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ການຮຽນຮູ້ກ່ຽວກັບທິດິນ
LIFE

Impact of the LIFE Project's Coaching on Facilitation Skills and Customary Land Rights and Its Use in the Activities of the Mennonite Central Committee (MCC)



Case Study Report

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Brief Introduction

LIFE and MCC have reached an agreement to work together on Land Law dissemination and land conflicts resolution, with LIFE providing ongoing training and mentoring support to strengthen MCC staff and government partners. In September 2020, LIFE Project provided a variety of facilitation skills training on customary land and land rights to 23

LIFE is a key project on legal awareness raising under LIWG hosted by VFI and implemented by a consortium of partners on an equal basis. LIFE is currently funded by the European Union. The partners include: CARE, CCLCORD, FAO, GAPE, GIZ, Helvetas, JVC, MCC, Oxfam, RRDP 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>

participants from MCC and partners (8 participants were women), the participants are mostly district government partners from 04 offices. In addition, in June 2021, LIFE conducted an online training to review and advise on issues that the field team encountered while implementing law dissemination, as well as on land conflict resolution skills in the communities.

MCC: The Mennonite Central Committee (MCC) is a non-profit international development organization and cooperates with the Lao government in developing communities in various sectors since 1975. MCC has signed a memorandum of understanding (MoU) with the Department of Agriculture and Forestry in Xiengkhuang Province on behalf of the Ministry of Agriculture and Forestry to implement the project **"The Project of Strengthen Land and Agricultural Land Governance for Sustainable Development in Pek District, Xiengkhuang Province"** which project started in May 2020 and will end in March, 2023. The main activities of the project are 1.) Dissemination of laws, legislation on land management, agricultural land and issuance of agricultural land certificates, 2.) Strengthen district and Village Mediation Unit members. These activities took place in 60 villages in Pek District, Xieng Khouang Province, with four main district government offices co-operating with MCC to implement the activities. The four district government offices are Agriculture and Forestry, Natural Resources and Environment, Justice, and the Lao Women's Union.

This case study was conducted in three villages that were trained on customary land and land rights and land conflict resolution methodology for the villages mediation unit members.



Figure 1: Lat Buak Village
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Figure 2: Women Group in Yot Nguem
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Case Study

Visited villages: Khang Khai, Yot Nguem, Lat Buak, Pek District, Xieng Khouang Province.

Methods for data collection: Discussion rounds with district staff and MCC team, interview village authorities, villager men and women groups, individual men and women interviews who attended and did not attend the training. Use qualitative data and participation approaches, and ensure the inclusion of diversity of age, gender, social and economic status.

Number of interviewees: Four MCC staff (no women), eight district staff (three women), 44 villagers (25 women) who joined the training, 40 villagers who did not participate in the training (23 women).

	Khang Khai Village	Yot Nguem Village	Lat Buak Village
Village and ethnic group	Established 1993, ethnic: Lao, Khmu, Hmong, Phou-tai	Established 1975, Village named 2013. Ethnic: Lao, Phou-tai, Hmong	Traditional village and separated from Simueng village in 2001. Ethnic : Lao (Pheuan)
Population and livelihood	3,468 people (1,688 women). Mainly government officials, traders and farmers (paddy rice)	3,422 people (1,667 women), 682 HH. Farmers (gardening, upland rice, paddy rice and livestock)	277 people (129 women). Farmers (gardening, upland rice and livestock)
Village area	4,700 ha (out updated) forest cover 27%	18,608 ha (out updated). Land title (house land) 20%, agriculture land 5% (estimated figure)	1,600 ha (estimated number), forest cover 60%
Social practice system	Patrilineal and matrilineal	Patrilineal and matrilineal	Matrilineal



I. Findings

1. Customary land tenure in visited villages

Customary land rights and land use right in the study villages has been carried out from the generation of grandparents to present, whether it is individual land, communal land or village boundaries. Interviewees in the three villages said that the villagers inherited the land from their parents, preserve the land and using it since many years. Villagers do not yet have permanent land titles and most of them have a land use certificate for tax collection, while some have no land documents at all and do not pay taxes (please see details in Fig. 3) Land titles are very rare in Yot Nguem village, asymmetric land use and undocumented land found in Lat Buak village more than Khang Khai and Yot Nguem. There are no official statistics on the number of plots, land documents and land holdings that have been used for many years recorded at the villages.

