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**An Awareness Raising Approach to
support Customary Tenure Recognition
in the three Forest Categories
of Khammuane Province, Lao PDR**



**A Case Study by the LIFE Project and
The Mekong Region Land Governance Project**



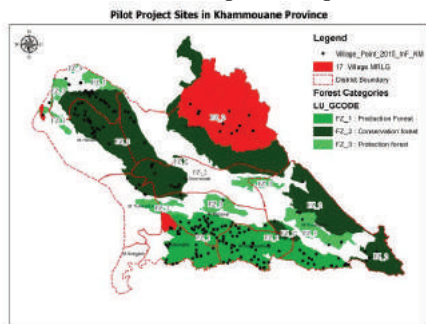
The economy of Laos is rapidly growing as a result of national and foreign investment. Investment regulations have been updated to attract investors and allow the country to speed up economic growth. Agricultural investment is one of the main sectors in the country, particularly perennial plantations such as banana, sugarcane or rubber. Over the past 10 years, natural forests declined due to land conversion which affects the livelihoods and customary land use of villagers as food sources from agricultural land have decreased. Khammouane Province located in the South of the Country and bordering to Vietnam in the East and Thailand in the West is one of the provinces facing such challenges. Many villages are located in one of the three forest categories (established in the forestry law No.64/NA, Vientiane 13 June 2019, Article 14 (Revise) the three forest categories, and specific Decree: Decree protected areas No. 134/Gov't, VTE 13 May, 2015, decree on protection forest No 333/PM, VTE date 19/7/2010; decree on production forest No.59/PM, VTE 2/5/2002), which namely are production, conservation and protection forests.

on the use of forest and forest protection in some cases lead to minimizing the rights of people to use forest land in three forest categories. In some districts, the District Department of Natural Resources and Environment (DoNRE) has sped up the issuance of land titles, causing land titles to overlap with the demarcation lines with the three forest categories in the respective areas.

MRLG: The Mekong Region Land governance Project is at the center of development challenges in Cambodia, Laos, Myanmar and Vietnam. Governments are revising land policies and practices in order to face these challenges. The project aims to (i) assist the emergence of more favorable policies and practices for securing the rights and access of family farmers to land and natural resources; and (ii) to strengthen the effectiveness of concerned stakeholders through learning, alliance building and regional cooperation. The MRLG project is based in Laos, with local offices in three other countries: Cambodia, Myanmar, and Vietnam. It supports a wide range of activities (training, exchanges, case studies, focused research, documentation, workshops and seminars) at local, national and regional levels (MRLG website).

The implementation of land allocation and demarcation in Khammouane Province is facing lots of difficulties as villagers are living and working in forest areas for many decades while their village or land has just recently been defined as being part of one of the three forest categories. Along with

In August 2018, MRLG started the process for developing the Workstream on Customary Tenure (CT) Recognition in Lao PDR. Initially, the discussions were limited to Non-State Actors, however, a more inclusive process began in April 2019 when the Ministry of Natural Resources and Environment (MONRE) expressed willingness to collaborate. At that time the Strategic Work Program (SWP) was drafted and presented to MRLG Project Steering Committee (PSC). The revised SWP integrated the policy advocacy work of the Lao Land Information Working Group (LIWG), support to RECOFTC to complement the GLTN-VFI-TABI initiative, and the Department of Land (DOL) of MONRE to pilot Customary Tenure recognition in three forest categories and awareness raising for villagers in line with the revised Land Law and Forestry Law.



Landscape at the Project Area in Nakai District

implementing the NSEDP VIII and the goal of making Lao PDR a country of rule of law, many villagers who have been living in the forests for many generations before laws on forest protection have been promulgated, see their living at stake. The new laws

The Land Learning Initiative for Food Security Enhancement (LIFE) Project is supporting MRLG and DoL to implement the awareness raising component of the workstream on recognition of customary tenure of Lao people in forested areas. In detail, LIFE implemented coachings on the respective laws and regulations to strengthen the



capacity of Lao Women's Union (LWU) and the Lao Front for National Development (LFND) to implement awareness raising activities and mobilizing active participation of communities and people in the land titling process of the forest categories which is a key component of the recognition of land rights of Lao citizens in the three forest categories. In all coachings, the respective staff from MoNRE and MAF from national, provincial and district level was trained together with LWU and LFNC.

