

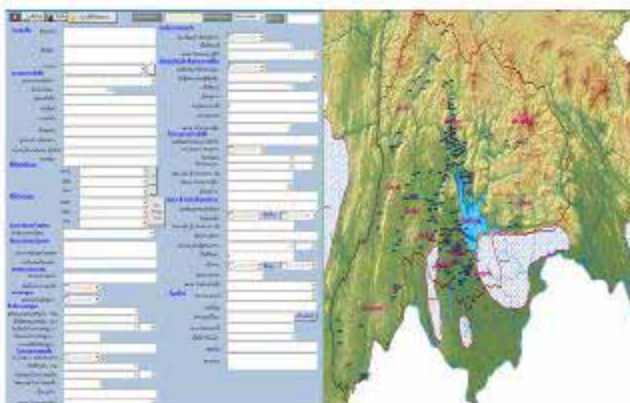


Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity
=====0000=====

National Land Management Authority
Land and Natural Resources Research
And Information Center

Report

Findings of the State Land Concession and Lease
Inventory Project in the Pilot of Vientiane Province
Phase II



April, 2009

Report

Findings of the State Land Lease/Concession Inventory Project in the Pilot Province of Vientiane, Lao PDR

Under the Consultancy and Supervision of:

Mr. Chanthaviphone Inthavong, Acting Director of CRILNR (NLMA)

Dr. Palikone Thalongsengchanh, Director of Research Division, CRILNR (NLMA)

Written by:

Vong Nanthavong, Technical staff, CRILNR (NLMA)

Oliver Schoenweger, Land Policy Expert (LPDP/GTZ)

Viengsavanh Anouvong, Technical staff, CRILNR (NLMA)

Chanthachone Khiamsombath, CRILNR (NLMA)

Lammone Thiangthammavong, CRILNR (NLMA)

Soukanh Lathsavong, CRILNR (NLMA)

Supported by:

Lao - German Land Policy Development Project (LPDP/GTZ)

Vientiane Capital City, April 2009

<u>Caption</u>	<u>Page</u>
Executive Summary	7
1 Introduction	9
1.1 General	9
1.2 Goals and Objectives	9
1.3 Study Area and Period of Time	10
1.4 Methodology	10
1.4.1 Data Collection	10
1.4.2 Data Analysis	10
1.5 Data Collection Team	10
2 Results	11
2.1 Number of Projects	11
2.2 Sectors	13
2.3 Approvals per Year	14
2.4 Level of Approval	14
2.5 Area of Lease/Concession Projects	15
2.6 Documents Relevant to Land Lease/Concession	16
2.7 State Land Lease and Concession Surveying	17
3 Case Studies	17
3.1 Names of Investing Companies	17
3.2 Authorizing Documents not taking into Account the Real Situation	17
3.3 Violations of Terms and Conditions Stated in Concession/Lease Approvals	18
3.4 Overlap of Approved Concession Areas	18
3.5 Villagers Preventing Companies from Using the Conceded/Leased Land	18
4 Challenges and Problems	19
4.1 General Problems	19
4.2 During the Data Collection	19
4.3 After Data Collection	20
5. Different Aspects of Land Lease/Concession	20
5.1 Environmental Aspects and Policy Alignment	20
5.2 Social Issues	22
5.3 Benefits to the Government	23
5.4 Legal Status of Concession Contracts	23
6 Recommendations	23
7 Future Plan and Dissemination	24

Annexes	25
Annex I: Tables	25
Table 1: Number of concession/lease/contract farming projects per district	25
Table 2: Number of land lease/concession projects per district and situation	25
Table 3: Number of land lease/concession projects per district and sector	26
Table 4: Number of land lease/concession projects per district by type of investment	26
Table 5: Number of land lease/concession projects per district by investors' country	27
Table 6: Agricultural sector - number of land lease/concession projects per district by type of activity	28
Table 7: Mining sector - number of land lease /concession projects per district by type of substances mined	29
Table 8: Number of land lease/concession projects per district by the year of approval	30
Table 9: Number of land lease/concession projects per district by the level of approval	30
Table 10: Area of land lease/concession/contract farming projects per district (in ha)	31
Table 11: Area of land lease/concession projects per district and sector (in ha)	32
Table 12: Agricultural sector – area of land lease/concession projects per district and by the type of activity (in ha)	33
Table 13: Mining sector - area of land lease/concession projects per district by substance mined (in ha)	35
Table 14: Number of documents by type and sector	36
Table 15: Number of projects with available and unavailable documents	36
Annex II: Graphs	37
Graph 1: Land lease/concession projects by type of investment	37
Graph 2: Number of projects by the origin of investors	37
Graph 3: Number of land lease/concession projects in the agricultural sector by type of activity	38
Graph 4: Number of land lease/concession projects in the mining sector by type of activity	38
Graph 5: Area of land lease/concession projects in the agricultural sector by type of activity (in ha)	39
Graph 6: Area of land lease/concession projects in the agricultural sector by district (in ha)	39
Graph 7: Area of land/lease concession projects in the mining sector by type of activity (in ha)	40
Annex III: Map	41
Annex IV: Exemplary Scans of Project Documents	42
Document 1: Approval Documents not Reflecting Reality	42
Document 2: Implementation Violating the Concession Approval	44
Document 3: Overlap of Concession Areas	46
Document 4: Approving Authority not Authorized (Wrong Level of Approval)	48
Annex V: Photographs Showing the Team Doing Fieldwork (Data Collection)	49

Annex VI: Budget and Local Staff 50

Annex VII: List of Local Staff Joining the Team for Data Collection at the Local Level 51

Acronyms

CRILNR:	Center for Research and Information of Land and Natural Resources
NLMA:	National Land Management Authority
PLMA:	Provincial Land Management Authority
DLMA:	District Land Management Authority
GIS:	Geographic Information System
GPS:	Global Position System
GTZ:	German Technical Cooperation
LPDP:	Lao-German Land Policy Development Project

Executive Summary

The study deals with state land lease and concession in Vientiane Province and is meant to be a pilot exercise as further data collection is planned to be carried out nationwide.

The data collection on state land lease and concession in Vientiane Province has been carried out since the end of October 2008 and was completed on 17 March 2009. The data analysis was accomplished on 9 April 2009.

The objective of this pilot project was data collection on State land lease and concession at provincial and district level within all existing sectors. This data had to be crosschecked against the information which had already been obtained during a Phase I of the project which began in January 2007. Furthermore, the project aimed to map all concession and lease activities (size and exact location) throughout the whole country.

The information was entered in a Database-System, based on Microsoft Access and Visual Studio. GPS and GIS Data were processed with ArcGIS software.

One of the most interesting findings is the fact that the number of projects has increased considerably between Phase I (218 projects) and Phase II (237). However, up to now only 50% of the projects are implemented while many others have not started any activities, yet.

The majority of leased or conceded areas are used for agricultural, mining or industrial activities. Within the agricultural sector, rubber plantations cover the largest area.

Most investors are of Lao nationality. Among foreign investors, most are from South Korea or from the People's Republic of China. The approval of state land concessions in Vientiane Province started in 1996 with a rapid increase of concessions being granted from 2004 to 2006.

Many projects are not implemented in compliance with Lao laws. Some plantations are located in primary or healthy secondary forest or even in conservation/protection areas. Some plantations are located on slopes that are too steep and often, no land development takes place after the concession has been granted. The reasons for such are unsuitable area, villagers' disagreement, and companies with not enough investment budget.

Some land concessions were approved by authorities, even though they clearly violate Lao regulations. This concerns mainly projects within the agriculture-forestry sector. Lao Law stipulates that areas up to 3 ha can be approved by district authorities whereas projects on areas larger than 3 ha (up to 100 ha) must be approved by provincial authorities. Concessions on areas exceeding 100 ha have to be approved by the central level.

The team found cases in which areas of 400 ha had been approved by the district level and areas of 10,000 ha by the provincial level. Moreover, despite of the Prime Minister's Moratorium dated 30 May 2007 announcing a temporary suspension on the approval of land concessions for industrial tree plantations (both for domestic and foreign investors) exceeding 100 ha, concessions continued to be granted.

Further research concerning social and environmental impact assessments, contract and approval alignments with Lao Laws are required. For such exercise Special-teams with former inspection training have to be set up in order to conduct qualitative and quantitative research about selected projects. The selection of projects to be inspected may be based on the findings this report and further reports and data collection within other provinces.

Acknowledgment: The Center for Research and Information of Land and Natural Resources (CRILNR) and especially the study team would like to express their gratitude to the higher authority of NLMA for providing guidance to the team throughout the whole process of data collection and analysis.

The team would like to thank all provincial and district administrative authorities involved including PLMA, DLMA and concerned sectors in 13 districts of Vientiane Province for providing support and cooperation to the team.

Furthermore, the team highly appreciates the support of technical staff from the Office of Land Information and Mapping of PLMA and technical staff from DLMA in all 13 districts within Vientiane Province who contributed actively to the success of the data collection. The team would also like to thank the concerned sectors at provincial and district level for sharing information.

The team would like to express its gratitude to the Lao-German Land Policy Development Project (LPDP-GTZ) for providing funds, equipment, logistics and technical support throughout the whole period.

Lastly, the team would like to thank all village authorities for their cooperation.

1 Introduction

1.1 General

In complying with the Resolution No. 06/PM, dated 30 May 2007, of the 1st nationwide Land Conference and with reference to the Notification of the Government Secretariat No. 734/Gov, dated 8 May 2007, namely on State Land Lease and Concession, the task of data collection on land lease and concession was assigned to the National Land Management Authority (NLMA).

NLMA is in charge of collecting and storing relevant data on state land lease and concession in a uniform way and sharing the information with all relevant line ministries and authorities.

This centralized approach is to guarantee a quick response to the rapid changes in the concession/lease sector. To ensure that the information is accurate and up-to-date, NLMA instructed the Center for Research and Information of Land and Natural Resources (CRILNR) to carry out data collection in every province.

As result, CRILNR started this activity (financially supported by GTZ-LPDP) in January 2007. During the Phase I (January 2007 – August 2008), data was collected in all 17 provinces. Data collection was limited to the provincial level, mainly by obtaining summary tables from different line ministries/departments. Parts of the data were neither accurate nor did they reflect reality. Due to the involvement of various teams with different research approaches the data was neither collected nor entered in a uniform way. Moreover, some of the data was lost.

As CRILNR realized the need for more accurate data to be complemented by maps, methodology was changed. Phase II of the project started in October 2008. One single team under the Research Division was created and trained. GTZ supported this activity by providing technical assistance, equipment as well as logistics and finance. After intensive training, the research activity started in October 2008 in the Pilot Province (Vientiane Province).

The first step was the collection of information from concerned sectors at provincial and district level, such as the Provincial/District Land Management Authority, the Department of Planning and Investment, the Department of Energy and Mining, the Department/Office of Agriculture and Forestry, the Department/Office of Industry and Trade and the Department/Office of Finance.

In a second step the team collected data in the field by directly visiting concession/lease projects/areas and collecting GIS data with handheld GPS equipment, taking additional notes on implementation, location and status of the projects. This happened in close cooperation with staff of PLMA and DLMA. Whenever possible, the study team did also contact the land lease/concession companies in order to collect additional information or maps, if available.

To meet the needs of the study a specific database system was created by applying *Ms. Visual Studio Net* Software. GIS data was entered using *ArcGIS* Software. Vientiane Province was selected as Pilot Province for mainly two reasons: It has the highest amount of concession/lease projects nationwide and the travelling distances from Vientiane City are the shortest. Furthermore, concession/lease projects of all sectors can be found.

1.2 Goals and Objectives

The following were identified as important goals and objectives:

- To collect all relevant and existing documents on existing State land lease and concession projects. Relevant data comprises: the number and progress of projects, area allocation/boundaries, maps, legal documents (namely contracts, agreements, investment licenses, MOUs) as well as additional documents from various sectors. This should provide the government with the information necessary to draft guidelines and regulations on inconsistent issues.
- To enter collected data into one single database management system in order to store such information properly and to facilitate further data management, data analysis and data sharing.

- To create maps based on the GIS data collected in the field showing the location and/or boundaries of the lease/concession projects within all districts of Vientiane Province.
- To compare the information compiled in the database of NLMA with that of other line ministries and concerned sectors at central and local level in order to ensure the uniformity of all data.
- To analyze data and to prepare a report with detailed information that will be submitted to PLMA and DLMA for further management and monitoring. This report should be shared with other governmental bodies and be the basis for the selection of future projects to be inspected.
- To improve capacities within NLMA/PLMA/DLMA and especially within CLNRIRC related to data collection, data analysis, mapping, reporting, etc.

1.3 Study Area and Period of Time

Data Collection in Vientiane Province started on 30 October 2008 and was finished on 17 March 2009. It was carried out in 45 days within all 13 districts during 11 field trips. The data analysis started on 23 March 2009 and was completed on 6 April 2009, in a total of 15 days.

1.4 Methodology

1.4.1 Data Collection

The team started its work on state land lease and concession projects in Vientiane Province by summarizing information available that had been collected during Phase I (MS Excel files).

In a second step, this data was crosschecked against the data that had been provided in addition by PLMA. All concerned sectors at the provincial level such as PLMA, Department of Planning and Investment, Department of Agriculture and Forestry, Department of Energy and Mining, Department of Industry and Trade were visited in order to collect additional data and to compare it with the information that had already been obtained. The following documents were of main interest: investment licenses, concession authorizations, feasibility studies, concession contracts, maps (rarely available) and a summary of investment statistics.

Equipment and tools used for data collection in the field comprised handheld GPS equipment Garmin GPSmap 60CSx, topographic maps, aerial photos (Alos 2004), Google earth maps, GPS recording forms and cameras. Most of the time, motorbikes had to be used because many concession projects are located in remote areas not accessible by cars. GTZ supported the team by providing two off-road motorbikes (Yamaha 175 cc).

1.4.2 Data Analysis

After the field work had been accomplished all documents were separated by projects and a distinct code was assigned to each project. The files were classified by districts. All information was entered in the database system at CRILNR using MS Access and MS Visual Studio Net. ArcGIS 9.2. was used to analyze topographic information or GPS (map).

