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## IMAS Thesis

### **The Impacts of Land Policy on Livelihood**

Case study: Phonexay district, Luangphabang province, Lao PDR

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## Abbreviations

CATCH-UP	Comprehensive Analysis of Trajectories of Change in the Uplands
CIFOR	Center for International Forestry Research
DAFO	District Agriculture and Forestry Office
DFID	Department for International Development
DLMO	District of Land Management Office
FAO	Food and Agriculture Organization
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit (Germany)
Lao PDR	Laos People's Democratic Republic
LEAP	Laos Extension Agriculture Program
LSUAFRP	Lao-Swedish Upland Agriculture and Forestry Program
LUP/LA	Land Use Planning and Land Allocation
MAF	Ministry of Agriculture and Forestry
NAFRI	National Agriculture and Forestry Research Institute
NAFES	National Agriculture and Forestry Extension Service
NGPES	National Growth and Poverty Eradication Strategy
NTFPs	Non Timber Forest Products
PAFO	Provincial Agriculture and Forestry Office
PLUP	Participatory Land Use Planning
SDC	Swiss Development Cooperation Agency
TABI	Tentative Agro-Biodiversity Project
URDP	Upland Research and Development Program

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## **Executive summary**

The government of Laos has identified the poverty reduction as a priority and has defined it as a long term development objective, which is existing in the statute of developing country 2020. Given the primarily agricultural character of the country, land reform has been selected as a core policy instrument. Since the early 1990s, a Land Use Planning and Land Allocation (LUP/LA) program has been implemented throughout Laos, its aim to increase land tenure security and importantly to stabilize shifting cultivation and increase the forest cover as well as avoid the negative impacts from the deforestation and protecting the environment in a country which is still rich in forest resources. The main activity of LUP/LA implementation is based on land use planning, forest and land classification at village levels and land allocation by providing the temporary land use certificate to individual household. According to various studies, LUP/LA implementation in Laos did not always encounter the success predicted by the Laos government. During 2001-2006 LUP/LA continued in most provinces of Laos was slow down of activity because it had been undertaken in the majority of rural villages and other deficiencies and issue.

The overall of research is to study the impact of land policy on livelihood in upland of Laos. The aims are to analyze the diversity of LUP/LA implementation and to analyze its outcomes of LUP/LA implementation. The three villages sites were selected are namely Nambor, Sobchia and Pakhok villages, Phonxay district, Luangphabang province, Lao PDR. Two villages, where LUP/LA has been implemented in different curriculums and mechanism, have to be compared with village where LUP/LA has not been implemented.

The research found that LUP/LA did not really change anything in term of livelihoods. The land use planning process did not restrict, which the village agricultural land as was documented in other areas of Laos. Basically, the land use planning did official distribution of the different land uses that existed previously. The land declared by each family during land allocation depended on the reluctance to pay taxes and on the priority given to plots close to the road for registration. As a consequence the remote plots where shifting cultivation is still practiced were often left unregistered.

## Introduction

In the recent years, issues of access to land and natural resources have been of growing concern to developing country. It is the important for the basic of economic and social in both rural and urban areas, which rely on resources to generate most their income and subsistence goods. Meanwhile, the land reform is a key leverage point in converting farming systems into new ones that better address the new priorities. Land is closely linked to sustainable livelihoods and efforts to poverty reduction. The poverty reduction and preserving the natural resource are central to sustainable development as stated in the UN Millennium Declaration.

The Laos government is aiming to reduce the poverty and preserves the natural resource in the country. In regard to the upland inhabitants are depends very much on natural resource for livelihood. The traditional livelihood practiced shifting cultivation. The stabilization of shifting cultivation for poverty reduction is the upland strategic initiatives. In order to stabilize shifting cultivation, local communities involved are encouraged to pursue intensive farming and market oriented systems. . However, this is not easy task under the present socio-economic conditions of the mountainous areas, because of their poor infrastructure, lack of market access and insufficient human resources for agricultural extension work. The challenge of stabilize shifting cultivation and environment conservation in upland areas could not be met unless the issues of (1) poverty reduction, (2) provision of alternative sources of livelihood, (3) food security and land tenure security are addressed simultaneously<sup>1</sup>. Therefore, the Laos government selected LUP/LA implementation, as a tool to increase land tenure security by giving the temporary land use certificate to individual households. The village forest and land use classification for natural resource management at community, which are including conservation forest, protection forest, production forest and regenerated forest at the village levels through village boundary delineation. LUP/LA implementation includes ten steps, of which none can be missed, for the results from successful and full execution of one are needed for the next to be executed in this way the LUP/LA policy has been made like a chain. It is difficult to determine if a step in LUP/LA process was missing entirely or not fully and effectively discharged in part. Sometimes, LUP/LA implementation could not success all whole steps. In some case, LUP/LA focused on the agricultural land allocation at household levels. Some case, LUP/LA focused on the land use planning and village boundaries delineation.

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<sup>1</sup> PRAVONGVIENGKHAM, Phouang Parisak, *An areas-based livelihood systems approach to rural development in Lao PDR*, FAO regional workshop, Chiang Mai, Thailand, 1998.

In other hand, the Laos government encourages mountainous village settle down in flat areas, where road access, social infruscture and better livelihood. After relocated the district authority did not provided any alternative for livelihood. It creates tension and land conflict between the original village and newcomers who relocated village. Finally, the villagers have to move back to their former land. The government policy of village relocation has exacerbated and in most case has dis-proportionally disadvantaged the host communities. In overall, the mismanagement plans between LUP/LA implementation and resettlement policy such some case has relocated village before LUP/LA has been implemented and some relocated village after LUP/LA implementation.

According to various studies, LUP/LA implementation in Laos did not always encounter the success predicted by the Laos government. During 2001-2006 LUP/LA continued in most provinces of Laos was slow down of activity because it had been undertaken in the majority of rural villages and other deficiencies and issue. So in 2009, the multi-stakeholder group was review the outcomes of LUP/LA has been implemented. Then, adapt the new manual, so call the Participatory Land Use Planning (PLUP). This approach is based on the land use zoning and village forest and land classification at the village and village cluster levels.

This research based to study on the impact of land policy on livelihood, which selected LUP/LA program is a one of land policy in Laos. That is the main issue for upland development strategy. The research is aims to study the diversity of LUP/LA implementation has been applied in different curriculum and mechanism at local level. It is important to study how successful it is degree of understanding, satisfaction of villagers or implementer and how can we measure the outcomes and impact of LUP/LA implementation.

The research divided into two parts. The first part is the theoretical framework is including the problem statement, definition of key concepts, research objectives and questions, and research methodology, this part provide the definition of livelihood, concerned for the land use planning and land allocation. The second part is finding and interpretation. This part is starts to describe the different site studies, related to the diversity of LUP/LA implementation and the outcomes of LUP/LA implementation.

# Part 1: Theoretical framework

## 1. Problem statement

The National Growth and Poverty Eradication Strategy (NGPES) is the strategic framework belonging to the government future growth and poverty eradication program, that will be developed and implemented. In correspondence to the further growth, it is enhancing investments and development priorities that reflect to the economic potential of the country's natural resource<sup>2</sup>. The government tries to balance the growth and conservation, which is concerned and taking into account the socio-economic development.

The NGPES has a particular focus on poverty reduction in the poorest districts of the country by defining the National Rural Development Program. It aims to improve access to essential factors of development and to strengthen a comprehensive poverty-focused planning, which process at the district level to ensure all initiatives are mutually supportive and co-ordinate<sup>3</sup>. The key policy on poverty reduction is to assert environmental conservation and natural resources management is taken a high priority<sup>4</sup>. This government goal is difficult to reach because the poverty is determined by the degree of rice sufficiency and insufficient amounts of land for cultivation. The main problem related to rice sufficiency include the reduction of land available for shifting cultivation, livestock disease, illness, hiring labours, lacking adequate technical knowledge, lacking access to roads, poor housing and associated with land.

The stabilization of shifting cultivation for poverty reduction is the upland strategic initiatives. In order to stabilize shifting cultivation, local community involved intensive farming systems and market oriented is encouraged. However, this is not easy task under the present socio-economic conditions of the mountainous areas because of their poor infrastructure, lack of market access and insufficient human resources for agricultural extension work<sup>5</sup>. The challenge of stabilize shifting cultivation and environment conservation in upland areas could not be met unless the issues of (1) poverty reduction, (2) provision of alternative sources of livelihood, (3) food security and land tenure security are addressed simultaneously<sup>6</sup>.

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<sup>2</sup> GoL, *National Growth and Poverty Eradication Strategy (NGPES)*, 2004.

<sup>3</sup> Ibid.

<sup>4</sup> SINGH, Sarinda, "Governing Anti-Conservation Sentiment" *Forest Politics in Laos*, 2009, pp. 749-760.

<sup>5</sup> SATOSHI, Yokoyama, *Forest policy and swidden agriculture in Laos*, paper presented at SEAGA Conference 2006.

<sup>6</sup> PRAVONGVIENGKHAM, Phouang Parisak, *An areas-based livelihood systems approach to rural development in Lao PDR*, FAO regional workshop, Chiang Mai, Thailand, 1998.

Table 1: The relevant policies and program in Laos

Policies and program	Purpose
GoL 1989, shifting cultivation stabilization and arranging permanent occupation program	Eliminate shifting cultivation practices by focusing on agriculture and livestock to reduce poverty in focal zones, environmental protection, forest and land allocation, promotion of permanent occupations and food self sufficiency.
GoL-MAF 1993, village LUP/LA Program	Allocation forest and agricultural land for villager use contain and reduce shifting cultivation, promotion permanent occupations through LUP/LA.
GoL 1995-96, Rural Development Program (focal site strategy)	Concentrate in focal development areas in order to create small towns, food security, and commercial agricultural production, eliminate shifting cultivation, foreign cooperation and services.
MAF 1996, Strategic Vision for the agriculture and forestry Sector	The vision document reinforced the importance of village level land use planning. The vision document reiterates the provisions of concerning the determination of right limits for using agricultural land of land law 2003. It states that temporary land use certificates can be converted to permanent land certificates if the land was developed according to the plan.
Gol 2004, Directive on Establishment of Villages and Village Cluster Development	This directive, encourages the political grass roots committee to implement the policy of eliminating shifting cultivation, in order to improve rural development, address poverty and establish village cluster boundaries, village cluster development plans and multi sector staffing at Village Cluster Service Center.
GoL-MAF 2005, Forestry Strategy to the Year 2020	The forestry strategy defined the following actions for village and village cluster land and forest management review and improve agriculture land and forest allocation to impact positively on villager livelihoods by flexible implementation according to village and village cluster socio-economic conditions, introduce participatory land use planning and clarify the status of temporary land use certificates issues more then three year ago.
MAF 2006, The four goals and thirteen measures for agriculture and forestry development	<p>These were specified to improve implementation of the agriculture and forestry sector policies under the 6<sup>th</sup> National Socio-Economic Development Plan and the 8<sup>th</sup> Party Congress Work Plan. The four central sector goals are:</p> <ul style="list-style-type: none"> <li>– Production to guarantee food security,</li> <li>– Commercialization of agriculture and commodity production,</li> <li>– Stabilizing shifting cultivation for poverty reduction,</li> <li>– Sustainable forest management</li> </ul>
MAF 2006, Plan for substituting Rice Based Shifting Cultivation	To achieve the policy directions of the 8 <sup>th</sup> Party Congress and MAF 6 <sup>th</sup> five years sector development plan, implement goal 3 of the 4 MAF goals, to change shifting cultivation occupations to more permanent occupations, increase family income, increase forest

Practices (2006-2010)	cover and improve the condition of forests.
GoL 2007, Instruction on Building Village and Village Development Clusters	To ensure the continuity and sustainability of village and village cluster development based on the land law and the participatory land use planning policy at the village and village cluster levels in order to reevaluate the implementation process of land and forest allocation throughout the country, to improve the policy and process appropriate to new conditions and to issue concrete instruction and references on balanced land allocation for local authorities.

*Source: PLUP Manual, 2009.*

The government of Laos has identified the poverty reduction as a priority and has defined the long term development objectives are exist the statute of developing country 2020. Given the primarily agricultural character of the country, a land reform policy has been selected as the core policy instrument to reach this goal. The land reform policy is based on the (1) land use zoning, (2) participatory land allocation and land use occupancy entitlement, (3) community natural resources management, (4) farming systems diversification and (5) agro-forestry development through adaptive research. Since the early 1990s, Land Use Planning and Land Allocation Program (LUP/LA) has been implemented throughout Laos. The purpose of LUP/LA is to increase land tenure security and the land reform, which is expected to encourage the farmer's involvement in intensive farming system (cash crop, agro-forestry and livestock) and a transition from the subsistence agriculture to commercial. It is important, to stabilize the slash and burn shifting cultivation in order to conserve forest areas, and is to increase the forest cover as well as avoid the negative impacts from the deforestation and protecting the environment in a country which is still rich in forest resources, can serve as a strong base for the rural development. Indeed, the forest resource is significant source of income for the rural inhabitants.

According to various studies<sup>7</sup>, LUP/LA implementation in Laos did not always encounter the success predicted by the Laos government. The process of LUP/LA was implemented in each village according to different standard methodology and designed<sup>8</sup>. During the period from 2001 to 2006, LUP/LA continued in most provinces of Laos. However, there was a decrease in activity undertaken in the majority of the rural villages due to the lack of funding to LUP/LA implementation from the government of Laos to LUP/LA implementation. In 2006, the Eight Party Congress introduced a new development strategic covering four goals and thirteen measures for the agriculture and forestry sectors. Within this strategy, the measure II the survey and allocation of agriculture and forestry zones, includes an activity named "completion of forest and

<sup>7</sup> FAO, *The implementation of land allocation and land titling in Laos: impacts on land access and rural livelihood*, 2004.

<sup>8</sup> FAO, *The implementation of land allocation and land titling in Laos: impacts on land access and rural livelihood*, 2004.

land allocation” in which three types of activities are specified: (1) to improve the planning of land use in villages where it was not implemented properly in the past, (2) to complete the planning of land use in villages where all the steps were not undertaken and (3) to undertake the planning of land use in villages where it was not previously undertaken.

To enforce the measure effectively, Prime Minister’s Instruction No/13 in 2007 on “building villages and village development clusters” required the “land use planning and allocation” instruction to be given to the provinces in order to ensure the continuity and sustainability of village and village cluster. The development is based on the land law and land/forest allocation policy<sup>9</sup>.

Daovorn Thongphan argued that the “policy framework of the land and forest allocation act has been drawn beautifully in texts, but it is uneven at local level”<sup>10</sup>. The land classification and zoning of the agricultural and forest land are often unclear at the local levels. LUP/LA implementation made considerable progress in meeting quantitative target. There are many problems with the quality of the results, which impacts on local communities living in mountainous areas. In many cases, LUP/LA implementation has largely favored the land classification like protection, conservation or degraded forests where could not be accessed to the agricultural purpose or access to the land that has been deemed to threaten the food security.

