

LAOS

Smallholder farmers in Xiengkhouang Province pose for a photo with the District Governor after receiving their certificates. © VFI



Improving Tenure Security of Smallholder Farmers in Luang Prabang and Xiengkhouang Provinces, Laos

Prepared by Village Focus International

THE LAND SECTOR

The country's land area covers about 238,800 square kilometers, of which about 11 percent (some 25,000 sq. km.) are arable land.

Laos has the highest poverty rate among the Mekong countries (Vietnam, Thailand and Cambodia), with about 30 percent of the population living below the poverty threshold of US\$1.25 a day as of 2012 (SODA, 2015).

Sixty-nine percent of the country's population of 7,123,000 people (Laosis, 2021⁶) lives in rural areas, and 90 percent of them are engaged in agriculture (MAF, 2012).

According to the United Nations (UN) (2015), the poverty rate in rural areas is 2.9 times higher than

in urban areas, and remote upland regions are poorer than rural lowland areas.

Gender and poverty are also linked. Women are poorer and work longer hours than men (SODA, 2015). However, poverty among female-headed households is significantly lower (17% in 2012/13) than among male-headed households (24%).

Overview of the legal and policy environment on the poor's access to land

Prior to 1975, all lands in the country had belonged to the King.⁷ At the village level, however, farmers were free to manage the land according to customary tenure rules. Following

⁶ <https://laosis.lsb.gov.la/>

⁷ The last king, Sisavang Vatthana, ruled until December 1975, following which he surrendered the throne to the Pathet Lao, or the Lao People's Liberation Army. The latter abolished the monarchy in favor of a Marxist-Leninist State called the Lao People's Democratic Republic, which has controlled Laos ever since.

the 1975 revolution, all lands and farming were put under the control of the government and cooperatives. This farming model did not work as many cooperatives broke up into individual farms. After 1986, the Lao Revolutionary Party adopted a socialist market economy policy, whereby lands were assigned to individual households and a free market economy was put in place.

In 1996 the government began implementing land use allocation and zoning to discourage shifting agriculture, which was blamed for forest degradation (Souvanthong, 1995). In 2000, land use allocation was completed in 7,117 villages, or 83 percent of villages in the country. Various land use tools were produced to manage forest lands, including Participatory Land Use Planning (PLUP), Participatory Agriculture Land Use Management (PALM) and Participatory Forest and Agriculture Land Use Planning, Allocation and Management (PFALUPAM). However, these tools did not fully recognize the land tenure rights of rural communities, resulting in adverse effects on land tenure and rural livelihoods where development projects were implemented. (Ducourtieux & Castella, 2006).

The Lao government is working to improve its legal framework on land. In 2017, in response to concerns over the lack of transparency in processes used to manage land in Laos, the Central Party Committee committed to greater transparency in land management through Resolution No. 26, on the Enhancement of Land Management and Development in the New Period, noting:

The Government manages land in a centralized and consistent manner across the country by assigning the Ministry of Natural Resources and Environment [MONRE] to act as focal

LIST OF ACRONYMS

BMZ	Germany's Federal Ministry of Economic Cooperation and Development
CSO	civil society organization
DAFO	District Agriculture and Forestry Office
DALAM	Department of Agricultural Land Management
DoL	Department of Land
DONRE	District Office of Natural Resources and Environment
GIS	Geographic Information System
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GLTN	Global Land Tool Network
GPS	Global Positioning System
LIWG	Land Information Working Group
LSSWG	Land Sub-Sector Working Group
MAF	Ministry of Agriculture and Forestry
MONRE	Ministry of Natural Resources and Environment
MRLG	Mekong Region Land Governance
NA	National Assembly
PAFO	Provincial Agriculture and Forestry Office
PFALUPAM	Participatory Forest and Agriculture Land Use Planning, Allocation and Management
PLUP	Participatory Land Use Planning
PONRE	Provincial Office of Natural Resources and Environment
RECOFTC	The Regional Community Forestry Training Center
SALaR	Secure Access to Land and Resources
STDm	Social Tenure Domain Model
TABI	The Agro-Biodiversity Initiative
VFI	Village Focus International

point of management with delegation of more responsibilities to local authorities to ensure land management and administration by using a modern and highly effective system in line with best practices, scientific principles and transparency.

“As stated in the Land Law (2019), villagers are allowed to use land that they have occupied and utilized for more than 20 years before the law took effect.”

In 2019, two laws governing land use rights recognition -- the 2003 Land Law and the 2007 Forestry Law -- were revised and adopted by the General Assembly.

Article 130: Acquisition of the Customary Land Use Right of the Land Law provides that:

“The acquisition of customary land use right is the acquisition by Lao citizens of their occupied and used lands through clearance, development, protection and regular use of the land for more than twenty years before this Law becomes effective and without document certifying the acquisition of the land but subjected to certification from village administrative authorities and the owners of adjacent land parcels regarding the continuous land occupation and use without any disputes or with disputes which have been already settled.”

While land registration has yet to [be] conduct[ed] for [the purpose of] issuing individual land titles, the State acknowledges and protects the customary land use rights of the person and proceeds with land title registration in accordance with the laws.

As stated in the Land Law (2019), villagers are allowed to use land that they have occupied and utilized for more than 20 years before the law took effect. However, in the last two decades,

the government has encouraged many small villages to merge with bigger villages closer to development services and markets (Lyttleton et al., 2004). It has also reallocated land use and land tenure rights for the new village resettlement.

Meanwhile, the Forest Law (2019) aims to restrict shifting cultivation by encouraging settlement and sedentary livelihoods in forest areas, assigns to the Government and local authorities the management and allocation of land to villagers living in forest areas [Article 71 (para. 3) and Article 118]. A village land use planning has been conducted to identify the forest and agricultural land use zone and to allow villagers to use the land within the agriculture zone. Three guidelines were used for land use planning implementation namely:

- Participatory Agriculture and Forest Land Use Planning (or PLUP) at Village and Village Cluster Level, issued by MAF and NLMA, 2010;
- Participatory Agriculture Land Use Management (PALM); and,
- Participatory Forest and Agriculture Land Use Planning, Allocation and Management (PFALUPAM).

