available for forest use and for agricultural systems. There have been some reports that the numerous zoning categories in the forests are difficult to understand for villagers and difficult to enforce.

DAFO and MAF staff has extensive experience in mapping, zoning and land use planning activities. These activities should therefore continue to constitute one of their core responsibilities.

**Recommendations**

- Boundary demarcation, zoning and land use planning activities at village level should be expanded to cover all villages of Lao PDR until 2010. This will continue to be one of the main responsibilities of MAF and its subordinate agencies at province and district levels. DAFO staff would therefore in future be responsible for land use planning/boundary delineation activities only and not be involved in land allocation or land registration activities. The land use zoning maps and the village regulations would remain key outputs of land use planning at village level.

- The methodology of local and participatory land use planning is described in several technical guideline documents and has recently been revised and further adapted in the framework of a number of donor-funded development projects. The details on these methodological developments can be found in the “Upland Sourcebook” published by NAFRI as a result of a national workshop conducted in Luang Prabang in January 2004. In future, DAFO staff should apply these revised procedures (including e.g. a phased approach and working in village clusters) to all remaining villages that still lack boundary delineation and land use zoning. In future, agricultural land and forest use areas should be zoned more generously to reduce pressure on land as well as on forest areas, as villagers for example compensate harvest losses with increased collection of NTFPs.

- As a general rule there should be a review of the land use zoning in villages where the proportion of the village area to be protected (conservation, protection, regeneration forests, cemetery and spiritual forests) covers more than 75% of the total village area. In these cases the combined use area for villagers, such as
production and use forests, agricultural zones, paddy land, gardens etc. equals to less than 25% of the village area. One exception would be villages located within NBCAs.

Furthermore, land use zoning should be revised in villages with a particularly high dependency on shifting cultivation practices and insufficient alternatives to secure their livelihoods. In these villages every effort has to be undertaken to identify additional “agricultural use zones” (see below). In areas with important resettlement of villagers and village merging, a review of land use zones might also be required. As a general rule, village land use zones and regulations would need to be updated and revised every 5 years with support by DAFO staff.

- As part of the land use planning activities, a more intensive assessment of land capabilities needs to be conducted by trained DAFO staff. The identification of additional unallocated land with potential for permanent cultivation (e.g. potential paddy land, garden land, orchard or land for commercial tree planting) is one of the crucial outputs of LUP. At the end of the LUP exercise, the village authorities must have gained a clear understanding on what options for land development and land use exist in their areas and what type of land resources could be temporarily allocated to families for land development in the future (see recommendations on future land allocation procedures).

- A gradual reduction of shifting cultivation activities and a complete stop to pioneer swidden agriculture remains one of the objectives of land use planning. In areas with a continued dependence on rotational shifting cultivation to secure livelihoods, villagers with the advice of DAFO staff are encouraged to designate one or several “agricultural use zones” within their village area. In future, rotational swidden agriculture would only be permitted for selected families in such designated areas. These zones must be sized according to the estimated present and future land requirements of those families without access to sufficient land suitable for permanent land use. The area must be large enough to maintain locally adapted rotation periods e.g of 5 to 7 years without a degradation of the natural resources. In some cases this might require a re-definition of the village boundary.

- Which family is permitted to use a parcel within the designated areas is decided in an annual village meeting under the leadership of the village chief and in the presence of the entire village committee. Families are selected by the village authorities according to the other land resources they have disposal. In exceptional cases villagers from neighbouring villages could be given temporary permission to use plots in this use zone as well. Records in a simple table format (name, area cultivated, number of labour, number of household members) must be kept by the village authorities showing which families have been given permission to cultivate swidden plots for the particular year. No individual land use certificates are issued for these parcels and the village authorities give the permission of use the land on an annual basis only. If land users decide to invest in permanent cultivation of such upland plots located within the agricultural use areas (e.g. establishment of fruit tree or rubber plantations), they need a written permission by the village authorities (signed by the village chief) and can apply for a LSC document after three years of continuous use during one of the 3-yearly land registration campaigns by DDoL staff.
6.7 Communal Land Use Rights/Registration of Boundaries

Communal land use rights are presently not recognised by law. The Land Law specifies that land can only be allocated to individuals, families and economic organisations (Art. 3). As a result of previous LUP/LA activities, most villages covered by the program have “Village Forest and Agricultural Land Management Agreements” or “Village Regulations” in various forms. This is the only document presently specifying the protection and management responsibilities of villagers and their leaders with regard to land and natural resources located within their village boundaries. These village boundaries are sometimes, but not always documented in a “Village Boundary Agreement” signed with all neighbouring villages and copied to village (land use) maps at the scale of 1:10.000 or 1:20.000.

Generally speaking village authorities feel more confident and responsible for the management of the communally used land areas within their village boundaries after LUP/LA. This is one of the main reasons for the improved forest protection mentioned in several studies on the topic. Nevertheless, this does not apply in any case and there are good reasons not to overburden village level capacities. Especially the enforcement of the village regulations towards outsiders misusing natural resources within the village area has been a notorious problem. On the other hand, there are numerous examples of well-adapted management schemes for land and natural resources according to customary land rights in various ethnic groups (see MoF/DoL 2002).

It is generally agreed that registration of communal land in the name of the village would further enforce communal management of village lands and would reflect GoL policies of implementing good governance and decentralisation principles. However, it is also important not to overestimate the sustainability of customary land management practices in view of a rapidly growing population, on-going relocation and migration of people in parts of the country and rapid increase of land needs for non-agricultural purposes in development areas around towns and cities.