After LUP/LA implementation, land use conflicts have been increasing in recent years. This problem has been caused by a number of inter-linked factors, which include government policies on village consolidation and stabilize of shifting cultivation, and explain the failure of LUP/LA process as well as increasing allocation of degraded land<sup>11</sup>. In addition, the previous ownership of land, which is the key reason of conflicts between villagers, was not respected during the allocation. The government and the citizens must cooperate and create compromise agreements<sup>12</sup>.

The process of land allocation was only difficult and fragmentary in fathoming out. However, the implementation of land allocation was followed the legal guidelines and went along with the lines of traditional usufruct rights. Land claimed by households and reported to the land allocation committee was registered and temporary land certificates combined with land use agreements were conferred to the

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<sup>9</sup> JICA/SIDA & GTZ, *Participatory agricultural and forest land use planning at village and village cluster*, Vientiane, 2009.

<sup>10</sup> THONGPHAN, Daovorn, *Impacts of land and forest land allocation policy on livelihoods in Laos*, 2003.

<sup>11</sup> THONGMANYVONG, Sethong,, *Agrarian land use transformation in Northern Laos*, Proceeding of conference, NAFRI, Vientiane, Lao PDR.

<sup>12</sup> PHENG SOPHA, Kaisone, *Local forest management and strategies in Northern Laos following government intervention*, Institute for global environmental strategies, Japan, 2004.

households. No official redistribution of land was observed. Besides this, a redistribution of land within the extended family prior to official registration could be ascertained<sup>13</sup>.

In contrast, before LUP/LA implementation, the villager's occupied land whatever they want. In regard to the traditionally land tenure agreements were made between families or through village chief. There were no restrictions on how much land a farmer could claim, as the land was free. The ownership certificates and registration of land was unnecessary<sup>14</sup>.

Some of these issues are particularly acute in areas where the government has encouraged remote upland population to leave the uplands and settle in valleys along to the road. Population gathering into development centers (as means of ensuring access to basic infrastructure and state services) had indirect effect of reducing the agricultural land available per household. There are several interferences between LUP/LA and the relocation of people in the rural areas. In some cases, it is argued<sup>15</sup>, that the reduction of allocated upland plots has favored the decision of villagers to relocate to other areas. On the other hand, zoning and agreements defined during LUP/LA was disabling after strong migration to a village. It was found that LUP/LA was avoided in any villages, where subjected to important populations changes, due to the migration. The primary effect of land allocations is directly and indirectly increases pressures over land in most of all villages. As a result, there are increasing social tensions between migrants, who have recently arrived in village by government sponsored resettlement policy, and the original inhabitants<sup>16</sup>. Vendergeest Peter has shown how resettlement and land allocation initiatives have resulted in a reorganization of the spatial orientation of upland inhabitations in Laos, including changing their (1) agricultural practices, (2) altering access to land of forest resources, (3) rearranging the spatial layout of villages along roads and (4) even of houses, to be more "permanent" and sturdy like those of the lowland<sup>17</sup>.

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<sup>13</sup> FUNKE, Iris Evelin (ed), *Analysis of land allocation and implications on land management*, Geo and Hydro Science of Dresden University of Technology, Germany, 2001.

<sup>14</sup> CARINA, Johansson, *Land allocation and land tenure in rural areas in Lao PDR*, Vientiane, 1996.

<sup>15</sup> SOULIVANH, Bouakham, *Study on Land Allocation to Individual Households in Rural Areas of Lao PDR*, GTZ, 2004.

<sup>16</sup> EVRARD, Olivier, *The implementation of land allocation and land titling in Laos: impacts on land access and rural livelihood*, FAO, 2004.

<sup>17</sup> VANDERGEEST, Peter, *Internal Resettlement in Laos*, *Critical Asian Studies*, Vol. 41:4., 2009, pp. 650-620.

Table 2: The deficiencies and issues summary from LUP/LA experienced

Issue	Description of issue
Village land use zoning	<ul style="list-style-type: none"> <li>- Land use zoning was not completed of the country's villages because districts lacked funds, staff and experience.</li> <li>- Insufficient agricultural production areas were zoned for villagers.</li> </ul>
Agricultural land allocation	<ul style="list-style-type: none"> <li>- LA of family agricultural land parcels was actually undertaken in a small proportion of villages.</li> <li>- Small numbers of agricultural parcels were allocated to families in most villages in which land allocation was undertaken.</li> </ul>
Livelihood and food security	<ul style="list-style-type: none"> <li>- LA has marginal effect on improving rural livelihoods.</li> <li>- LUP/LA staff had limited awareness of the risks of allocating limited production land for livelihoods because they focused on controlling shifting cultivation.</li> </ul>
LUP/LA process	<ul style="list-style-type: none"> <li>- LUP/LA approaches were inadequate</li> <li>- After LUP/LA there was inadequate extension and monitoring activity</li> <li>- LUP/LA information was not stored systematically</li> </ul>
Land tenure	<ul style="list-style-type: none"> <li>- Villagers claim forest land for agricultural purposes</li> <li>- In rural areas villagers did not receive permanent land use right</li> <li>- LUP/LA removed flexibility of traditional agricultural land distribution systems</li> </ul>
Village relocation and merging	<p>In host villages relocation has effects on increasing land transaction, reducing village forest areas, increasing pressure on arable production land and increasing land conflicts between villages.</p>
Inflexible LA criteria	<p>Using fixed criteria of allocating two, three and four parcels of agricultural land to families increased land use intensity and soil degradation.</p>
Increasing population	<p>Calculating population trends was not usually incorporated in LUP/LA procedures when allocating agricultural land and village use forest areas, which results in insufficient production land and use forest in future.</p>
Land tax	<p>Farmers did not declare all the agricultural parcels, using to avoid land tax.</p>
Data shortage	<p>LUP/LA data and land use maps were inadequately stored resulting in the loss of a large proportion of the information and maps.</p>
Resources	<p>The effectiveness of the program was reduced by inadequate staff resources, limited equipment and materials, limited budget and training of district staff.</p>

Sources: PLUP Manual, 2009.

The above assessments are indicators that there is a need to improve the purpose and procedure of land use planning at villages and village clusters level. The multi-stakeholders groups, who are working to measure and revise the LUP/LA, has been implemented throughout country and agree to set up the new manual update for LUP/LA into Participatory Land Use Planning (PLUP). The involved key actors are the Shifting Cultivation Stabilization Division of NAFES - who is playing the leading role -in cooperation with the NAFRI, National Land Management Authority and support from international advisers. A Memorandum of Understanding (MOU) was prepared in early 2008, than a Technical Advisory Group was formed to develop new approaches, procedures and prepare an improved manual, which is namely the Participatory Land Use Planning (PLUP). It is a process of defining development practices within village and village cluster management areas, by consultation with village cluster officials, village authorities and villagers. The overall approach describes in this manual concentrates on land use zoning at the village and village cluster levels due to the trend of problems in the past in most provinces and districts, where effort was focused on village boundary delineation and land use zoning<sup>18</sup>.

## **2. Definition of concepts**

### **2.1. Definition of livelihood system**

The word “livelihood” can be used in many different ways. A livelihood comprises the capabilities, assets are including both material and social resources, and activities required for a means of living<sup>19</sup>. The “sustainable livelihood framework identify five core assets require for livelihoods defined is including human (skill and knowledge), social (social networks, trust and relationships), natural (natural resource), physical (infrastructure) and financial (credit, saving, loan) asset”<sup>20</sup>. In term of natural asset is including access to land, forest, water, etc. Here “land is an essential natural resource, both for the survival and prosperity of humanity, and for maintenance of all terrestrial ecosystems”<sup>21</sup>. In developing country, the secure access to land is a core issues to improve livelihood and one of the precondition for sustainable land use<sup>22</sup>. In the recent years, issues of access to land and natural resources have been of growing concern to developing country it is the basic of economic and social in both rural and urban areas<sup>23</sup>. Under the land policy is aims to achieve certain objectives relating to the security, distribution of land right, land use (land management) and

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<sup>18</sup> Ibid.

<sup>19</sup> CHAMBER, R, G, Conway, *Sustainable rural livelihoods*, practical concepts for the 21 century, IDS, p. 296, 1992.

<sup>20</sup> DFID, *Sustainable rural livelihoods guidance sheet*, 1999.

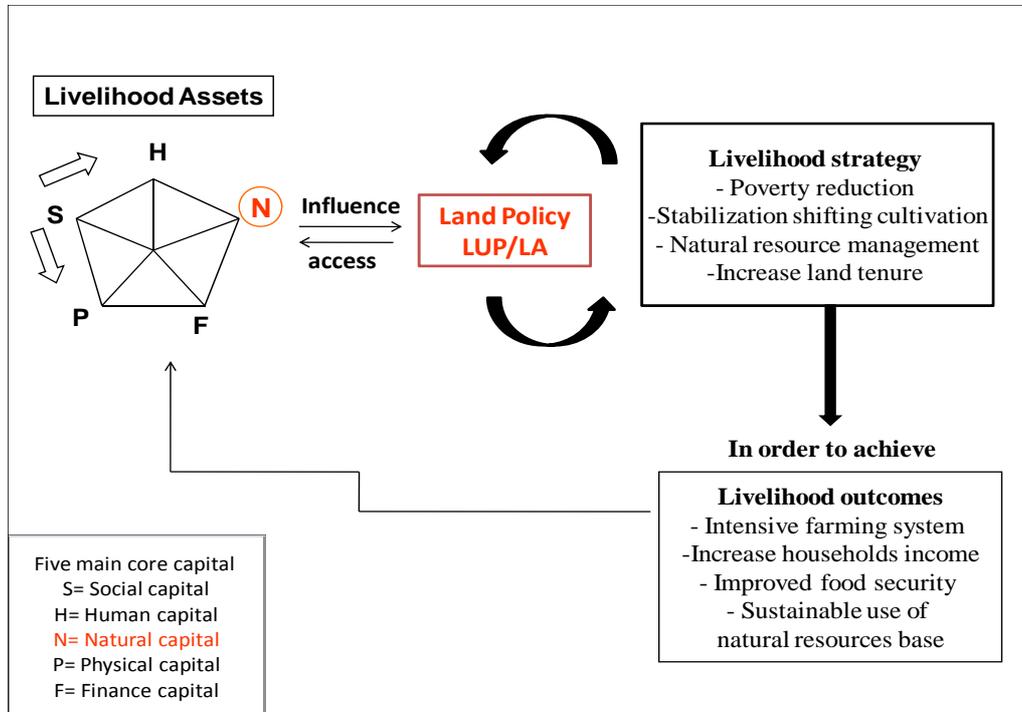
<sup>21</sup> FAO, *The future of our land, facing the challenge*, guideline for integrated planning for sustainable management of land resources, <http://www.fao.org/docrep/004/x3810e/x3810e00.htm#TopOfPage>

<sup>22</sup> GEUDER-ILG, Erwin, PETERMANN, Thomas, “*Land tenure and natural resources management*”, Development and Cooperation, No.2, pp. 8-11, 2002.

<sup>23</sup> FUNKE, Iris Evelin (ed), *Analysis of land allocation and implications on land management*, Geo and Hydro Science of Dresden University of Technology, Germany, 2001.

access to land, including the forms of tenure<sup>24</sup>. Therefore, LUP/LA is very important in this regard, it leads to a fundamental reconfiguration of the local access to land for livelihoods.

Figure 1: Livelihood framework



## 2.2. Definition of Land Use Planning (LUP)

Land Use Planning (LUP) is the targets the whole village community, defined are future land use” derived from existing or current land use areas. LUP at village levels was identified as a “tool to improve the protection and management of natural resources, to clarify boundaries between villages and agricultural land and forest”<sup>25</sup> which describes the types and composition of the forest or vegetation in particular areas. In accordance with the intended involvement of the local population in the management of forest resources, the development of suitable strategy has been initiated<sup>26</sup>.

Land Use Planning (LUP) is based on land and forest classification is developing a system of land and forest classification according to use, improving natural resource management by demarcating forests for specific

<sup>24</sup> EU, *land policy guidelines*, guideline for support to land policy design and reform process in developing country, 2004.

<sup>25</sup> SAWATHVONG, Silivanh, “*Experience from developing an integrated land use planning approach for protected areas in Lao PDR*”, *Forest policy and economic* 6, 2004, 553-566 p.

<sup>26</sup> FUNKE, Iris Evelin (ed), *Analysis of land allocation and implications on land management*, Geo and Hydro Science of Dresden University of Technology, Germany, 2001.

purposes and preventing illegal logging<sup>27</sup>. The forest law of 1996<sup>28</sup> was classified the forest in the following categories:

- *Protection forest* is forest and forest land classified for the purpose of protection of watershed areas and the prevention of soil erosion.
- *Conservation forest* is forest and forest land classified for the purpose protecting and conserving animal species, plant species, nature and various other things which have historical, cultural, tourism, environmental, educational and specific research values.
- *Production forest* is forest and forest land classified for the purpose of satisfying the requirements of natural economic and social development and people's livelihoods, for timber and other forest products on sustainable basis and without significant negative environmental impacts.
- *Regenerate forest* is young fallow forest classified for the purpose of regeneration and maintenance so that it increases in maturity toward a stage of natural equilibrium.
- *Degraded forest* is forest which have been heavily damaged such as land without forest on it or barren land classified for tree planting and allocated to individuals and organizations for tree planting, permanent agriculture and livestock production.

The aim of LUP is to delineate forest and agricultural land use categories that contribute to a satisfactory village livelihood system, while offering potential for retaining current forest cover levels. LUP is a participatory activity with villagers that enables LUP staff to understand village land use practices when demarcating production and protection zones within an agreed village boundary<sup>29</sup>.

### **2.3. Definition of Land Allocation (LA)**

Land Allocation (LA) is the process of assigning land use and property rights to individual household levels as well as communities for improved natural resource management. LA is defined as the demarcation and issuing of use rights to specific land parcels. The obvious reasons for the state to allocate land to the users are to secure the rights of use of land parcels, to create (incentives to invest in this land and to provide for sustainable land use practices and systems<sup>30</sup>. The purpose of LA is to reduce unsustainable use of land in order to increase the living standards<sup>31</sup>. LA is the instrument to facilitate the occupation and development of

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<sup>27</sup> FITRIANA, Yulia Rahma, *Landscape and Farming system in Transition in Laos*, MSc thesis. Insitut des Regions Chaudes-Supagro Montpellier, France, 2008.

<sup>28</sup> INOUE, Makoto, *Appraisal of land use classification policy for promoting participatory forest management in Lao PDR*, University of Tokyo, Japan.

<sup>29</sup> NAFRI, *Improving Livelihood in Uplands of Laos*, 2005.

<sup>30</sup> SOULIVANH, Bouakham, *study on land allocation to individual households in rural areas of Laos*, GTZ, Vientiane, 2004.