All the while, however, communities had been customarily managing forest land without any legal documents.

Other relevant laws and legal documents were used for land registration, including:

- Decree on the Implementation of the Land Law, Prime Minister, No.88/2008;
- Ministerial Directive on Cadastral Surveying and Cadastral Mapping No. MONRE 6035/2014; and,
- Ministerial Directive on Land Registration and Land Titling, MONRE No. 6036/2014.

Table 1. Social-Economic indicators of Lao PDR

Economic indicators	Unit	Number	Date
GDP	US\$ Billion	18.17	2019
GDP growth	%	4.65	2019
Contribution of agriculture sector to GDP	%	15.29	2019
Total land area	Hectare	23,795,500	2020
Arable land under cultivation	Hectare	1,525,000	2016
Total population	X 1000	7,123	2019
Female	%	49.9	2019
Male	%	50.1	2019
Population density	Persons/sq.km	32	2021
Urban population	%	35.7	2021
Rural population	%	64.3	2021
Poverty incidence (Country)	%	23.2	2013
Rural	%	28.6	2013
Urban	%	10.0	2013
Agriculture labor force who are women	%	63.54	2019

Source: World Bank (2020)

Institutional set-ups in the land sector

The new Land Law (2019) assigns responsibility for the use of eight types of land to different government ministries, such as the Ministry of Agriculture and Forestry, the Ministry of Industry and Handicrafts, the Ministry of Communication, Transport, Post and Construction, the Ministry of Information and Culture, the Ministry of National Defense, and the Ministry of Security.

However, the MONRE is responsible for land management and allocation of land to individuals, families and organizations and for the registration of all land in the country.

The Ministry of Agriculture and Forestry is charged with the management of agricultural land and forestry land, determining different

categories of agricultural and forestry land for management, protection, development and use.

Gaps and challenges of the land sector

Agricultural and forest lands are initially allocated through a land use planning system. Holders of agricultural land that have farmed the land continuously for three years may apply for the issuance of “long term use rights” by provincial authorities.

In practice, however, land use planning alone is insufficient to secure recognition of the tenure rights of rural communities and the poor. Land title registration under the current law is hampered by the high costs associated with it as implementors prefer the use of a high-accuracy, but very expensive, Global Positioning System

Table 2: General Project Information

Title	Improving Tenure Security of Smallholder Farmers in Select Areas in Lao PDR (ITSSF)
Main project partners	<ul style="list-style-type: none">■ Village Focus International (VFI)■ The Agro Biodiversity Initiative (TABI)■ The Center for People and Forests (RECOFTC)■ Mekong Region Land Governance (MRLG)■ Department of Land (DoL)
Project sites	<ul style="list-style-type: none">■ 4 villages in Phonxay Luang Prabang Province■ 4 villages in Phoukoud, Xiengkhouang Province

(GPS), such as the Real-time kinematic (RTK). A province usually has only one or two of this equipment to be shared among many districts. Thus, individual land title registration has been limited to urban and peri-urban areas.

The MONRE issues titles for individual tracts of rural agricultural land *on an ad hoc basis*, and only to individuals or companies who can afford to pay fees amounting to as much as USD 100 per plot.⁸

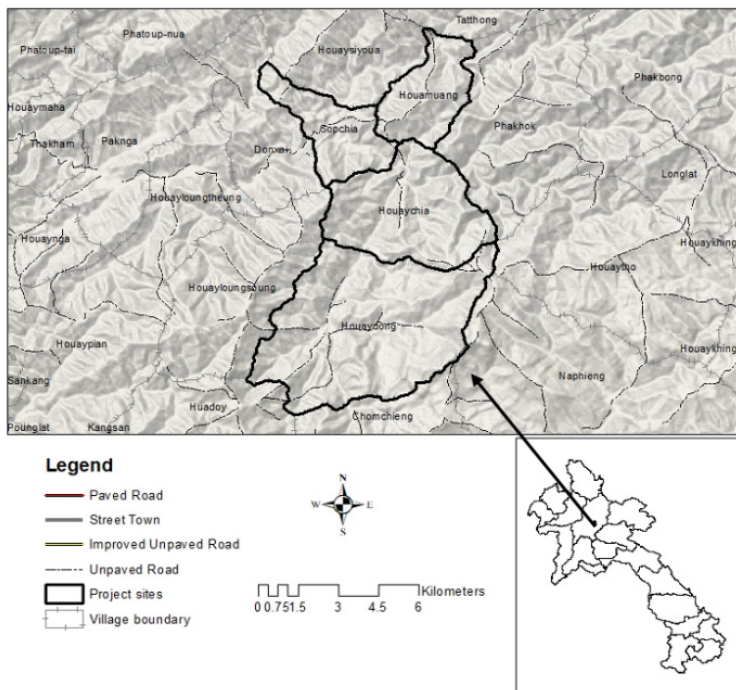
Agricultural lands are not systematically titled, thus undermining the Government's work to accelerate land registration in rural areas. The Government announced that it would issue 460,000 agricultural land titles from 2016 to 2020, and that by 2030, it expects to register all land (MONRE, 2018). The country's 783,000 farm households each have about 1.6 hectares of land. However, only 20 percent of these households have permanent land use rights (Open Development Laos, 2021). Occupants only have temporary land use certificates that were issued in the late 1990s and hold customary tenure. Few protections are available to them when illegitimate or conflicting claims are made on customary land, either within the village or by external parties.

⁸ The stated price for issuing a title to a plot of land is US\$20. However, an applicant also pays for the travel costs and Daily Subsistence Allowance (DSA) of MONRE authorities. The processing time could also take up to three months.

At the same time, the National Master Plan for Land Allocation (2018) targets to increase the country's forest cover to 70 percent by 2030. However, almost 3,000 villages are currently located in forestland and many other villages are located adjacent to forest areas with some part of their land found therein. Presently, there is no clear mechanism to recognize villages' use rights within forest lands (MRLG, 2019).

All of this leads to weakness in land tenure security, resulting in reduced availability of land for customary and collective agricultural use. Loss of land tenure security has been shown to negatively impact food security and livelihoods.