Recommendations

- Village boundaries identified during LUP/LA and the corresponding “Village boundary agreements” should be systematically registered at district and province levels by DAFO/PAFO and copies of the final village boundary register and maps should be provided to DLMA and PLMA.
- As part of the land use planning and zoning activities, DAFO staff should continue to issue “Village Forest and Agricultural Land Management Agreements” signed by district authorities.
- The issuance of communal land certificates should by delayed until further experience has been gained. It could be useful in this context to closely monitor the effects of communal titles for forest areas, which are now issued in Vietnam after a recent amendment of the Land Law.
- Based on the legal framework governing the promotion of production forests and community forests in particular, more specific community forest agreements need to be signed between DAFO, the District Authorities and a village community
forestry committee (sometimes also referred to as village NRM committee). These more detailed management agreements should initially focus on village production and village use forest areas specified during the zoning exercise. For such areas community forest management plans and detailed maps need to be elaborated in a participatory approach, which form the basis for a full transfer of management responsibilities to villagers. The SUFORD project is currently piloting a concept to enable villagers to conduct sustainable management and gain benefits from their forest areas in 4 provinces. District forestry staff will continue to provide advice and supervise the community forestry activities.

6.8 Future Land Allocation in Rural Areas

The present approach of combining land use planning with land allocation activities under the overall responsibility of MAF and implemented by DAFO staff has been slow (only 50% of the village in Lao PDR covered in the past 8 years), costly and has failed to relate to land administration and land management activities conducted by DoL under MoF.

Recommendations

- In future the land use planning activities should be dissociated from land allocation activities; while LUP at local level should remain under the overall responsibility of MAF, all land registration activities should fall under the newly established NLMA and its subordinate institutions.
- Land allocation in rural areas and the issuance of TLUCs in its present form should be discontinued. Instead, village authorities are officially made responsible for managing all unallocated and reserved land within the village boundaries, but outside the protected forest areas, i.e. located in the agricultural use zone, the use forest or within the settlement area. Claims to develop or use any additional land by a household (“jap jong tee din”) must be submitted to the village authorities. In case the village authorities accept the request “temporary land use permission” in writing would be granted to a household. Such a document would have no legal value whatsoever and does not include any official use rights recognised by GoL, but would only serve as proof that a household has received permission to develop an additional land parcel. Once the land has been brought under production or occupation for 3 consecutive years and when it is certified that this land is located in an appropriate use zone according to the village land use plans, the land user can request DDoL staff to measure the parcel and issue a LSC during one of the 3-yearly land registration campaigns. In preparation for this official registration, the village chief has to certify the rightful claims of the household by issuing a “Land Ownership Certificate”.
- Land allocation in areas with shifting cultivation should follow the approach described above, which would effectively discontinue the practice of allocating only 3 plots per family for rotational shifting cultivation. Nevertheless, a gradual transition from shifting cultivation practices would be promoted by restricting swidden agriculture to designated “agricultural use zones”. Furthermore continuous support would be required for the introduction of alternative land use
practices through agricultural extension, micro-finance and the promotion of other occupations.

- The following resolution of the 7th Party Congress should be the guiding principle for future land allocation: “the primary aim of the GoL is to provide for all citizens access to sufficient resources to ensure a sustainable livelihood, through developing the productivity of agricultural lands and providing secure officialised access thereto”.

6.9 Decentralisation/ Responsibilities of Village Authorities in Land Management

Recommendations

The village authorities should play a much stronger role in local land management and should be increasingly qualified by training and awareness raising to cope with their additional responsibilities. The transfer of some tasks and responsibilities in land management to village authorities is in line with principles of decentralisation and subsidiarity.

The additional tasks are:

- Village authorities are responsible for the land use planning conducted with external facilitation support by DAFO staff; the results of the LUP work such as village boundary demarcation, land use zoning, village regulations must be updated and strictly enforced by the village authorities.

- All requests for temporary land use permission by villagers must be addressed to the village authorities; the village chief will then issue a signed form to the household for the development of new agricultural plots for future permanent use. This responsibility is in line with Art. 73 of the Agricultural Law which specifies that village authorities have the duty to allocate areas for cultivation and animal husbandry for each family within the village. Once the parcel has been developed and cultivated for three consecutive years, the village authorities issue the land ownership certificate, which is used by DDoL staff as an evidence for registration and issuance of a LSC.

- Village authorities are directly responsible for the management of all land specified in the “Village Forest and Agricultural Land Management Agreements” and in particular for land allocation of unallocated (reserved) land within the village area.

- In villages still dependent on shifting cultivation, “agricultural use zones” are delineated during the LUP activities. The village authority is then responsible for an annual planning exercise in which shifting cultivation plots are provided to the families in need for one year only. No ownership claims can result from this.

- The village authorities are obliged to keep “Village Land Transfer Record Books” to keep track of all land transfers and land sales (see chapter 6.3).

- Village authorities cooperate closely with DDoL staff during 3-yearly land registration campaigns in order to register all land under permanent land use by individual households.
• Village authorities supervise the preparation of community forestry management plans or NTFP management plans for village production or use forests, which will serve as a basis to request a community forestry agreement to be signed with DAFO and district authorities.

In view of this multitude of additional tasks and responsibilities the issue of providing an incentive to the village committee and the village chief should be re-evaluated. Possibly, this compensation could be paid from village refunds on land tax.

6.10 District Plans
Currently district authorities prepare 5-yearly socio-economic development plans, which make little reference to potentials or strategic visions for an integrated development of the district as a whole.

Recommendations

• Land use planning at village level must in future be accompanied by district strategic development planning. In such documents potentials of land development in the district area should be analysed and presented, based on available land suitability assessments, market studies and a comparison of major opportunities. As a whole, the district plan will provide a vision for the development of the land, the natural resources and the overall socio-economic situation in the planning area. Specific options are developed for each zone (khet).