<sup>31</sup> FLORIAN, Rock, *comparative study on practices and lessons in land use planning and land allocation in Cambodia Laos, Thailand and Vietnam*, GTZ, 2004.

the permanent land use by providing parcels of agricultural land on which individual households would be undertaken for farming systems as well as to promote forms of forest resource management at local level<sup>32</sup>. The restricted family access to agricultural land with few parcels allocated then used it in traditional fallow systems so-called “three parcels strategy” which applied as allocating only three plots per family and thereby restricting fallow periods to only two years.

The temporary land use certificates are official document, which certify the right to temporarily use and possess agricultural or forest land issued by the district administrative authorities. As results of LA, the temporary land use certificates will be issued and it is valid for three years. After three years’ use according to the agreement the household may apply for a permanent deed of ownership. In the case of newly allocated land the annual use of at least one part of the land must be proven after issuing of the temporary certificate of land for a period of three years. By the issue of land certificates as well as deeds of ownership land taxation is established. This is to ensure revenues for the state and serves as an instrument for the control and regulation of land use. The title holders have a legally recognized and protected right for their property of land which allows them, inter alia, to sell the titles or to use the land as collateral security<sup>33</sup>.

The instruction distinguishes five different types of land within the framework of land allocation are to be treated differently:

1. Land type bearing permanent production (paddy field, construction land and garden land). This type of land is not to be allocated. The land management office of the district is to make actual measurement so as to issue land registration and land title for the population to manage and use according to the law.
2. Land type bearing no permanent production: shifting cultivation areas, fallow land, deforested land. This type of land use shall be subjected to allocation by redistribution so as to ensure that each family has land for production in accordance with labour fund of each family. The advice is given regarding the type of crops suited to the land as well as the way to prepare and conserve the land.
3. With land type left over from the allocation of the agriculture production any family can be allocated to if they are interested in tree planting or allocated to collective divisions for commercial tree planting or it may be allocated to private investors for commercial tree planting. This land type must be used exclusively for tree planting. Tree planting is not permitted on agricultural land.

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<sup>32</sup> Ibid.

<sup>33</sup> FUNKE, Iris Evelin (ed), *Analysis of land allocation and implications on land management*, Geo and Hydro Science of Dresden University of Technology, Germany, 2001.

4. The type of land set aside as reserve land of the village in anticipation of the increase in population of the village and the expansion of production area in the future.
5. The forest types are of three categories: water source protecting forest, village forest reserve and utility forest. In case where the village has no forest, land should be set aside for tree planting. In some cases where neighboring villages have rich forest, an agreement on sharing the use and protection of the forest may be concluded<sup>34</sup>.

Table 3: The step of LUP/LA implementation

Stage of LUP/LA implementation	Detail
1.Prepare for implementing	Conduct training at district and province level
2.Survey of village boundaries and forest agricultural land use zones	Determination of village boundary and prepare the boundary agreement
3.Data collection and analysis	Gathering village land use, including socio-economic conditions and problem census
4.Village land use plans	Awareness the villagers, define appropriate agricultural land and forest use
5.Forest and agricultural land allocation	Reach agreement on appropriate land use and verify land ownership
6.Field measurement of agricultural land	Locate and measure agricultural fields and land use record
7.Preparing agricultural/forestry agreement and transferring right to villagers	Prepare temporary agricultural fields and land use record
8.LUP/LA information storage	Copies of all relevant documentation at DAFO
9.Agricultural land allocation records	When land allocation completed in each village that need to established at DAFO
10.Monitoring and evaluation	Field test monitoring forms, make report and feedback results to village and LUP/LA committee

*Sources: PLUP Manual, 2009.*

All the above stages, as mentioned in each step of the process are inter-related: they are sequential and cumulative. No any steps can be missed, for the results from successful and full execution of one are needed

<sup>34</sup> FUNKE, Iris Evelin (ed), *Analysis of land allocation and implications on land management*, Geo and Hydro Science of Dresden University of Technology, Germany, 2001.

for the next to be executed in this way the LUP/LA policy has been made like a chain. It is difficult to determine if a step in LUP/LA process was missing entirely or not fully and effectively discharged in part.

Actually, the real implementation in the local village is still missing some step, particularly the last monitoring and evaluation. Regard to the local authority responsible for LUP/LA implementation and field monitoring of land use practices with the village authority. Then, make a report and provide feedback monitoring results to village authority. The most important is the use of the results to prepare a follow-up activity plan to address issues and problems identified during monitoring work to improve the whole LUP/LA procedure<sup>35</sup>.

In addition, some of the implementers at district did not fully understand the participatory approach they were expected to apply. The main constraints of LUP/LA implementation are insufficient human resources, lack of equipment or materials, insufficient budget or budget arriving late at district level. In addition, the villagers are not interested in participation related to their understood on concept of LUP/LA implementation<sup>36</sup>. In order, LUP/LA process has not been fully implemented because it took only few days in each activity. At the end, the district authority provided the land allocation map (documentation) and classified the village land and forest. Every household has been allocated fixed plots officially, but in reality this is not yet really implement because weak control by the local government<sup>37</sup>.

There are two forms of land allocation. The first is a simple process of agreeing upon the boundaries of forest and agricultural land in a village. The next step is a more detailed classification of land use types and allocation of fields to households. District forest departments have the primary responsibility for allocating land and to do so they organize a land allocation team, which includes staff from DAFO and other district financial and planning officers. Villagers are meant to be involved in the mapping and land allocation process through full consultation with the implementing officers. Typically, each village forms a committee, led by a popularly elected village administrators, representatives of livelihood groups within the village, and representatives of large organizations such as the farmer's and women's unions. Allocation teams map and distribute paddy and agricultural land to individual households and allocate forestland to villages to be managed as common property. At the end of the process, the village committee and district authorities sign a land use agreement that makes the village responsible for monitoring and implementation under supervision

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<sup>35</sup> NAFRI, *Improving Livelihood in Uplands of Laos*, 2005.

<sup>36</sup> *Ibid.*.

<sup>37</sup> FITRIANA, Yulia Rahma, *Landscape and Farming system in Transition in Laos*, MSc thesis. Insitut des Regions Chaudes-Supagro Montpellier, France, 2008.

of the district authorities. The committee creates and posts land use maps in the village as a reference for ongoing natural resource management decisions<sup>38</sup>.

### **3. Research objectives and questions**

The overall of the research is to study on the outcome of LUP/LA implementation from the different stakeholder's perception on different mechanism and process that concern to the livelihood aspect of local people; there are two main following objectives:

**Objective1:** To study the implementation of LUP/LA through an analysis of the perceptions/expectations of different stakeholders.

- What are the perceptions of different stakeholders on LUP/LA implementation were done?
- How different stakeholders participate in shaping the outcomes of LUP/LA implementation?
- What are the expectations of different stakeholders in concerning by the coming implementation of PLUP?

**Objectives2:** To analyze the outcomes of LUP/LA implementation on livelihood aspect.

- What are the outcomes of LUP/LA implemented on livelihood changes (both positive and negative)?
- What are the gaps between the expected outcomes of LUP/LA and its actual impacts on local livelihoods?
- To what extent are local livelihood specificities accounted for during LUP/LA implementation?

## **4. Data collection**

### **4.1. Selection of site studies**

Located in Luanphabang province, Phonxay district has several ongoing research and development programs, particularly the Upland Research Agriculture and Capacity Development Research Program (URDP) of the Laos Swedish Upland Agriculture and Forestry Research Program. The aim of the program is address a sustainable agricultural development and poverty reduction in the upland of Lao PDR. The goal is also to use the site for the Tentative Agro-Biodiversity Project (TABI), funded by SDC which supports and facilitates the new PLUP implementation in Sobchia village cluster.

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<sup>38</sup> PHENG SOPHA, Kaisone, *Local forest management and strategies in Northern Laos following government intervention*, Institution for global environmental strategies, Japan 2004.

Taking into account the timeframe and workforce available for the research, Phonxay district within Luangphabang province was selected as a site study. Within the target villages, Nambor, Sobchia and Pakhok were chosen as a target of the site study. The criteria of the studied sites took into consideration the accessibility and various characteristic.

The first study site, Nambor village has been implemented LUP/LA in 2008. This is a diverse village where the ethnic minority relocating from the mountainous areas are mixed and living together. It is more developed than other villages of the district because of the accessibility. It is located along to the main road and close to the market in the region. The cash crop cultivation is the main source of household income for the villagers.

The second village, Sobchia village has implemented the LUP/LA since 1999. This village has emerged from the land conflict resulting from the village relocation. It is located in the middle between the first and third studies site, where a market and roads can be accessed only in a dry season or in accordance to the road condition.

The third site, Pakhok village is located in a remote area which is difficult to access. It is populated by the Khmu ethnic minority. The local people depend very much on natural resource for their livelihood and traditional farming system (upland rice cultivation), where there is no alternative for livelihood in accordance to the village typology. This village has not implemented the LUP/LA yet. But TABI Project plans to implement the PLUP similar to one that the first site of the district has implemented

#### **4.2. Semi-structured interview**

The research uses semi-structured interviews which includes an interview guideline. The interview guideline is the important tool to better understand the event and situation of the studies site's context. The guideline is divided in three parts, the district profile, LUP/LA implementation and the perception/expectation on LUP/LA implementation. The purpose of using the interview guideline is to open a discussion with the district official including DAFO, DLMO and village authority to gather more information.

#### **4.3. Household survey**

The household survey was conducted by using 90 questionnaires to interview a household. The questionnaire was divided into two groups for a different form. The first group contains 60 questionnaires for the village

where LUP/LA has been implemented and the remaining 30 questionnaires are for the village where LUP/LA has not been implemented yet.

The interview was sampling randomly based on three technical variables, the wealth of the household (1. poor, 2. middle and 3. rich), the age of head of household (below 30 years old, between 30-40 years old and higher than 40 years old) and the position of the head of household in village (village chief, village committee, elder person, security, police, etc). In addition, the criteria to select the household for the interview were discussed and asked more the duration of relocated to village were regards as relevant.

Table 4: The characteristic of the site studies

Characteristic	Nambor village		Sopchia village		Pakhok village	
	Total	Sample	Total	Sample	Total	Sample
Population	490		369		525	
Number of households	85	30	70	30	89	30
Ethnic (%)						
1. Hmong ethnic	48.2	40	0	0	0	0
2. Lao Loum ethnic	8.2	46.6	62.8	43.3	0	0
3. Khamu ethnic	43.5	13.3	37.1	56.6	100	100
Wealth (%)						
1. poor	20	20	40	26.6	47.2	36.6
2. Middle	58.8	50	38.5	43.3	48.3	50
3. Rich	21.2	30	21.4	30	4.5	13.3
Age of household head (%)						
1. <30 years old	24.7	16.6	7.1	0	13.5	23.3
2. 30-40 years old	37.6	40	38.6	23.3	32.6	30
3. >40 years old	37.6	43.3	54.3	76.6	53.9	46.6
Relocated village (%)						
1. Relocated village	100	100	x	66.6	0	60
2. Non-relocated village	0	0	x	33.3	100	40

Source: field survey, 2009, village documentations.

#### **4.4. Focus group discussion**

In order to get a broader opinion from more sample families in the community, a set of questionnaires has been created to enable a more open and participatory discussion in friendly atmosphere. The focus group discussion with the district authority and village council elder was undertaken to understand the village situation, special event, relocated village, land use (compared in the past until present) and other story related to land conflict in village and among village boundaries. After group discussion, all participants drew the village map before and after LUP/LA implementation. The purpose of mapping is to understand the village context, land use and understand how big the village areas in each land use pattern that is an important source for the local livelihood. In addition, field survey has also been included as part of the study. During the field survey, a general feeling or picture of the village can be obtained precisely if the villagers can explain the problems they have in the field.

In addition, the observation as a tool in empirical research permits the analysis of the change in variables without the manipulation of researcher within the social context. This method is used to obtain additional information as well as to gain an insight into the village and its activities by living with a local family and coming into close contact with the villagers.

#### **4.5. Data analysis**

Secondary and primary data analysis has focused on informal regard to the land policy in particular of LUP/LA policy has been implemented at the local areas. The research used both quantitative and qualitative approach.

The data from interviews, group discussion, household survey, participatory field observation represented the overall conditions of livelihood, land use and LUP/LA activities. The data analysis focused on the outcomes of LUP/LA implementation in three site studies. Used Excel file database to enter all the data collected from the field, gathering the same group of answer and summary the key point. Some data have to be estimates due to knowledge gaps (the area in hectares was not always known for upland rice, a calculation has to be done with the amount of planted seeds).

In regard to the field study, some quantitative data was collected related to the land use areas, number of parcels and analyze the level of local participation in each activity. The data was processed and analyzed using Microsoft Excel and SPSS Program with frequency analysis.

#### **4.6. Scope and limitation**

The limitation of research is a lack of the database management system at the district office, both at of DAFO and Land Management Office. There was a particular lack of important data source of the land use statistic, as the village mapping and LUP/LA records often disappeared.

Inaccurate obtained data can based the study. During the household interview on the land use, a number of parcels and land allocation part can be a sensitive topic. As well known, the purpose of LUP/LA is to distribute the agricultural land for each households allocated only three farm plots (three plots strategy). However, in reality the local people have allocated themselves more parcels. Therefore, to get around the system and to avoid paying an extra land tax, the local people sometimes did not disclose exactly the number of parcels that they have.

In addition, it is hard for the villagers to remember how much the crop yield they have each year after the harvest and which parcel they used for the upland rice cultivation as a rotation period. So, in this regard it is difficult to analyze and compare before and after the LUP/LA implementation.

During the rice harvesting season, some households are usually are not available for the interview during the day. Therefore, an appointment had to be made with them at night after they came back from the field harvesting.

In case of Sobchia village, the person who is in charge of the LUP/LA implementation was not available at the district level because he attends classes in the university in Vientiane. Other people, who had experienced and involved in the LUP/LA implementation in the past, have moved to work in other district. So, it was hard to analyze the stakeholder's perception on the LUP/LA implementation in both studied sites.

## Part 2: Finding and Interpretation

### 1. Describe the site studies

Ninety percent of Phonxay district is the mountainous area, which is a limiting factor for paddy rice cultivation. Phonxay district is one of 47 poorest districts in the country on the prioritize list of the government development program. It has a total of 24,586 inhabitants, including eight village cluster and 52 villages<sup>39</sup>. The district populated by all three main ethnic groups. Lao Loum, a low-land Lao ethnic group, occupies the riverside valleys. Lao Theung inhabits the valleys and hill slopes, and the Lao Soong occupies the higher elevations of the area. However, there has been a significant changed recently in this distribution both due to voluntaries migration and the planned relocation of villagers from the more mountainous areas to flat land areas.

The agricultural activities are playing a central role for livelihood. Over, 90 percent of households are engaged in agricultural activities. Annual income in the site studies came from cash crop are a major contributor to cash income for Hmong villagers. There are various cash crop is including cabbage, job's tear and sesame. NTFP is the biggest cash income sources for the villagers. There are many kind of NTFPs in site studies, but only three kind of these are readily marketable: paper mulberry, *Keam* (boom grass) and *Pucak Muack* (bark tree). Raising livestock is a widely observed practice in the site studies. All of three villages are active in raising livestock in particular practiced pig, goat, cattle and buffalo.