Two of the three villages studied, such as Khang Khai and Yot Nguem, for the Hmong ethnic, practiced a patrilineal social system, meaning that land was passed from father to son. The Lao ethnic group practice a matrilineal social system, the inheritance was passed on through the female line, and inheritance of land passed from mother to daughter. In Lat Buak village, the social practice system is matrilineal and the land inherit is the same as the Lao ethnic groups in Khang Khai and Yot Nguem villages, matrilineal. The communal land and village boundaries are managed by the elders, village chiefs, and the village authorities. For the possession and ownership of individual and collective land, user rights are as follows:

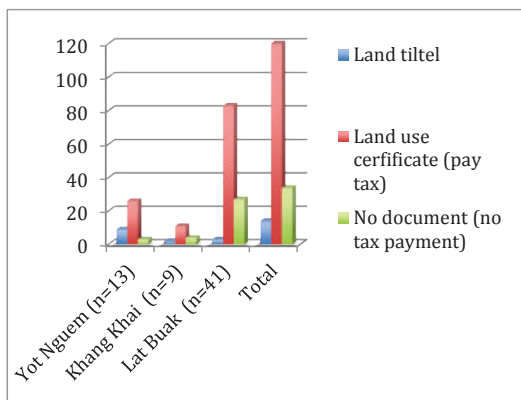


Figure 3: Land documents from interviewed villagers

2. Customary Individual Land Use Rights and Ownership

The social practice system at the village influences the land tenure and ownership of the land, in which the landowner has the right to decide upon the transfer and the use of land. Private land or family land is a form of customary practice. In the study villages, it was found that in the Lao ethnic groups in Khang Khai and Yot Nguem villages land was



Figure 4: Village Authorities, Yot Nguem
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inherited by the daughter from the mother. The ownership of a individual's land belongs in the majority to the women and the names in the land documents are in the name of a woman but in some cases a men's name (husband) is included in the land document. In the Hmong ethnic group, land is inherited from father to son, men have the right to own land, and the name on the land title is given to the man (husband's name). For the villagers of Lat Buak, the daughters and sons have the right to inherit land from their parents, but the traditional practice is that a

daughter who looks after the parents will get the house land and the agriculture land to a bigger share than the other children. However, even though the land belongs to the women the rights and authority for decision-making about the land belong to the men (husband) because of the traditional practice and social structure of the family, that gives value to the man as a head of the family.

3. Customary Communal Land Use Rights and Governance in the villages

Respondents from the study reported that the amount of communal land that had been traditionally used in the past was declining, except for villages where the land use planing conducted long time ago, land was allocated and the forest area of the village was established. The forestland still belongs to the village, and this area is managed by the village authorities and the village elders. In the past, everyone had the right to own and use village communal land. Anyone in the village can access and use all areas in the village and including other villages' land for agricultural production, animal husbandry and natural foraging by agreement without the need for paper work. In Khang Khai village, land allocation in the past was for each village unit to manage the land, but today this area has become individual possession. Yot Nguem Village, likewise, communal land used to be occupied by individuals for gardening or large animal herds and became private property. All three villages studied found that the total of communal land area decreased compared to the past. This is due to the process of changing the form of communal land use rights in the past to private ownership in the management and protection of land, based mainly on the land law. Natural resources are declining sharply compared to the past due to deforestation and declining reserves, as well as urban sprawl, population growth and commercial subtraction that are also factors that deplete resources.



Figure 5: Women Group at Khang Khai Village ©Phetsakhone Somphongbouthakanh

Lat Buak village is a village that still has communal land left, to a bigger extent than Khang Khai and Yot Nguem, and is widely used traditionally. The area is forest and village communal land. Villagers can also access it to find natural food in the area. The village authority jointly manages it with the village members. Unfortunately, district and provincial policies to increase forest cover in the watershed area has impacted the village communal land. The district and provincial authorities have designated the village forest and communal land as protected areas, partly covering the land of houses and agriculture lands of people who have traditionally used the land for generations. The demarcation of the protected area has not yet been clearly notified to the authorities and the villagers

II. Land issues and customary land use

Land conflicts are the second most common disputes in the villages beside the dispute between married couples, especially in Khang Khai and Yot Nguem villages, but family disputes have not been reported by the Lat Buak village interviewee. Most land conflicts are between individuals, individuals and private sector, groups of people and individuals with the state / police, and village-to-village borders, as follows:

1. Land conflicts between individuals

Customary land use in the past relied on verbal agreements and the use of undocumented land tenure forms was one of the main causes of land conflicts, such as the use of trees, streams, hills and pits as land boundaries. When these marks change, the landowners' parents die, land value increases, the cities expand, the economic development moves



towards the cities, and the increase in the population of the villages leads to more conflicts than ever before. In addition, economic development has resulted in bigger discrepancies between the rich and the poor, the highly educated and the uneducated, which has created a relationship gap in which power differs significantly compared to the past and results in the exploitation of the vulnerable groups.