Nevertheless, the Government acknowledges the need for a collective land titling mechanism. The 2006 Prime Minister's Decree on the Implementation of Land Law (No. 88) indicates that "collective land" can include land that has been granted to be jointly managed by village communities. Other legal documents, such as Instruction 6036 on Land Registration and Titling, further clarify the meaning of "collective land" and allows for titling and management of collective land, although no regulations or policies give straightforward guidance on the mechanisms and structures for registration and management of collective or communal land. As reviewed by the Ministry of Natural Resources



Map showing Phonexay District, Luang Prabang Province.

and Environment (MONRE) in conjunction with the Ministry of Justice (MoJ), the new National Land Law has been recently issued.

PROJECT OVERVIEW AND OBJECTIVES

The Secure Access to Land and Resources (SALaR) project is designed to uplift rural smallholder farmers towards improved land and natural resource conservation through improved collective land registration, planning and mapping of tenure characteristics in a customary land context. The overall objective of this project is to *develop and promote a model integrating communal land planning, registration, titling, and management*. At its core, the project aims to convert the collective land tenure practices already customarily in place at the village level into formal recognition of collective agricultural land rights.

The project is a Global Land Tool Network (GLTN) initiative and is funded by Germany's Federal Ministry of Economic Cooperation and Development (BMZ). SALaR is being implemented in Laos by Village Focus

International (VFI) in partnership with The Agro-Biodiversity Initiative (TABI) project and Mekong Region Land Governance (MRLG) and RECOFTC under the workstream of customary tenure recognition.

In order to address the unique land tenure challenges in Laos, GLTN pro-poor approaches and tools, such as the Continuum of Land Rights, Participatory Enumeration and the Social Tenure Domain Model, were used to fast-track the land rights documentation of unregistered smallholder farmers. The pilot activities targeted rural communities engaged in collective land use practices.

PROJECT TARGET GROUP AND SITES

The two target districts are located adjacent to each other, while belonging to separate provinces – Luang Prabang and Xiengkhouang, as shown in the map above (Figure 1). Phonexay is a mountainous district, in which the majority population (including in the target villages) is *Khmu*. *Khmu* traditionally practice shifting cultivation and collect non-timber forest products for food and income. They live on the mountains and plateau areas; while some of them reside in lowland/valley areas along the rivers.

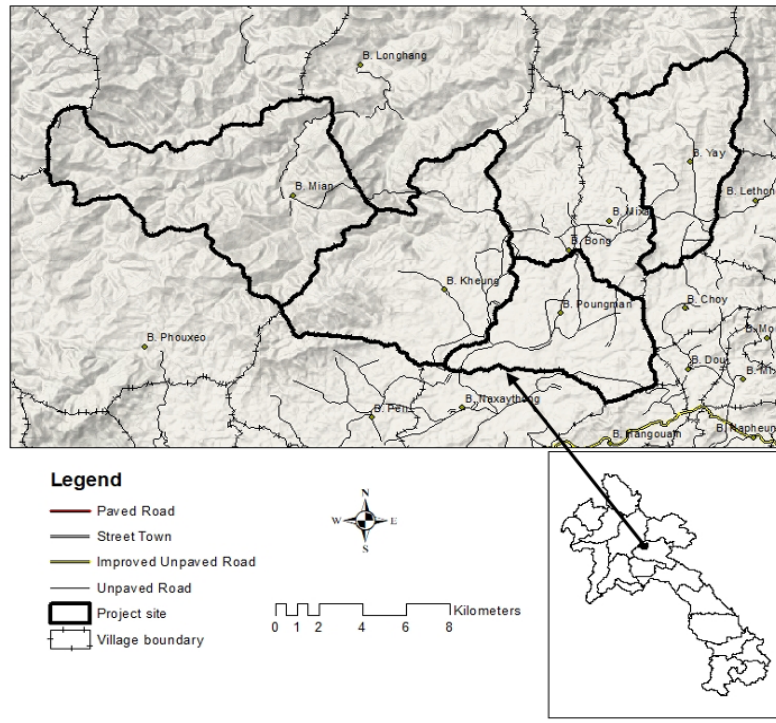
In contrast, in Phoukoud, most villages are located on a high plateau at about 1,200 meters in elevation, and where there is an extensive area of natural grasslands suited to animal raising. The ethnic Lao and Hmong villages in this area are able to earn good income from the sale of large livestock, making them better off than those in Phonexay. The Lao villages also have paddy land which provides a surplus of rice for most families; thus, their farmers do not need to engage in shifting cultivation.

The project selected four villages in Phonexai District of Luang Prabang Province and four villages in Phoukoud District of Xiengkhuang Province. The selection of target villages was made in consultation with provincial and district authorities, as well as with the TABI team. The project team conducted rapid appraisal and Free Prior and Informed Consent (FPIC) to make a final selection for the project baseline survey.

PARTNERSHIP AND INSTITUTIONAL ARRANGEMENTS

The project supported and strengthened the implementation of Participatory Forest and Agriculture Land Use Planning, Allocation and Management (PFALUPAM) by The Agro-Biodiversity Initiative (TABI) project for customary tenure right recognition. The SALaR project provided the technical training on the process and tools for implementation of land registration using the Social Tenure Domain Model (STDM tool).

The project supported the multi-stakeholder coordination through the Mekong Region Land Governance (MRLG) Workstream, the Land Sub-Sector Working Group (LSSWG), the Land Information Working Group (LIWG), and through the partnership with The Regional Community Forestry Training Center (RECOFTC) and TABI. In coordination with RECOFTC and with support from MRLG, the project also directly improved land tenure interventions in the target villages. The project promoted the multi-stakeholder platforms to the villagers through knowledge sharing, awareness-raising, and capacity building on the use and application of STDM, as well as of pro-poor, fit-for-purpose, and gender responsive land tools and approaches.



Map showing Phoukoud District, Xiengkhuang Province.

The project also raised the awareness of the stakeholders through training, stakeholder sharing workshops, MRLG Workstream meetings, the LSSWG meeting, and the LIWG sharing platform. Eight CSOs and development partners were involved in the Workstream, and more than 30 Lao CSOs, INGOs, and government offices optimized these connections. Finally, all parties benefitted from the development and potential use of the technical guidelines, tools, and methods to support communities to achieve tenure security on customary lands.