1.5 Data Collection Team

1.5.1 From the Central Level

CRILNR-staff (NLMA): 5 persons

1.5.2 From the Provincial/District Level

- Working Team at Provincial level:

Staff of the Office of Information and Map, PLMA: 1 person

- Working Team at District Level:

Staff of the Unit of Information and Map, DLMA: 2 persons

1.5.3. Foreign Advisers

1) Policy Expert from LPDP/GTZ: 1 person

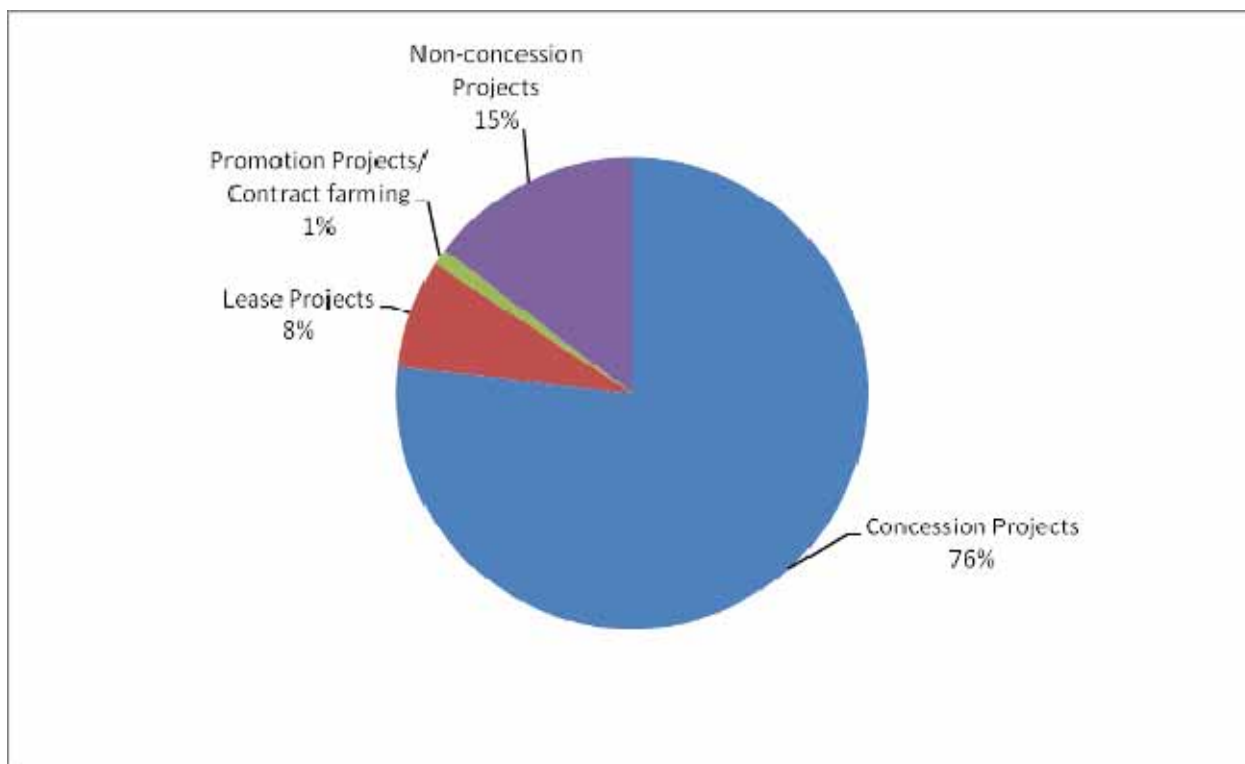
2) GIS Expert from LPDP/GTZ: 1 person

2 Results

2.1 Number of Projects

A total number of 452 projects have been identified including:

- Concession projects: 347 (76%)
- Lease projects: 34 (8%)
- Promotion-projects/contract farming (2+3): 5 (1%)
- Non-concession projects: 66 projects (15%)



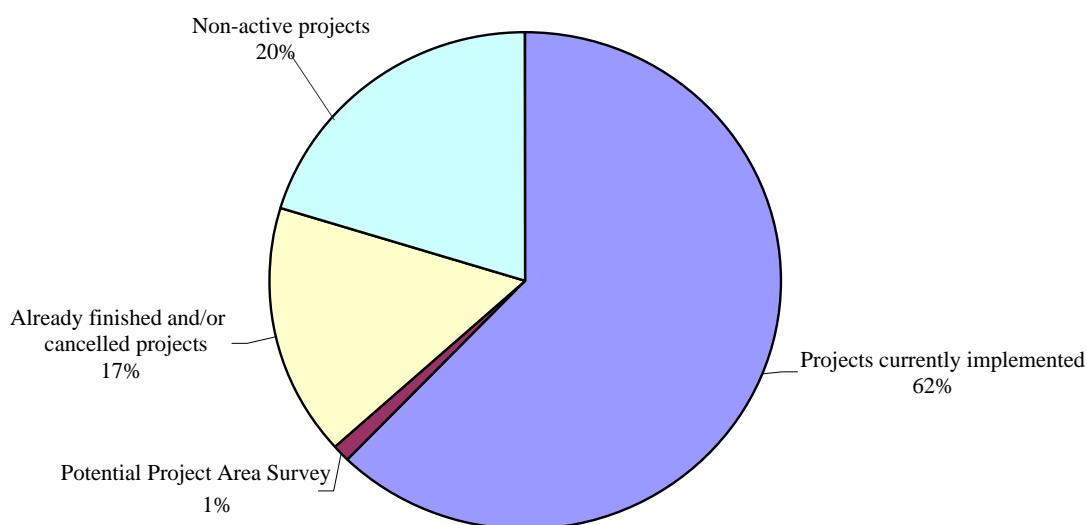
Graph 1: Percentage of land lease/concession/promotion projects (see Annex I, Table 1)

Non-concession projects refer to plantations on private land, government research projects and infrastructure development such as the “Nam Lik Bridge Construction Project” (Hinheub district) or the “Vientiane-Hainheuang Agricultural Service Cooperation” (Phonhong district), a governmental agriculture research project in cooperation with Vietnam.

381 projects are of further interest, because they are state land lease/concession projects. Most concession projects are in the agricultural sector. Most lease projects are in the trade (markets), service (bus stations) or industrial (wood processing) sector.

Only 237 of the 381 projects are currently implemented and active (62%). 4 projects within the mining sectors are in the process of surveying (1%), 63 projects have already been carried out or simply stopped their activity (17%). 77 projects have not shown any sign of implementation so far

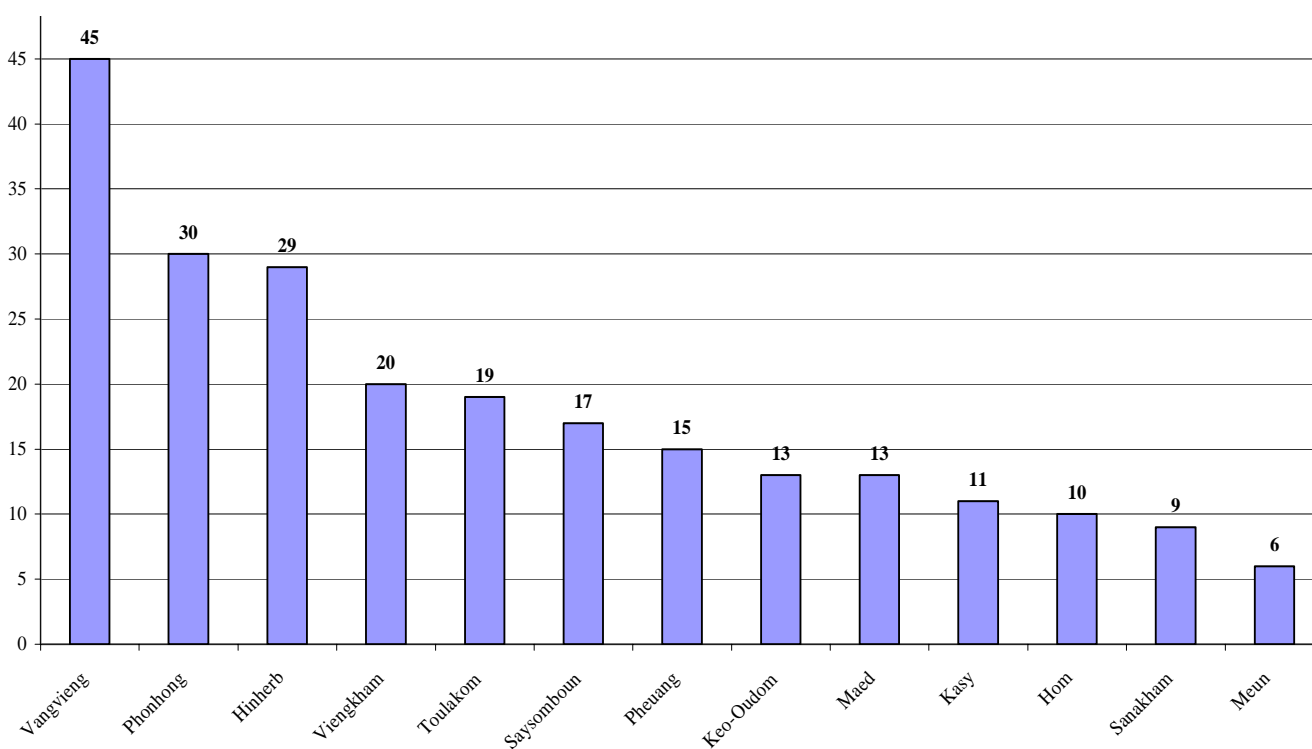
(20%). Reasons might be the allocation of unsuitable land, inadequate land areas, and conflicts with villagers or land speculation.



Graph 2: Land lease/concession projects by situation (see Annex I, Table 2)

Phase I (from January to July 2007) data collection was finished in July 2007. Since July 2007, 57 land lease/concession projects have been granted in Vientiane Province.

In the following all statistics refer to the 237 concession and lease projects that are currently active and already implemented. With 45 projects (19 %), Vangvieng district has the highest number of concession/lease projects within Vientiane Province followed by Phonhong district with 30 projects (13 %) and Hinherb district with 29 projects (12 %), respectively.



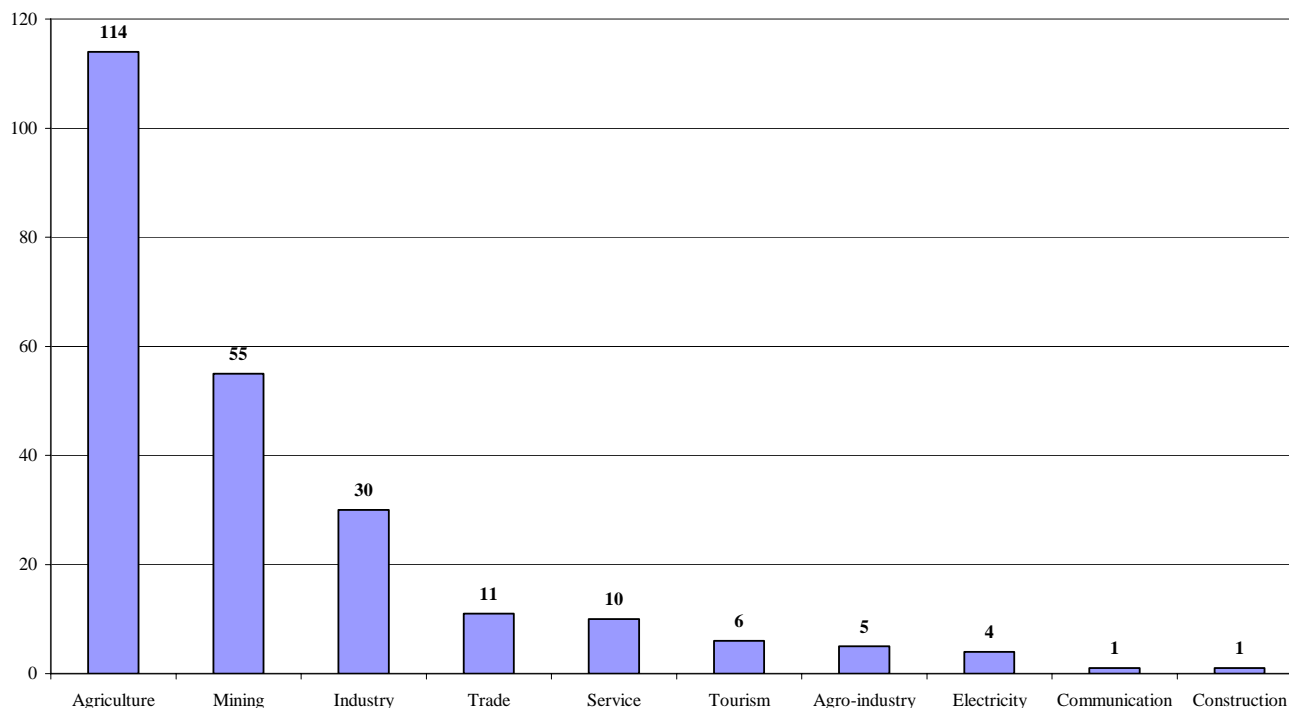
Graph 3: Number of land lease/concession projects per district (see Annex I, Table 3)

Domestic investments sum up to 149 projects (63%), foreign investments to 76 projects (32%) and joint venture projects to 12 (5%), see Annex I, Table 4 and Annex II, Graph 1. 149 projects (63%)

are operated by Lao investors, 25 projects (11%) by Chinese investors and 24 projects (10%) by South Korean investors, see Annex I, Table 5 and Annex II, Graph 2.

2.2 Sectors

Within the 10 sectors identified, namely agriculture, industry, agro-industry, mining, electricity, service, trade, tourism, communication and construction, most projects are in the agricultural sector (114, 48 %), followed by 55 projects (23%) in the mining sector and 30 projects (13%) in the industrial sector.