There are many forms of interpersonal conflicts, such as disputes between siblings that are related to land inheritance, between families within and outside who has land in the village. Most of the land conflict are about agricultural land that does not have a permanent title. Lat Buak's conflict situation is different compared to Khang Khai and Yot Nguem, the most prominent conflicts are the competition for usage of water and timber resources in the village forest area. The land conflicts in the village arises from a border demarcation between land owners, but it is not a big problem yet because the community is still living traditionally and living together as relatives.

2. Land conflicts between individuals and the private sector

Land conflicts between individuals and the private sector are mainly due to the lack of access to, and awareness of the customary land use rights set out in the land law, which leads to a lack of respect for that right. Lack of land documents that clearly identify the boundaries of the land and the private sector are unaware of the customary land tenure rights of people or individuals and Lack of responsibility of the land owners who have land titles or land documents but do not keep them in the a secure place. These types of conflicts are mostly caused by infrastructure development projects such as the construction of power grids, roads, commercial banking services and gas stations. These conflict characteristics are found in Khang Khai and Yot Nguem villages.



3. Land conflicts between individuals with government and police

From three village studies, only Khang Khai and Yot Nguem villages report of conflicts between groups of people and village with the government and the police. The case of conflict with the government is the establishment of a college in Khang Khai that was build on the village communal land and some villagers' land who have customarily used that land for many years. However, due to the lack of land documents (land titles), the villages and groups of people lacked the evidence to claim their rights according to the law. The issue is still unsolved by today. Another problem is the expansion of the boundaries of the police campus, which covers the village communal land and part of the individual's land, and also an unsolved issue. In addition, the designation of a watershed or protected area in Lat Buak village is an issue that has not yet been cleared by the districts and provinces authorities. This protected area is covering a number of villagers' houses and agricultural land that have been used traditionally for many years.



Figure 6: Entrance road to Khan Khai village,
©Mr. Vixay Souththivong

4. Conflicts regarding the village boundaries

Village-to-village boundary conflicts are an outstanding issue in the three villages studied. In the past, villagers used communal land in the form of collective land ownership or collective land rights, with traditional village boundaries agreed on valleys, canals, ridges and trees. Geographical changes due to erosion and dead trees, as well as the use of land across village boundaries for agricultural production in the past, have prompted other villages to use it as an excuse to relocate village boundaries. Lat Buak village is separated from other villages and has not been demarcated until now, which has led to disagreements between the village authorities and the villagers. Currently, there are incursions of cutting down trees and using agricultural land in the village communal land and individual land. A sample of drawings from Lat Buak village (Figure 7), at the red marked areas show the conflict areas within the village and village boundaries.



Figure 7: Map of Lat Buak Village



Legal rights recognition between women and men who were interviewed are different, especially with Hmong ethnic women. They did not remember the process and content of the training. The interviewees told us that because of the ethnic language barriers, but Lao ethnic women in Khang Khai village were able to remember the process and the content well. Women from Lat Buak village are eager to attend the land law training because of their interest in protecting their land and curiosity. The clearest evidence of women's and men's interest in the land law at Lat Buak village is the number of villagers who showed up when we were at the village. Although the district had sent advance notice and clearly determined the number of interviewees, both men and women, who we wanted to meet, the villagers still insisted on joining the discussion for more information regarding their land rights. This demonstrated that the training conducted by MCC and district teams has been able to make them aware of the importance of land and land laws and they still wanted to know more.

The men of the three villages who were trained very well understood about the training topic. Village authorities were able to disseminate information on the land law to villagers at the village in monthly meetings. In addition, men and women interviewed reported that they shared with other villagers what they had learned from the training. Respondents who are the head of the village unit (*hoa na nuay*) also shared that they were able to apply the facilitation skills and methods of the training to their work, such as speaking skills to facilitate and guide the unit members.

2. Training on conflict resolution skills to village mediation units (VMU) and application

The land conflict resolution skills training is specifically designed for both men and women who are the members of the village authorities, mediation unit and the head of the ethnic groups (village elders). The training is conducted for several villages at a time and the process is to raise the real issues into discussions, stories telling and demonstrations on conflict resolution. The interviewees said that the training method was appropriate and that they were able to use it in their village for conflict resolution. The evidence shows that, after the training, most of the land conflicts between individuals in the three villages were solved within their village. The village mediation's settlement of land conflicts is based on the principle of compromise and cannot fully apply the principle based on law, as these conflicts arise between relatives and fellow villagers who still practice a culture of mutual respect.