• In the district strategic development plan, resettlement of people and village merging is considered in the planning process only for those areas identified in the land capability assessments as showing important potentials and as a last resort, if all other options for local development alternatives have been excluded.

6.11 Institutional Responsibilities
In all districts visited during the study, cooperation between DAFO and DDoL was lacking. Both institutions use different data sets, do not coordinate their activities on a regular basis and since the abolishment of the Land Allocation Committees at district and province levels cooperation has diminished even further.

Recommendations

• DAFO under MAF should be entirely responsible for all boundary demarcation and land use planning activities at the village level.

• The new NLMA and its subordinate institutions will be responsible for all land registration, land administration and land management issues as specified in the Decree on the NLMA No. 67/PM issued in May 2004.

• A new land management coordination committee should be created bringing together representatives of all 7 ministries which have clear responsibilities for certain state land units according to the Land Law. In each of the seven ministries concerned, a specific land management unit should be created to coordinate on land issues with NLMA.
In future, the land registration activities proposed in this document for areas located outside the LTP II areas will require an increase in technical staff for the future DLMAs. Currently, some DDoL offices are chronically understaffed. The successful implementation of the future tasks in land registration and land management described in this study will to a large degree depend on closer and regular contacts between DLMA staff and village authorities. This will require increased staff numbers and an appropriate human resource development program.
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THONGMANIVONG, Sithong / BADENOCH, Nathan (2001): Land Allocation Policy in the Lao PDR (= study financed by REPSI project / DANIDA)

Legislative documents:
- Law on Land, No. 04/NA (dated 10/21/2003)
- Decree of the National Land Management Agency, No. 67/PM (dated 05/18/2004)
- Prime Minister’s Decree 03/PM
- Prime Minister’s Decree 150/PM
1 Terms of reference

Study on Land Allocation to Individual Households in Rural Areas of Lao PDR

Background

For the rural areas of Lao PDR, the government has carried out initial land use planning and land allocation activities in more than 9000 rural villages in all provinces of the country. The so-called "8-Steps" approach was applied by district teams mostly consisting of DAFO and District Finance staff. The process eventually leads to a classification and zoning of forest and agricultural land, the development of a simple land use plan for the different land categories and the measurement of additional agricultural land to be allocated to rural households. Finally, Temporary Land Use Certificates (TLUC) are issued for agricultural land to the occupants. On request, these TLUC can be replaced by Permanent Land Titles (PLT) to be issued by the Land Management staff of the District and Province Finance Offices after the occupants have respected the land use contract attached to the TLUC for a period of 3 consecutive years. This contract specifies the permitted agricultural uses of the land.

As evidenced by the recent ADB Participatory Rural Poverty Assessment, where many rural families identified land allocation as one of the causes of impoverishment, this land allocation methodology needs to be augmented and revised before it can successfully achieve its aims in areas with severe topographic or demographic constraints. Furthermore, customary practices may be given insufficient attention in the land allocation process.

There is an urgent need to assess the effectiveness of the existing land allocation regulations, as well as their enforceability. Enforceability depends not only on the acceptance by the local population of the regulations, but also on the government's capacity at all levels (village, district, province and central) for administration and implementation of these regulations. The respective responsibilities of staff from the various involved institutions at district and provincial level need to be further clarified.

A number of issues have been identified which need to be clarified in the development of a sound land policy:

1. Households are in some cases being allocated too little land for a livelihood; community management of land and agro-forestry is weakly developed; method of implementing land allocation is not uniform.

2. Traditional rotational swidden on land already cleared is being prevented which may lead to decreased livelihood opportunities for rural households.

3. Customary tenure may conflict with land allocation
4. Unallocated land vulnerable to dispute and “open access”

5. Resettlement programs may create land shortage for some people; lack of consultation in resettlement programs may result in violation of customary land use practices and create conflicts.

Objective:

The study will undertake a review of the land allocation program used throughout the country, clarifying methodologies used and identifying problems created by the allocation program. A number of issues have arisen concerning the equity of the allocation programs, the recognition of customary tenure practices of transient land use, increased levels of land disputes, and continued access to forest and other natural resources. Clarification of the allocation programs should permit the development of procedures for the conversion or upgrading of the TLUC into permanent land titles. The study will also present options to correct anomalies in allocation documentation which exist with the early land allocations and which is necessary to permit the conversion of these certificates into titles.

Methodology:

The consultants will review the land allocation programs as applied in 2 districts of Bokeo and 2 in Luang Namtha to clarify the procedures followed throughout the land allocation program. This would include documentation of the program, the number of certificates issued, the quality of documentation for those certificates, the status of existing records of allocations, problems that have been identified with the allocation program, and experiences of coordination with village committees and among the concerned Government services. Relevant staff at district and provincial institutions will need to be interviewed. This review will also benefit from the on-going impact assessments of the land use planning/land allocation program in the two RDMA Program target areas.