NAFRI is the main actor who has conducted the researchers and extension in Phonxay district with the strong support from SIDA as partnership of the Lao-Swedish Upland Agriculture and Forestry Program (LSUAFRP). The overall development goal of LSUAFRP is the improvement of upland farmer's livelihood for poverty reduction and sustainable use of natural resources. This can be described as three specific objectives:

- Develop productive upland technologies and land management that are acceptable to farmer and take poverty alleviation and gender equality into consideration.
- Strengthen the capacity of NAFRI and its local partners to undertake research and provide effective research support activities.
- Provide information, feedback and methodologies for natural resource planning/management and policy development.

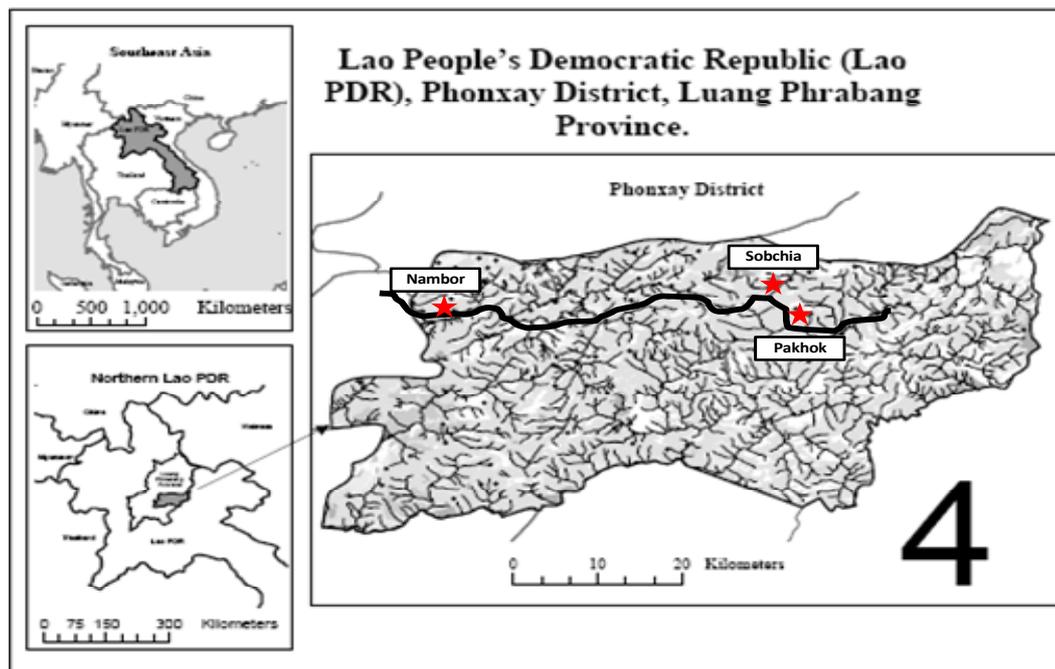
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<sup>39</sup> DAFO statistic record , 2009.

Phonxay district has been implemented of LUP/LA since 1997-98, supported by development program and partial funded by District Administrative Office. The main conductive of activity was the village boundary delineation of the forest and agricultural land use zoning, which had been undertaken in 67 villages during 1994-96. LA had also been undertaken in 13 villages during 1997-2008. Until 2002, a review of the village LUP/LA Program was conducted in Phonxay district and supported by LSUAFRP. Houayman village is the first site, where LUP/LA has been implemented in 1997-98 in under the EU Project and supported by a partial funding from Forestry Section under PAFO. At the same time, Houaymaha and Phoungpao villages have followed up undertaken LUP/LA implementation, supported by Upland Agriculture Research and Capacity Development Program (URDP). The main activity conducted was village boundary delineation and forest and agricultural land use zoning, which was undertaken in 67 villages during 1994-96. LA was undertaken in 13 villages during 1997-2008. Until 2002, a review of the village LUP/LA Program was conducted in Phonxay district, support by URDP.

The research took place in three villages in Phonxay district are namely Nambor, Sobchai and Pakhok village. The villages are located along to the same road that goes across the district from the east to the west where the road ends. This road is the main road of district and the only one road connected to other districts. Nambor (village 1) is close to the district, Sobchia (village 2) is also close to the district town but difficult to access and Pakhok (village 3) where located in sloping areas, pass through Sobchia village and the most difficulties to access.

Map 1: Site studies



## 1.1. Nambor village

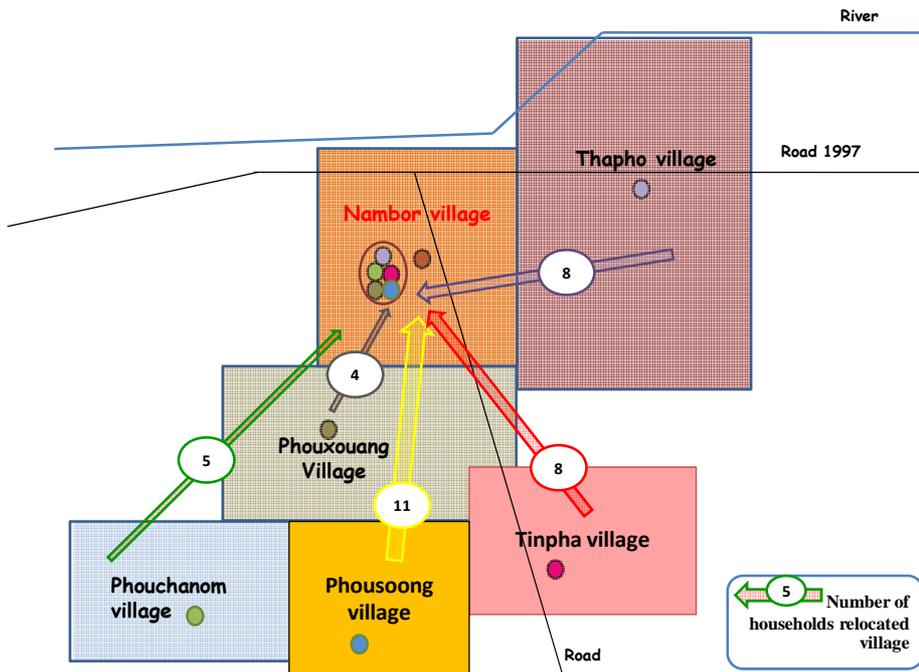
The Nambor village is located on the main road from one of the major cities of Luangphabang to Phonxay district. It has a better access to the main market in city of Luangphabang and other local markets. By comparison, it is a relatively more developed and wealthy village because of the convenient accessibilities to the outside. In regard to the village is located near a riverbank, where its flat terrain and fertile soil are an ideal for gardening and farming. So, the villagers take advantage of their location switching from the upland rice cultivation to produce cash-crops such as cabbage, tomatoes, and sesame to supply the market in Phonxay district and Langphabang city. Selling the cash-crops becomes the main source of income for the local villagers. In addition, rice is remains the most important plant by for subsistence by paddy field and some upland rice field. The domestications of market NTFPs, e.g. paper mulberry, broom grass, *Douk Deau* also take place as well as plantations of teak and rubber. Teak and fruit tree plantation is commonly found in village.

Nambor is now the most important village of the district with a market place hosting an every “10 day market” when some traders are coming to buy local goods and other traders are displaying their goods for sale. Also people from neighboring village visit the village during these market days. It is the economic center with greatest variety of cash crop and most innovative farmers.

Nambor is rather new village of the district. In the past, it was the swidden area of Lao Soong ethnic. There was no settlement, so the land belonged to no one. The Lao Soong ethnic who is the first arrival in this village since 1990 established Nambor village. The small group of Lao Soong ethnic settled and started owning the land around the village, with the villager enterprising vision. They began to make Nambor a trading centre of villages around. More people have been moving in because of successful economic development which led to infrastructure development. The village has multi ethnic minority group is living together. It is populated by 56 percent are Hmong, 36 percent are Khmu, and 7 percent are Lao Loum.

In regard to the government policy based on resettlement, the mountainous villager was encouraged to settle down in flat areas. In 2003, three main villages were relocated village to Nambor including eight households from Tinpha village, elevens households from Phousoong, five households from Phouchanom and four households from Phouxoung.

Figure 2: The various relocated village of Nambor



The issue concerned for the relocated village was too complex story because the relocated village from one district to other district such the case of Nambor village. Those among of four villages are under administrative of Luangphabang district, but Nambor is under administrative of Phonxay district. After relocated village, the villagers want to keep own land where they were relocated. In this issue, the village authority is strong to negotiate regarding to the villagers who want to own land with the district authority, if the district do not allow them to access their own land they won't moved. In this purpose, the both district could not find the solution, and then the village authorities have to send the official document through the district authority, provincial and reach to the central level. The negotiate process ran for four years (2004-2008) to get approval from relevant central government. Finally, the best solution is transferring the district boundary, where those four villages cover into Phonxay district that approves by the central government.

## 1.2. Sobchia village

Sobchia village is located near the capital of Phonxay district, but it difficult to access because the road passing to village is not good condition, which it needs to cross two rivers before access to village. Therefore, the village can access only dry season and the rainy season is broken transportation.

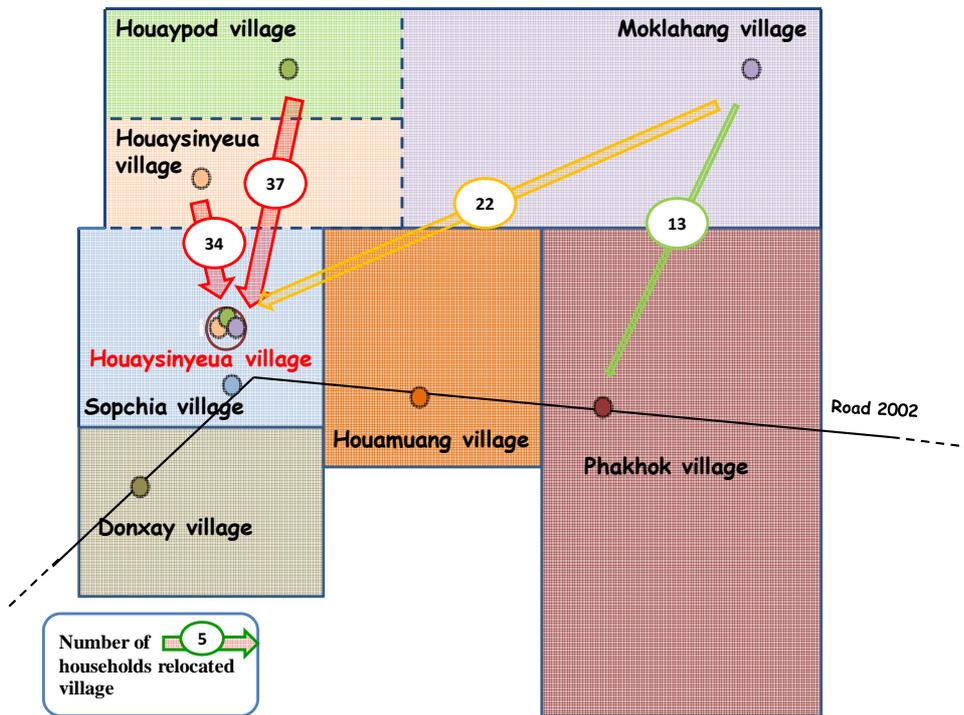
The local livelihood is based on subsistent agriculture, raising livestock, and some of villagers earn income from trading and shop keepers. The villager's main occupation is practices upland rice cultivation and some

paddy field. The main cash crop is Job's tear and sesame, but the villagers do not satisfy with the market price is not sustainable. In addition, the villagers can earn money from NTFPs collection, e.g. paper mulberry and broom grass. Livestock is another important source of food and income. Major livestock are pigs, goats and poultry.

Lao Loum who migrated from Xiengkhouang province since 1914 established Sobchia village. The aim to settle down village is to find the better alternative of livelihood. The village is populated by Lao Loum and Khmu. Before road access to village, the area has been selected as a focal site development of trading centre in district, where connecting people coming to buy the local goods and other traders are displaying their goods for sale between mountainous villages with other. For this reason, there are several households decided to settle down for business purpose.

In 2003, the district authority decided to merge three villages of what has now become Sobchia village cluster into single one under the “Village Relocation and Consolidation Program” which states that the village should have at least 50 households. As a result, of this program, 34 households from Houayseyoua were encouraged to move closer to the road, and were later joined by 22 families from Moklahang and 37 households from Houaypod. In this issue, it created tension between original villagers and newcomers. In according to the first oral agreement between both side of village authorities have agreed to share and distribute the agricultural land to each other, but in reality there is nothing happened. This misunderstanding triggered land conflicts between two villages for the use of parcels in the vicinity of the new settlement. The Houayseyoua villagers moved close to the paddy field of Sobchia villagers. However, there was no land made available to these newcomers by Sobchia villagers. The Sobchia villagers on the other hand received a certificate right of using land from LUP/LA implementation since 1999. To mitigate the issue, DAFO encouraged Houayseyoua villagers to resettle to a new location within the boundaries of Sobchia village but did not provide the agricultural land for the newcomers in their new location.

Figure 3: The various relocated village in Sopchai



### 1.3. Pakhok village

The oldest village, Pakhok was established since 1973 by volunteer relocated village surround Pakhok. It populated by Khmu ethnic group origin. In 2003, 30 households from Houaysoy village and 14 households from Moklahang village were relocated village to Pakhok. It is another village contains in Sobchia village cluster and it is a poorest village, where difficult to access because the same road condition with Sobchia village. There is no market held in the village but there are two grocery stores for the villagers to buy daily stuffs like foods or household equipment.

It is the village where there is no effect from relocated village and LUP/LA has not been implementation yet. The local villagers are practice a traditional farming systems (shifting cultivation) and no more alternatives for intensive farming systems. In regard to the village typology in sloping land, so the village has limited flat land available for farming system.

The security of land tenure is well known among villagers and no land conflicts. Most of villagers do not have any document asserting their rights on their plots and rely on village chief to acknowledge their rights in case of problems. The village land and forest classification by village authority themselves, it is including

conservation, production forest, and sacred. The village does not have fix forest and land regulation yet because the villagers can access to the conservation forest by cutting tree for housing and other purpose by getting permission from the village committee. Until nowadays, the villagers are considering the important of natural resource especially forest degradation that the local people can see the landscape change and related to the climate change it concerned to their farming systems.