Conflicts that the village mediation unit could not resolve were conflicts between villagers and outsiders who owned land in the village, conflict between groups of people with the private sectors and government. These conflicts are sent to the village cluster offices and the district for years, but the resolution process is very slow and no progress has been made yet. For the conflict between village boundaries, the village mediation units have not been able to reach an agreement and are still waiting for the district authorities to be come and measure and solve the conflict.



3. Challenges and villagers' suggestions

Respondents say that knowing land laws and resolving land conflicts is important and necessary for women, men, diverse of gender sexuality and social status. The issue of Hmong ethnic women who did not fully understand the training content can lead to women losing their rights to land ownership because of being unaware of their rights over property, as well as untrained people. Therefore, village authorities have suggested that the law dissemination should be conducted to villagers and being arranged by the village unit. Another option to be considered is that the project team provides the training of trainer training to the villager authority members for them to be able to do law dissemination to the villagers. Project team members could provide support and monitoring every six months. For conflict resolution, the village mediation unit suggested that it is desirable to have the project and district team to come to the village and join actual conflict resolution meetings with the committee and provide guidance on case by case. The challenges faced by the village mediation unit is to resolve conflict based on law or principles and rules that are too lenient. Strongly applying the rules and law with the community is leading to alienation of villagers or parties, weakening relationships and solidarity within the village. The indecisiveness of the authorities at each level in resolving land conflicts has become a factor in the protracted conflict, neglect, and ultimately the land owners are discouraged and leave the conflicts unresolved. The Villagers also suggested to allow the village authorities and village mediation unit (VMU) to decide and have an arbitration in a land conflict, even though it is not allowed by law (VMUs should only advise). However the Villagers told the case study team that they were ready to accept an arbitration by the VMU. Their experience was that when cases were sent out of the village, the decision making process takes a long time and no progress was made at village cluster and district level offices

The training time for each topic should be increased from two days to three days. Two days of training is short for everyone to have a chance to speak and talk, especially for those who do not dare to speak and when they are getting used to other participants the training is already over. The previous training process and method was good, but adding more pictures, posters and distribute related laws, as well as organizing the meeting as much as possible in the way that villagers sit at the meeting in their village would be better.



IV. LIFE Coaching and Benefits to the Participants

Study participants from the district offices and MCC staff spoke in same voice that the training provided by the LIFE Project is an unprecedented approach, especially, the facilitation skills as a facilitator to have the ability to use a variety of approaches and analysis through multiple channels. All participants were able to describe and draw the training methods as shown in Figure 8 of one of the participants about the training process to the study team. LIFE's training has resulted in the strengthening of capacity of the law dissemination team and district government partners, as follows:

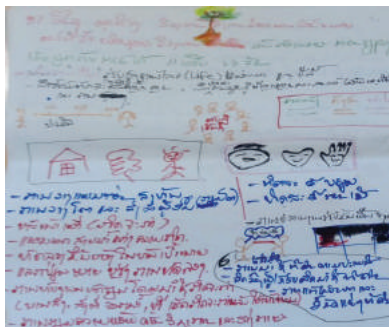


Figure 8: Training reflection

- **Increase teamwork skills:** Before training, the team is not well prepared as it should be, but after the training, the team is more coordinated, there is a division of responsibilities within the team, there are detailed planning and preparation of activities and sharing of responsibilities within the team. Teamwork skills are one key skill knowledge that participants say are most commonly used in their work;
- **Increase self-assessment skills and the pursuit of new knowledge:** Participants reported that analysis in a variety of perspectives, including self-reflection, was never trained before, and this exercise was the first to open up their way of thinking, as one participant said.

"Before training with the LIFE team, I was very confident that I knew a lot, but after the training I was able to analyze myself and realize that I did not know much and still have a lot to learn." Mr. Khalah Sibuahtong, Deputy Director of Law Dissemination, Justice Office, Pek District.

- **Enhancing facilitation skills:** The mode of dissemination of the law that the informants have practiced in the past is that reading each article of the law to the participants. After joining LIFE training, they were more knowledgeable about the facilitation skills and preparedness.

According to Ms. Phouangphet Duangphachan, a technician from the District Agriculture and Forestry Office, Pek District, expressed that "... The training gave me more facilitation skills such as how to perform on stage, speaking, answering, sharing and preparing to solve specific problems that may arise...";



- **Increase self-confidence:** All study participants reported that training from LIFE increased their self-confidence in facilitation, as all respondents said: "...