Expected Outputs:

The study will provide a review of the allocation program, present options for modification of procedures and regulations for land allocation, including clear guidelines for field staff with respect to customary land rights, unallocated land, and resettlement programs. Further recommendations would be made on assessing the quality of different village programs in order to identify those locations where programs may have to be redone and develop a set of options for possible future conversion of land allocation certificates into permanent titles if appropriate.
Time Period:

3 weeks of field surveys in 2 provinces, followed by 2 weeks of data analysis and joint writing of study

**Terms of Reference for National Consultants to work on the studies of “Land Allocation in Rural Areas” and “Land Markets in Rural Areas”**

1. **Land Policy Specialist (team leader of national consultants)**

Duration: 8 weeks

Main tasks:

- Compile and analyse main policy documents with regard to land sales and land transactions
- Prepare and conduct interviews and investigations in the two provinces of Bokeo and Luang Namtha, Savannakhet: land allocation and land markets
- Distribute overall tasks among team members and supervise data collection
- Represent the team in meetings with Provincial and District Authorities
- Coordinate report writing activities among team members
- Edit the 2 final studies in collaboration with the international consultant

2. **Specialist on Land Use Planning/Land Allocation Program in Rural Areas**

Duration: 6 to 8 weeks

Main tasks:

- Compile all relevant reports and data on land use planning and land allocation in rural areas
- Compile all relevant baseline studies and national statistics on and use planning and land allocation activities in rural areas
- Assess available impact assessment studies on LUP/LA
- Conduct detailed interviews with relevant district and provincial staff (DAFO/PAFO and LM staff and Finance Office) on land allocation procedures applied
- Check documentation on land allocation at district and village levels
- Prepare report on current land allocation practices and draw conclusions for further policy development
3. Specialist on Land Sales and Transactions

Duration: 6 to 8 weeks

Main tasks:
- Compile all relevant reports and data on land sales and transactions in rural areas
- Assess legal framework for land markets in Lao PDR
- Conduct detailed surveys on land sales and land transactions at provincial, district and village level
- Check documentation on land sales and transactions at district offices of Land Management (Finance)
- Prepare report on current land practices on land sales and transactions in rural areas and draw conclusions for further policy development

Profile of International Consultants

Duration of mission in Lao PDR: 3-4 weeks

Main qualifications/experiences required:
- Experience in land management issues and land policy development in Lao PDR
- Familiar with the on-going Land Titling Project and the Dept. of Housing and Land Management
- Recent (2002 to 2003) working experiences in Lao PDR on land policy issues
- Familiar with the institutional landscape in Lao PDR and respective responsibilities of Ministries on national level and their line agencies on Province and the District: PAFO, DAFO, Office of land management in the Dt Finance Office
- Familiar with other donor-funded project and program activities in land management, land use planning and land allocation in Lao PDR: ADB Huapanh, SIDA Luang Prabang, Oudomxay, CCL Phongsaly, EU Phongsaly,
- Able to understand Lao language

Study on Land Allocation to Individual Households in Rural Areas of Lao PDR
2 List of persons contacted

- Mr. Bouahong Phanthanousy, Head, Planning and Cooperation Division, Department of Forestry, Ministry of Agriculture and Forestry
- Mr. Boualy Phramuang, Director, Extension Center for the Reduction of Shifting Cultivation, Ministry of Agriculture and Forestry
- Mr. Bounluer, Deputy, Department of Agriculture and Forestry, District Muang Sing
- Mr. Carl Mossberg, Senior Program Management Advisor, Lao-Swedish Upland Agriculture and Forestry Research Program
- Mr. Bounngiem Khampason, Governor, District Phalan Xai
- Mr. Bouthon Thetsisoulat, Deputy, Cadastral Division, Department of Land, Ministry of Finance
- Mr. Chansouk Chan Thoumphone, Deputy, Legal Division, Department of Land, Ministry of Finance
- Mr. Chomchan, Head, Finance Office, Department of Land, District Muang Sing
- Mr. Chris Lunnay, Team Leader, Technical Assistance, Lao PDR Land Titling Project
- Mr. Somsak Sysomvang, Forest Inventory and Planning Division
- Mr. In Pheng, District Governor of Muang Sing
- Mr. Jomseng, Head of Land Office, Finance Division, Luang Namtha Province
- Mr. Khambon Sisouk, Head, Cadastral Division, Department of Land, Ministry of Finance
- Mr. Khammoune, Head, Department of Land, District Muang Sing
- Mr. Khemphet, Head, Department of National Land Use Planning and Development, Bokeo Province
- Mr. Khonthong, Deputy Head, Finance Office, Department of Land, District Muang Sing
- Mr. Kongkeo, Head, District Governor’s Office, Houay Xay District
- Mr. Phosikeo, Head, Department of Agriculture and Forestry, Houay Xay District
- Mr. Sengsao, Deputy Head, Land Office, Finance Division, Luang Namtha Province
- Mr. Singkham, Vice-Governor, Luang Namtha Province
- Mr. Sithong Thongmanivong, Team Leader, Community Based Natural Resource Management Research Project, Faculty of Forestry, University of Laos
- Mr. Somchan, Head of State Asset, Finance Division, Luang Namtha Province
- Mr. Vila Penkheup, Head, Administration Division, Department of Land, Ministry of Finance
- Mr. Tomas Jonsson, Chief Technical Advisor, Sustainable Forestry and Rural Development Project, National Agriculture and Forestry Extension Service
- Mrs. Fujita Yayoi, Project Coordinator, CBNRM Research Capacity Building Project, Faculty of Forestry, University of Laos
- Mrs.Viengphom, Deputy, Finance Division, Luang Namtha Province
3 Glossary