At the level of policy, the creation and implementation of this project involved close collaboration with the Department of Land (DoL), within the Ministry of Natural Resources and Environment (MONRE) in order to build capacity at the ministry, provincial and district levels. This collaboration resulted in the agreement to work in the two districts.

At the local level (provincial and district levels), the project also worked with the Provincial Office for Natural Resources and Environment (PONRE) and the District Office for Natural Resources and Environment (DONRE), which are responsible

for land use planning and land registration. The project engaged with PONRE and DONRE staff as technical team members to facilitate project implementation.

PROJECT ACCOMPLISHMENTS

Component 1: Land tools implementation

Land tools implementation addressed the limited skills and capacities of communities on land tools and approaches by adapting, implementing, and strengthening Lao land tools through the integration of GLTN tools, including appropriate pro-poor, fit-for-purpose, gender-responsive, effective, and sustainable land tools and approaches. The project developed implementation guidelines for the trainings and made them available for the key land sector stakeholders.

Consultation with partners

In order to prepare for implementation, the project consulted with different stakeholders, including government land sector actors and key NGOs partners, to identify gaps, and to determine the best tools and approaches to address issues related to customary land tenure security in the rural areas of Laos. The project worked closely with the TABI project, which has implemented land use planning (PFALUPAM) in the target villages. The consultation revealed that the majority of the population lack formalized land rights and are vulnerable to the loss of essential land.

The project also identified key issues and causes of problems that relate to customary tenure security in the target villages. These problems were addressed in the development of land tools

for capacity-building and implementation in the target villages (see Table 3).

Currently, there is no clear mechanism to formalize customary land rights. The government has included provisions in the law for registering collective agricultural land. However, there are no guidelines for the process.

Prioritization of land tools and approaches

To address the gaps, the project and the DoL reviewed the tools that have been used in Laos. The project adopted selected GLTN tools to address the customary tenure rights issues in the selected project sites, as shown in Table 4.

The GLTN tools were developed for the Lao context. These were then incorporated into the existing implementation guidelines and training curriculum to ensure that all tools are implemented properly at the village level.

Creation of detailed work plan for implementation of the land tools

After the project developed the tools, a detailed work plan for implementation at the field level was prepared in consultation with the DoL, TABI, RECOFTC, and MRLG to ensure that the project is integrated. The project team included actors at both the national and local levels, including the steering committee and the implementation teams. The Steering Committee consisted of the Deputy Director of DoL, Deputy District Governor, Vice Head of PAFO, DAFO, PONRE, DONRE. The implementation teams consisted of the technical staff of the same organizations.

Table 3: Summary of key issues of customary tenure security

Key Issues	Cause of Issues
Tenure insecurity over collective agricultural land	<ul style="list-style-type: none"> ■ Uncertain land use over shifting cultivation areas ■ Land use pressure caused by population increase ■ Villagers have no land certificate to verify their tenure rights, especially in shifting cultivation areas
Women lack the opportunity to participate in land use planning	<ul style="list-style-type: none"> ■ Cultural aspects marginalize/exclude women, preventing them from having a voice and limiting them to labor at home and on their farms
Land conflicts	<ul style="list-style-type: none"> ■ Village Mediation Committees lack capacity and tools to solve problems ■ Unclear land boundaries ■ Customary rights not recognized by other villages and by local authorities
Forest encroachment and loss of biodiversity	<ul style="list-style-type: none"> ■ Village organizations lack capacity and strategies to conserve forest areas ■ Lack of capacity to delimit encroachment
Most members of village organizations are elderly people; labor and brain drain to the cities	<ul style="list-style-type: none"> ■ Young people mostly move to the cities to study or to work ■ Only married people, children, and elders remain in the villages

Development, adoption and customization of the tools and approaches

The project customized and developed the implementation tools according to the Lao context:

- STDM user manuals were translated into Lao language for use by the local enumerators, government officials, and other stakeholders.
- The enumeration forms were developed to be compatible with legal land registration forms of the government. The forms were integrated into the STDM application and exported to the tablets for data gathering.
- A technical guideline for land tenure management was developed to guide the project team on the process and methods of implementation at the village level.
- Communication tools were also produced to deliver important messages to villagers, such as on gender equality, land conflict mediation and land registration.

However, the tools and approaches remained in draft form. The final version of the guidelines was finalized at the end of the project, together with lessons learned, policy briefs, and tools adapted for adoption at the national level.

Community orientation, community consent and development of a participatory plan

District governors selected the project sites in Phoukoud District of Xiengkhouang Province and Phonexay District of Luang Prabang Province. After site selection, the local enumerators were identified using the following criteria: two young women and two young men in each community that have the capacity to use GPS and tablets, as well as the capacity to write in the Lao language.

Project orientation meetings were organized in a total of eight villages. The meetings aimed to ensure that each community understood the purpose and expected outputs of the project, and consented to participation. The project team

Table 4: Summary of land tools and gaps

Land tools	Key adoption gaps for GLTN tools
Collective Agriculture Land Management (CALM)	The CALM guideline was developed in collaboration between DALAM, VFI and MRLG. This tool emphasizes the collective land registration process and management system.
Participatory Forest and Agriculture Land Use Planning, Allocation and Management (PFALUPAM)	PFALUPAM is a detailed land use planning process that was developed by TABI, NAFRI and the Department of Agricultural Land Management (DALAM) to strengthen biodiversity conservation within land and forest areas. PFALUPAM has been implemented in all of the project sites but there is a need for another review to ensure that land use categorization is still valid.
Land registration process	<p>This is a legal process of the government to issue land titles to individual households. However, the process requires high costs and equipment to register land. Thus, in negotiation with the DoL, the project has adopted GLTN fit-for-purpose tools in the implementation process, including:</p> <ul style="list-style-type: none"> ■ Free, Prior and Informed Consent ■ Continuum of Land Rights Approach ■ Fit-For-Purpose Land Administration ■ Participatory Enumeration ■ Social Tenure Domain Model ■ Youth and Land Responsiveness Criteria ■ Gender Evaluation Criteria ■ Land Mediation

provided information about gender equality, land conflict mediation, and land registration to the villagers to allow them to prepare their lands before the project began. The project team then conducted a survey of each plot, and installed boundary markers⁹. They also helped in solving conflicts and assisting participants in accomplishing the requisite land registration forms.