Table 5: Basic information of site studies

<i>Village information</i>	<i>Nambor</i>	<i>Sopchia</i>	<i>Pakhok</i>
Population	490 (234 female)	369	525 (263 female)
Households	85	70	90
Village established	1990	1914	1973
Road access	1997	1997	2002
Water supply	1992	1999	2002
Sanitation established	1995	1999	No have
School build	No have	No have	1998
Rice bank established	No have	1998	2002
Village revolving fund	No have	No have	2008
Electricity came	2007	2008	No have
<b>Relocated villages</b>	2000	2002-2003	2003

*Source: data collection from the field (focus group discussion).*

Table 6: Village land use

<i>Land use pattern</i>	<i>Nambor village (areas/ha)</i>	<i>Sopchia village (areas/ha)</i>	<i>Pakhok village (areas/ha)</i>
Agricultural land	489	260	2.096
Conservation forest	72	25	461
Protection forest	6	15	641
Production forest	34	37	0
Regenerated forest	1,25	19	80
Sacred	0	0	3
<b>Village areas</b>	1.880	1.127	4.017

*Source: the village LUP/LA records (village of Nambor & Sopchia) and focus group discussion (Pakhok).*

## **2. Implementation of LUPLA and impacts on livelihood**

### **2.1. Diversity of implementation**

The LUP/LA was differently applied in mechanism and purpose in the field which lead to the diversity of implementation. Sometimes, LUP/LA implementation throughout Laos, it could not success all whole steps. In some case, LUP/LA has been applied for agricultural land allocation and some focused on the village boundaries delineation, and forest classification at the village level. However, the purpose of LUP/LA has been implemented in the field is to solve the serious problem as the priority in particular of village have land conflict, where village relocation. The diversity of LUP/LA procedures, which are being developed, raise important questions regarding on the possible of contradictions and conflicts between the different approaches proposed, LUP/LA actual implementation in the field and the consequence of superimposed land use planning instruments livelihoods.

The district plan for zoning of forest areas are compatibility with village LUP/LA implementation because the land use planning was not clear classified and defined at district level. In regard to the long period of implemented of LUP/LA the village authority does not have adequate knowledge about the process. In consequent, LUP/LA implementation has weak outcomes due to the lacking of re-enforcement from local authority and no monitor the after LUP/LA has been applied.

- **LUP/LA implemented in Nambor**

The village underwent the process of LUP/LA in 2008, supported funding by local government (District Administration Office and Provincial Administration Office). The district government was selected the District of Land Allocation Committee: it is the official executive body in district. There are several different stakeholders involved is including Provincial of Land Management Authority and Forestry Section (PAFO), and head of village clusters, DAFO, DLMO, Education Office, security and police at district level. The training is organized and executed by professional officers from the Forestry Section under the Provincial Agriculture and Forestry Office (PAFO), who have a full experience on the LUP/LA implementation.

The first activity of LUP/LA implementation is train among the stakeholders for two days. The aim of training is for capacity building and update knowledge to local authority. The trainers were described more information that relevant to the land and forest law, government policy and LUP/LA policy. In addition, all stakeholders learned how to measure the areas and other preparation need before go the field.

The second activity, District of Land Allocation Committee keep informed to the village authorities on the purpose of LUP/LA implementation and organized the introduce meeting. All villagers were invited to attend. The classified of the village land and forest usage in according to village land usage exists to be conserved or generated. It was classified into conservation forest, protection forest, production forest, regenerated forest, and agricultural land (land under shifting cultivation). The District of Land Allocation Committee was divided into group for household survey. In general, household survey was conducted as such: the basic information on land use is gathered into a form, to understand in reality that how many parcel of land in each household allocated before. Then, field measurement activity is involved the two district staffs and individual household.

LUP/LA has been carried out as a participatory process in conjunction with the representatives of village is including villagers. This village has been completed the almost the whole steps of LUP/LA implementation. That figures out the village land use map, village land use and forest regulation. The land registration of individual households is based on the villages’ data available and the basis information supplied by the households.

Picture1: Land allocation map of Nambor village



This is village forest and agricultural land use agreements that elaborate the management and use arrangements and conditions for each of the village land use categories. They are developed with villagers at the time land use zoning is undertaken and are officially acknowledged by district authorities.

- **LUP/LA implement in Sobchia**

Sobchia village was underwent LUP/LA implementation since 1999, supported by the EU Project and a partial funding from the District Administration Office. It is the first village among village cluster, which has implemented of LUP/LA. Four villages (Houamouay, Donxay, Houayseyoua and Parkngar villages) later joined the LUP/LA implementation in 2008. However, there are four more villages which has not implement.

There are only DAFO staffs who take responsible for overview of implementation, worked together with the village authorities and the landowners. In regard to the district lack of budget and time limitation for LUP/LA implementation, so there is no training staffs and not well prepared before implemented, which concerned to the effective of the level of outcomes on LUP/LA implementation.

The first activity of LUP/LA implementation was organized introduce meeting. The aim of meeting was informed the purpose of LUP/LA and all villagers were invited. However, the DAFO staffs did not define the village boundaries and plan for the village land and forest usage. The main step of LUP/LA implementation was focused on agriculture land allocation at individual household as well as giving the temporary land use certificate. The village land use planning was not classified clearly. At the present, the village did not receive the LUP/LA records from the district authority and non data available on LUP/LA implementation.

Table 7: Compare steps of LUP/LA implementation in site studies

Stage of LUP/LA implementation	Nambor	Sobchia
1. Prepare for implementing	- Training district staffs - District Administrative Office supported fund.	- No training district staffs - EU Project and partial fund from district administration
2. Survey of village boundaries and forest agricultural land use zones	- Discussed with the village committee to draw the village boundaries. - Survey the village boundaries	- Discussed with the village committee to draw the village boundaries.
3. Data collection and analysis	- Gathering village land use with the village committee. - Gathering individual household land use and areas.	- gathering village land use with the village committee - No individual household
4. Village land use plans	- Village land use and forest classification (conservation, protection, production, regenerated forest )	- Not well describe the land and forest classification/zoning
5. Forest/agricultural land allocation	<i>Missing</i>	<i>Missing</i>
6. Field measurement of agricultural land	- DAFO, DLMO, Education, security/police and individual	- DAFO and individual household

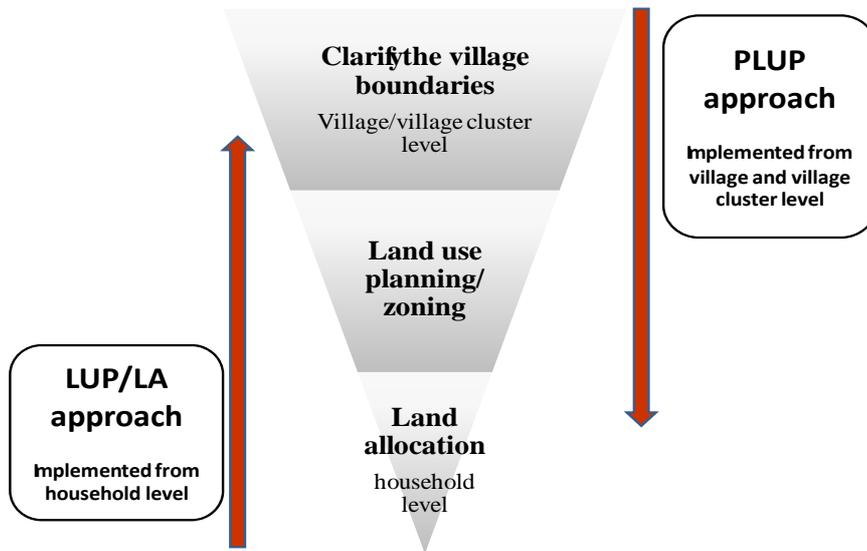
	household	
7. Preparing agricultural/forestry agreement and transferring right to villagers	- Received temporary land use certificate (63 percent of land parcel)	- Received temporary land use certificate (54 percent of land parcel)
8. LUP/LA information storage	<i>Missing</i>	<i>Missing</i>
9. Agricultural land allocation records	-LUP/LA record is available at district but not in village.	-LUP/LA record available both at district office and village.
10. Monitoring and evaluation	- <i>No monitor</i>	- <i>No monitor</i>

- **PLUP implementation in Pakhok**

The new mechanism of LUP/LA implementation was adapted and updated for better implementation so call the Participatory Land Use Planning (PLUP). The purpose of PLUP is based on land use planning and land use zoning started since the implementation at the village and village cluster levels. The purpose of PLUP implementation is identify the village boundaries by fixing and marking of the village boundaries points, which undertaken in cooperation with the neighboring village. After that, classify the land and forest use for better natural resource management at community. In contrast, LUP/LA implementation was applied for the land allocation at individual households. Then, come up with the village land and forest classification at village level.

The diversity of PLUP implementation is involved several stakeholders from different institute at central and provincial levels. In regard to the formation of the National Land Management Authority, it was establishment at provincial and district land management offices, which means that the roles and responsibilities of staff concerned with the management of natural resources has changed from the past. At the district level, the roles and responsibilities of village cluster and village agriculture and forestry land use planning activities are now shared and divided between the district authority (DAFO and DLMO). For the land allocation at household level, it is responsible for the DLMO who implement and register the agricultural land. At the provincial level, the governor's office is represented by PAFO and Provincial Land Management Authority. At the central level is including Department of Forestry, NAFRI, Shifting Cultivation Stabilization Division (NAFES), Department of Land Planning and Development (National Land Management Authority).

Figure 4: Compare both approach between LUP/LA and PLUP implementation



Pakhok village was the first village selected to implement the new update manual of PLUP. There are different stakeholders involved such as PAFO, Provincial Land Authority, Agriculture and Forestry Colleague of Luangphabang province and a local NGO. It based on the Forestry Management Program in Luangphabang province. At the district level it includes DAFO, DLMO, Women Union and head of Sobchia village cluster. The PLUP implementation organized and executed by professional officers from NAFRI and NAFES.

Each activity followed to the instructions was described in PLUP implementation steps. The first activity of PLUP implementation is preparation and organized the training staffs. The professional officers were described the land and forest law and PLUP policy. Then, train all participants how to use GPS and map interpretation (topology map and satellite map).

After finished training, some of participants were responsible for households survey by using five different forms is include: (1) population growth trend, (2) migration (in and out of the village), (3) issues and resolutions from the village problem census meeting (organizes a men and women group discussion), (4) issues and resolutions from the land use meeting with the village committee and village elders, and (5) the land use and the land tenure.

Some of participants have take responsible for group discussion with village chief and elder person for better understand more village land use situation. The first of all, drawing the village mapping that it clearly

showed village boundaries, where land could be used for production areas, conservation forest or protection forest. Then, define the village boundaries and prepare the invitation to the other village where sharing boarder with Pakhok village.

There are four villages sharing boarder with Pakhok village. It is including village of Pakbong, Houamuang, Tadthong and Houaychia were invited to attend the village boundary meeting. The meeting was organized village-by-village is purpose to open discussion how are they defined the boundaries and how they traditional mark the boundary. The consequent of three village meeting were agreed with other and there is no any problem. Then, all of them sign the village boundary agreement approval by District Administration Office. But Tadthong village is not agreed and not satisfied with the village boundary because the villagers keep the land for some household who move to Houayseyoua village. The village authority won't maintain outsiders occupied these parcels of land. The village authority would like to use these parcels of land, but it is impossible because it belongs to the Houayseyoua villagers. Finally the decision of the PLUP team and district official was agreed to distribute and separated the part of Houayseyoua villagers allocated under control by Houayseyoua village. The village boundary meeting is the highlight of PLUP implementation in Pakhok village because the main sticking point of the meeting is concerned for the village relocation issue which too complex case.

The village forest management committee was set up by village committee election among themselves. It is involved women union, youth union, security, elder person and village chiefs. The village forest management committee is aims to solve the problem from land conflict and to protect the forest. However, the village land and forest regulation was not decided and fixed the rules yet.

Table 8: Results of village problem census in Pakhok

<b>Problem</b>	<b>Cause</b>	<b>Impacts</b>	<b>Solution</b>
Houamuang villagers access to illegal cutting wood	- No forest regulation - Two village chief never discussed with each other	Decrease the forest cover	Create the regulation and agreement between two villages.
Houamuang villagers access to production areas for collected NTFPs purpose	- No forest regulation - Two village chief never discussed with each other	Decrease NTFPs	Create the regulation and agreement between two villages.
No lowland for agriculture (hard	- Village location		Livestock rising

work on upland)	- Geography		
Agricultural land limitation	- Increase population - resettlement village	- Decrease yield - Increase rice shortage rotation	Balance of land distribution between household have landless and more land
Pakbong villagers access to slash and burn agriculture in the protection forest	Agricultural land in Pakbong village located near the protection forest of Pakhok village	Decrease water in the stream and dirty water	Create the regulation and agreement between two villages.
Low yield	- Slash and burn young fallow	Increase rice shortage rotation	Livestock rising
Cash crop cultivation not success	Soil quality	Low price and market not satisfy	Livestock rising

## 2.2. Different stakeholders involved

LUP/LA is one effort by the government to decentralize financial resources and executive responsibility to manage natural resources through local authorities. The provincial governor's office is represented by PAFO oversee as the strategic direction of LUP/LA. While the district governor's office implements LUP/LA, DAFO represented its' primarily concerned with over sighting together with other members of local authorities, which is including (1) Financial Office (custom), (2) Education, (3) Security and (4) police. The limitation of human resource is a concern for the implementation. The roles and responsibilities of district authority on LUP/LA implemented:

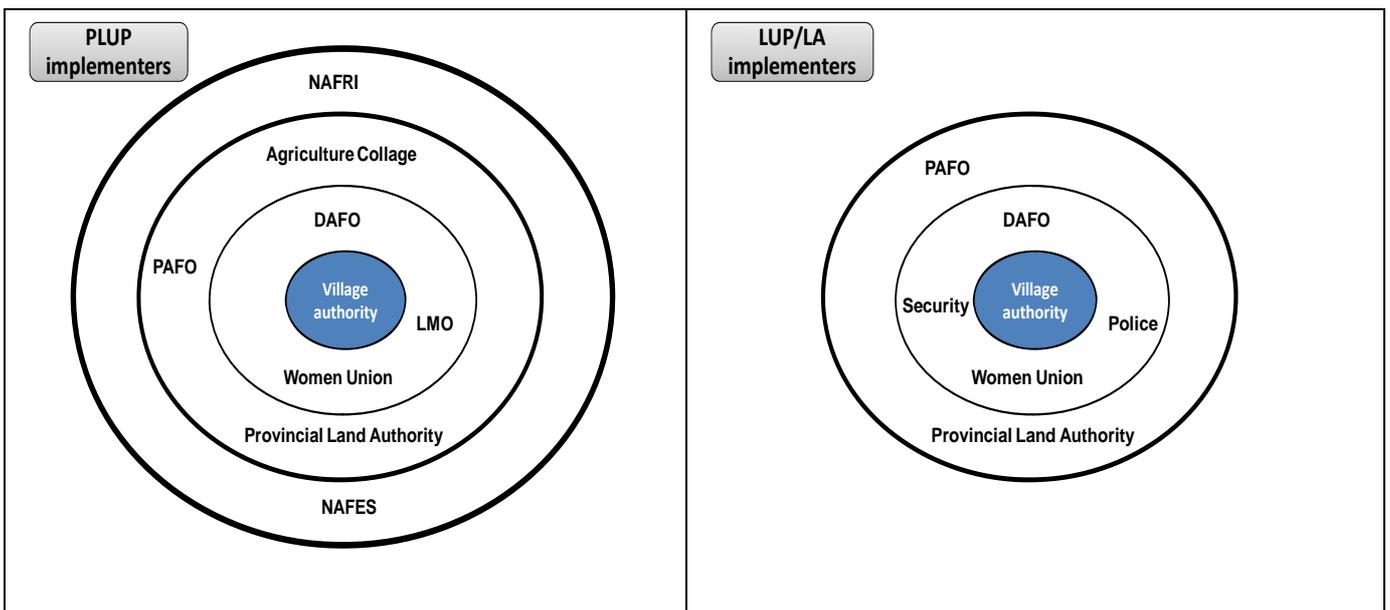
- Mediating unresolved village boundary and land use disputes
- Submitting village boundary agreement and village land use and forest regulation to the District governor for approval
- Verifying and authorizing agricultural and forest land management plans
- Rural land registration and distribute the temporary land use certificate

The village authority consists of village administrative organization, representatives of social and political organizations, forms the highest local decision-making body. The local authority is in charged to make decisions related to rights and responsibilities for the common use of local resources. The village authorities are the key person who involved the whole activities, especially for the group discussion on the village land use and planning. The village chiefs, who decide to select the participants that need to involved into the

process and facilitate to the LUP/LA implementation teams, such as select someone who are familiar with the areas and familiar on the village boundary point.