LIFE is a key project on legal awareness raising under LIWG hosted by VFI and implemented by a consortium partners on an equal basis. LIFE is currently funded by the European Union. The partners include: CARE, CCL, CORD, FAO, GAPE, GIZ, Helvetas, JVC, MCC, Oxfam, VFI and World Renew. The Department of Agricultural Land Management (DALaM) under the Ministry of Agriculture and Forestry is the project's main government counterpart. LIFE aims to 'mainstream' land issues into recipient organizations' regular activities, and strengthen small holders' and family farmers' land tenure security in the long term. This is done through capacity-building activities on key policies and legislations related to land and natural resources to CSOs, development partners, government and private sector stakeholders. Please watch LIFE's Image film here: <https://bit.ly/3sMDQ6R>

Goal of the Case Study

- To showcase the problems and obstacles that arise at district and village level from land titling activities in the three forest categories;
- To show the impact of LIFE's coachings to staff from DoL, DaLAM, LWU and LFND on their knowledge and capacity to implement awareness raising activities at village level;
- To give recommendations and a way forward to future awareness raising activities by the project and by government partners

Setup of Coachings to relevant target groups

From June to July 2020, the LIFE project implemented 4 coachings at central, provincial and district level to stakeholders from DoL MoNRE, DoF and DALaM under MAF and LWU, LFND, PAFO/DAFO and PoNRE/DoNRE on rights of Lao Citizens on Customary Land and Conflict Resolution. In total, LIFE trained 52 (14 women) government officials from central level and Khammuane Province

and Hinboun, Xebangfai and Nakai districts. Each coaching took 5 days and included an on-the-job training to the coaching participants where LIFE supported them to implement their own awareness raising activities on customary land rights in the target villages of the project.

According to the MRLG Project Setup, after receiving coaching by the LIFE project, coaching participants were then to implement their own awareness raising activities in the target villages.



Men Focus Group at Hinboun District

The key contents of the LIFE coachings to central and district level government staff were

- Training methodologies which provide facilitation skills for participants. For the ToT part, participants have been trained on different skills including: negotiation, team work, public speaking, analyzing and planning skills.
- Technical knowledge
- Introduction to article 130 of the new land law No. 70/NA 2019, and article 63 and 64 of forest law that related to customary tenure rights
- Conflict resolution process in article 163, 164, 165 and 166 of law No.70/NA 2019
- Analysis of customary rights on land and natural resources
- Introduction to SMART plan for field coaching planning.

LWU and LFND play a key role in the government plan to implement awareness raising to villagers during the process of land registration and titling in Lao PDR (Instruction on Land Registration and Issuance of Land Certificate No. 6036 / MORNRE, 27/8/2014, part II, No. 2.1)



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LIFE





The goal of the coachings was to increase the participants' capacities on training facilitation, presentation skills and teach on ways of community participation in activities. The technical part was based on current legislations on customary land use and tenure rights to enable coaching participants to explain the legal background on customary tenure use to villagers and being better enabled to respond to land conflicts.

On-the-Job Training in the villages: Back-up by LIFE coaches

After LIFE provided coachings to central, provincial and district government staff, LIFE supported the coaching participants to prepare their own interventions at village level.

In a last step, coaching participants led their own awareness raising activities at village level, supported by LIFE coaches in an on-the-job-training.

The key contents that villagers were trained were:

- Article 130 (Acquisition of the Right to Use Customary Land) and
- Article 133 (Rights of Holders of Land Use Rights), land law 2019/NA,
- women rights on land and natural resources and
- role of LFND on land and natural resources management.



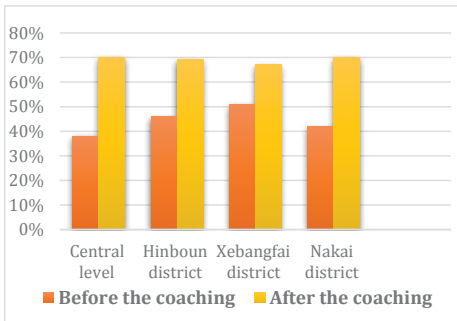
The coaching at Koktong village

In total, there were 116 (42 women) villagers trained during the on-the-job coachings in 4 villages in Hinboun, and Xebangfai districts. Nakai district trained three more villages in November 2021 with in total 288 (65 women) villagers.