Agricultural land.......................................................... Tee din kasikam
Communal area............................................................ Tee din soumson
Communal land use right............................................. Sit num sai teedin soumson
Conservation Forest..................................................... Pa Sa Ghouan
Customary land use system ......................................... Labob nunsaitidin tampapheny
DAFO.......................................................................... Hongkan kasikam pamai mueng
Degraded Forest .......................................................... Pa Sudsom
Evaluation.................................................................... Kan pa mern pon
Extension..................................................................... Kan song serm
Fish pond ..................................................................... Nong Pa
Forest Law ................................................................... Kot mai pamai
Garden......................................................................... Tee din souan
Inheritance................................................................... Kanseubmoun moradok
Land Allocation ........................................................... Kan mop din moppa
Land Certificate........................................................... Bai yang yeun tee din
Land Law..................................................................... Kot mai tee din
Land measurement....................................................... Kan vat teak tee din
Land Ownership Certificate ....................................... Bai jangjeun kamma kai tidin
Land Tax Declaration.................................................. Bai jeng sea pasee tee din 01
Land Tax Receipt ........................................................ Bai hap Ghen sear pasi tee din
Land Title ..................................................................... Bai tadin
DDoL........................................................................... Nouaghan tee din meung
Land Use Contract....................................................... San ya kan num sai tee din
Land Survey Certificate............................................... Bai phantidin
Land Use Planning ...................................................... Pankan num sai tee din
Land Valuation ........................................................... Kan pa mern la kha tee din
Land Zoning ................................................................... Khet num sai tee din
PDO L........................................................................... Hong kan tee din keung
Monitoring................................................................... Kan kouat ka
NLMA ......................................................................... Ongkan khumkhong tiding hengsath
NTFP ........................................................................... Kheung pa kongdong
Occupied land ............................................................. Jap jong tee din
Office of District) ........................................................ Nouay Ghan tee din muang
Paddy........................................................................... Na
PAFO........................................................................... Phanek kasikam pamai khueng
Plot of land ................................................................. Ton din
Protection Forest........................................................... Papong kan
Production Forest ........................................................ Pa phalit
Reserved land ............................................................. Din hea
Rubber plantation ....................................................... Pouk yang pa la
Shifting cultivation ....................................................... Kan het hai
Temporary Land Use Certificate ................................. Bai yang yeun tee din sua kao
Upland rice .................................................................. Hai
Use Forest................................................................... Pa num sai
Village Boundary Agreement ...................................... Kan tok long khopkhet ban
Village LUP/LA committee ......................................... Ka na kammakan mop din moppa khan ban
Village Regulations .................................................... La beib ban
Village resettlement..................................................... Kanjatsan phoulamnao
# Village Data

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^16 Kept at DAFO.
### Study on Land Allocation to Individual Households in Rural Areas of Lao PDR

#### 5 TLUC

- **Image Description:**
  - The image contains a table with data related to land allocation.
  - The table has columns labeled with various units and measurements.
  - There is text in Lao script above the table.

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<tbody>
<tr>
<td>1</td>
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</tbody>
</table>

- **Note:** The table contains data in Lao script, and the column labels appear to be units of measurement or quantities related to land allocation.
6 Land Use Contract

Attached to the TLUC.
7 Land Parcel Map

Measurement of the TLUC-plot, attached to the TLUC. Contains no rectification and no reference point.
8 Land Tax Receipt

<table>
<thead>
<tr>
<th>No</th>
<th>258760</th>
</tr>
</thead>
<tbody>
<tr>
<td>Наймачат</td>
<td>11.000</td>
</tr>
<tr>
<td>Дата</td>
<td>29/9/02</td>
</tr>
</tbody>
</table>

Land Tax Receipt (upper left corner), attached to Land Tax Declaration
9 Land Tax Payment Record

<p>| | | | | | | | |</p>
<table>
<thead>
<tr>
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</tbody>
</table>

Note: The table contains information regarding land tax payments, including dates and amounts.
10 Land Survey Certificate

Issued only outside LTP-area.
11 Land Ownership Certificate

With approval from village chief and witnesses. Necessary to apply for a LSC.
12 Provisional Land Certificate
13 Land Title
### 14 Area and Extent of LTP

<table>
<thead>
<tr>
<th>Province</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vientiane Municipality</td>
<td>Chantabouly, Sisattanakh, Sikottabong, Xaisettha, Xaithani, Hatxaifong, Naxaithong,</td>
</tr>
<tr>
<td></td>
<td>Bolikhamxai, Paksan, Khamkert</td>
</tr>
<tr>
<td></td>
<td>Khammouan, Thakhek, Nongbok</td>
</tr>
<tr>
<td></td>
<td>Savannakhet, Khanthabouli, Songkhon, Oouthoumphone, Champhone</td>
</tr>
<tr>
<td></td>
<td>Champassak, Pakse, Phonthong, Sanasomboun, Bajeingjersouk</td>
</tr>
<tr>
<td></td>
<td>Salavan, Salavan, Khongsedon, Louham,</td>
</tr>
<tr>
<td></td>
<td>Vientiane Province, Phonhong, Vangvieng, Keo Oudom, Toulakhom,</td>
</tr>
<tr>
<td></td>
<td>Louangphrabang, Louangphrabang, Xeungern, Nambak, Pakou,</td>
</tr>
<tr>
<td></td>
<td>Xaiyabouli, Xaiyabouli, Paklai,</td>
</tr>
</tbody>
</table>

Land Titles nationwide\(^{17}\):
- 285,466 parcels measured
- 200,749 land titles approved
- 143,225 land titles distributed

---

\(^{17}\) Person. comm. Mr. Khamsouan, LTP, TA
15 Interview Guideline Key Actors

General
- Other studies planned in the field?

LUP/LA process:
- How do you perceive the outcome of the LUP/LA process? What are critical aspects?
- Does the approach make sense to start land use planning on community level without regional and national land use and development plans to rely upon?
- There are huge differences regarding the extent and the quality of the LUP/LA process between individual villages. Is it feasible to complete the process in these villages in a second phase, what criteria should be applied to determine them?
- Concerning the communally used areas such as forest, grazing land and customary use areas, is there a need for the introduction of collective land use titles?
- What would be their advantages, what their disadvantages?

Certificates:
- What should happen with the TLUCs that have been handed out in the past?
- How can they be transferred to formal land titles?
- What options do you see for registration of land titles and land use rights?
- How can the connection be made between land titling and the LUP/LA results?