The results of the meetings showed that the villagers clearly understood the importance of land registration for tenure security and of gender equality relating to land. Every household in each village signified the willingness to participate in the project. Orientation on land registration and use of the STDM tool was well-received in the target villages. Engagement of female enumerators showed a commitment to gender equality and helped the villagers understand its importance.

⁹ Boundary markers are either colored wood or stone.

Conduct of customary land use assessment, identification of collective land areas, and mapping of individual plots inside collective areas

Customary land use is the predominant system in villages in Xiengkhouang and Luang Prabang provinces. It is a non-permanent agriculture land use system that does not have clear regulations on the issuance of land right certificates. Customary land use is observed in customary reserved land and collective fallow land.

Collective land refers to State land that is used for collective purposes. The State grants collective land use rights to villagers for the communal use of the land in accordance with the local land allocation plans and the laws. These lands include cemeteries, sacred forest, common ponds, temples, schools, health centers, village

administrative office, and village markets (Article 81 of Lao Land Law 2019).

Shifting cultivation areas are also classified as collective land. Under the TABI project, PFALUPAM was used to schedule cultivation and fallow periods on this type of collective land.

During the farming season, villages allocate individual plots to families to grow their own rice or other cash crops for consumption and sale. When the farming season is over, the lands are left fallow and used for collective purposes, specifically for the collection of non-timber forest products (NTFPs). Villages re-allocate the fallow lands every year for upland rice while retaining areas for collective use. In some villages, individual families cannot claim exclusive use or rights.

To register the collective land, ground surveys were implemented in every village. The project identified the collective agriculture land within the villages and registered a total of 143 plots within the eight villages.

Registration/titling of collective agricultural land

The project tested the integration of the land survey into the STDM tool and the Lao land registration system. A total of 1,826 land plots consisting of 2,902 hectare were identified in four villages in the two provinces. Four villages in Luang Prabang province were identified for the project, namely, Sopchia, Huameuang, Houaychia and Houaydong. These villages were surveyed, and 1,012 agricultural land plots were identified. Meanwhile, the four villages identified in Xiengkhouang province were Kherng, Puongmanh, Mien and Yaiy. These villages were

surveyed and 1,020 agriculture land plots were identified.

The project also identified and issued a total of 162 of collective land certificates covering 2,631 hectares in the two provinces. Data from the ground survey was entered into the STDM system to create a database that the district authority can use. Data from a total of 1,708 land plots — 743 plots in Luang Prabang and 965 plots in Xiengkhouang — have already been entered. The location of houses in four villages in Luang Prabang and four villages in Xiengkhouang was marked with the use of Global Positioning System (GPS) devices. Socio-economic and land use data from eight villages was entered into the STDM system.

A total of 1,039 certificates of demarcation were issued to households in the two provinces – 605 certificates in Xiengkhouang Province and 434 certificates in Luang Prabang Province.

Land use plan developed in the target villages

The review of land use planning in the target villages was done in consultation with the village land committees. It aimed to identify land use zones for the purpose of recognizing the land rights of village members. Currently, holders of residential and permanent agriculture land can receive land titles, but holders of non-permanent agriculture lands and natural grazing land, which are identified as customary land use zones, cannot receive land titles. This is a major obstacle for village members. This project adopted selected GLTN tools, including STDM, in order to legalize land ownership and use of land, and to formally recognize the customary land rights of village members. The process of reviewing land use planning also identified the regulations for

managing land and forest lands of the target villages.

The project also reviewed and added buffer zones onto road sides. Furthermore, it identified military land, where boundaries with village land are still unclear, especially in Xiengkhouang Province. The result was a revised land use plan in the target villages.

Land conflicts, mediation process and gaps

The baseline/household survey yielded details of past land conflicts in four selected villages and how they were mediated.

Before the project, there were few land conflicts in Phonexay and Phoukout districts, and these were over boundary conflicts or land encroachment. Most cases had been resolved by the disputing parties themselves or with the help of relatives or a unit (sub-village) leader; only three cases needed to be resolved by the village mediation unit (VMU). The VMU was reported to charge between 50,000 and 100,000 kip/party (approximately US\$5 to 10) as a fee for resolving grievances. Any dispute which could not be resolved by the VMU was elevated to the District Justice Office.

Eventually, disputes were resolved as a pre-condition for the issuance of certificates.

Table 5 shows the summary accomplishments for Component 1.

Component 2: Capacity development

Capacity development included mapping out, prioritizing capacity needs, and developing a capacity plan to provide training to the project

implementation team and villagers. Capacity gaps included collective land management, STDM tool and land registration survey skills, conflict mediation relating to land, and access to knowledge and information.

Preparation of capacity needs assessment tools and processes

Two types of needs assessment have been conducted. The first was conducted in consultation with GLTN and focused on adapting GLTN tools to the Lao context. The second was conducted by the VFI team to assess the capacity needs of provincial, district and village officials.

Based on the results of the needs assessment, a semi-structured interview format was prepared for the various stakeholders (provincial and district counterparts, and members of two target villages).

A total of 58 stakeholders (six women and 52 men) were interviewed in the two provinces. Information is provided in Table 6.

During the field survey and in discussions with key stakeholders and interviews with local authorities and village members, knowledge gaps were identified as follows:

Table 5: Households mapped and certificates issued

Households mapped	978
Farm plots mapped	
■ Number	1,169
■ Area (hectares)	4,907
Certificates issued	
■ Number of households	978
■ Number of certificates	1,039 ⁶
■ Area (hectares)	2,631

⁶ Of which 131 certificates were issued solely under the names of women

- Different stakeholders have different definitions for collective and customary lands. Common definitions are needed to facilitate understanding. Village members thought that “collective land” referred to community forests (use, protection and watershed), and agricultural land that has not yet been claimed. One respondent in Hua Meuang noted that it includes the narrow and steep bits of land along creeks where farming cannot be undertaken.
- The laws relating to the issue of concessions, including roles and responsibilities, need to be understood and implemented by all parties to ensure that the proper legal process is followed.
- Unlike the Phoukoud team, the Phonexay team does not have practical experience in measuring collective agricultural land.
- All levels of government (province, district and village) need to receive training on how to apply the Land Law 2019 (including its guidelines for Customary Land Tenure, if they exist).
- The level of understanding between men and women is different. Women have fewer opportunities than men to gain practical skills from fieldwork. Particular effort is needed to identify and train women, and particularly ethnic women who represent one of the vulnerable groups. An investment in women may bring unexpected benefits, such as being able to attract more women to participate in meetings than would otherwise be the case, or being able to hold special

Table 6: Respondents of capacity needs assessment

Stakeholder type	Men	Women	Total
Provincial officials (PAFO, PONRE)	12	0	12
District officials (DAFO, DONRE)	9	0	9
Village committee (5 villages)	31	6	37
TOTAL	52	6	58

meetings to get women’s views in their own language. Many ethnic women are shy to speak out with men present, or have limited Lao language skills.