Evaluation of Training Impact

In February 2021, the LIFE team together with the trainer team from DoL at central level and the MRLG representative did a 10-day evaluation on the impact of coachings to the different government authorities at provincial and district level and villagers. In total, the Evaluation team interviewed 6 coaching recipients from national and provincial level and 14 recipients from district level on their perception of the LIFE training and their level of understanding of training contents and the use of their knowledge in implementation of awareness raising activities with villagers. The evaluation team conducted focus-group interviews with villagers from 7 villages that received awareness raising in the run of the project on their perception of the trainings and the understanding and use of the law contents in their daily life.

In total, the LIFE Team trained 52 government officials in 4 coachings. At central level (DoL) the knowledge increased 32% by the training. In Hinboun, Nakai and Xebangfai, the knowledge increased by 23%, 28% and 16% respectively



Knowledge at central and district levels before and after the coachings

1) At central level

More than half of coaching participants from central level are working as awareness raising facilitators on land lease, land concession, compensation, gender on land management and conflict resolution related to land and natural resources officers.



Therefore, the training content on facilitation skills and related laws to customary land use was very relevant to them.

The interviewees said that learning about training planning methods such as BLOOM or SMART were very useful for them to develop own trainings. The on-the-job training and practicing before going to the field made them more confident to explain content to target groups. The contents of the LIFE training and the tools can be well-applied in real work situations and the field work at village level helped them to understand real problems of the communities. If there was a future chance, participants would like to participate again in new training topics that the LIFE project can support. All participants liked the coaching and said that the atmosphere of the training was very good, teaching methods and techniques of trainers were suitable. Conducting coaching to provincial and district teams also helped to enhance their facilitation skills, confidence on public speaking and knowledge on legal contents. They also understood real problems that participants shared with them.

2) At provincial level

The provincial staff never implemented any trainings themselves after they joint LIFE's coaching. This is because the MRLG project was designed for the district level to be the main implementer.

The on-the-job-training by LIFE coaches at village level was a new experience for the provincial staff. The interviewees mentioned how positive it was for them to learn on the process of activity preparation, interaction techniques with villagers and team work. They could see that this methodology resulted in people raising their voices on land and forestry issues in their community.

The interviewees gained the following new knowledge from the LIFE coaching:

- Related articles on customary land law from land law, forestry and family law
- Tools from ToT: Gardner theory, spider web game for conflict resolution, posters to explain law articles and group activities

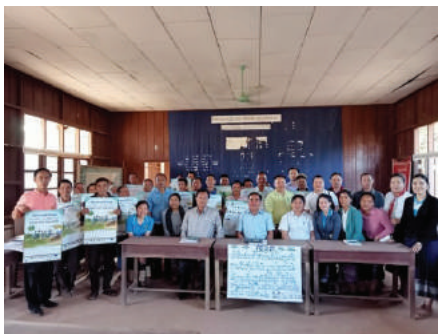
The participants remember well about laws related to their routine work.

Useful lessons that can be applied to the actual work are the roles of each party involved in this project, such as land sector, LFND, LWU and PAFO as they had a chance to attend the same training and share responsibilities in group and field practice. In addition, conflict resolution, facilitation skills and information dissemination technique were also very useful for their work. The Representative of LFND said that he introduced presentation and public speaking techniques to the target group in the same organizational line.

As there have been no further activities being implemented by the provincial staff after the coaching, the interviewees cannot remember how to lead activities at village level as they said they did not have the chance to practice further and therefore forgot about some coaching contents from the LIFE Project.

3) At district level

There were mixed results in the three districts, also dependent on how well different offices (LWU, LNFC, DAFO, DONRE) could work together. In general, the three districts improved their knowledge about respective law content from the coachings but were unsure how to use training methodologies and said they were time-consuming. Overall, the ability and confidence to speak in front of an audience increased.



Group photo of evaluation team at Koktong and Tamlai villages

Hinboun district

The vice head of DONRE Hinboun understood the recognition of rights of citizens in the 3 forest



categories project very well as this project is very useful for creating a database of agricultural areas, especially agriculture plots that are located in National Protected Areas. He also said that the staff of DONRE who joined this project could continue to implement land allocation and demarcation by themselves in case they had the budget. However, he could not explain well about awareness raising work. He only mentioned that DONRE staff learnt good skills for disseminating information to villagers after attending the LIFE coaching.