Graph 4: Number of lease/concession projects per sector (see Annex I, Table 3)

Within the total of 114 land lease/concession projects in the agricultural sector, most projects are rubber plantation projects (46, 40 %). Furthermore, there are 23 Jatropha projects (20%) and 13 plantations are combining rubber and agar-wood (11%), see Annex I, Table 6 and Annex II, Graph 3.

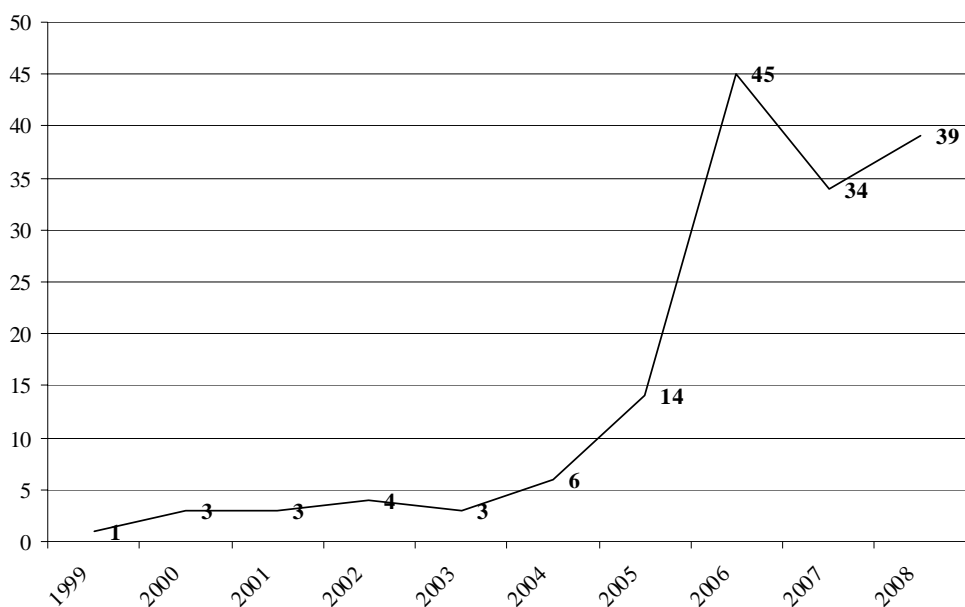
In the agricultural sector, the highest number of projects are in Hinherb district (24 projects, 21 %), followed by Phonhong district (19 projects, 17%) and Vang Vieng district (14 projects, 12%), see Annex I, Table 6.

Concerning the agricultural sector, 60 projects are domestic investments, 52 foreign investments and only two Joint Ventures.

24 of the 55 projects in the mining sector are gravel-sand exploitation projects (44%). Furthermore, there are 11 limestone/cliff-rock exploitation projects (20%), see Annex I, Table 7 and Annex II, Graph 4. Most of the mining projects are carried out in Vang Vieng district (22, 40%), in Feuung district (8, 15%) and in Sanakham district (4, 7%). Investment in the mining sector is mainly domestic with 46 projects. There are 2 joint ventures and 7 foreign investment projects.

2.3 Approvals per Year

Since 1999 approval of land lease/concession projects in Vientiane Province has increased rapidly especially since the year 2004. The highest amount of concessions were granted during 2004-2006, with 45 projects in the year 2006 followed by 2008 with 39 projects and 2007 with 34 projects. However, there are 82 projects of which the year of approval is unknown as the team could neither obtain relevant documents from the provincial/district level nor from the companies.

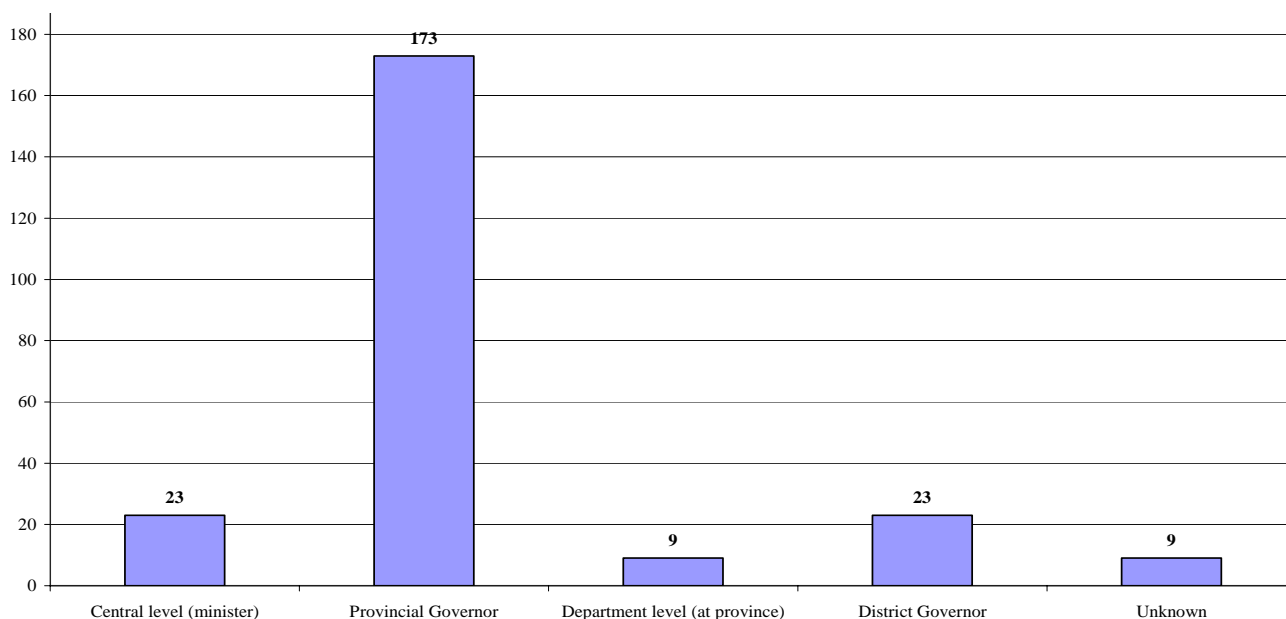


Graph 5: Project approvals per year, 1999 to 2008 (see Annex I, Table 8)

2.4 Level of Approval

In the past, there were 4 different governmental levels involved in the approval process of state land lease/concession in Vientiane Province, namely the district level, the department level, the provincial level (meaning Provincial Governor) and the central level (mainly Ministerial level). 23 projects (10 %) were approved at district level by the District Governor, 9 projects (4 %) at department level, 173 projects (72%) at provincial level and/or by the Provincial Governor and 23 projects (10%)¹ at central level (by the Minister). The approving authority of 9 projects (4 %) is unknown as the team was not able to obtain the relevant information.

¹ Most projects approved at central-level or by the Minister are mining project



Graph 6: Number of projects by level of approval (see Annex I, Table 9)

2.5 Area of Lease/Concession Projects

The total area of state land lease/concession in Vientiane Province (13 districts) is 391,709 ha² of which 391,532 ha are concession area and 177 ha are lease area. Phou Bia Mining Company Ltd. alone has conceded an area of 260,000 ha, equaling to 66% of the total concession area in Vientiane Province.

The district with the largest amount of land under concession/lease is Saysomboun district (because of Phou Bia Mining) with 264,162 ha (68%), followed by Sanakham district (54,811 ha, 14%) and Hinherb district (21,570 ha, 6%).

As far as different sectors are concerned, the mining sector covers the largest surface with 326,944 ha (83.71%) followed by the agricultural sector with 63,709 ha (16%).

In the agricultural sector, the districts with the largest areas of conceded/leased land are Hinherb district (18,422 ha, 30%), Phonhong district (14,481 ha, 23%) and Maed district (8,599 ha, 13%). In this sector, rubber plantations cover the largest area (25,104 ha, 39%), followed by Jatropha (20,386 ha, 32%) and plantations combining Eucalyptus, Jatropha and Rubber (10,000 ha, 16%).

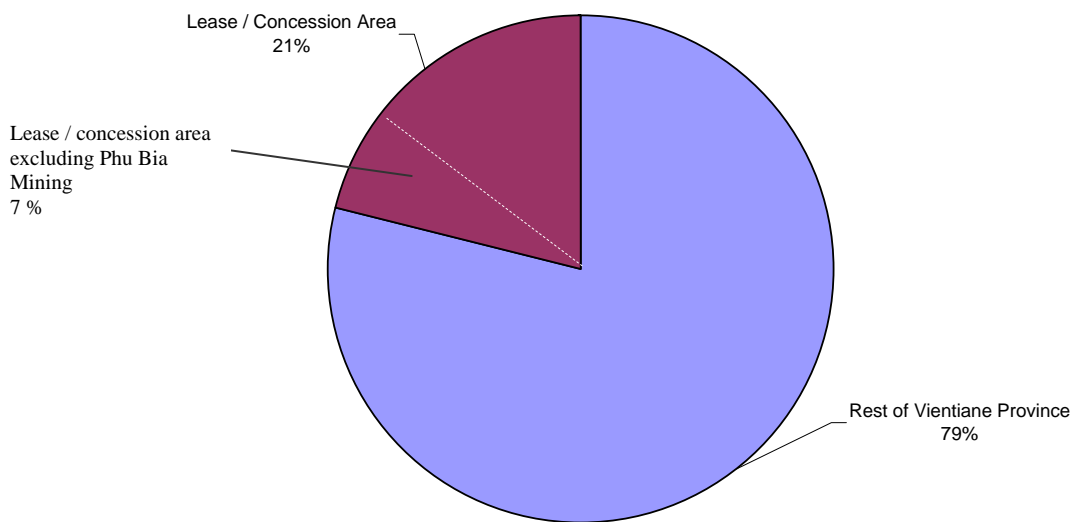
The districts with the largest areas of mining activities are Saysomboun district (260,030 ha, 79%) Sanakham district (54,304 ha, 17%) and Feuang district (7,027 ha, 2%).

As far as different activities are concerned, the mining sector focuses mainly on gold and copper exploration (260,000 ha, 79%), exclusively gold mining (28,183 ha, 9%) and iron mining (26,120 ha, 8%).

All together, approved land lease/concession projects in Vientiane Province cover 391,709 ha equaling to 21% of the total area (1,852,600 ha)³. Without Phu Bia mining the total area under concession/lease would be only 131,709 ha, which would still amount to 7% of the whole Vientiane Province area (for more information on the size of concession areas, see Annex I, Table 10 – 13, Annex II, Graph 5 – 7).

² The area consists of only actual active and implemented projects.

³ Data from the Population Census Report of the National Statistic Center, 2005

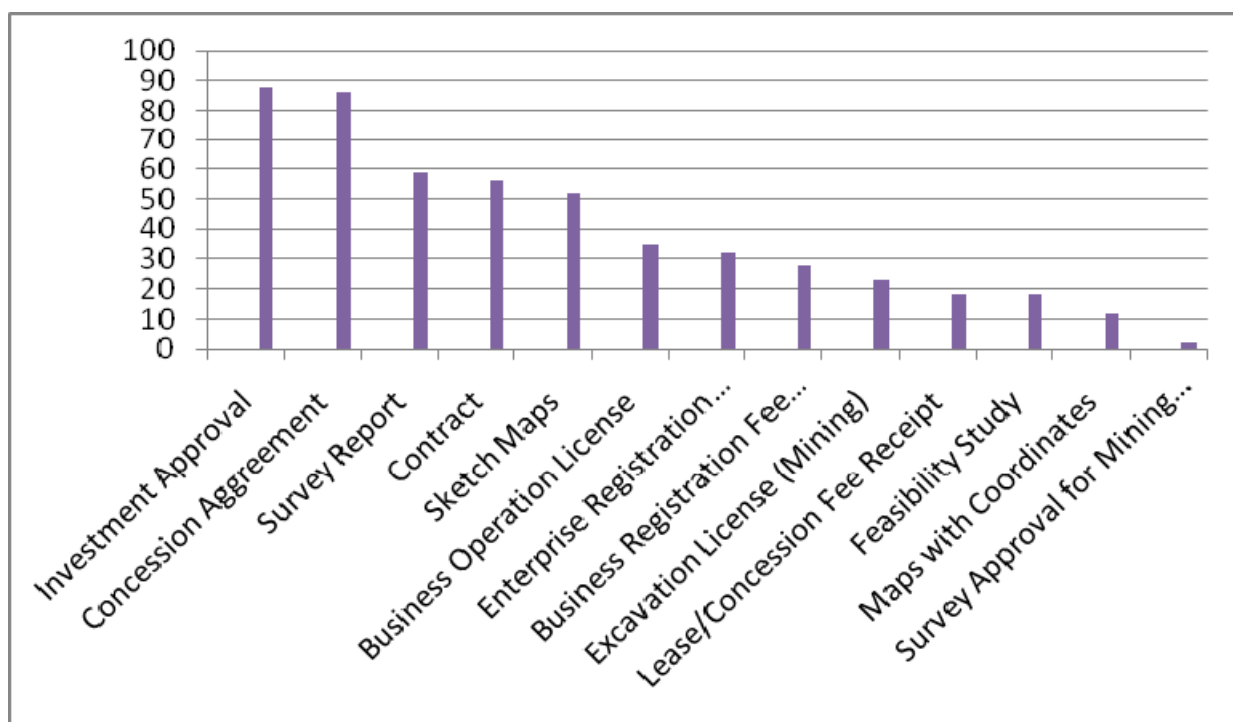


Graph 7: Percentage of lease/concession areas compared to the total area of the Vientiane Province

2.6 Documents Relevant to Land Lease/Concession

Out of all documents gathered from concerned sectors at the provincial and district levels of Vientiane Province, it can be observed that mainly 13 types of land lease/concession documents were found (see the graph below). The majority of documents obtained are Investment Approvals (88 projects), Agreements signed by Ministers, Provincial or District Governors (86 projects), Survey Reports (59 projects) and maps related to boundaries of lease/concession areas which were mainly available as sketch maps (52 projects). Maps with proper coordinate-points were obtained from 12 projects only.

Out of the total 237 land lease and concession projects, only 148 projects were able to provide at least one or more documents to NLMA. In 89 cases, the concerned sectors at provincial and district level did not possess any documents. This shows that the data is dispersed between different levels and that there is no authority with a clear mandate to store and manage it.