The household is responsible to answer the questionnaires that LUP/LA team prepared. The questionnaire forms are based on social economic and land use areas. Then, the individual household guide and introduce to the field location for field measurement and calculation.

Figure 5: Different stakeholder involved on LUP/LA and PLUP implementation



- **Different stakeholder’s perception and expectation**

In according to the result of research, different stakeholders have different role and different perception on LUP/LA implementation. The research was analyzed stakeholder at the district level, which include two main actors of DAFO and DLMO. In regard to the DAFO governor’s perception on LUP/LA implementation, it is supposed to preserve the natural resource and stabilize shifting cultivation as a core upland development policy in Laos. The DLMO supposes to facilitate the lands’ tax collection. In contrast with the local community’s perception, it is propose to get the temporary land use certificate and facilitate for lands’ tax collection. In addition, the local villagers have the awareness of LUP/LA implementation, which aim to stabilize shifting cultivation and it does not allow local villagers practices the upland rice cultivation when encourage them to do cash crop cultivation. However, the poor household’s perception is distributes the land and divide the balance of land use between rich and poor households.

In contrast with the villager's perception, case of PLUP implementation that is underwent in Pakhok village, the local villager's expectation on PLUP implementation to extend the conservation areas or protected areas. The local villagers concern about the preserving of natural resources. In regard to the real life, villagers are strongly depends on natural resource for livelihood and understand the natural disasters which were happened in community. Therefore, the local villagers understood the cycle of natural resource as well as human resource.

- **Role of local participation**

The local participation takes an important role in shaping the outcomes of LUP/LA. The research found that almost 85 percent of respondents were participating during LUP/LA process and only 15 percent could not participate. The main activities that local participants are firstly introduced at meeting then conclude meeting at the end of LUP/LA process and also participate on the field measurement. Event the large percentage of local participants on LUP/LA process, but it does not mean all of them are fully participation. The research found that 80 percent of participants, did not make any commend and nor ask any question. There are only 20 percent of participants give commend and ask the questions that they are interested. The main expressed commend is the requirement for more land official distribution from district authority and balancing between household who have several parcels of land and others who have landless. It is the interesting points that the local participants are always concerned about the land distribution.

In case of the field measurement participation as it is such an important activity because each individual household have to allow the District of Land Allocation Committee to have access to the land field and calculation areas. However, there are some households could not attend for this activity due to the harvest seasons, in which the local villagers were busy with their farm production. The research found that the local participation is important role for negotiate process. In particular, the field measurement was implemented by individual households and local authorities. There is some powerful household which can negotiate to claim more parcels of land and larger areas than other.

Comparison of both site studies where LUP/LA has been implemented have different outcomes is depends on the shape of local participation. In case of Nambor village participatory approach was implemented within 90 percent of respondent's participation. The villagers are strongly involved in all activities. It concerned to the local understanding on the concept of LUP/LA implementation and compliance to land use planning at community. Meanwhile, there is only 10 percent of respondent could not participated. In addition, the important role of the village authority is interested in LUP/LA activities and how they active involving. In

case of Nambor village authority, is active and strong to negotiate for better outcomes of LUP/LA implementation with the District of Land Allocation Committee. The village authority was shown that they are success to negotiate their former land where village relocation with the district, province through the central levels.

In case of Sobchia village, it has also high level of local participate within 80 percent of respond and 20 percent no participated. Differently, event high level of local participants is not means that they all strongly involved in all activities. The main activity of local participation is the field measurement for land allocation in some parcels of their land. In regard to the low awareness from the village authority on LUP/LA implementation because some of them did not heard that LUP/LA plan to implement in village.

The village authority is a key role decided and selected the participants attend on each activity. After PLUP implementation completed in case of Pakhok, the local participants does not feel strongly involve on PLUP implementation. In regard to the village chief informed and requires the villagers involved only the introduce meeting and conclude meeting. For other activities is responsible for village committee to work with the PLUP team. In consequence, the villagers misunderstood the concept of PLUP implementation related the difficulty of language communication and local knowledge. However, the participants only understood and clearly the realistic of the village mapping and visual representation. Sometimes, the local villagers won't say anything related to the village plans because everything is under administrative by the village chiefs.

Picture 2: Local participation on LUP/LA activity



### **3. Outcomes of LUP/LA implementation on livelihood**

#### **3.1. Land security**

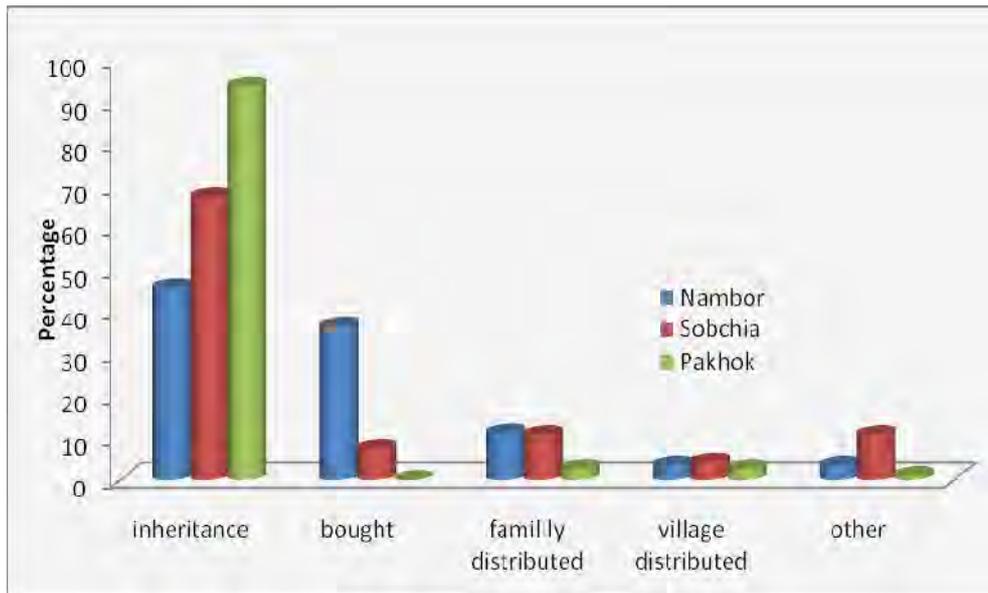
- **Land tenure**

There is a long tradition of the customary land use right in rural areas of Laos. The traditional formal and informal property right has widely been neglected or ignored in the establishment of conservation areas or protected areas. Meanwhile, there are difficulties to decide and deal with existing villagers as well as with subsequent encroachers within park limited.

The research found that the land tenure of individual household came from inheritance, bought, family distributed, village distributed and other (borrow relative's land and neighbor). The most significant is inheritance land within 72 percent of respondents. Some household got the land from buying with neighbor villagers within 13 percent of respondents. There are only 7 percent of respondents that family distributed when their children were getting married. However, it is hard to get the land distributed from the village authority, it is depends on the relationship with each other.

This below figure show the different percentage on land tenure in three site studies, as well as Pakhok village is highest percent of land tenure is came from the inheritance, related to the village has long tradition customary land use right and the village has not been apply LUP/LA. The second village, Sobchai is the higher property of inheritance land. In contrast with Nambor villagers has lower inheritance land but highest percent of buying land because the village has good accessibility and important is related to the village relocation issue. While Pakhok villagers no one buy land because it is the poorest village of the site studies where is concerned to the village typology is sloping areas and the land is not suitable for cultivation.

Figure 6: Percentage of land tenure in site studies

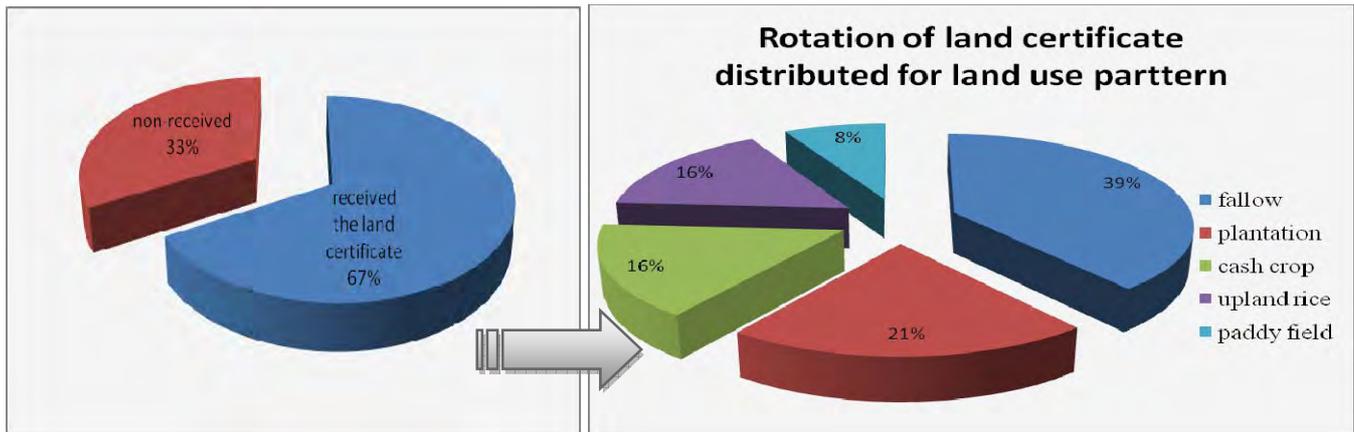


- **Land use certificate**

The consequent of land allocation is allocating the agricultural land to individual household by issuing the temporary land use certificate which is valid for three years. The period since beginning of land allocation has been too short and no permanent deeds of ownership have been issued for allocated land, yet. The individual households have to use and increase the productivity in the field. In case some of household won't continue using these fields will become the old fallow. In regard to the DAFO's' regulation that do not allow anyone slash and burn shifting cultivation in old fallow, which classified to be the protected areas.

In this below figure show the percentage of individual households received the temporary land use certificate within 67 percent of respondents and 33 percent of respondents do not received yet. The highest percentage on land allocation is fallow within 39 percent of respondents. In regard to the district development plan for stabilize shifting cultivation, so giving the temporary land use certificate for fallow areas is priority, in each household received three parcels of land for upland rice rotation. The research found that 21 percent of respondents received the temporary land certificate for plantation areas, especially in case of Nambor village has large areas of teak and rubber plantation. In addition, cash crop areas are also take into account of land allocation. In contrast, upland rice areas which should be priority to received the temporary of land use certificate, it can be interprets that the local villagers do not register the upland rice areas because they would like to keep for shifting cultivation.

Figure 7: Percentage of temporary land use certificate in each land use type



The villager strategy to select the parcels for register during land allocation implementation is identifies where the accessible such close to the road and resident areas. In this regard the areas where difficult to access was not register, the villagers will keep for shifting cultivation and avoid paying the land tax. In each family being allocated the parcel of land that register to pay the land tax and it means those areas have the right ownership (land use right certificate) but it does not fixed in reality. In this regard some households were allocated three parcels but 2-3 hectare per each parcel. It does not fair with some household who allocated 1 hectare per each parcels of land. The problem is paying the land tax that require to pay the number of parcel without calculate the areas in reality. This has often negative consequences for livelihood. The poor households who are attend to allocated two or three parcels of land because they worry to keep the several parcels of land cause of paying land tax. In contrast, the wealth household does not worry to pay the land tax and they hope they will get benefit from productivity. The poor household becomes poorer because they could not pay the land tax within increasing of interest rate every year.

The village chief is takes respon to collect the land tax from all villagers. The village chief has the list and land use account in hand. Then, the district officers from custom office, who is in charge on land tax collection at district, will follow up with the village chief as well as one time per year.

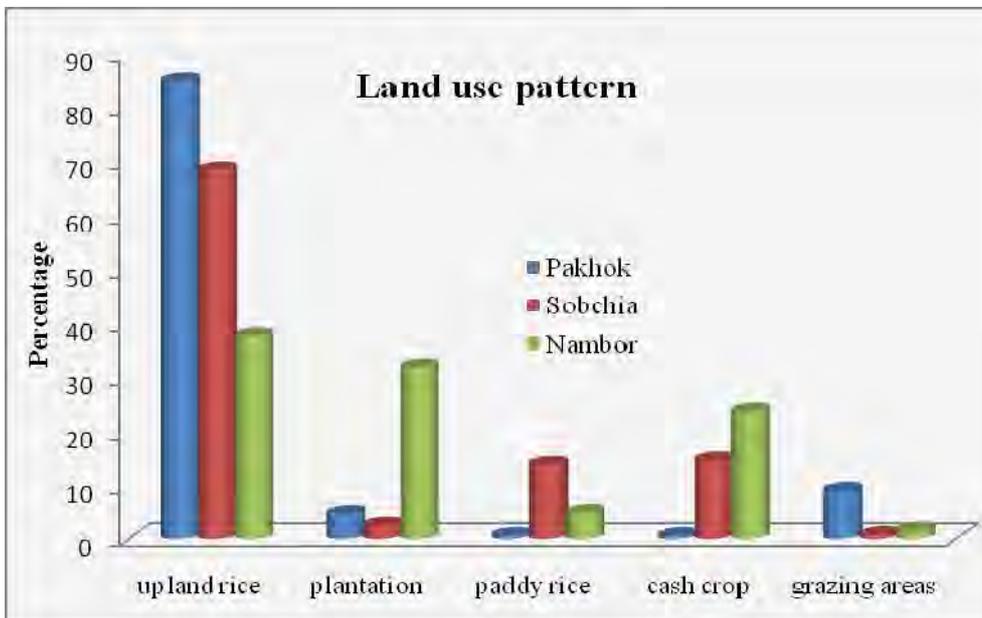
In addition, the capacity of the local authority is an importance factor for LUP/LA implementation, especially for the field measurement and field calculation. The local authority is required to attend the field calculate and to avoid the negative impacts for field measurement. In both site studies, the local villagers are not satisfied with the field measurement, because they have problem with wrong field measurement. In regard to the time limitation and difficulty in field accessing, the district authority just estimate the areas by asking question to the owner of land refer to how much rice seed plants and then convert to areas. In consequence, it

has bad effects to on time of receive the temporary land use certificate and sometime, through the administration processing villagers could not receive the certificate.