Land insufficiency for peoples’ livelihoods
- Is this generally a problem for LUP/LA villages or is it limited to certain geographical situations?
- What are the consequences and what could be a proper procedure to correct that?

Institutions:
- What is your perception of the institutional framework and its changes currently under way (NLMA responsible for land titling, but MAF/PAFO/DAFO for LUP/LA)?
- Is monitoring desirable at this point, considering the inability of many households to develop their land within time and the heavy reliance on swidden cultivation in remote areas?
- What level should be in charge of monitoring?
- Do you think that monitoring can be carried out anytime in the near future with the staff and funds available?
  - Could the village LUP/LA committees do monitoring?

Outlook:
- Should LUP/LA be continued?
- If yes, what changes should be applied?
  - In terms of land needs of new/inmigrating families?
  - In regard to the lack of reserved land for future community development?
  - In terms of the line agencies’ share of responsibilities?
16 Interview guideline PAFO

1. Data for district and village level on past allocation
   1.1. How many districts performed Land Allocation, in how many villages and to how many households/organisations?

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Districts</td>
<td></td>
</tr>
<tr>
<td>Villages</td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td></td>
</tr>
<tr>
<td>Organisations</td>
<td></td>
</tr>
</tbody>
</table>

   1.2. Area allocated? Start and end of allocation? If discontinued, why?

2. Procedure followed for Land Allocation
   2.1. What training did provincial staff concerned with LUP/LA receive?
   2.2. What procedure do you follow when allocating land?
   1. Preparation/Training/Village consultation
   2. Survey village boundary, land use zoning / forest survey / land use mapping
   3. Data collection land tenure and socioeconomic needs
   4. Village LUP (and LA) meeting
   5. Agricultural field measurements
   6. Preparation forest/agricultural agreements, transfer of rights to villagers
   7. Land use management extension
   8. Monitoring and evaluation
   2.3. How much time was spent carrying out these steps?
   2.4. Who was involved?

3. Monitoring
   3.1. Do you carry out monitoring?

3.2. Is land used according to land use contracts?
3.3. Have there been requests to converse TLUCs into LUC?
   3.3.1. By how many families?
   3.3.2. For what area (rural or urban)?
   3.3.3. For what kind of land?

3.4. What is the administrative procedure to be followed?
3.5. Which fees are collected?

4. Cooperation
   4.1. How is the cooperation and the flow of information between line agencies (PAFO&DoL)?

5. What are your suggestions to improve Land Allocation in rural areas?

17 Interview guideline PDol

1. Monitoring of Land Allocation
   1.1. Have there been requests to converse TLUCs into LC? Yes
   □ No □
   If yes…
   1.1.1. By how many families?
   1.1.2. For what area (rural or urban)?
   1.1.3. For what kind of land?
   If no, why not?
   1.2. What is the administrative procedure to be followed?
   1.3. Which fees are collected?

2. Certificates
   2.1. Do or did you issue these certificates in your province?
1. Data for district and village level on past allocation
   1.4. How many villages performed Land Allocation and to how many households were land certificates distributed?

<table>
<thead>
<tr>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Villages</td>
</tr>
<tr>
<td>Households</td>
</tr>
<tr>
<td>Organisations</td>
</tr>
</tbody>
</table>

1.5. Area allocated? Start and end of allocation? If discontinued, why?

1.6. Land classification

2. Procedure followed for Land Allocation
   2.5. What training did DAFO staff concerned with LUP/LA receive?
   2.6. What procedure do you follow when allocating land?
   - Preparation/Training/Village consultation
   - Survey village boundary, land use zoning / forest survey / land use mapping
   - Agriculural field measurements
   - Data collection land tenure and socioeconomic needs
   - Village LUP (and LA) meeting
   - Agricultural field measurements
   - Preparation forest/agricultural agreements, transfer of rights to villagers

3. Revenues from land
   3.1. Who collects them and for what budget

<table>
<thead>
<tr>
<th>Type of revenue</th>
<th>Who collects?</th>
<th>What budget?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Tax</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural Resource Tax</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fines</td>
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<td></td>
</tr>
</tbody>
</table>

3.2. How much did the central government request for land tax and natural resource tax?

3.3. Did you manage to collect the requested amount?

3.4. How is the land tax for the individual household determined?

3.5. How is it collected?

4. How is land expropriation compensated?
   - In cash
   - In land
   - Other (please indicate)

5. Transfer/sale of land
   5.1. Is land transferred or sold in your province?
   5.2. In what areas (rural, urban, other) is land being sold and bought?
   5.3. On what basis, with or without land use rights?
   5.4. Are these transfers registered?
   If yes, where?

6. Cooperation

6.1. How is the cooperation and the flow of information between line agencies (DoL&PAFO)?

7. What are your suggestions to improve Land Allocation in rural areas?
1. Monitoring of Land Allocation
   1.1. Have there been requests to converse TLUCs into LUC?
       Yes ☐ No ☐
       If yes...
       1.1.1. By how many families?
       1.1.2. For what area (rural or urban)?
       1.1.3. For what kind of land?
       If no, why not?
   1.4. What is the administrative procedure to be followed?
   1.5. Which fees are collected?