Graph 8: Number of documents by document type (see Annex I, Table 14)

2.7 State Land Lease and Concession Surveying

The aim of field data collection is the mapping of location/boundaries of state land lease/concession projects. Unfortunately, the team could only access 214 out of 237 projects, as in 23 cases there were either no roads at all or the condition of the roads was too bad to access them by car/motorbike, or some area can be accessible only by foot and by boat.

Of the 214 projects accessed, the whole lease/concession area was measured in 60 cases. 17 projects could be measured only partially and in 137 cases just one GPS point were taken to locate the projects. The reason the team were not able to walk around the area was the limited budget and time as those areas were quite large.

3 Case Studies

3.1 Names of Investing Companies

The information gathered from various sectors at provincial level reveals that many projects/companies are recorded under different names in different investment documents, even though the company is the same one:

Example 1: The company name recorded in the investment license issued by the Department of Planning and Investment is ANL Rubber Company Ltd., whereas the name in the “Agreement for Granting Land Concession of the Governor” and the one stated in the Concession Contract is VT Road-Bridge Construction Company Ltd. Both names refer to the same company and the same investor operating its business on the same plot of land.

Example 2: The Lao-Thai Hua Rubber Plantation Promotion and the New Chipseng Company Ltd. are one and the same company with the same investor, but named differently in the Investment license (approval) and in the Agreement and Concession Contract Documents.

Different names on different documents referring to one single company cause confusion when trying to identify the exact number of companies leasing/conceding land. Clarification is only possible by conducting interviews in those villages, where the projects are located

3.2 Authorizing Documents not taking into Account the Real Situation

Example: Prior to the approval of a land concession to the Kolao Company (covering an area of 1,404 ha in Ban Nampaen, Maed district, Vientiane Province) a topographic survey was conducted by the survey team (including 2 company staff, 2 DAFO staff, one from the Finance Office, Village Head and Second Head of Village). The following was stated in the Survey Report summarizing the results: “The area surveyed consists of fallow forest and degraded forest and is suitable for planting industrial crops, especially Jatropha.” Several month after the concession had been granted and the land been cleared, DAFO conducted another field inspection, because apparently healthy forest was cleared. They found that within the area of zoned primary forest (120 ha) also land has been cleared, and not only within the approved area which consists of fallow forest.

The Head of DLMA informed the research team that a fine was imposed on the company. When the team visited the field it observed that large trees had already been logged and Jatropha had been planted on slopes with more than 45% inclination (see Annex IV, Document 1 for a scan of original documents of this case).



Kolao Company in Ban Nampaen, Maed district

3.3 Violations of Terms and Conditions Stated in Concession/Lease Approvals

Example: The Thai-Hua Lao Rubber Plantation Company Ltd. had been granted a land concession in Ban That and Ban Vangmon-Neua (670 ha), in pursuant to the Decision No. 009225/Gov., dated 13 November 2006, including the permission to develop 100 ha/year. This means that the company would have needed 7 years to clear the land. However, after two years, 672 ha had been already cleared. The investor's activities were not in compliance with the contract he had signed with the government. This exemplifies once more that so far no functioning monitoring system exists and no authority is clearly assigned to follow up with such investments and concession activities (see Annex IV, Document 2 for a scan of documents concerning this case).

3.4 Overlap of Approved Concession Areas

In some areas, the same land is conceded to different companies twice. Such a case occurred for example in Ban Naphong, Hinherb district, Vientiane Province where 100 ha of land were granted to the Association for Agriculture and Handicraft Promotion for planting *Jatropha* and Cassava. Later on the Provincial Governor withdraw his own decision and approved to give the same area free for concession to the Bamboo Factory Ltd. to run a rubber plantation. The company that had been granted the concession first, submitted an official complaint to NLMA and the case was inspected. After the inspection was done, both concession agreement for both companies were cancelled (signed by the Director of PLMA), because the inspection revealed that the area given out covered conservation forest and that the approval was granted without conducting a prior survey and so far no land classification/zoning was done beforehand (see Annex IV, Document 3 for a scan of documents concerning this case).

3.5 Villagers Preventing Companies from Using the Conceded/Leased Land

Some cases exist where unsuitable/inadequate land was conceded to investors. There are cases in which district authorities or villagers did not allow the conceding company to clear the land or to implement planned activities, because the concession had been approved by higher levels without consultation of local people. In those cases, district and village authorities had to find different land to compensate the companies.

Example: In 2007 the Bouasavanh Tourism Company was granted a land concession of 50 ha for the plantation of orange trees in Ban Jiang, Kasi district, Vientiane Province. The concession was granted without consulting villagers beforehand. Only the Naiban was involved. When the company

was ready to start clearing the land, villagers were forcing the company to leave and they made it clear that they would not allow any land clearance. They argued that this land was important for their own livelihood as the conceded land covered valuable village production forest. The project came to an end, even before it had started.

4 Challenges and Problems

4.1 General Problems

- It seems that in the past there was neither appropriate delegation nor task sharing between different governmental bodies resulting in an high degree of confusion who would be in-charge for a) approving concessions and b) monitoring such.
- Prior to the study, the capacity of team-members had to be built. Unfortunately, due to a high staff- fluctuation trainings had to be repeated later on.
- In some districts, the authorities did not consider appropriate collection and storage of information about lease/land concession as important, and therefore data was not updated.

4.2 During the Data Collection

- In some cases, the team could not obtain any kind of documents (in hard and/or softcopy) on the projects/companies in question. In cases where documents were available, they were often incomplete. This is owed to the fact that these documents were not available or only partially at concerned sectors.
- Often expected relevant authorities did not know where information is stored or may be obtained and the team was often sent from one level (central – provincial – district) or sector to another.
- Often, projects and companies appear with different names on different documents.
- Sometimes, the information obtained from various sectors at provincial and district level is not consistent. Especially data on the size of the areas leased/conceded or the name of projects/companies were often different.
- Often, the information gathered at provincial level was not clear or detailed, especially regarding status and progress of the project.
- For most projects, there was no map available. Sometimes, there were hand-written sketch maps but which often did not reflect the reality. The lack of proper maps is mainly a result of not conducting appropriate surveys and assessment before the approval of concessions.
- The limited number, availability and capacity of technical staff at DLMA caused delay in the research activities, as often district staff was either not able to provide the required information or provided it with delay.
- As some concession projects are located in very remote areas of Vientiane Province, sometimes, it took the team up to 3 hours by motorbike to reach them. In some cases, projects could only be reached by boat and/or foot. Due to bad road conditions, travelling by motorbike was difficult as well and consumed a lot of time.
- As most concession areas are too large and without roads surrounding the project area, it was often impossible to record the exact boundaries with GPS equipment. In those cases, only single GIS points were taken and - where possible - approximate boundaries were drawn using satellite imagery.
- In some area, responsible staff at district level was not able to collect detailed information which caused the delay of collecting data in the concession site.

- Sometimes, the young age of the research team hindered them from getting access to relevant information as provincial, district or company staff did not take them serious due to their younger age.
- It seems that the cooperation between different line agencies is hindered by a lack of understanding on the role and function of NLMA/PLMA/DLMA. Sometimes, this compromised their willingness to cooperate and share information with the team.
- Some companies/investors did not cooperate with the team to full extent claiming that their projects had already been approved by the government.
- The team was not able to contact each project as many investors do not have their office where they also have the concession area. In many cases the investors have offices in VTE or are even living abroad.
- The team faced coordination difficulties with village authorities as they were often not informed in advance. Communication and coordination with local staff and village heads before going to the field was difficult and time-consuming.

4.3 After Data Collection

- The storage space for maintaining data (document) are too small compare to the huge amount of document being collected.
- The number of PCs that could be used for the record of information was limited, causing some delay in the data entry and data analysis. Better usage and management of Hardware within the CLNRIRC may help in the future to work more efficient.
- The newly created database had to be updated and modified several times in order to cover all relevant aspects and get rid of some malfunctions.
- The time frame given by higher authorities for analysis was too short, because CLNRIRC has only a limited amount of staff with capacity required for such data analysis.

5 Different Aspects of Land Lease/Concession

Many projects/companies implemented their activities in compliance with their contract and Lao regulations. However, some companies violate contract obligations and Lao laws. Those projects/companies need to be re-inspected in the near future.

In the following, typical problems are summarized:

5.1 Environmental Aspects and Policy Alignment

The activities of some projects/companies are still not in compliance with the party's policies and guidelines as well as with the national socio-economic development plan. This applies particularly to land lease/concession in the agriculture-forestry sector as industrial tree plantations can often be found in primary or healthy secondary forest, conservation forest, river side forest, production forest as well as on villagers' production land.

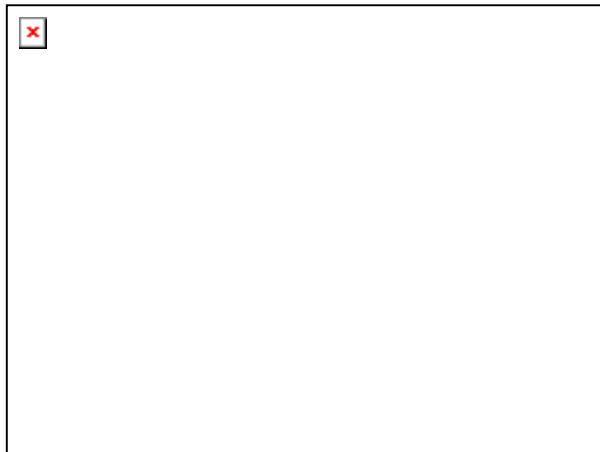
Actual governmental policy stipulates that "the industrial tree plantation must be placed in the area of degraded forest or defoliate forest which cannot be regenerated naturally".

The following companies are operating in the area of Phouphanang Conservation Forest:

- KP Eucalyptus Company (in Houaiduea and Nongkhone),
- Jeujang Hang Rubber Plantation Company (in Ban Nongpaen and Phonekham)
- Mr. Outhan Sisaket Agriculture and Animal Raising (in Ban Houai Deua of Phonehong district)

The government's socio-economic development plan focuses on food production, hydro-power and ecotourism. The activities of the following companies are not in compliance with this strategy. Examples are:

- Kolao Farm Company that obtained a land concession for *Jatropha* plantations in Maed district (in Ban Namphen, Pakyan, Nonsavath, Sisaath-tai, Samakkisay, Phonyeng and Naoudom-tai) as well as in Hinherb district (in Ban Phonthong-neua, Vangky, and Natai);
- Sengchan Rubber Plantation Company that obtained a land concession to operate in Ban Konepuk of Hinherb district;
- Rai Farm Company that holds a concession for industrial crop plantation (corn, soybean etc.) in Ban Houai Pamak of Maed district.



*Concession area for *Jatropha* plantation (Kolao Company) in Ban Namphen, Maed district*

Concession area for industrial tree plantation (Rayfarm Company) in Ban Houaipamak, Maed district

Some companies do not use their land after having been granted concessions. Examples are:

- Border Trade Company (owned by Mr. Yiapo) that applied for land concession to operate a rubber plantation (in Ban Nam-thom, Hinherb district) and
- Malinee Company that was granted a concession on wetland for fish farming (in Ban Phonhang, Viengkham district).

Even though the clearance of primary and healthy secondary forest or forest containing watersheds are forbidden, as well as concessions in areas with gradients higher than 45%, concessions can be found in those areas. This is in conflict with the Forest Strategy 2020 stating the goal to increase Laos' forest cover up to 70% until 2020. These activities have negative impact on the environment and may destroy watersheds and cause land erosion, as well as loss of land fertility.

Another problem is the fact that some projects fail to restore the land after having finished their mining activities. This was the case in Ban Nam-Moe, Saysomboune district. The Mining Unit of the Ministry of Defense that had been granted a land concession (Nam-Moe) for gold mining didn't make any efforts to restore the land (filling etc.) after the completion of their activities. This caused a change in direction of the water flow endangering villagers' water access.



Ban Phonthongneu and Ban Vangky, Hinheurb District: Concession area for Jatropha plantation (Kolao Company)



Concession area for gold mining in Ban Nam-Moe, Saysomboune district, where the land was not restored after the project had been completed

5.2 Social Issues

Some concessions cover villagers' production land or create barriers for villagers to access their own/village land which they need for living.

Examples are:

- *Lao-Jonghoui Rubber Plantation* in Ban Nalao, Vangvieng district and
- *Ray Farm Agriculture Development Company Ltd.* that obtained land concessions on villagers' production land to grow industrial crops in Ban Houai Pamak, Maed district (according to the Naiban of Ban Nalao and Ban Houai-Pakma).

Sometimes, villagers submit complaints against investors failing to fulfill their duties as stated in the contract between the villagers and the investor. For example, the VT Road and Bridge Construction Company had been granted a land concession in Ban Phonkang, Hinherb district, to operate rubber plantations. The company promised to assist in road construction and the construction of an electricity line leading to the village. According to the Nai Ban of Ban Phonkang the company never fulfilled its obligations.

On some locations, concession areas cover villagers' production land. This is the case with the Lao-Jonghui Company in Ban Nalao, Vangvieng district, the Rai Farm Agricultural Development in Ban Houai-Pamak, Maed district and the VT Road and Bridge Construction Company that conceded land to operate rubber plantations which reflect the implementation of policy toward the population, especially their land use right ownerships.

5.3 Benefits to the Government

The concession rate paid to the government is usually around US \$3 per ha/year. This applies particularly to the agricultural sector. However, in some cases the rate was too low considering the value of the land and especially forest which was cleared beforehand. Moreover, sometimes there is no authority directly in charge of fee collection and it is unclear whether the fees must be paid at district, provincial or central level.

In the past, many projects claimed having paid the concession fee already at central level, when being asked to make payments at provincial or district level. In those cases, it is difficult to find out whether the payment has actually been made as claimed.