### 3.2. Food security

The research found that, three site studies has different land use pattern. In case Pakhok village, where LUP/LA has not been implemented yet, 85 percent of respondents are still continue practice the traditional shifting cultivation based on upland rice cultivation such the main household activity. In regard to the village location where is sloping areas, so there is no any paddy field and cash crop cultivation. In contrast, 68 percent of Sobchia villagers practiced upland rice cultivation and cultivated paddy in lowland. The figure shown that 32 percent of respondents in Nambor villagers are interested in industrial plantation it is similar with practiced upland rice cultivation. In regard to the URDP Program encourages industrial plantation and fruit tree plantation to generate household income and also provide the technical supported. Some of them have a chance to visit their relative field from another place. However, 23 percent of respondents attend cash crop cultivation such the main source of household income. Regard to village located along to the river and facilitate to the production. The villagers have good access to land in other village because they are wealthy from cash crop production and service (service and grocery shop).

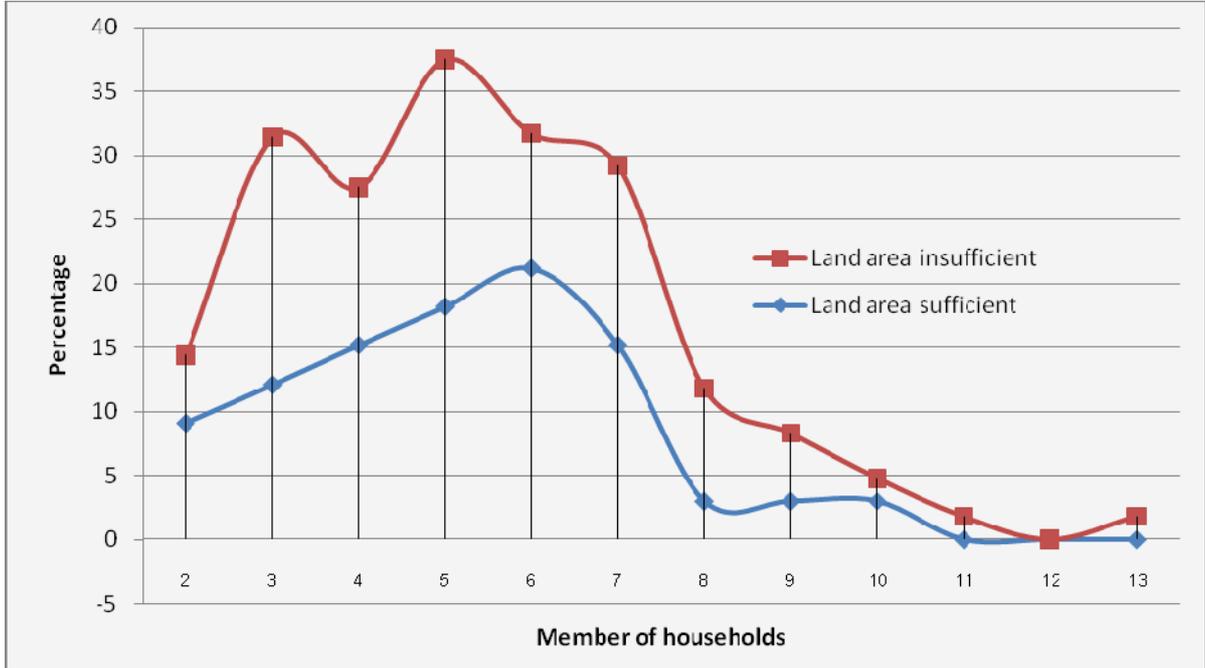
Figure 8: Comparison of land use pattern in site studies



The research found that, the villagers have land area insufficient to secure livelihoods for 64 percent of respondents and only 37 percent of respondents have land area sufficient. The factors of land are insufficient are concerned for the size of households, amount of workforce and member of households that requires more

parcels of land. In this below figure show the different between household who have land are insufficient and sufficient for livelihood security, which is concerned for the size of household. In average, each household have five to six members, in this size of households that land area insufficient within the highest percentage of respondents. While increase the members of household is high pressure for land are insufficient. However, there is some household, who have small size of households and has few workforces is also requires more parcels of land. In addition, the newcomers who relocated village are also lacking land because there are no any parcels of land available. In particular, the poor households have a difficult to access to land and no have capital to explore the land. For among households, who have land area sufficient, is shop keepers and some are small enterprise in community, these class by wealthy household. In other hand, these household are not interested in farming systems, so the agricultural land is not really important.

Figure 9: Comparison the size of household on demand of land use

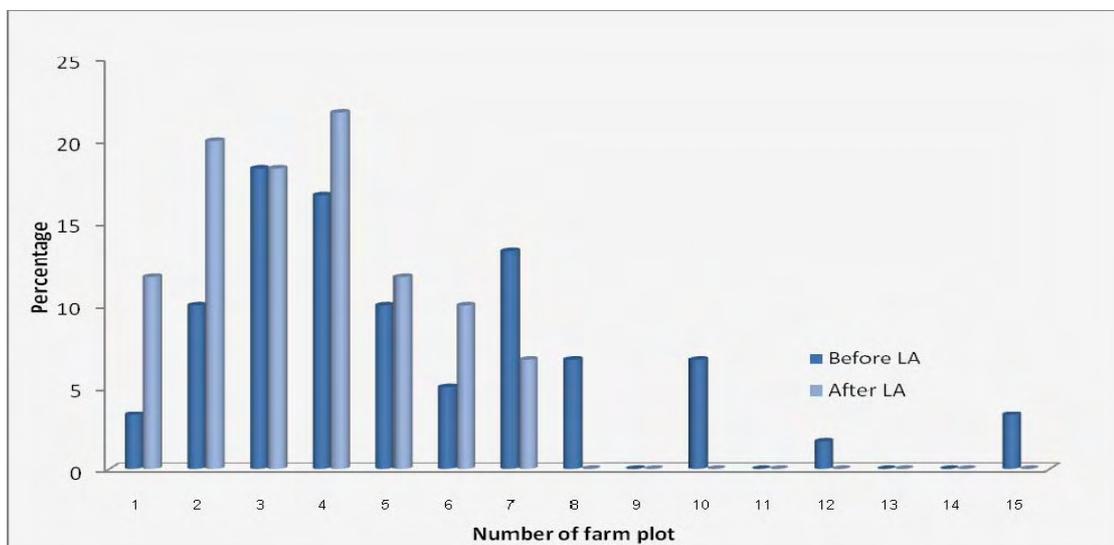


From the site studies, food security is already a concern in villages, which the local villagers do not have rice sufficiency to survive for all of the year. The research found that 67 percent of respondents are rice shortage in households. The duration of rice shortage is average five to six months a year. Some households rice shortage almost a year within 17 percent of respondents causes of limited of agricultural land, lack of workforce, natural disaster, etc. Within 70 percent of respondents that bought rice when rice shortage in households because the village have limited amount of rice production stock for villagers in the village rice bank, which supported from the rural development organizations. Sometime, the villagers exchange labor to work in the field to get the rice instead of money. Therefore, food security is link with land management at

the village. One of the critical problems resulting from such reclassification is often limits householder's access to swidden and fallow land to three or four parcels of land. This results in shortening of the fallow period from the traditional fallow period, which extends seven to fifteen years. Due to reduced fallow cycle, crop fields are suffering from high weed burden and low fertility. The overall impact of increasing pressure on agricultural land has been a shortening of the fallow cycle. This has created a various cycle of lower rice yields. There are 33 percent of respondents are rice sufficient in household. In general, this kind of household is classified to wealth households, who has sufficient land for livelihood and running their own business to buy rice.

Before LUP/LA implementation, the villagers allocated several parcels of land, in average more than 10 parcels of land in each individual household. Meanwhile, the villagers have good access to forest for collect NTFP such the main source of household income, cut wood for housing and other purpose without any regulation. Compared to an early situation, after LUP/LA implementation, the village forest and land use were classified in different using purpose, which including conservation forest, production forest, protection forest and regenerated forest. Those forest classification effects to the local livelihood. The research found that 35 percent of respondents lose the land, where located close to the conservation forest during land and forest classification process. In case of Nambor, the district authority classified the land and forest use areas, depends on the village land and forest use exist and also encouraged villagers increase large areas to preserve the natural resource. Finally, the villagers have to leave those areas without any compensate from the local authority or village authority, event they have been practiced for long time. However, there are 75 percent of respondents can keep their own land whatever they have allocated before, without any problem.

Figure 10: Compare number of parcels before and after LA



After LUP/LA implementation, in regard to the district authority is suppose to reduced the number of land parcels, which individual households allocated. Therefore, the villagers have been a switch to non-rice crops, industrial plantations and a greater reliance on NTFPs (broom grass, bark tree and paper mulberry), both grown and collected. Regard to NTFPs clearly illustrates their importance as sources of income, food, medicine and materials for local families, particularly the poor who obtain about 71 percent of their disposable income from NTFPs. The interesting plans of local villagers in three site studies would like to increase the number of livestock as the priority. They hope it might be the alternative to switch from traditional farming system. Anyway, it depends on the local authority promoting them that provide them more farming alternative (input and technical). Livestock rising is also an important component of the household livelihood strategy. It is an important source of savings and investment. According to the ADB focuses on livestock improvement includes the provision for small loans which could be valuably used by TABI partners to promote access of poor families to the high potential for cattle and pig fattening. After completed the land and forest classification, the district authority was set up the village forestry and land regulation under supervises by the village committee. This regulation is purpose, (1) to increase awareness based on natural resource management at local community, (2) to avoid the land conflict between village and neighbor village. However, the local villagers do not follow the forest regulation which related to understanding and effective of awareness from village committee. It found the local villagers can access to the conservation areas to cut the wood for housing and other purpose that getting approve by the village chief.

### **3.3. Land conflict**

The research found that both site studies where LUP/LA has been implemented, 52 percent of respondents do not have any land conflict and 48 percent of respondents have land conflict in community. The main conflict was defined as following:

- Original villagers occupy several parcels of agricultural land
- Customary land use right are existing
- Land ownership has not been assessed prior for relocated village, which particular problematic.
- Some household slash and burn shifting cultivation over cover to neighbor's areas
- Village land use and forest regulation is not strict regulation, outsider village can access to the conservation forest or protection forest that destroy the natural resource.

In case of Nambor village, the most serious land conflict is customary land use right issue from Lao Soong ethnic, who occupies the whole village areas and do not share any parcels of land to newcomers from relocated village. So, the newcomers have to buy the agricultural land and resident areas from original villages. Some of poor household have to move back to their former land or find the new areas, where land available for them. After, the villagers received the land use certificate, it encourages the land market and increase the number of land parcels being sold, which it is expensive if compare with the village where do not have the temporary of land use certificate. However, in overall the villagers are satisfied to received the temporary of land use certificate.

In overall, LUP/LA implementation is lack of integration between different land use plans prepared by different scales of government level (for example: by different institutions such resettlement plans and LUP/LA implementation). In Sobchia village case, three relocated remotes villages move to Sobchia village where it is closer to the road. However their farmland mainly remain in former village lands - where are far away and difficult to access. In regard to, Sobchia village has been implemented LUP/LA since 1999 and the villagers already got the temporary land use certificate, which issuing by the district authority. The newcomers could not access to agricultural land because it belong to the Sobchai villagers. In this case, the district authority required funding from District Administration and running the LUP/LA to clarify the land use areas around to Houayseyoua village. Final result, the Houayseyoua village have to back to their former land where relocated. This approach, it is not the best situation. In regard to, the mapping principle that one village should be the same piece of areas (could not separate between resident areas and land use areas on the village boundary).

*“Mr. Phon, is 50 years old, is the original Sobchia villagers. He has sufficient land for livelihood regard to the number of workforce limited in households. He has land conflict with Houayseyoua villagers, where relocated nearly his field. Event he has the temporary of land use certificate after LUPLA implementation but he could not react. Finally, he decided to sell that area to his relative. After that, he does not worry anything with that areas because it is depends on his relative to negotiate and argument with Houayseyoua villagers. Anyway, the first parcel of land was allocated by Houayseyoua villager. The second was lose when the road access to Houamuang village and no compensation from anyone. Anyway, he plans to inform to the district administration because he want to get new parcels for compensate land”*

In case of land conflict among villagers, after the village land use and forest classified and divide in two land use zoning such the first zones is along to the stream was classified as flatland areas, the land use zoning

divide belong to those living in these zones. The second land use zoning is the sloping land (upstream) areas belong to household living in these areas. In reality, some households from downstream are still practicing and access to the land in upstream.

In contrast, case in Pakhok village, where LUP/LA has not been implemented yet and no village relocation. The villagers do not have land conflict with among villagers themselves, but they have problem with the neighbor villages access to their village forest, especially two villages where sharing boarder with each other. In regard to the village boundaries was not official classification yet, so the neighbor villagers access to village conservation forest and protected areas without permission. Therefore, the village authority requires organizing the meeting with among neighbor villages surrounded to open discussion based on village boundaries agreement.

In overall, LUP/LA has good impacts in creating written village rules, which previously predominantly were customary verbal agreements. This is further emphasized by the overwhelming majority of villagers that have positive attitudes towards the written rules. After land allocation the local villagers know whose land is whose and where it is located. This makes the land situation much clearer and it has decreased the number of disputes in the village.

Table 9: Satisfaction of the outcomes of LUP/LA and PLUP implementation

	<b>Village boundary delineation</b>	<b>Land/forest classification</b>	<b>Village land/forest regulation</b>	<b>Temporary land certificate</b>
<b>Nambor</b>	+++	+++	++	+++
<b>Sobchia</b>	-	-	++	++
<b>Pakhok</b>	+++	+++	+++	<b>Not yet receive</b>

(+++) strongly satisfy, (++) satisfy and (-) not satisfy at all.

### 3.4. Concerned for relocated village

Regard to the relocation and village merging plans in Phonxay district that the governor' office indicated that plans to reduce the total number of 72 villages to 41 villages by the year 2005. The relocation may be justified and undertaken for any one of following reasons:

- Villagers live in sensitive or critical watersheds

- Villagers grow opium in mountainous areas
- Provision of extension and development activities in difficult
- Settlements have less than 50 families
- Villages are located outside of focal sites or growth central

This plan is not supported by any livelihood or land use analysis and leaves much of the responsibility for relocation with the communities themselves. In regard to two site studies where LUP/LA has been implemented, the villagers face problem and land conflicts. Meanwhile, the land conflict is not concerned for the outcomes of LUP/LA implementation but it is concerned for the village relocation issue. The research found that almost 57 percent of respondents were relocated from other village, caused of the local government encouraged and some of volunteer migrate, who would like to find better livelihood and find the agricultural land. The mountainous villagers are encouraged to relocated village to flat land areas for better access to social infrastructure and better living condition. After relocated the district authority did not provided any alternative for livelihood. Finally, the villagers have to move back to their former land. The government policy of village relocation has exacerbated and in most case has dis-proportionally disadvantaged the host communities. In overall, the mismanagement plans between LUP/LA implementation and resettlement policy such some case has relocated village before LUP/LA has been implemented and some relocated village after LUP/LA implementation.