LIFEs Training gave us the confidence to work, the courage to pass on knowledge to others and the confidence to talk about the law with the elders in the village;"

- **Understand the law and the appropriate community dissemination methods:** In the past, the dissemination of the law was the main task of the Justice Office, but project activities were the responsibility of all stakeholders. LIFE training not only builds the skills of facilitators. All informants reflected that it helped to increase the legal knowledge that can be disseminated in the community.

As Ms. Milavan Nuantasy, Deputy Head of Lao Women's Union, Pek District, said: "LIFE training provided me with legal knowledge, such as land law, protection rights and inheritance rights. This knowledge helps in women's union work to protect women's and children's land rights, and the training also helps me on how to disseminate laws to the community in appropriate ways";

- **Increase the quality of work and empowering government staff:** From training that builds teamwork skills and the ability to be facilitators, which builds skills for staff to better carry out their work. According to Ms. Alompadid Phomchampa, Head of the Justice Promotion Unit, Justice Office, Peak District, said: *"We gain experience on how to deliver law lessons and courage to do the work. This increased the ability to effective dissemination of the law and it reduces community land conflicts as a result."* Informants also shared that the training from LIFE is to build the capacity of the government staff, such as Mr. Viengkham Chanthalangsy, a technician from Administration Office, Pek District, said: *"Training builds self-confidence, which is the empowerment of the staff capacity for the offices."*



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Figure 9: District and MCC Staff during Case Study Research
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- **Increase understanding and enlightenment of community on the law:** Participants interviewed reported in unison: *"The use of a variety of processes and skills in the law dissemination at the village-level has given people a greater understanding of land issues, better awareness of issues and the courage to report them to the relevant authorities."* The eagerness of the villagers to learn and know more was shown during the visit of the case study team as well. Many people dared to speak up, express themselves, asked questions, answered questions and provided descriptions of real situations. The villagers also explained that before the training, they did not know what to do in many problems related to land and that village authorities did not dare to move on in various situations. But after the training provided by MCC and the district team, the villagers and village authorities became more aware of their land rights and were also able to pass on information to other villagers.

In conclusion, interviews with the district team, MCC staff and villagers show that the LIFE training not only strengthens their skills as facilitators of law dissemination. But it can also have a positive impact on trainees in the ability to analyze problems in the community, assess their own abilities and readiness to adapt to the situation in the local context. This evidence could be seen from villagers reporting of the quality of the law dissemination conducted to the community such as villagers are better understood of land law, as well as the process of resolving land conflict that villagers face.



Acknowledgement

This study would not have been possible without the cooperation and sharing of experiences from both men and women from the villages, so thank you very much for your cooperation and warm welcome to the study team. Thank you to all government partners from five offices for taking the time to share lessons learned from the training and using it with us. Also thanks to Ms. Milavan Nuantasy, Deputy Head of District Lao Women's Union, and Mr. Chanphou Vilaivong, Head of Forest Inspection Unit as a representative from District of Agriculture and Forestry Office to facilitation of coordination with other district offices, villages and supporting data collection in the field. At the same time, I would like to thank to MCC staffs, such as Mr. PhouNgern Xaypaseuth, Project Team Leader, Mr. Vixay Southivong and Mr. Soukpaseuth Sisoonthone, project technicians who provide all logistics support for collecting field data. Most importantly, thank you to the LIFE Project team for contributing to the report and supporting data collection in the field, especailly Lenol Bounpheng and Visouda Keomeuangthong.



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Attachment 1: Number of people interviewed

Organization and partners	Training participants		Non-participants		Total
	Women	Men	Women	Men	
MCC		4			4
DAFO	1	2			3
DoNRE		1			1
DoJ	1	1			2
LWU	1				1
DAO		1			1
Total I:	3	9			12
Village level	Training participants		Non-participants		Total
	Women	Men	Women	Men	
Khang Khai Village					
Village authorities	2	2			4
Focus group discussion	5	4			9
Individual interview	1				1
Yot Nguem Village					
Village authorities	1	5			6
Focus group discussion	5	2	2	4	13
Individual interview	1	1			2
Lat Buak Village					
Village authorities	4	3	0	1	8
Focus group discussion	6	2	21	12	41
Individual interview	0		0		0
Total II:	25	19	23	17	84
Total I+II:	28	28	23	17	96
Total Women:	51				
Total men:	45				

Attachment 2: Land documents (from interviewees)

Land documents/villages	Yot Nguem (n=13)	Khang Khai (n=9)	Lat Buak (n=41)	Total
Land title	9	2	3	14
Certificate for land tax collection	26	11	83	120
No land document/no land tax payment	3	4	27	34



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