5.4 Legal Status of Concession Contracts

The team found that there are many concession contracts violating the Forestry as well as the Land Law which state that concessions on areas up to 3 ha can be approved at district level, less than 100 ha at provincial level and less than 10,000 ha at central level. There were cases in which the district level approved concessions of areas with a size of up to 400 ha, so the case of Mr. Siveuang Onemany who obtained a land concession to operate a rubber plantation in Ban Nongboua, Phonhong district, Vientiane Province (for a scan of the concession approval, see Annex IV, Document 4). Higher authorities granted concessions on areas up to 10,000 ha in the agricultural sector as shows e.g. the case of the KP Construction and Forestry Development Company Ltd. that obtained a land concession to operate an industrial plantation in Ban Houaideua, Phonhong district. According to the Resolution of the 1st Nationwide Conference on Land No. 06/PM, dated 30 May 2007 the approval of land concessions for the plantation of industrial trees and annual crops to both foreign and domestic investors shall be suspended if the area is larger than 100 ha. For areas less than 100 ha, leases and concessions can be granted if the area is used for the nursery of saplings or research/experimentation. This applies only in cases where the conceded land is either defoliate land or degraded forest which cannot be regenerated naturally.

In practice, the approval of land concessions for industrial tree plantations is not in compliance with the resolution mentioned above. From 2008 to mid March 2009, 34 land concession contracts in the agriculture/forestry sector were approved.

6 Recommendations

Based on the experiences of data collection and analysis the following recommendations are made:

- The role and mandate of NLMA has to be made clear to other governmental bodies at each level: central, provincial and district. Tasks and responsibilities have to be clearly assigned to a specific agency (NLMA/other agencies) as well as within the institutional hierarchy of each authority.
- All concerned sectors must participate during the procedure of lease/concession approval. Clear mandates have to be given out beforehand. Relevant information and documentation must be automatically submitted to the land management authority. In future, PLMA and DLMA must ensure that this information is available and well stored and managed, if they want to fulfill their task as agency in charge.
- All relevant information should be submitted to NLMA/CRILNR on a regular basis to store it and update its database. This will enable NLMA to monitor activities in the field of concession/lease and to communicate relevant information to other agencies.
- The topographical survey prior to the approval requires the use of modern tools such as GPS in order to be able to locate area, size and boundaries of concession projects on maps in an accurate way. These maps can be used for future reference. Such maps should be a

requisite for the approval of large concession areas and in future, Land Management Authorities should be in possession of those before projects are implemented. These maps will also facilitate future inspection work (e.g. by the Department of Land Inspection together with relevant line agencies).

- In cases where concession areas are located in remote areas without road access or where roads are in bad condition, only strong motorbikes can be used. Consequently, senior government staff will have to delegate such tasks to the younger staff. Using small unmanned airplanes does not represent an alternative yet, as the boundaries of concession areas cannot clearly be located on the pictures obtained by those planes. Furthermore, costs are very high. Therefore, also in future it will be necessary to send out staff to the field using hand-held GPS. In some cases, the staff will be required to walk around the concession area.
- Feasibility studies as well as social and environmental impact assessments must be carried out before any concessions/leases are granted. Various parties including local villagers must participate in this process.
- A special inspection team shall be created for monitoring purpose. This team should use the CRILNR concession/lease inventory database as well as the written report as a basis for their inspection. Possible projects to be inspected should be discussed with the team that collected initial data within the field. The inspection team might comprise staff from the Department of Land Inspection, WREA CRILNR and from the corresponding Ministry (e.g. MoME or MAF). It must have a clear mandate and if more than one team is created, they should all use the same approach and methodology.
- It should be a prerequisite for any lease/concession approval that land classification, land use planning and land categorization has been done beforehand (according to the Notification of the Government Secretariat No. 981/Gov. dated 28 May 2008⁴).

7 Future Plan and Dissemination

After the completion of data collection on land lease/concession in Vientiane Province, it is planned to expand the study to other provinces by starting with Luangnamtha province and Vientiane Capital City. Until the end of 2010 all provinces should be covered.

The report will be printed and distributed to all sectors concerned at central and provincial level as well as to PLMA and DLMA. Furthermore, the report shall be disseminated via internet.

A training course on methods of data collection, data entry, data analysis and the use of equipment should be provided to the technical staff of both PLMA and DLMA enabling them to fulfill these tasks without the help of central staff in the future.

In cases where land surveys are conducted prior to the approval of leases/concessions, the reports have to be submitted directly to NLMA. This will ensure that the information is updated on a regular basis.

⁴ The Notification specifies the land and forestry strategic plan from now on to the year 2020 stating that the area of forest coverage should reach 70% of the total land area.

Annexes

Annex I: Tables

Table 1: Number of concession/lease/contract farming projects per district

Type of land use	Number of projects													Total
	Phonhong	Keo Oudom	Viengkham	Thoulakhom	Hinherb	Vangvieng	Kasi	Maed	Pheuang	Meun	Sanakham	Saysomboun	Hom	
Total number of projects	67	24	32	43	60	70	24	19	27	22	19	27	18	452
Concession projects	42	14	22	25	55	61	20	16	26	19	14	23	10	347
Lease projects	5	3	4	6	1	5	1	3	0	0	3	1	2	34
Contract farming (2+3)*	0	1	0	0	2	1	0	0	0	1	0	0	0	5
Non-concession projects**	20	6	6	12	2	3	3	0	1	2	2	3	6	66
Total	67	24	32	43	60	70	24	19	27	22	19	27	18	452

* Contract farming (2+3) refers to the participatory project in agricultural sector with villagers contribute land and labour while the company/investor provide capital, technique and market.

** Non-concession project refers to the project which use/lease private land, government research-analysis and infrastructure development project

Table 2: Number of land lease/concession projects per district and situation

Status of projects	Number of projects													Total
	Phonhong	Keo Oudom	Viengkham	Thoulakhom	Hinherb	Vangvieng	Kasi	Maed	Pheuang	Meun	Sanakham	Saysomboun	Hom	
Implemented projects	30	13	20	19	29	45	11	13	15	6	9	17	10	237
Potential Project Area Survey	0	0	0	0	0	1	0	1	0	0	0	1	1	4
Completed /aborted projects*	5	1	0	5	7	14	7	1	5	9	4	4	1	63
Inactive projects**	12	3	6	7	20	6	3	4	6	4	4	2	0	77
Total:	47	17	26	31	56	66	21	19	26	19	17	24	12	381

* Projects where concession was granted, successfully implemented and finished; projects where the contract has been cancelled.

** Projects where concession was granted, but no operation started due to unsuitable land, insufficient land area, land clearing was not allowed by villagers, etc.

Table 3: Number of land lease/concession projects per district and sector

Sector	Number of projects													Total
	Phonhong	Keo Oudom	Viengkham	Thoulakhom	Hinherb	Vangvieng	Kasi	Maed	Pheuang	Meun	Sanakham	Saysomboun	Hom	
Agriculture	19	8	7	7	24	14	7	9	5	2	1	8	3	114
Industry	5	2	6	2	1	4	1	3	0	0	1	4	1	30
Agro-Industry	2	0	1	0	1	0	0	0	0	0	0	1	0	5
Mining	0	1	3	3	3	22	2	1	8	3	4	3	2	55
Electricity	0	0	0	0	0	0	0	0	0	0	0	1	3	4
Service	1	1	2	2	0	2	0	0	1	0	1	0	0	10
Trade	2	1	1	3	0	1	0	0	1	1	1	0	0	11
Tourism	0	1	0	2	0	2	1	0	0	0	0	0	0	6
Communication	0	0	0	0	0	0	0	0	0	0	1	0	0	1
Construction	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Total:	30	14	20	19	29	45	11	13	15	6	9	17	9	237

Table 4: Number of land lease/concession projects per district by type of investment

Type of investment	Number of projects													Total
	Phonhong	Keo Oudom	Viengkham	Thoulakhom	Hinherb	Vangvieng	Kasi	Maed	Pheuang	Meun	Sanakham	Saysomboun	Hom	
Domestic	22	9	12	13	20	32	6	3	9	4	6	7	6	149
Foreign	6	4	8	6	8	11	5	9	4	2	2	8	3	76
Joint Venture*	2	1	0	0	1	2	0	1	2	0	1	2	0	12
Total:	30	14	20	19	29	45	11	13	15	6	9	17	9	237

* refers to the joint investment between domestic investor and/or the Lao government and a foreign investor

Table 5: Number of land lease/concession projects per district by investors' country

Investor's country	Number of projects													Total
	Phonhong	Keo Oudom	Viengkham	Thoulakhom	Hinherb	Vangvieng	Kasi	Maed	Pheuang	Meun	Sanakham	Saysomboun	Hom	
Laos	22	9	12	13	20	32	6	3	9	4	6	7	6	149
Thailand	2	2	2	3	0	1	1	0	0	0	1	0	0	12
Vietnam	0	0	3	0	0	0	0	0	1	0	0	2	2	8
China	2	0	2	1	3	5	2	2	2	2	1	2	1	25
South Korea	2	0	1	1	5	5	0	7	1	0	0	2	0	24
Malaysia	0	0	0	1	0	0	2	0	0	0	0	0	0	3
Laos/China	2	1	0	0	0	2	0	0	0	0	0	0	0	5
Laos/Vietnam	0	0	0	0	1	0	0	1	1	0	0	0	0	3
Laos/Thailand	0	0	0	0	0	0	0	0	1	0	0	2	0	3
Other countries	0	2	0	0	0	0	0	0	0	0	1	2	0	5
Total:	30	14	20	19	29	45	11	13	15	6	9	17	9	237

Table 6: Agricultural sector - number of land lease/concession projects per district by type of activity

Type of activities	Number of projects													Total
	Phonhong	Keo Oudom	Viengkham	Thoulakhom	Hinherb	Vangvieng	Kasi	Maed	Pheuang	Meun	Sanakham	Saysomboun	Hom	
Rubber plantation	9	4	2	3	14	3	2	1	1	1	1	3	2	46
Eaglewood and rubber plantation	5	0	1	0	2	3	0	0	2	0	0	0	0	13
Jatropha	1	0	1	1	2	5	3	7	1	0	0	2	0	23
Eaglewood	0	0	0	0	4	0	0	0	0	0	0	1	1	6
Eucalyptus	1	0	0	1	0	0	0	0	0	0	0	1	0	3
Cassava	0	1	0	0	1	0	1	0	0	0	0	0	0	3
Corn and Soybean	0	0	0	1	0	0	0	1	0	1	0	0	0	3
Cow raising	2	0	0	1	0	0	0	0	0	0	0	0	0	3
Fish raising	0	0	1	0	1	2	0	0	0	0	0	0	0	4
Cow and goat	0	1	0	0	0	1	1	0	0	0	0	0	0	3
Other types of activities	1	2	2	0	0	0	0	0	1	0	0	1	0	7
Total:	19	8	7	7	24	14	7	9	5	2	1	8	3	114

Table 7: Mining sector - number of land lease/concession projects per district by type of substances mined

Type of substances mined	Number of projects													Total
	Phonhong	Keo Oudom	Viengkham	Thoulakhom	Hinherb	Vangvieng	Kasi	Maed	Pheuang	Meun	Sanakham	Saysomboun	Hom	
Mineral substances (zinc, gold, copper etc.)	0	0	0	0	0	0	0	0	0	0	1	1	0	2
Sand, gravel ⁵	0	1	3	3	1	9	1	0	1	2	1	0	2	24
Zinc	0	0	0	0	0	1	1	0	0	0	0	0	0	2
Gold	0	0	0	0	0	0	0	0	0	0	2	1	0	3
Copper	0	0	0	0	1	0	0	0	0	0	0	1	0	2
Clay	0	0	0	0	0	3	0	0	0	0	0	0	0	3
Limestone	0	0	0	0	0	8	0	0	3	0	0	0	0	11
Barit	0	0	0	0	0	0	0	0	1	1	0	0	0	2
Lignite	0	0	0	0	1	1	0	0	1	0	0	0	0	3
Bat dung	0	0	0	0	0	0	0	1	2	0	0	0	0	3
Total:	0	1	3	3	3	22	2	1	8	3	4	3	2	55

⁵ The contract for sand-gravel mining is signed on a yearly basis

Table 8: Number of land lease/concession projects per district by the year of approval

Year of approval	Number of projects													Total
	Phonhong	Keo Oudom	Viengkham	Thoulakhom	Hinherb	Vangvieng	Kasi	Maed	Pheuung	Meun	Sanakham	Saysomboun	Hom	
1999	0	1	0	0	0	0	0	0	0	0	0	0	0	1
2000	0	0	1	2	0	0	0	0	0	0	0	0	0	3
2001	2	0	0	0	0	1	0	0	0	0	0	0	0	3
2002	1	0	0	1	1	0	0	0	0	0	0	1	0	4
2003	1	1	0	0	1	0	0	0	0	0	0	0	0	3
2004	0	1	1	0	1	1	1	0	1	0	0	0	0	6
2005	3	0	1	1	1	0	0	1	3	0	2	1	1	14
2006	4	4	2	4	15	4	3	0	2	1	1	3	2	45
2007	12	0	3	0	4	4	1	0	1	1	3	5	0	34
2008	4	2	3	3	2	4	3	7	3	2	1	4	1	39
2009	0	1	0	0	0	0	0	0	0	1	0	0	1	3
Year unknow	3	3	9	8	4	31	3	5	5	1	2	3	5	82
Total:	30	13	20	19	29	45	11	13	15	6	9	17	10	237

Table 9: Number of land lease/concession projects per district by the level of approval

Level of approval	Number of projects													Total
	Phonhong	Keo Oudom	Viengkham	Thoulakhom	Hinherb	Vangvieng	Kasi	Maed	Pheuung	Meun	Sanakham	Saysomboun	Hom	
Central level (Minister)	0	0	1	1	2	11	1	0	1	0	2	3	1	23
Provincial Governor	27	11	11	14	21	26	7	12	14	6	5	11	8	173
Department level (Province)	0	0	2	2	0	2	1	0	0	0	1	1	0	9
District Governor	3	2	3	2	6	2	2	0	0	0	1	2	0	23
Unknown*	0	0	3	0	0	4	0	1	0	0	0	0	1	9
Total:	30	13	20	19	29	45	11	13	15	6	9	17	10	237