2. Certificates
   2.2. Do or did you issue these certificates in your district?
   • Temporary Land Use Certificate (TLUC), ☐
   • Land Use Certificate (LC), ☐
   • Land Survey Certificate (used by the Lands Office for tax purpose), ☐
   • (Land Tax Receipt) ☐
   • (Papers by Nai Ban) ☐
   • others (please indicate) ☐

3. Revenues from land
   3.6. Who collects them and for what budget

<table>
<thead>
<tr>
<th>Type of revenue</th>
<th>Who collects?</th>
<th>What budget?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Tax</td>
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<td>Natural Resource Tax</td>
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<tr>
<td>Fees</td>
<td></td>
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<tr>
<td>Fines</td>
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</tr>
</tbody>
</table>

3.7. How much did the provincial government request for district land tax and natural resource tax?
3.8. Did you manage to collect the requested amount?
3.9. How is the land tax for the village as a whole determined?
3.10. How is the land tax for the individual household determined?
3.11. How is it collected?

4. How is land expropriation compensated?
   o In cash
   o In land

5. Transfer/sale of land
   5.5. Is land transferred or sold in your district?
   5.6. In what areas (rural, urban, other) is land being sold and bought?
   5.7. On what basis, with or without land use rights?
   5.8. Are these transfers registered?
       If yes…
         5.8.1. Where?
         5.8.2. How do you keep them up-to-date?
         5.8.3. If no, why not?

6. Cooperation
   6.2. How is the cooperation and the flow of information between line agencies (DoL&DAFO)?

7. What are your suggestions to improve Land Allocation in rural areas in respect of…
   7.6. Institutional framework and responsibility
   7.7. Legislature
   7.8. Capacity building / training
   7.9. Cooperation between line agencies
   7.10. else

---

## Interview guideline Village Committee

1. Data:
   1.1 When was the village established?

1.2 Households, families, ethnic groups, religion

<table>
<thead>
<tr>
<th>Villagers</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Households</td>
<td></td>
</tr>
<tr>
<td>Families</td>
<td></td>
</tr>
<tr>
<td>Ethnic groups (please indicate)</td>
<td></td>
</tr>
<tr>
<td>Religions (please indicate)</td>
<td></td>
</tr>
</tbody>
</table>

2. Land Use Planning / Land Allocation
   2.1. When was it done?
   2.2. What was done?
       o Preparation/Training/Village consultation........................................
       o Survey village boundary, land use zoning / forest survey /
         • land use mapping ...............................................................□
       o Data collection on land tenure and socioeconomic needs ............□
       o Village LUP (and LA) meeting .............................................□
       o Agricultural field measurements ................................................□
       o Preparation forest/agricultural agreements, transfer of
         • rights to villagers ...............................................................□
       o Land use management extension ..............................................□
       o Monitoring and evaluation ...................................................□
   2.3. How many households received land?
   2.4. What type of land was allocated?
   2.5. How much land is left (unclaimed) for distribution to new families or families in need?
   2.6. Do families in your village have insufficient land for their livelihood?
2.6.1. If yes, why?

2.7. Has your village been affected by resettlement programs? Yes □ No □

2.7.1. If yes, how was land allocated to new families?

2.8. What consequences did LA have on communal land (forest and grazing area)?

2.8.1. ...concerning its management?

2.8.2. ...concerning its use?

2.8.3. ...concerning its protection?

2.9. Do you as a village feel less or more responsible for communal (forest) land after LUP/LA?

2.10. Does your village have a village agreement?

2.11. Would you prefer to have a certificate to secure your communal areas or do you already feel secure enough about it?

3. Village area

3.1. How do you control your village area and the land use within?

3.2. Do you have village regulations?

3.3. Is the village boundary undisputed after LUP?

3.4. Do or did you have land use conflicts?

3.4.1. between villagers Yes □ No □

3.4.2. with outsiders Yes □ No □

3.5. If yes, were they solved and how?

3.6. Do members of your village use land outside the village boundary?

4. Finance

4.1. How is the Land Tax for your village determined?

4.1.1. ...determined?

4.1.2. ...collected?

4.2. How is the Natural Resource Tax for your village determined?

4.2.1. ...determined?

4.2.2. ...collected?

4.3. What percentage of the land tax is returned to the village from the state budget?

5. Land market

Sale

5.1. Has land in your village been sold? Yes □ No □

5.2. If yes, to other villagers or outsiders?

5.3. Has it been sold with or without documents?

5.4. Who approved the sale and is it registered?

Inheritance

5.5. What is the traditional procedure of land inheritance in your village?

Lease

5.6. Is land being leased or leased out in your village?

Give-away

5.7. Has land been given away in your village without payment? Yes □ No □

5.8. If yes, for what reasons?

6. Shifting cultivation?

6.1. Do you practice shifting cultivation in your village? Yes □ No □

6.1.1. If yes, how many families do it?

6.2. Has shifting cultivation increased, stagnated or decreased since LUP/LA was carried out?

6.2.1. If it has decreased, did that lead to a shortage of agricultural land in your village?

7. Land certificates

7.1. What are the different types of land certificates people in your village hold?

7.2. For what categories of land are they?

7.3. How many villagers have tried to apply for a land certificate?

8. Main impacts of Land Allocation

8.1. What have been the benefits of LUP/LA (for households and community)?
8.2. What have been the negative impacts of LUP/LA (for households and community)?

9. How could Land Allocation be improved in rural areas from your perspective?
   9.1. Institutional framework and responsibility
   9.2. Legislature
   9.3. Capacity building / training
   9.4. Cooperation between line agencies
   9.5. else

21 Interview guideline Household

1. **Personal data:**
   1.1. Person interviewed:
      - Male □
      - Female □
      - Age:

   1.2. Members of household:
      | Number |
      |--------|
      | Men    |
      | Women  |
      | Children |
      | How many labor |

   1.3. Ethnic group/origin, since when in village?
   1.4. What is your main activity?
   1.5. Do you have an additional source of income?
   1.6. Which crops do you cultivate:
      | Type | Area |

2. **Perception of LUP/LA**
   2.1. Do you remember Land Use Planning and Land Allocation being carried out in your village?
      - Yes □
      - No □

   2.2. If yes, how did you experience it?
   2.3. What is in your eyes the purpose of Land Use Planning and Land Allocation?