- There is limited capacity to use technology for land measurement.

The following capacity needs were determined:

- The use of the STDM tool is a new program for local officials and participants. Additional effort will be needed to ensure that community members with limited literacy skills can use the program with a tablet. Women will need to be actively sought and included in the training.
- Training in Quantum Geographic Information System (QGIS), should be given for MONRE and line agencies so that they can train the district authorities.
- An opportunity to learn from other areas on collective land management will help all staff to proceed to develop their capacity to manage land.
- A review of FPIC processes will ensure that poor women and men and vulnerable groups are respected and have the opportunity to participate fully in the project.
- The project needs to develop the capacity of ethnic staff members, particularly women, to become facilitators.

Development of prioritized learning plan

Three training packages were formulated in consultation with GLTN, TABI and government counterparts around three main areas as follows:

- STDM tool application and collective land management;
- Strengthening the land use planning with GLTN tools; and,
- Land registration and GLTN tools.

Development of training curriculum and materials

Three training curricula, including technical guidelines and materials, were formulated covering the following:

- STDM tool application and collective agriculture land management;
- Linking GLTN with PFALUPAM; and,
- Land registration process adopting/ adapting GLTN tools.

Learning events, including training sessions, that were conducted are shown on Table 7.



Project orientation in Xiengkhouang province. ©VFI

Of the total participants, the project prioritized youth from government counterparts and local communities.

The results of the training showed that the participants fully met the objectives of the training in the use of the STDM tool application, the process of land registration, increasing land tenure security, and gender equality.

Component 3: Fostering multi-stakeholder dialogues

Fostering multi-stakeholder dialogues resulted to building awareness and fostering multi-stakeholder mechanisms among change agents to improve tenurial security. Priority was given to existing mechanisms rather than creating new structures.

Stakeholder mapping and analysis

Stakeholder mapping was conducted at the central level. Various NGOs working on land were interviewed – particularly members of the LIWG that have helped to identify roles, practices and plans related to land tenure security throughout the country. Government counterparts in the land sector were also interviewed to help identify the roles, ongoing work, and strategic plans related to land tenure security.

Forging partnerships at various levels

Three key existing stakeholders have been working on land in Laos as follows:

■ Land Information Working Group

Land Information Working Group (LIWG) is a Lao network working on land issues and has a membership of 30 Lao civil society

organizations (CSOs). Members share information about land-related developments, investments and relevant policies. The network facilitates connections among sectors by connecting CSOs and preparing policy recommendations for the National Assembly.

■ **Workstream on Customary Tenure Recognition in Laos**

The Lao Customary Tenure Recognition Workstream started as an alliance of CSOs and development partners. It emerged from the Land Law Advisory Group (AG) and collaborated with the LIWG in support of advocacy for the inclusion of customary land rights in the Land Law.

The Workstream collaborates with many government agencies, including the Department of Land (DoL) of MONRE, the Department of Forestry (DoF), and the Department of Agricultural Land Management (DALAM) of MAF. There are eight CSO/development partners involved as: a) implementation partners [RECOFTC, TABI, LIWG, and VFI] and b) strategic partners¹⁰.

VFI and RECOFTC are engaged in the Workstream as implementation partners that support land tenure security for village lands located outside the three categories of forest (national protected forest, conservation forest, and production forest).

■ **Land Sub-Sector Working Group (LSSWG)**

The LSSWG was established in 2013 by the Sector Working Group on Natural Resources and Environment. LSSWG consists of land



Local authorities working on STDM data in the selected villages. ©VFI

stakeholders including the government, Lao CSOs, NGOs, donors, research institutes, and private sector actors.

Engagement of the Project with key stakeholders

The engagement of the Project in each platform depends on the work plan and discussion between the Secretariat and the members.

LIWG mainly acts as a secretariat to encourage members to share information on different platforms including workshops, meetings, or roundtable meetings.

Meetings of the Workstream on Customary Tenure Recognition are set according to the workplan of the project. The agenda of the meetings are discussed between implementation partners (MRLG, VFI, and RECOFTC) and the DoL.

The LSSWG is a government platform mainly organized by DoL as the secretariat. The platform was organized to present the progress and

¹⁰ The University of Bern Centre for Development and Environment (CDE), the UN-Food and Agriculture Organization (FAO-Laos), GIZ through the LMDP and ELTeS and MRLG Project Implementation Unit

Table 7: Training activities conducted

# of Training	Capacity Building Intervention	Date	Participants		
			Female	Male	Total
1	Training of Trainers (ToT) on the Use and Application of STDM and Collective Land Management	25 to 29 March 2019	4	38	42
2	Training on Strengthening PFALUPAM through Application of STDM for Natural Resources Security	23 to 27 October 2019	5	37	42
3	Training for the project team on the Land Registration Process and the STDM application for Luang Prabang Province	18 to 31 December 2019	2	12	14
4	Training of local enumerators on the Land Registration Process and the STDM application for Luang Prabang Province	29 to 31 December 2019	8	12	20
5	Training for the project team on the Land Registration Process and the STDM application for Xiengkhouang Province	25 December 2019 to 7 January 2020	10	2	12
6	Training of local enumerators on the Land Registration Process and the STDM application	5 to 7 January 2020	8	12	20
7	Land Information Working Group Sharing Workshop on Women and Land Rights	14 October 2020	34	24	58
8	Project Sharing Workshop on Lessons Learned	25 to 26 June 2020	5	50	55
9	Lessons learned and case study writing workshop in Xiengkhouang Province	19 to 25 July 2020	2	25	27
10	Lessons learned and case study writing workshop in Luang Prabang Province	27 July 2020 to 02 August 2020	2	24	26
11	End of project workshop and finalizing the implementation process on customary land use management	11 to 13 November 2020	2	23	25
Total			82	259	341

results of projects working on land. The topic and agenda are discussed between DoL and implementation partners and donors.