* As unable to obtain relevant documents and statistical data from relevant sectors

Table 10: Area of land lease/concession/contract farming projects per district (in ha)

Activity	Area of land lease/concession projects (in ha)													Total
	Phonhong	Keo Oudom	Viengkham	Thoulakhom	Hinherb	Vangvieng	Kasi	Maed	Pheuang	Meun	Sanakham	Saysomboun	Hom	
Concession	13,812	931	1,203	866	21,570	8,733.4	2,431	8,609	8,278	4,205	54,808	264,159	769	390,374
Lease	0.22	26	90.97	35	0	1.11	6.60	10	0	0	3.26	3	1.27	177
Contract Farming	0	0	0	0	140	306.00	0	0	0	100	0	0	0	546
Total:	13,812	957	1,294	901	21,570	8,735	2,437	8,619	8,278	4,205	54,811	264,162	770	390,551

Remarks: Phou Bia Mining Company alone covers the area of 260,000 ha or 66% of the total area of state land lease/concession

Table 11: Area of land lease/concession projects per district and sector (in ha)

Sector	Area of land lease/concession projects (in ha)													Total
	Phonhong	Keo Oudom	Viengkham	Thoulakhom	Hinherb	Vangvieng	Kasi	Maed	Pheuang	Meun	Sanakham	Saysomboun	Hom	
Agriculture	13,323	925	1,139.20	720.00	18,422	8,421.0	2,376.60	8,599	1,250	2,100	500	4,124.80	650	62,551
Industry	477	29.44	119.19	2.73	29.21	25.70	9.00	10	0	0	3	4.55	4.60	714
Agro-Industry	0	0	0	0	100	0	0	0	0	0	0	2.90	0	103
Mining	0	1.50	16.25	13.00	3,018.50	267.49	50.25	10	7,027	2,104	54,304	260,029.50	103	326,944
Electricity	0	0	0	0	0	0	0	0	0	0	0	0	12.72	13
Service	0.22	0.02	17.45	130.50	0	1.24	0	0	0.34	0	0.26	0	0	150
Trade	1.02	1.05	1.73	0.54	0	1.11	0	0	0.79	1	1.72	0	0	9
Tourism	0	0	0	34.40	0	18.00	1.50	0	0	0	0	0	0	54
Communication	0	0	0	0	0	0	0	0	0	0	2.00	0	0	2
Construction	11	0	0	0	0	0	0	0	0	0	0	0	0	11
Total:	13,812	957	1,294	901	21,570	8,735	2,437	8,619	8,278	4,205	54,811	264,162	770	390,551

Table 12: Agricultural sector – area of land lease/concession projects per district and by the type of activity (in ha)

Type of activity	Area of land lease/concession projects (in ha)													Total
	Phonhong	Keo Oudom	Viengkham	Thoulakhom	Hinherb	Vangvieng	Kasi	Maed	Pheuang	Meun	Sanakham	Saysomboun	Hom	
Rubber plantation	1,919	325	599	270	16,621	450	270	100	800	2,000	500	700	550	25,104
Eaglewood plantation	102	0	0	0	495	0	0	0	100	0	0	67	100	864
Cassava	0	120	0	0	100	0	100	0	0	0	0	0	0	320
Jatropha	200	0	100	0	1,000	6,600	2,000	8,286	200	0	0	2,500	0	20,886
Rubber and eaglewood	700	0	100	0	100	1,100	0	0	0	0	0	0	0	2,000
Rubber plantation and cow raising	0	0	0	100	0	0	0	0	0	0	0	0	0	100
Eucalyptus and cow raising	0	0	0	100	0	0	0	0	0	0	0	0	0	100
Rubber and Jatropha	100	0	0	0	0	0	0	0	0	0	0	0	0	100
Jatropha and cow raising	0	0	0	100	0	0	0	0	0	0	0	0	0	100
Eucalyptus and Rubber	100	0	0	0	0	0	0	0	0	0	0	0	0	100
Eucalyptus, Jatropha and Rubber	10,000	0	0	0	0	0	0	0	0	0	0	0	0	10,000
Tea plantation	0	0	0	0	0	0	0	0	0	0	0	358	0	358

Cow raising	0	0	0	100	0	0	0	0	0	0	0	0	0	100
Eaglewood and Jatropha	0	0	0	0	100	0	0	0	0	0	0	0	0	100
Fish, pig, and goat raising	102	30	0	0	0	0	0	0	0	0	0	0	0	132
Eucalyptus, cow, goat and fish	100	100	0	0	0	100	7	0	0	0	0	0	0	307
Teak plantation	0	350	0	0	0	0	0	0	0	0	0	0	0	350
Palm tree	0	0	0	0	0	0	0	0	0	100	0	0	0	100
Palm tree and Jatropha	0	0	0	0	0	0	0	0	100	0	0	0	0	100
Fish raising	0	0	78	0	6	171	0	0	0	0	0	0	0	255
Maize and soybean	0	0	107	50	0	0	0	213	50	0	0	0	0	420
Mulberry tree plantation	0	0	144	0	0	0	0	0	0	0	0	0	0	144
Eucalyptus and eaglewood	0	0	0	0	0	0	0	0	0	0	0	500	0	500
Other vegetables and orchards	0	0	11	0	0	0	0	0	0	0	0	0	0	11
Total:	13,323	925	1,139	720	18,422	8,421	2,377	8,599	1,250	2,100	500	4,125	650	62,551

Table 13: Mining sector - area of land lease/concession projects per district by substance mined (in ha)

Substance mined	Area of land lease/concession projects (in ha)													Total
	Phonhong	Keo Oudom	Viengkham	Thoulakhom	Hinherb	Vangvieng	Kasi	Maed	Pheuang	Meun	Sanakham	Saysomboun	Hom	
Sand/gravel	0	1.50	16.25	13	8.50	10.48	0.25	0	2.00	4.00	3	0	103	161.98
Zinc	0	0	0	0	0	20.16	50.00	0	0	0	0	0	0	70.16
Cliff rocks	0	0	0	0	0	0	0	0	23.00	0	0	0	0	23.00
Bat dung	0	0	0	0	0	0	0	10	1.92	0	0	0	0	11.92
Limestone	0	0	0	0	0	41.50	0	0	0	0	0	28	0	69.50
Clay	0	0	0	0	0	175.20	0	0	0	0	0	0	0	175.20
Red soil	0	0	0	0	0	0.15	0	0	0	0	0	0	0	0.15
Iron	0	0	0	0	0	0	0	0	0	0	26,120	0	0	26,120.00
Gold	0	0	0	0	0	0	0	0	0	0	28,181	1.50	0	28,182.50
Barite	0	0	0	0	0	0	0	0	200	2,100	0	0	0	2,300.00
Lignite	0	0	0	0	2,000	20.00	0	0	6,800	0	0	0	0	8,820.00
Copper	0	0	0	0	1,010	0	0	0	0	0	0	0	0	1,010.00
Copper and Gold	0	0	0	0	0	0	0	0	0	0	0	260,000	0	260,000
Total:	0	1.50	16.25	13	3,018.50	267.49	50.25	10	7,026.92	2,104	54,304	260,029.50	103	326,944

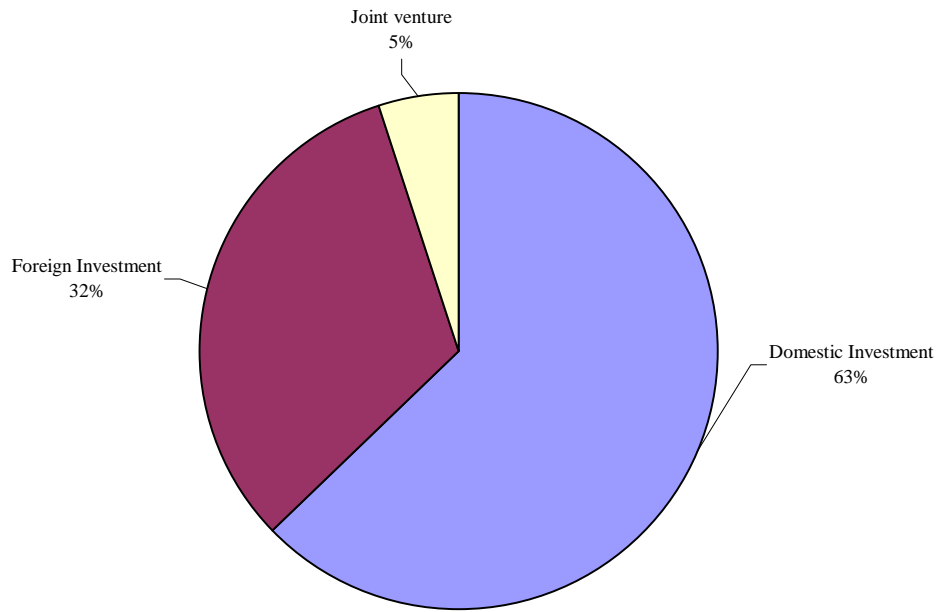
Table 14: Number of documents by type and sector

Sector	Type of Document													Total
	Investment License	Decision	Contract	Enterprise Certificate	Business Operation License	Land Map	Land Sketch Map	Memo on Site Survey	Declaration of lease/concession fee	Exploitation License	Tax Payment Certificate	Feasibility Study	Prospection License	
Agriculture	59	61	28	25	25	4	31	32	13	6	22	16	0	322
Industry	12	6	3	0	0	2	4	4	1	2	0	0	0	34
Agro-industry	2	1	1	0	0	0	1	0	0	0	0	0	0	5
Mining	8	12	19	6	8	6	12	22	2	15	5	2	2	119
Electricity	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Service	2	4	2	0	0	0	2	0	1	0	0	0	0	11
Trade	2	1	2	0	0	0	1	0	0	0	0	0	0	6
Tourism	3	1	1	1	2	0	1	1	1	0	1	0	0	12
Communication	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total:	88	86	56	32	35	12	52	59	18	23	28	18	2	509

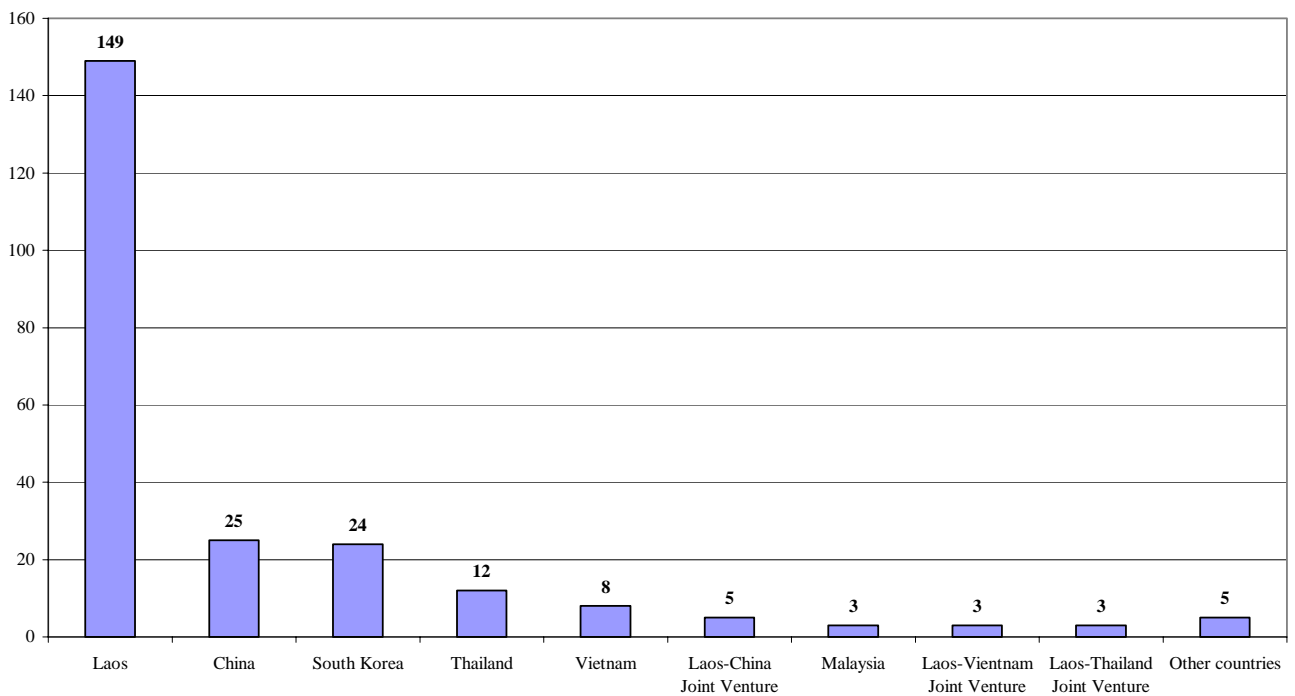
Table 15: Number of Projects with Available and Unavailable Documents

District	Total Number of Project	Number of Project where NLMA obtained Lease/Concession Documents
Phonhong	30	30
Keo-Oudom	13	9
Viengkham	20	9
Toulakhom	19	12
Hinherb	29	24
Vangvieng	45	29
Kasy	11	6
Maed	13	3
Pheuang	15	7
Meun	6	4
Sanakham	9	5
Saysomboun	17	5
Hom	10	5
Total:	237	148