The interviewees from the technical team at DoNRE Hinboun only mentioned names of tools, such as SMART, PMI, BLOOM, GARDNER, names of posters and games but could not provide clear explanation on how to apply these tools.

Related to laws mentioned in the coaching, the staff could remember the following:

- Role of gender and connection to land issues
- Women's rights in land and land titles
- Role of LFNC

Only one person out of 4 said that he/she was confident to disseminate knowledge confidently at village level as the interviewees said the content was complicated and they were scared to make mistakes.

District team said that from the coaching at village level, villagers recognize that a land certificate can be issued for agricultural land. Forest land management in 3 forest categories is a new topic for many people and it was the first time for the participants to learn about law articles related to 3 forest categories. They said the coaching helped them to understand well about protected forest as the district located in this forest. In addition, interviewees were also able to explain customary land rights.

Xebangfai District

The head of DONRE is very new and works in this office for only a few months, so he could not give specific information about the project and did not know much about awareness raising work.

After completing the pilot coaching at the village level with LIFE in June 2020, DONRE alone implemented awareness raising activities at Koktong and Tamlai villages without inviting LFND

and LWU. DONRE took responsibility for explaining all topics covering the work of LFND and LWU. According to interviewees, the activities were only done through oral explanations, without using any tools from the coaching.

In Xebangfai, the evaluation team interviewed 5 (2 women) coaching participants from DoNRE, LFND, LWU, DAFO and district administration office. Only the interviewee from DoNRE did awareness raising activities at village level after the LIFE coaching.

- Confidence in awareness raising is high as it is the regular interviewee work;
- After the coaching, the communication skills with villagers have increased;
- The knowledge on the respective laws has also increased.

Nakai district

The head of DONRE Nakai understands the project and awareness raising work very well and was able to provide good explanations about the capacity of DONRE staff which improved a lot since attending coaching from LIFE. DONRE staff have used new tools and methodologies (VDOs, posters, games) when disseminating information to villagers. He also emphasized that his staff were more confident to be a facilitator and increased their ability to speak in front of an audience.

The district completed awareness raising activities independently in November 2020 and continued with the land and forest survey and demarcation.

The Nakai district team has a readiness to implement awareness raising work, are experienced, able to work in a team and applied all methodology and tools from the LIFE coaching. Nakai district team is able to share responsibilities and work load.

4) At village level

The evaluation team implemented Focus-Group Interviews with the villagers. There were always a village authority group, one woman and one men group to be interviewed. The evaluation took place in Hinboun, Xebangfai and Nakai Districts in 7 villages. 3 of the villages were part of LIFE's coachings in July 2020, while 4 of the interviewed villages were part of governments' awareness raising work.



Livelihoods of Villagers in the Project Area of Khammuane

Collected Comments and questions from villagers during evaluation and trainings

- 1) Villagers are concerned about the original land that they used since their ancestor time, but when the forest law was issued, villagers, from one day to the next, lived in forest areas now. Do they live in the forest and are using the forest illegally? What should they do?
- 2) Some private plots already have permanent land titles, what will happen to land rights recognition when those plots are located in protected area now?
- 3) What is the difference between land use rights and utilization rights? What can be done with these rights?
- 4) What are the criteria to be defined as 3 forest categories as production forest, protection forest, conservation forest?
- 5) If possible, the village would like to expand paddy land and request additional production land. Some part of the production forest should be converted to agricultural land. Is that possible?
- 6) Apart from awareness raising work, district team should complete the survey and demarcation of agriculture land and upland fields and other work related to the pilot project should continue to complete all steps.
- 7) Awareness raising work should be done with visibility tools such as photos and videos.

8) Villagers would like to have posters available in the village, so they can read/use when needed.

9) District team should spend one day for awareness raising work, a few hours are not enough

10) For some villagers who have many plots, district authority should minimize their plots when conducting the survey. It should be clear how many plots people can own and use of each type of land.

11) The fee for issuing land certificate is very high, so villagers cannot afford it.

Hinboun District (one village was trained during LIFEs coaching, one village by government officials)

Village Authorities

This group understood the purpose of the project quite well and they could provide good information on the situation of land and forest use in the village since the past 5 years until recently. They said that this project is very useful as it helped to solve land conflicts in the village and villagers understood about each forest category. Before this project, the village authorities did not know that the village was located in a national protected area.