In both two site studies, relocation of the villagers leads to increasing pressure on land resources in their new settlement area and often results in land conflicts between original village and new comers that they are poorly controlled and dealt with the district authorities.

Picture 3: Local people back from the field



Defying the policy stipulating that people are not allowed to move back after being resettled, two Houayseyoua households relocated near their old village arguing of the scarcity of arable land. However, their former lands in the territory of Thathong had in the meantime been reallocated to new villagers who had been moved from Parkxeng district. Then, the village who remained in Houayseyoua could not find any comprise with Sobchia villagers, the district allowed them to return farming their former land. Notwithstanding the provision of arable lands, this decision did not curb the discontent of villagers as they now have to walk several kilometers to access their former fields.

The relocation has also led to depletion of natural resources. In 2003, as a direct consequence of the relocation, villagers from Houaypod slashed and burnt old fallow in their former of village and were got fined three million Kip by district authorities. This behavior, also described in other case studies, may be interpreted as a means to accumulate rice (through cultivation of fertile land) and wood (from the slashed forest) in order to secure sufficiency over the critical period of relocation. It may also be interpreted as desperate actions to prevent outsiders were forced to leave. More recently in 2009, due to an increasing pressure on arable lands, the clearing of old fallow in the same area resulted in a six million Kip<sup>40</sup> penalty.

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<sup>40</sup> 1 \$US=850 Kip (Laos currency)

## Conclusion

“The Impact of Land Policy on Livelihood” based on Land Use Planning and Land Allocation Program (LUP/LA) is an effort to understand how actually LUP/LA has been implemented at the village levels and the overall outcomes of LUP/LA implementation on livelihood changing both negative and positive outcomes. The LUP/LA was differently applied in mechanism and purpose in the field which lead to the diversity of implementation. Sometimes, LUP/LA implementation could not success all whole steps of LUP/LA implementation, which some case focused on the agricultural land allocation at individual household and some case focused on village boundaries, land use zoning and agricultural land allocation.

The research found that the villagers are notwithstanding the satisfaction provided by the official delineation of village boundaries and village land use and forest classification. The villagers are also satisfied to receive the temporary land use certificate which improves their sense of ownership. The land use planning process did not restrict the village agricultural area as mention in document; the villagers can access to the conservation to cut the wood by getting permission from the villager committee. Basically, the land use planning did officially recognize the distribution of the different land uses that existed previously, therefore, not constraining farmers to access to their land. The land declared by each family during land allocation is depending on the reluctance to pay taxes as well as on the priority given to the parcels which are close to the road, for registration. As a consequence, the remote parcels, where shifting cultivation is still practiced, were often left unregistered. There was mismanagement plans between LUP/LA implementation and resettlement policy. It concerned the relocation villages, where the government encouraged mountainous villagers to settle in the flat land areas, it created a tension and land use conflict between newcomers and original villagers.

Overall, it seems that the contradictory messages of the district authorities have combined with misunderstandings and over-expectations by village representatives (in particular, those involved in the negotiations prior to resettlement) to engender important conflicts over arable land in Sopchia village cluster. The study suggests that an effective land-use planning process endorsed by district authorities could enable villagers to preserve the integrity of their territory and retain their forests for continued swidden as well as planting commercial crops on their own land. Moreover, land use planning integrating multiple levels may also help overcoming land issues related to housing and production areas being spatially scattered. Spatially-explicit visualization tools are needed in order to facilitate multi-level negotiations among stakeholders during relocation processes. They can play a key role in: (2) highlighting potential issues of scattered village territories and disconnections between residential and agricultural areas and, (2) enhancing local participation and facilitating a collective definition of conflict resolution pathways.

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# Annex

## Annex 1: Interview guideline-1 (District staffs)

### I. District profile

1. Population, (female), ethnic minority group, etc.
2. The land use

Land use	Areas (ha)	Land use	Areas (ha)	Land use	Areas (ha)
Upland rice		Sanam (grazing areas)		Protection forest	
Paddy field		Industrial tree plantation		Production forest	
Cash crop		Degraded forest		Regenerating forest	
Fallow		Conservation forest		Other (specific)	

3. What are the main crop cultivation or plantation in the district? Areas?
4. When was the first round of resettlements implemented?
- 5.1. How many villages relocated?
- 5.2. Where are they come from?
- 5.3. Are there any land conflicts from village relocation?

### II. LUP/LA implementation

6. When LUP/LA has been implemented in the district?
7. How many villages that LUP/LA has been implemented?
8. Who or which organization supported for LUP/LA implementation?
9. What are the DAFO/DLMO roles for LUP/LA implementation?
10. Did you attend LUP/LA training course?
  - 10.1. If yes, which organization supported?
  - 10.2. How long for training?
  - 10.3. How many participants involved?
  - 10.4. Which institute they work for?

11. Could you please tell the story of LUP/LA implementation?

<b>Detail</b>	<b>Activity 1</b>	<b>Activity 2</b>	<b>Activity 3</b>	<b>Activity 4</b>	<b>Activity 5</b>	<b>Activity 6</b>	<b>Activity 7</b>	<b>Activity 8</b>
<b>Activities and duration</b>								
<b>Key actor involved</b>								
<b>Method (materials)</b>								
<b>Difficulties, constraints</b>								
<b>Suggestions for improvement</b>								

12. Did you involve any activities that mentioned above table?

12.1. If yes, which step/activity you involved?

12.2. What did you do or contribute for these activities?

12.3. How long you involved in each step/activity?

### **III. DAFO perception/expectation**

13. What is the purpose of LUPLA implementation? (To improve livelihood, environmental concerns, etc.)

14. From your perspective, what is the impact of LUP/LA implementation?

14.1. What is the positive impact? (please give the reasons)

14.2. What is the negative impact? (please give the reasons)

15. What do you think about village X situation? The village where LUP/LA was implemented (Social economic, environment, etc).

15.1. What is the main activity of villagers?

(Traditional farming systems, tree plantation, livestock, etc).

15.2. What is the main source of household income?

15.3. What is the occupation percentage of each activity?

16. What are the main challenges for development of the village X?

16.1. How is LUP/LA influence these challenges?

16.2. What is LUP/LA supposes to change?

17. What is the expectation of the coming PLUP on local livelihood aspects in village X?

17.1. How PLUP can change and improve these issues?

17.2. What is the difference between LUP/LA and PLUP?

18. What are the DAFO/DLMO plans for PLUP implementation in the village X?

19. What would you recommend to improve the LUP/LA process?

Thank you so much to take your time discussed with us.

## Annex 2: Interview guideline-2 (Village authority)

### I. Village profile

1. Population (female), ethnic minority group, etc.
2. When was the village established? (Village history)
3. Is it village relocated?
  - 3.1. If yes, when relocated village?
  - 3.2. How many household relocated?
  - 3.3. Where are they come from? Please describe the successive waves of household movements.
  - 3.4. How was your village affected by village relocation?
  - 3.5. What is the village policy to newcomers?
  - 3.6. Does the village have any land conflict? (Between original villagers and newcomers)
    - 3.6.1. If yes, what is the conflict? Describe story
4. What is the main village activity? (Farming system, tree plantation, livestock, etc).
5. What are the main sources of household income?
6. What is the main cash crop cultivation?

### II. Land use

7. What is the land use history?
8. The land use systems

Land use	Areas (ha)	Land use	Areas (ha)	Land use	Areas (ha)
Upland rice		Sanam (grazing areas)		Protection forest	
Paddy field		Industrial tree plantation		Production forest	
Cash crop		Degraded forest		Regenerating forest	
Fallow		Conservation forest		Other (specific)	

9. How many parcels of land were official allocated per individual household?
  - 9.1. How many parcels of land do they have in reality (estimation of fallow length)
  - 9.2. How big area per parcel?
10. Does any household in your village have sufficient land for livelihood?
  - 10.1. What is the percentage of households?
11. How do you control your village land and forest?
12. Do you have village land and forest regulation?
  - 12.1. If yes, do villagers respect these rules? Please provide examples, tell stories...

If LUP/LA has been implemented in village, please continue to the follow question 13-31.  
 If LUP/LA has not been implemented in village, please jump to questions 32-37.

### **III. LUPLA implementation**

13. When LUP/LA has been implemented?
14. How many households in village at that time?
15. Does any the villagers participated on LUP/LA activity?
  - 15.1. If yes, how many participants? Who (village position)?
16. Did you participate any steps of LUP/LA implementation?
  - 16.1. If yes, which step/activities you participated?
  - 16.2. What was your main responsibility on these activities?
  - 16.3. How long you participated?
17. Did any participant involved on LUP/LA training course?
  - 17.1. Who supported training?
  - 17.2. If yes, how many participants involved?
  - 17.3. Who are they? (name, village position)
18. Did you participate on LUP/LA training course?
  - 18.1. How long for training?

19. Could you please tell the story of LUPLA implementation?

<b>Detail</b>	<b>Activity 1</b>	<b>Activity 2</b>	<b>Activity 3</b>	<b>Activity 4</b>	<b>Activity 5</b>	<b>Activity 6</b>	<b>Activity 7</b>	<b>Activity 8</b>
<b>Activities and duration</b>								
<b>Key persons involved</b>								
<b>Method (material)</b>								
<b>Difficulties / constraints to implementation</b>								
<b>Suggestions for improving</b>								

**IV. Outcome of LUP/LA**

- 20. What types of land and forest classification do you have in the village? Areas? (Specific).
- 21. How big areas reserved for distribution to newcomers?
- 22. Is it the village boundary undisputed after LUP/LA?
- 23. What are the impacts of LUP/LA implementation?
  - 23.1. What is the positive impact? (describe)
  - 23.2. What is the negative impact? (describe)

**V. Perception on LUP/LA implementation**

- 24. What is the purpose of LUP/LA implementation?
- 25. What is your expectation of LUP/LA implementation? (Livelihood, environment, etc)
- 26. In which way LUP/LA supposed to influence?
- 27. How and to what extent did LUP/LA actually influence?
- 28. Do you satisfy with LUP/LA implementation? Why?
- 29. What should be priority for LUP/LA implementation in the future? (Agricultural land or forest conservation, others)
  - 29.1. Why should be this priority?
- 30. What would you recommend to improve the LUP/LA process?

**VI. Perception and expectation on PLUP implementation**

- 31. What is the purpose of PLUP implementation?
- 32. What is your expectation with respect to PLUP implementation? (livelihood, environment, etc)
- 33. In which way PLUP suppose to influence?
- 34. How and to what extent do you expect PLUP to influence?
- 35. What should be priority for PLUP implementation to achieve your expected outcomes? (Agricultural land or forest conservation, others)
  - 35.1. Why should be this priority?
- 36. What would you recommend to improve the LUP/LA process?

Thank you so much to take your time discussed with us.

Interviewer: .....  
 Date: .....  
 Code: .....

### Annex 3: Questionnaire-1 (Household survey)

#### I. Households profile

1. Name of interviewee: ....., 2. Sex: ....., 3. Age: .....

4. Member in HH: ..... (Female: .....), 5. Workforce in HH: ..... (Female:.....)

6. Did you relocated?  No,  Yes,

6.1. If yes, (please fill the following table)

When did relocated village?	Where are you from?	Cause of relocated village

7. Do you have rice sufficient in household?  No,  Yes,

7.1. If no, how many months you have rice shortage?

7.2. What do you do when rice shortage in household?

8. What is the main household activity and source income in 2009?

N:	Main activity	Occupation	Source of incomes	Annual income (Kip)
1	Cultivation			
2	Plantation			
3	Livestock			
4	Collect NTFPs			
5	Handicraft			
6	Daily worker			
7	Small enterprise			
8	Other (specific)			

#### II. Land use 2009

9. Please draw your farm plots mapping in separate A4 paper, how to manage the land use? What is the purpose of land use system? (Including village site, road and etc).

10. Land use (please circle the following answers, can be multiple choices)

N:	Type of land use	Area (ha)	Number of plots	Yield 2009 (kg/ha)	Land origins 1. Inheritance, 2. Buy, 3. Relative's land, 4. Village headmen distributed 5. Other (specify)

1	Upland rice				
2	Paddy field				
3	Maize				
4	Pigeon pea				
5	Cassava				
6	Fallow				
7	Teak				
8	Agra wood				
9	Fruit tree				
10	Paper mulberry				
11	Other (specify)				

11. Do your families have land area sufficient for livelihood?  No,  Yes,

12. Do you have any land conflict with neighbor?  No,  Yes,

12.1. If yes, which is conflict?

12.2. How do you control or solve the problems?

13. Can you describe the land and forest regulation in the village?

14. Are you satisfy with this regulation or do you perceive it as constraints to your livelihood system?

If LUP/LA has been implemented in village, please continue to the follow question 16-27.  
 If LUP/LA has not been implemented in village, please jump to questions 28-31.

### **III. LUP/LA implementation**

15. Did you participate on LUP/LA implementation?  No,  Yes,

Activity involved	Responsibility	How long?	Number of participant

16. Did you give any commend related to LUP/LA implementation?  No,  Yes,

17.1. If yes, what did you commend?

### **IV. Outcome of LUPLA implementation**

17. How many parcels of land did you receive from land allocation? (Compare before and after LUP/LA implementation)

Before LUP/LA	After LUP/LA

No of plots	Area (ha)	Type of tenure	No of plots	Areas (ha)	Type of tenure

18. Did you received the temporary land use certificate?  No,  Yes,

18.1. If yes, did you apply for a permanent land use certificate or renew?

18.2. How did you apply?

19. What are the impacts of LUP/LA implementation?

Positive impacts	Negative impacts

**V. Perception of LUP/LA implementation**

20. What is the purpose of LUP/LA implementation?

21. What is your expectation of LUP/LA implementation? (Livelihood, environment, etc).

22. How LUP/LA suppose to influence?

23. Do you satisfy with LUP/LA implementation? Why?

24. What should be priority for future LUP/LA implementation? (Agricultural land/forest conservation).

24.1. Why should be this priority?

25. What would you recommend to improve the LUP/LA process?

**VI. Expectation on PLUP implementation**

26. What the purpose of PLUP?

27. What is your expectation related to the upcoming PLUP implementation in your village? (Livelihood, environment, etc).

27.1. How do you expect PLUP to influence these issues?

28. What should be priority for PLUP implementation? (Agricultural land or forest conservation, etc.).

28.1. Why should be this the priority?

29. What would you commend or suggest improving better PLUP implementation?

*Thank you so much to take your time discussed with us.*