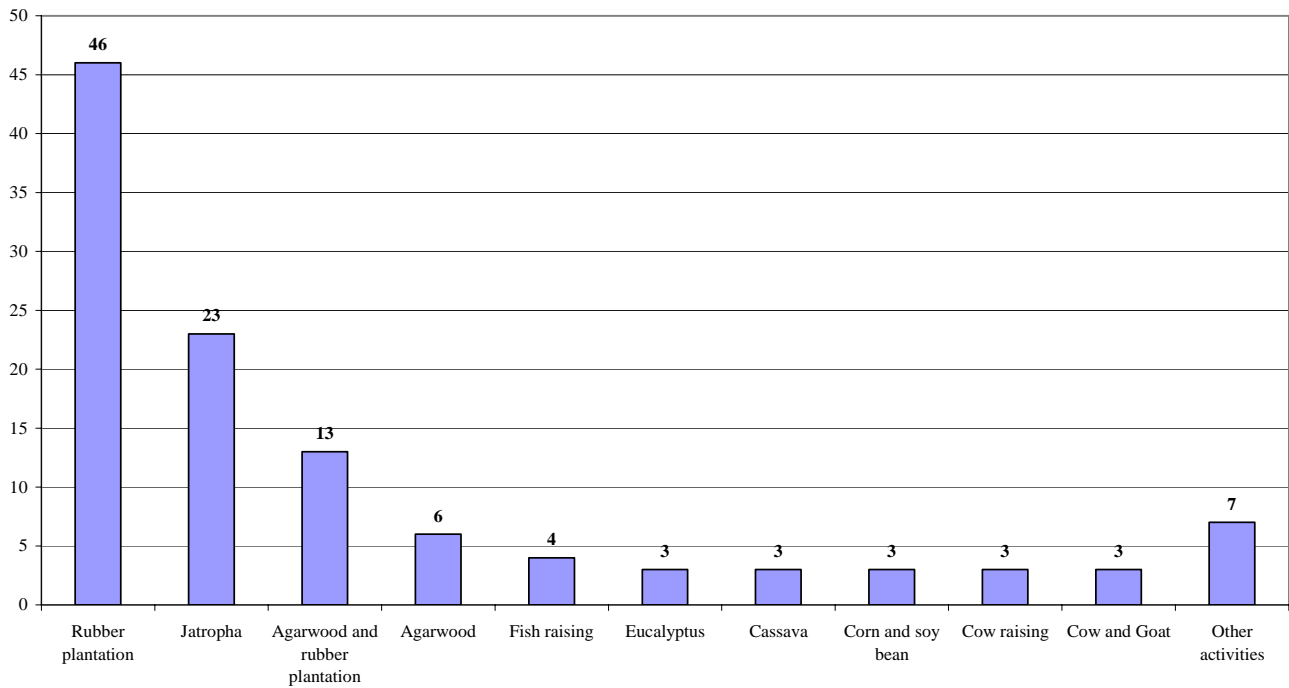
Annex II: Graphs



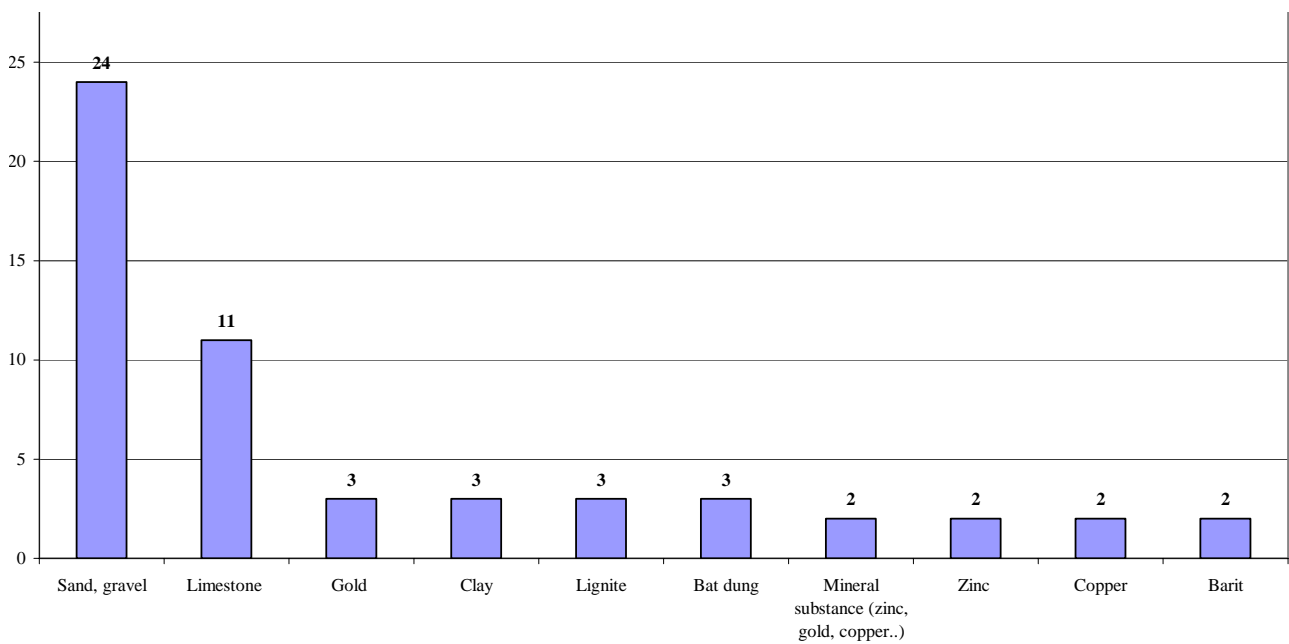
Graph 1: Land lease/concession projects by type of investment



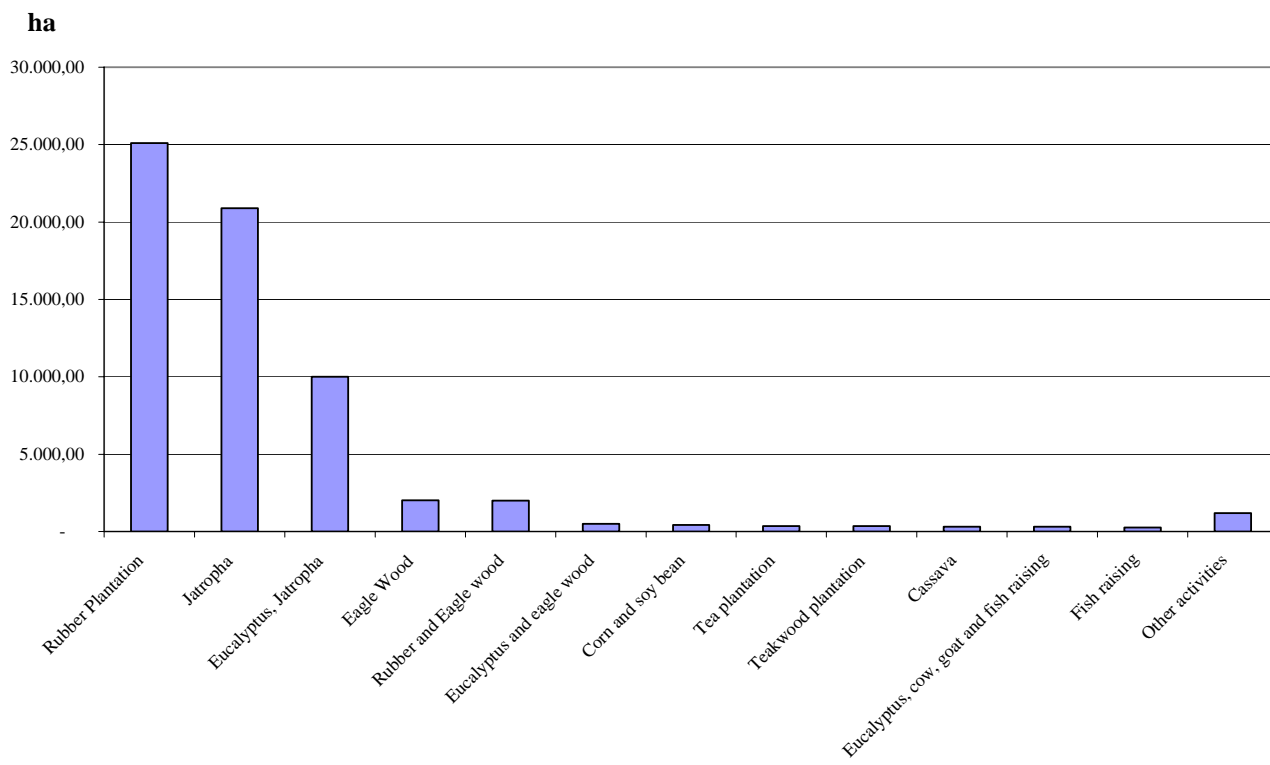
Graph 2: Number of projects by the origin of investors



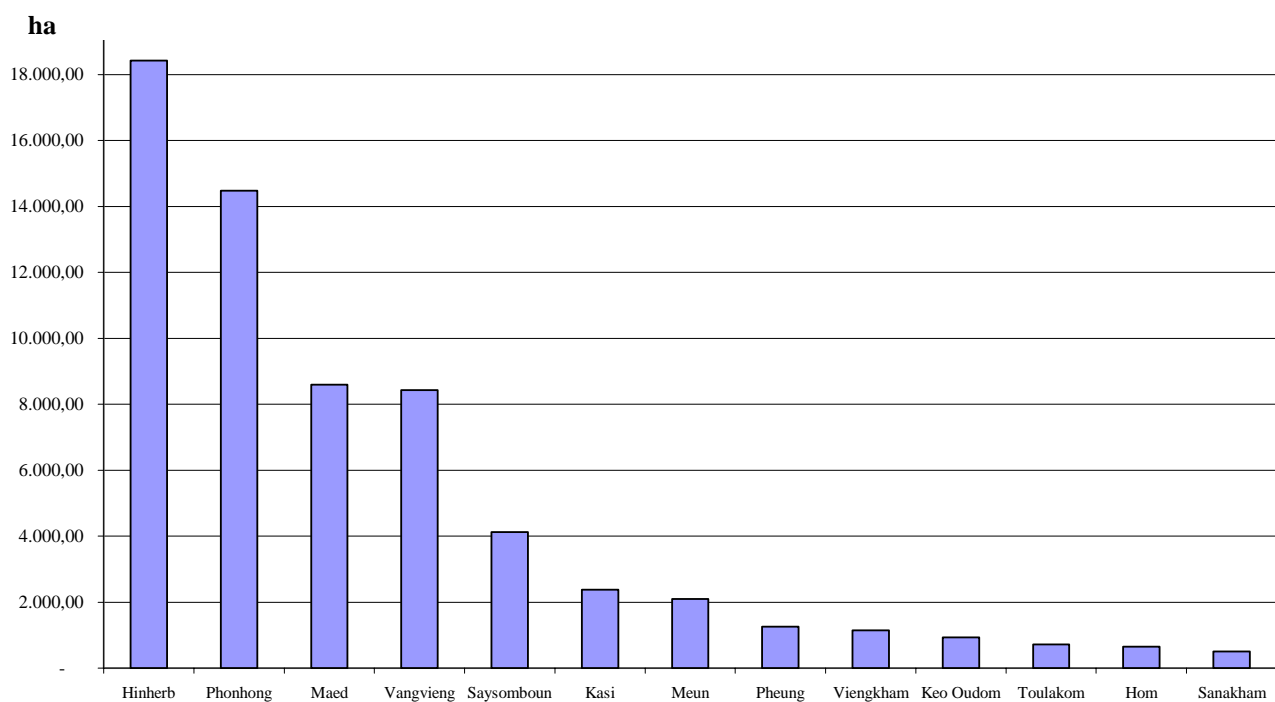
Graph 3: Number of land lease/concession projects in the agricultural sector by type of activity



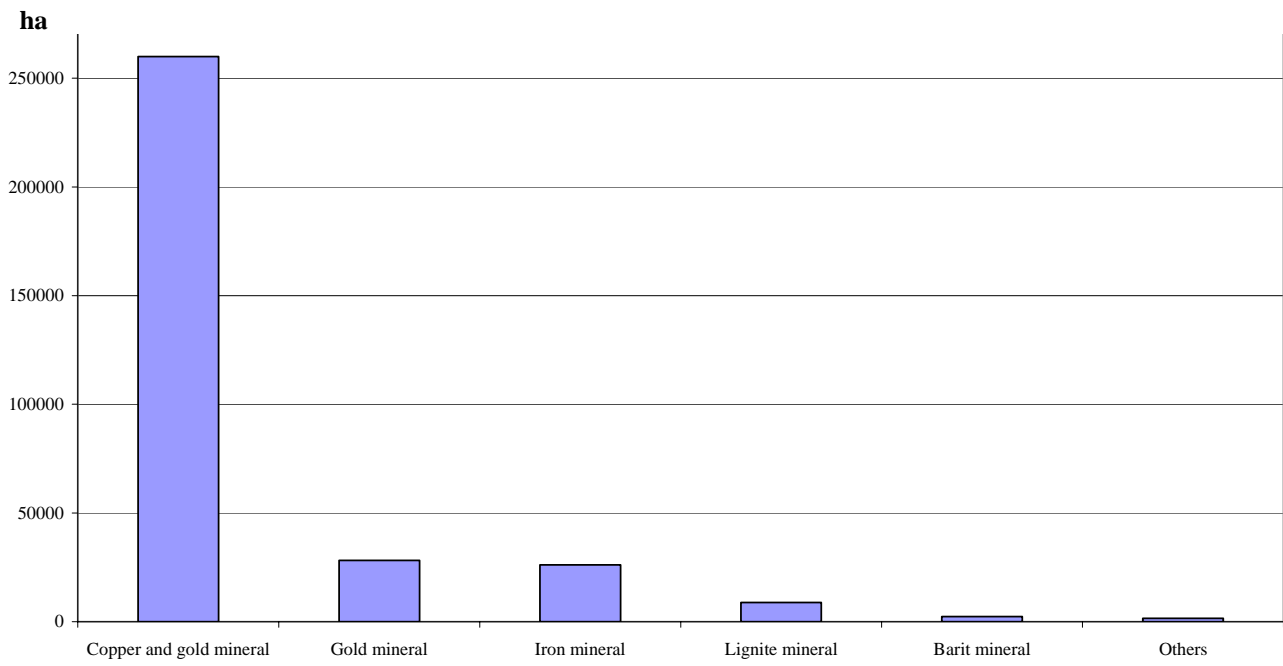
Graph 4: Number of land lease/concession projects in the mining sector by type of activity



Graph 5: Area of land lease/concession projects in the agricultural sector by type of activity (in ha)



Graph 6: Area of land lease/concession projects in the agricultural sector by district (in ha)



Graph 7: Area of land/lease concession projects in the mining sector by type of activity (in ha)