At the central level, the project collaborated with the DOL and MONRE to establish and implement the project. At the provincial and district levels, the project collaborated with the PONRE and the DONRE, particularly on activities related to land use planning and registration.

The project team at the various levels participated in capacity building sessions to

build the technical capacity to protect and promote smallholders' collective land security. Table 9 lists the materials produced by the Project.

EMERGING OUTCOMES

Acceptance of fit-for-purpose land tools

The project sought to address the limited skills and capacities of communities in documenting land tenure in collective land areas. Through the use of the STDM tool and other GLTN land

“Through the project, about 1,039 households received land demarcation certificates which now supersede the Family Land Book.”

tools, such as participatory enumeration and Gender Evaluation Criteria, the project was able to deliver a low-cost solution for recording land tenure along the continuum of land rights approaches.

This approach brought about a change of mindset among government officials towards fit-for-purpose approaches, and the STDM tool was accepted as an information tool to support collective land management at the local level.

Some of the notable accomplishments were: (1) acceptance of fit-for-purpose tools as opposed to high-end mapping equipment; (2) involvement of communities in land demarcation which led to the peaceful resolution of land disputes; and, (3), issuance of land certificates at reduced cost.

Improved land tenure security through issuance of formal land documents/ certificates

Through the project, about 1,039 households received land demarcation certificates which now supersede the Family Land Book. These certificates offer more security than the Family Land Book, whose recognition of rights to collective land is limited to the village level. The participation of the DoL was very important to achieving this outcome. The communities can now use the land demarcation certificates to apply for land titles as this certificate is compliant with the DOL’s requirements, including plot

measurement, land use characteristics, family information and past transactions on the land.

Potential of the STDM tool to complete the national titling system

Aside from providing a database for spatial and non-spatial data management, the STDM framework can be customized to suit local requirements and to fit into the national titling system. The DoL is exploring how to strengthen the linkage and complementarity between the STDM database and the Lao Land Registration System.

Similarly, the STDM tool has been accepted as the de facto information system for supporting village land management and land use planning at the local level.

Improved capacity of stakeholders

The improved capacity of district officials and government staff at the provincial level has facilitated their acceptance of the use of Imagery and handheld GPS as appropriate tools for land demarcation at the village level. There are increasing requests to operationalize the STDM tool though on-the-job skill-building at the district level. DAFO and DONRE appreciate the STDM model for its effectiveness and robustness and want to build strong capacity to scale its use.

Table 8: Frequency of engagement in platforms

Platform	Frequency of Engagement
LIWG	Once a year (depends on member requirements)
Workstream on Customary Tenure Recognition	Depends on the work plan
LSSWG	Twice a year

Type of knowledge products (brochures, issue briefs, etc.)	Number	Title	Brief description
Information materials			
■ Brochure (for community-dissemination)	1	Brochure on land tenure rights for land use planning and land registration (Lao)	Describes land rights and how the community can participate in the process of land use planning and land registration
■ Brochure (for community-dissemination)	1	Brochure on gender equality and land conflict mediation (Lao)	Explains the rights of women and men to land and the process for conflict mediation
■ Project video	1	SALAR project in Laos	Describes the project implementation in Laos
Learning materials			
■ Implementation guideline	1	Guidelines for implementation of customary land use management and registration (English and Lao)	Presents the steps and process of integrating land use planning and land registration to STDM and other tools
■ Guideline	1	Guidelines for STDM application (Lao)	Provides technical guidelines on STDM tool application
Policy papers and issue briefs			
■ Policy brief	1	Customary tenure recognition in Laos	Provides lessons learned from the project implementation and key relevant policies
■ Case studies	4	<ul style="list-style-type: none"> ■ Case study 1: Impact of customary land reservations on land management in Xiengkhouang Province ■ Case study 2: Impact of forest encroachment on non-timber forest products and forest use at the village level ■ Case study 3: Impact of expansion of grazing land on natural resource management ■ Case study 4: Benefits of land use certificates on land and natural resource management 	<ul style="list-style-type: none"> ■ Describes lessons from the project support for collective land management in Xiengkhouang ■ Relates to how forest encroachment affects villagers' use of the forest in Luang Prabang ■ Describes the impact of conversion of forest land into grazing land in a village in Luang Prabang ■ Presents the lessons and process of implementation of land registration and land use planning towards recognition of customary tenure in Xiengkhouang
Total	10		

The DoL has also requested project partners to train two of its staff in the application of the STDM tool in order to continue supporting the mapping work at the local level.

Through the participatory demarcation work and capacity building at the local level, many land disputes were resolved without the need for mediation. The resolution came about during the

demarcation activities by household members, including women.

Strengthened multi-stakeholder dialogues on collective land registration

The Project facilitated multi-stakeholder dialogues that contributed to building awareness on customary tenure recognition and to using multi-stakeholder mechanisms, such as the MRLG workstream, LIWG and LSSWG, to improve tenure security. The results of the dialogues fed into policy dialogues at the national level.

IMPLEMENTATION CHALLENGES ENCOUNTERED AND ACTIONS TAKEN

Land is a critical issue in Laos. Any project or action pertaining to land has to conform to laws and formal processes under the purview of the DoL and MONRE. Especially when the project is being implemented by NGOs, negotiating with the government about these requirements can be cumbersome and time-consuming. Thus, land projects should be designed with this in mind to ensure enough time for negotiation and approval. The SALaR project in Laos made sure that relevant ministries were involved throughout the project to ensure compliance and acceptance of the results.

The issuance of land documents and certificates needed the approval and endorsement of the central and local authorities. Tools and methodologies also had to be approved by the DoL which took a long time to secure. The discussions and negotiations with the government partner, including on the proposed survey and capacity building at the national level, lasted more than a year.