Women Groups

The women mostly were not clear about the project and the purpose of it, some of the women understood that the project was there to issue land certificates. Still, they remembered the lessons from the training well and raised interesting questions. They were also able to explain the importance of women participation in land management in the village and understood the importance of awareness raising work. Next to that, they also asked questions about the importance of women names in land titles and told the evaluation team that they would like the provincial and district team to disseminate information on land related topics and that they would like to get posters for their village. They requested the district teams to do awareness raising more regularly.

Men Groups

The evaluation team asked the men group to draw a map of land and forest utilization within the village boundary that the district team conducted the land survey in. Men did not understand awareness raising work because only some participants joined with



Viengthong village activities and did not inform the other villagers when they returned. The male group was well aware of the land conflict in boundary and interconnected areas. When the district team came to work at Phondy village, they did only a land survey and did not do awareness raising work.

Xebungfai district (two villages were part of LIFE's on-job training in July 2020)

Women Groups

5 interviewees were enthusiastic to participate in answering the questions as the central and provincial teams worked together to find ways to encourage women to speak up. Overall, women understood the work of the project and they knew the importance of land projection, agricultural land use, name of women on land titles. They also remembered the 5 rights of land holders, customary land use rights over 20 years. Women also knew how women and village authority can protect land rights of women.

Men Groups

From the discussion, participants were able to remember some lessons, such as being able to answer that Lao citizens have 5 fundamental rights to use land. Men were also able to understand customary land use rights in the form they have been implementing them since their ancestors' time. As for the protection of women's land rights, the men group requested women to raise the voice for themselves according to legal requirement. In the past, women always left to their husbands to make decisions.

The men group asked the team to implement awareness raising work regularly with advertisement tools. They requested to receive an awareness raising handbook that they could use to disseminate information to the villagers and educate them about land rights. The villagers also requested the district team to complete land allocation.

Nakai district (all villages received awareness raising by government teams)

Women Groups

The women could explain the lessons and activities that were done by district team. They remembered the representative from women's union well because she was able to explain well, loud and clear,

raising awareness about women's rights to land, customary land rights, and identifying women protection unit. The women were supporting each other in answering the questions, and remembered well about the women's name on the land title. In addition, the team provided additional knowledge on land use rights, customary land rights, and women protection unit. After completing the interview, women told the team that they would like to watch a video, pictures of livelihoods from other places that would be more interesting and have more conversations related to land topics.



The Lao Women's Union Team does Awareness Raising to the Women Focus' Group in Hinboun District

Men Groups

The group discussion focused on understanding the project, but they did not remember the name of the project and were not confident to answer. Some people said this project issued land titles.

Interviewees were able to remember the awareness raising work that was done by district team. They also understood the key contents of lessons including: customary land rights, rights of land holders, women involvement in land use. They were also able to pass on the knowledge that they learned from district team to other people. The group of men were able to tell the details of awareness raising work as the district team had used many visibility tools such as: video about the process of issuing land titles, posters and documents. Awareness raising activity helped villagers to understand the conditions of the village in the past that were abundant of wildlife, big trees, good weather. Recently, climate and the environment changed.



Ice breaking activity at Phonethong village

Recommendations and Way Forward

Donor Level-MRLG

- The implementation partner of this project is DoL, financed by the MRLG project. This is understood to be a new setup also for MRLG and management or decision-making levels were sometimes unclear. A responsibility plan or road map of the different tasks of the different stakeholders could make positions clearer in the future and speed up processes.
- Mapping of Awareness Raising Needs: Preliminary design should involve villagers, village authority and district level, so that the rights recognition program can meet the needs of the people and then proceed with the rights recognition process based on results of evaluation from villagers and local authority.
- There should be a separate project for implementing awareness raising work to complete all aspects of project process from designing, writing handbook and evaluation.

National Level

- In this project, DoL is responsible to develop the awareness raising handbook and implementation plan as well as to assign responsibilities at national, provincial and district level. It is crucial that these tools are available at soonest so that all line agencies

know clearly about their role in the implementation of the project and beyond. There should be enough time and space for multi-stakeholder consultation and planning.