2.4. Were villagers sufficiently included in the process or would you have preferred to be included more?

<table>
<thead>
<tr>
<th>Did not</th>
<th>Insufficient</th>
<th>Undecided</th>
<th>Sufficient</th>
<th>Very Sufficient</th>
<th>Do not know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultation before start of LUP/LA</td>
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<tr>
<td>Participation during process of LUP/LA</td>
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<tr>
<td>Respect of LUP/LA for local traditions</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Village LUP/LA meeting</td>
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</tbody>
</table>

2.5. What is the status of unallocated land in your village?
2.6. Has security of land increased, decreased or not changed at all in your village after you received LUC?
3. **Land use / ownership / certificates** (ask to present certificates):

<table>
<thead>
<tr>
<th>Type</th>
<th>Size</th>
<th>When received</th>
<th>How received</th>
<th>Inheritance</th>
<th>Purchase</th>
<th>Exchange</th>
<th>Lease</th>
<th>other, please indicate</th>
<th>What type of certificate</th>
<th>To whom is it issued</th>
<th>How much did you pay for it?</th>
</tr>
</thead>
<tbody>
<tr>
<td>House</td>
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<td>Timber trees</td>
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<tr>
<td>Fishpond</td>
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<tr>
<td>Land for livestock</td>
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<tr>
<td>Shifting cultivation</td>
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<tr>
<td>Other (please indicate)</td>
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</tr>
</tbody>
</table>
3.1. If the land you cultivate is not registered, what keeps you from doing it? (Several answers possible)
- Costs (fees, additional costs) □
- Distance □ ...................................
- Disputes □
- Lacking documents /evidence to support your claim □
- Not necessary, land is safe □
- Land registration not familiar / don’t know how to do it □
- No interest □
- Other reasons (please indicate)

4. **Agricultural production**
   4.1. Do you harvest enough for the need of your family? **Yes** □ **No** □
   4.2. If no, is the shortage of land or a shortage of money to develop your land the problem?
   4.3. Where do you have surplus production and how much is it annually (quantity or equivalent)?

<table>
<thead>
<tr>
<th>Type</th>
<th>Quantity/Equivalent</th>
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</thead>
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</table>

4.4. What type of agricultural products do you have to buy?

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<thead>
<tr>
<th>Type</th>
<th></th>
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</tbody>
</table>

4.5. Have you ever used your land as collateral? **Yes** □ **No** □

5. **Labor force**
   5.1. Do you hire labor? **Yes** □ **No** □
   5.2. If yes, how much? .................................................................

5.3. Is the size of your land sufficient for the labor force at your disposal?
   □ **Sufficient**  □ **Not sufficient**
   5.3.1. If not sufficient, what is the reason you do not have enough land?
   5.3.2. How much more land could you work?

5.4. Do you lease land in addition to your plots? **Yes** □ **No** □
   5.4.1. If not, why (availability, costs)?

5.5. Do you lease out your land? If yes, what is your arrangement:
   - Cash □
   - Share of harvest □
   - For free □
   - Other arrangements (please indicate)

5.6. Did you ever transfer or sell any land? **Yes** □ **No** □
   5.6.1. If yes, for what reason and what type of land?

6. **Is shifting cultivation performed?** **Yes** □ **No** □
   (If yes, please continue. If no, continue after box)

7. **Shifting cultivation**
   **Size:**
   7.1. How many plots do you farm in shifting cultivation?
   7.2. How many plots in shifting cultivation would you need to have enough production area for the family?

Changes to shifting cultivation after Land Allocation:
   How many plots did you work in shifting cultivation before Land Allocation?
   7.3. What is the traditional way of distributing shifting cultivation plots in your village?
   7.4. Who decides and how?
   7.5. How long was the rotation period for shifting cultivation plots about 10 years ago?
   7.6. How long is it today?
7.7. What is the situation today? Number of plots, change towards more permanent land use?

7.8. Is the harvest increasing □, stagnating □ or decreasing □ on your shifting cultivation plots, please comment?

7.9. With your shifting cultivation plots, are you better off □ or worse off □ after LUP/LA?

8. Land conflicts:

8.1. Did your family ever have a land conflict?
Yes □ No □
If yes, of what type:
Within family □
Inheritance conflict □
With neighbors □
Within village (neither neighbors nor family) □
With neighboring village □
With authorities □
With outsiders □
Somebody else (please indicate) □

8.2. Was it solved? Yes □ No □
8.2.1. If yes, how?
8.2.2. If no, why not?

8.3. How secure do you feel about your land rights? (tick box)

<table>
<thead>
<tr>
<th>not secure at all</th>
<th>somewhat insecure</th>
<th>undecided</th>
<th>rather secure</th>
<th>very secure</th>
</tr>
</thead>
</table>

9. Land inheritance:

9.1. Have you received land from your parents? Yes □ No □

9.1.1. If yes, do you have the transfer documented?

9.2. Did you pass on any land to your children?
Yes □ No □
9.2.1. If yes, how was it distributed / If not, how would you do it?
To eldest son □
To eldest daughter □
Equally among children □
More to caring child □
To somebody else (please indicate) □

9.3. Who made that decision?
Husband □
Wife □
Both □
Somebody else (please indicate) □

10. Wrap up:

10.1. In what respect have your living conditions changed after LUP/LA over the past years?

Questionnaire Nr.:......................................... Village:
District .......................................................... Province
Date of interview .......................................... Length of interview
Name of interviewer .....................................