Field implementation was constrained by the difficulty of using and transporting the RTK mapping equipment in steep slopes and undulating terrain. The project team observed discrepancies in imagery taken in difficult-to-reach areas, resulting to challenges in validating data from two villages. This caused some delay and as a result, two villages were not able to receive the land certificates. However, the data was recorded and forwarded to district staff for future validation.

The Project was also stalled by the COVID-19 lockdowns which started during the fieldwork activities. As a result, enumeration was conducted in just 10 villages instead of 16 villages as anticipated in the work plan.

The rainy season also made roads to the villages inaccessible to the project team, thus slowing down the work.

LESSONS LEARNED

Many stakeholders are working on land issues in Laos, including GIZ, MRLG, LIWG, VFI and others. As a result, the land sector in Laos is also highly regulated. There are many aspects of project design that are heavily dependent on the structures of government. Adhering to these structures, especially in developing a Memorandum of Understanding (MoU) with the government, can take time. Thus, this needs to be anticipated in the project design, including allocating enough time for negotiation which can take up to four additional months.

Land registration in Laos has been based on high-accuracy field surveys, which take time and are costly. However, the project learned that a *fit-for-purpose land administration approach* was

more appropriate in the registration of collective land areas. Indeed, the project successfully negotiated with the DOL to use handheld Garmin GPS in addition to the Satellite Imagery/ Orthorectified Imagery. The project used the SDTM database for storage of data and its customized interface for querying the information and producing reports. As such, the STDm-based information system worked very well with the government's Family Land Book.

For wide-scale adoption of the fit-for-purpose approaches, *there is a need to move beyond the pilot implementation towards developing a robust system that can support large-scale registration of customary land.* This requires standardization and integration of existing templates for land registration. The STDm tool has already demonstrated that potential in the customization of the Family Land Book and in the production of specific reports. In addition, there is a need to explore how reporting and data collection on local practices can be standardized so that the data could be integrated in the national titling system.

This project, with support from GLTN and the MRLG Workstream, has demonstrated that the use of STDm and fit-for-purpose tools can be rolled out as a tool of choice for rural land registration in the future. The greatest challenge lies in the capacity of actors and district level staff particularly in adopting and promoting these approaches at the local level. Staff are limited and their ability to use technology is inadequate. Therefore an incremental approach to adopting fit-for-purpose land administration tools is more appropriate. Discussions between project stakeholders, the government and other partners have started to identify both needs and opportunities for capacity development.

“For wide-scale adoption of the fit-for-purpose approaches, there is a need to move beyond the pilot implementation towards developing a robust system that can support large-scale registration of customary land.”

There were overlaps in the roles relating to DAFO and DONRE and these had implications on the registration of collective land and on the management of land and natural resources. A lesson learned is that *implementing field-level demarcation separately from implementing village land use management plans could result in overlaps and challenges in addressing conflicts and in enforcing land use zoning regulations.* Thus, it is important that these activities are conducted simultaneously. This will also improve the coordination of various stakeholders at the local level.

Multi-stakeholder platforms are a key part of land policy advocacy that promotes long-term engagement on land issues and natural resource tenure security for poor and vulnerable individuals and groups in Laos. The development of tools and approaches with and for government counterparts and making them available for a variety of stakeholders is key for long-term success. To this end, there are three main areas of land management that need to be developed concurrently: (1) land use planning; (2) land registration; and, (3) land information dissemination. For land tenure to be secure on a broad basis in Laos, the project must adopt and adapt more functional technical tools and materials and make them freely available throughout the country.



Stakeholders meeting in Xiengkhouang province. ©VFI

OPPORTUNITIES AND WAY FORWARD

The project has initially adopted the GLTN land tools in land administration in Laos. This achievement was registered through collaboration with key stakeholders on the development of land tools to recognize customary tenure in rural areas of Laos. At the end of the project, VFI continues to work with stakeholders to promote the land tools and customary land tenure security in the rural areas of Laos.

Advocacy on the developed land tools

VFI will continue to champion the use of the STDM tool and the Continuum of Land Rights Approach, Fit-For-Purpose Land Administration, participatory enumeration, Youth and Land Responsiveness Criteria, Gender Evaluation

Criteria, and Land Mediation in collaboration with the DoL. These tools will be promoted in future land projects and through forums and workshops organized by the stakeholders or project partners.

Promote application of the new land law

The new Land Law of 2019 has some progressive elements that recognize the registration of collective land as well as women's land rights. The project partners will continue to work closely with DoL and other relevant actors to ensure that its implementation follows progress made on the use and recognition of fit-for-purpose approaches and the STDM tool. Most importantly, they will work to align the customary land registration guidelines — once these are finalized — to the new law's provisions. In this way, the project will be

able to deliver a widely accepted Family Land Book that has been produced through the application of the STDM tool.

Multi-stakeholder platforms engagement

The project has produced case studies, lessons, policy briefs and other materials for capacity building and for dissemination. These materials will be reviewed and promoted in the multi-stakeholders' platforms, in Workstream and Land Sub-Sector Working Group meetings and in the LIWG platform. VFI will continue to contribute to these platforms.

Mainstreaming the use of fit-for-purpose and other approaches at the national level is important to ensure that lessons and experiences from the pilot work are capitalized in the implementation of policy decisions at the MONRE and across the different ministries. This will most likely be done through workshops and through existing platforms targeting policy makers. GLTN has also engaged VFI in documenting and consolidating these experiences in addition to capacity-building aspects for key target groups.

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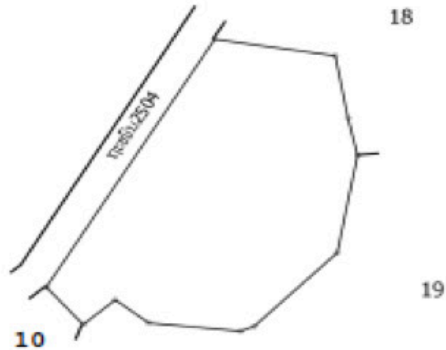
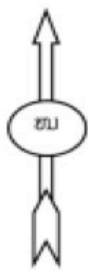
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