- The coordination between central and local level needs to be improved. Districts and villages were not properly informed and in a short period of time, so the number of participants was less than expected. The coordination was obviously done, but no follow up took place, so many villagers were not able to join
- The coordination scheme and ToR between different offices should be made clear. It was the main focus to train LWU and LNFC but in the end, they are not involved in awareness raising due to budget or time constraints or missing coordination?
- Communication between supervisors and technical staff: some technical staff did not have a clear understanding about the cooperation but are responsible to share the information to local levels and villagers. This is due to the fact that meetings will be attended by high-ranking officials but technical staff will be sent to the field
- All training material should be available before trainings start
- Careful selection of trainees, awareness raising should be part of their ToR

Provincial Level

- What is the role of the province? How or should they be integrated? The allocation of responsibilities of the provincial team for awareness raising or other work should be clearly defined and there should be sufficient time for the technical team to participate in all stages of awareness raising activities.

District Level

- Better coordination between awareness and land registration team: What are the roles of the awareness and the land registration team? Who should do what and when? When should awareness raising be scheduled?



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LWU

VILLAGE
FOCUS
LOCAL GOVERNANCE RECOGNITION



ສະໜັບສະໜູນໂດຍ
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- Adequate budget should be allocated to the district level so that they are able to do constant awareness raising in many villages (copies, material, petrol?)
- Adequate time should be given to prepare for the demonstration before going to provide training to villagers, so that district staff can be ready to prepare themselves, content and tools.
- More continuous support (continuous trainings) district level
 - (i) Many participants: Improved knowledge but unsure\ insecure how to use it → need more training or continuous support
 - (ii) Practical on the job training is very useful
- A training cascade with several trainings over a longer period about several topics would be suggested so that more content can be trained and a better supervision and possibility for on-the-job coaching of the staff at district level is guaranteed
Due to time and budget constraints, the training cascade was cut down to single coachings of 5 days to each district.
- The training provider should focus more on the actual methodology that is accepted by the government for a participatory approach. The usefulness of the participatory approach through LIFE has been seen (interviewees valued the better participation of villagers), but it seems difficult for government officials to implement the methodology themselves. What should be changed in the methodology or what are other constraints (such as budget, coordination, time, and others)
Key messages should be developed by the project to highlight the importance of community participation in each step

Village Level

- Villagers are confused with the different workstreams of the project and often associate only land titling or registration with the project, the goal of the project is unclear. There should be more time to explain the details to the respective communities.
- There should be regular awareness raising and there should be sufficient time during village interventions for villagers to ask questions and getting profound answers (1 day per village was requested)
- Villagers need written information or a handbook from the district teams so that they can look up information or use it for further trainings in the village
- Discuss ways how information could be distributed further within the village

Coaching Provider (LIFE or others)

- The trainer team requested to do a site evaluation of the target areas in Khammuane before the coachings to have a better overview on problems in the area. However, this was not possible due time constraints. It is recommended to allow on-site evaluations before training implementation so that training contents can tackle more specifically the problems on site.

Conclusion

All four LIFE coachings supported to improve the knowledge of coaching participants from central, provincial and district level government offices related to laws on customary land use and women rights to land as well as on teaching tools and methodology.

Nevertheless, the results from interviews are very heterogenous on how knowledge was used and what was understood and dependent on the respective district management and team.

There are many external factors such as budget, management or time constraints that hinder the government staff to implement awareness raising activities.

Nevertheless, some of the villagers that received awareness raising campaigns were able to learn from them and improve their knowledge. As villagers interviewed did not all participate in the awareness raising activities by the project, it could be seen that information in the village was not much passed on between villagers or by village authorities. The interviewed women groups tend to remember content well and are able to explain and discuss on



advanced level about what they learnt. It was also visible that they helped each other and explained content to each other when one of them was not sure about it.

The questions raised by the villagers show that there are many unclear situations still related to the new forestry law and the three forest categories. As requested by the district teams and also villagers, it is crucial to do land use mapping and demarcation of land of the villages before deciding on land titling. There need to be clear rules for villages and villagers that are located in a forest category since the updated forestry law in 2019. What will be their rights? Can they still live in their current villages? What happens to their agricultural and production land?

Another factor to being able to implement awareness raising in villages by district teams is budget. The district team mentioned that small budget was the main constraint to do awareness raising work in the villages.

The key is communication and better coordination between different involved stakeholders and clear responsibilities and work plans. Awareness raising activities are also not yet streamlined into policies and on-going duties of government stakeholders, which can be seen by budget and time constraints that were often mentioned at district level.



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LIVNG

VILLAGE FOCUS
RURAL INCLUSIVE ECONOMIC GROWTH

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