ສາທາລະນະລິດ ປະຊາທິປະໄຕ ປະຊາຊົນລາວ
ສັນຕິພາບ ເອກະລາດ ປະຊາທິປະໄຕ ສະຫວັນ ດວງແຫຼ່ງກະສັບ
໐໐໐໐໐໐

ເມືອງແມດ
ຫ້ອງການທຶງເສີມກະສິກຳ-ປ່າໄມ້

ເລກທີ 142 ສະບັບ ມມ
ເບີທີ 21/3/08

ຍົດລາຍງານ

ຮຸ່ນ : ທ່ານພິວທິກ ສະໝກທະສິກຳ ແລະ ປ່າໄມ້ ແຂວງຊຽງຊັນ
ເມືອງ : ຫ້ອງການທຶງເສີມກະສິກຳ-ປ່າໄມ້ ຫ້ອງການທຶງເສີມກະສິກຳ ຫ້ອງບໍລິສັດໂຄລາດຊາມ
ຢູ່ກຸ່ມບ້ານ ພິດສະນາ ບ້ານ ນາດີ . ນ້ຳແສນ ແລະ ບ້ານ ເມືອງຄື
- ອີງໃສ່ : ສິດທິລິງຂອງທ່ານເຈົ້າແຂວງສະໄໝ ເລກທີ 0021 ກຂ.ສຈ ລົງວັນທີ 3.1.07
- ອີງໃສ່ : ຄຳແນະນຳຂອງ ສານ ທົວພິພາກສະພາສະໄຫວ ແລະ ປ່າໄມ້ ແຂວງຊຽງຊັນ
- ອີງໃສ່ : ການສຶກວັດກາຄິວຈິງ ຂອງພະນັກງານປະຈຳກຸ່ມ ບ້ານ ພິດສະນາ
ຫ້ອງການທຶງເສີມກະສິກຳ ແລະ ປ່າໄມ້ ເມືອງແມດ ສາມາດ ສະຫຼຸບ ໃນເບື້ອງຕົ້ນ ຂອງການກວດກາ
ເນື້ອທີ່ປູກໝາກເປົາ ຂອງບໍລິສັດໂຄລາດຊາມ ໃນ 3 ເຂດ ກຸ່ມ ບ້ານ ພິດສະນາ ຂອງເມືອງແມດໄດ້ດັ່ງນີ້

ກຸ່ມບ້ານພິດສະນາ	ປະເພດປ່າ				
	ປ່າສູດໂຊມ	ປ່າເຄົາອ່ອນ	ປ່າເລົ່າແກ່	ປ່າດົງ	ສວມ
ກຸ່ມບ້ານເມືອງຄື			16 ສຕ	35 ສຕ	50 ສຕ
- ບ້ານ ໂສນສອງ					
- ບ້ານ ນາຈຸດໄມ້	20 ສຕ	220	160 ສຕ		400 ສຕ
ກຸ່ມບ້ານນ້ຳແສນ		1.404 ສຕ	218 ສຕ	120 ສຕ	1.740
- ບ້ານ ນ້ຳແສນ		643	175	77 ສຕ	1.093 ສຕ
- ບ ມ ສີສະອາດໄດ້		364	373	33 ສຕ	628
- ບ້ານ ນ້ຳສູ້		351	83	22	456
ກຸ່ມບ້ານ ນາດີ		21	0.5	91	72.5
- ບ້ານ ປ່າກະສິນ					
ສວມ 6 ບ້ານ	20	3003	1.022.5	338	4439.5 4,439.5

14,389.5

ຜ່ານການກວດກາການຖາງປ່າດັ່ງກ່າວເປັນລຳດັບຖາງປ່າດົງມີເນື້ອງ 338 ປ່າເລົ່າແກ່ 10,338.5 ສຕ
ປ່າເຄົາອ່ອນ 3003 ສຕ ປ່າສູດໂຊມ 20 ສຕ.
ສວມປ່າດົງມີຕົ້ມໄມ້ໃຫຍ່ ຕັ້ງຢູ່ໃນບໍລິເວນພື້ນແຕ່ໃນປະຈຸບັນ ມີ ພະນັກງານວິຊາການມາຈຳກຸ່ມບ້ານບໍລິຫານ
ສາມາດເຂົ້າໄປກວດກາ ຈຳແນກ ວັດແທກຕົ້ມໄມ້ໄດ້ ເພາະມີຄວາມວິໄນໝາ
ຕາມຂັດຂວນຂອງວິຊາການແລ້ວແມ່ນຍາກໄດ້ຖາງໃນຄອບເຄົາປ່າສູດໂຊມ ແລະ ປ່າເລົ່າອ່ອນ ປ່າເລົ່າແກ່
ແລະ ໃຫ້ປູກໝາກເປົາໃສ່ໃຫ້ເຕັມ ໃນສະເພາະປີນີ້ ສວມປ່າດົງຕົ້ມໄມ້ ແມ່ນບໍ່ເສດສ່ວນກັບກິດຈະການປ່າໄມ້
ຕາມພັດສະນະວິຊາການ ແມ່ນບໍ່ໃຫ້ຈູດ ສວມແຮງງານນຳເຂົ້າມາຖາງປ່າຄືມີທັງເມື່ອ 1.043 ຄົນ
ຍິງ 75 ຄົນ ໂນນັ້ນ ເປັນ ແຮງງານມາຈາກຕາງແຂວງ ຈຳນວນ 870 ຄົນ ຍິງ 52 ຄົນ ແຮງງານ
ພາຍໃນເມືອງ 173 ຄົນ ຍິງ 23 ຄົນ
ດັ່ງນັ້ນ ຈຶ່ງລາຍງານ ໃຫ້ຂັ້ນເບື້ອງເພື່ອຊາບ ແລະ ຂໍຂັດຂວັນດ້ວຍ

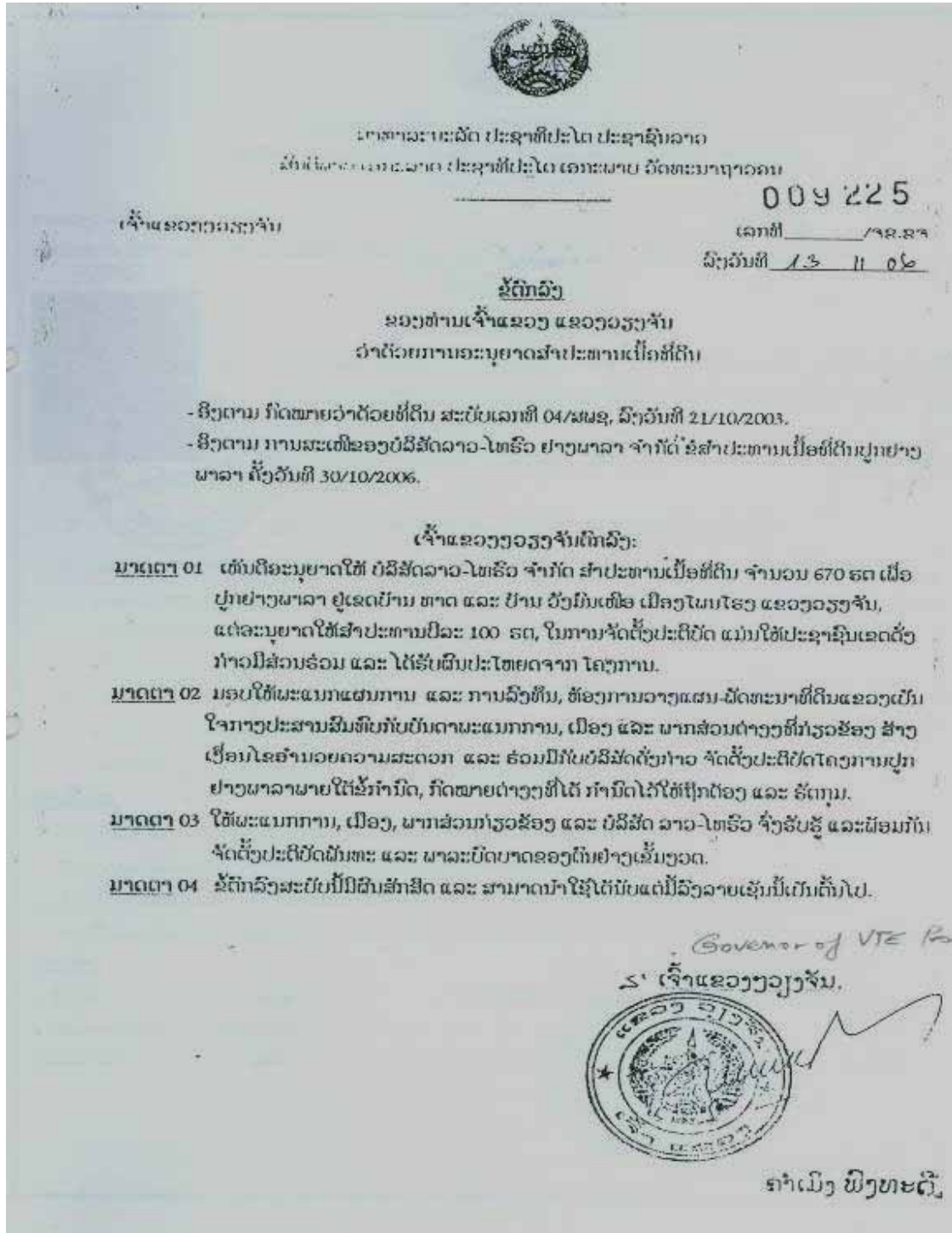
ບັນຍັດ :
ພະແນກກະສິກຳ-ປ່າໄມ້ແຂວງ 1 ສະບັບເນື້ອລາຍງານ
ຫ້ອງການເມືອງແມດ 1 ສະບັບເນື້ອລາຍງານ
ຫ້ອງການທຶງເສີມກະສິກຳ-ປ່າໄມ້ 1 ສະບັບ ເປັນອຳນິດ
ທິວພັນຫ້ອງການທຶງເສີມກະສິກຳ ແລະ ປ່າໄມ້ເມືອງແມດ



ອຳນວຍ ບຸນຍະເສີ

Document 2: Implementation Violating the Concession Approval

The Thai-Hua Lao Company was granted a land concession to operate a rubber plantation in Ban That and Ban Vangmon, Phonhong district. The implementation violated the concession contract they had signed.



ແຂວງວຽງຈັນ
 ດິນແດນ-ການເງິນ-ເມືອງ
 ສະແດງທາງບູລີນ, ຊັບສິນແລະສະແດນ

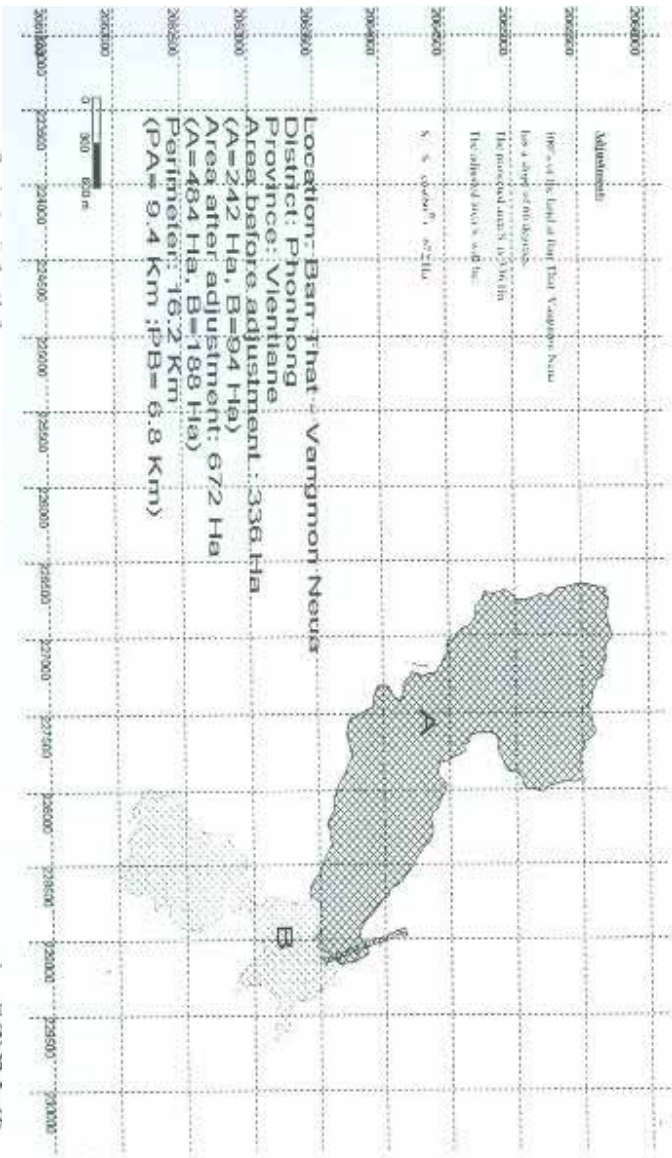
ແຜນທີ່ດິນລັດ

ທີ່ຕັ້ງຂອງສະໜອງນ້ຳໄຊໂດຍ 1/27.1.1956 ແລະ
 ຕາມເອກະສານບູລີນ

ທີ່ຕັ້ງຕົ້ນແລະເສຍ: ບ້ານ ຫາດ
 ຫຼາຍພັນ ຢູ່ແຜນທີ່ສາ
 ຕອນເອກະສານບູລີນ ບ້ານ ຫາດ
 ເມືອງ ຫາດຊາຍ ຕາມບົດເມືອງ (1/27)

ມາດຕະສອນ: 1
 ສຳຫຼວດແລະຈັດແຜນສິ່ງບຸກຄົນ
 ໂດຍ ສ.ດ. ສິນທິ ສິນທິ ສິນທິ - ສ.ດ. ສິນທິ ສິນທິ ສິນທິ
 ໂດຍໂຮງງານທີ່ 1/10106
 ຫົວໜ້າບຸກຄົນເມືອງໂຮງງານ
 Hendy Thakiet S. /
 Chief of Phoukhong O.
 ສູນປຶ້ມຈັດແຜນ

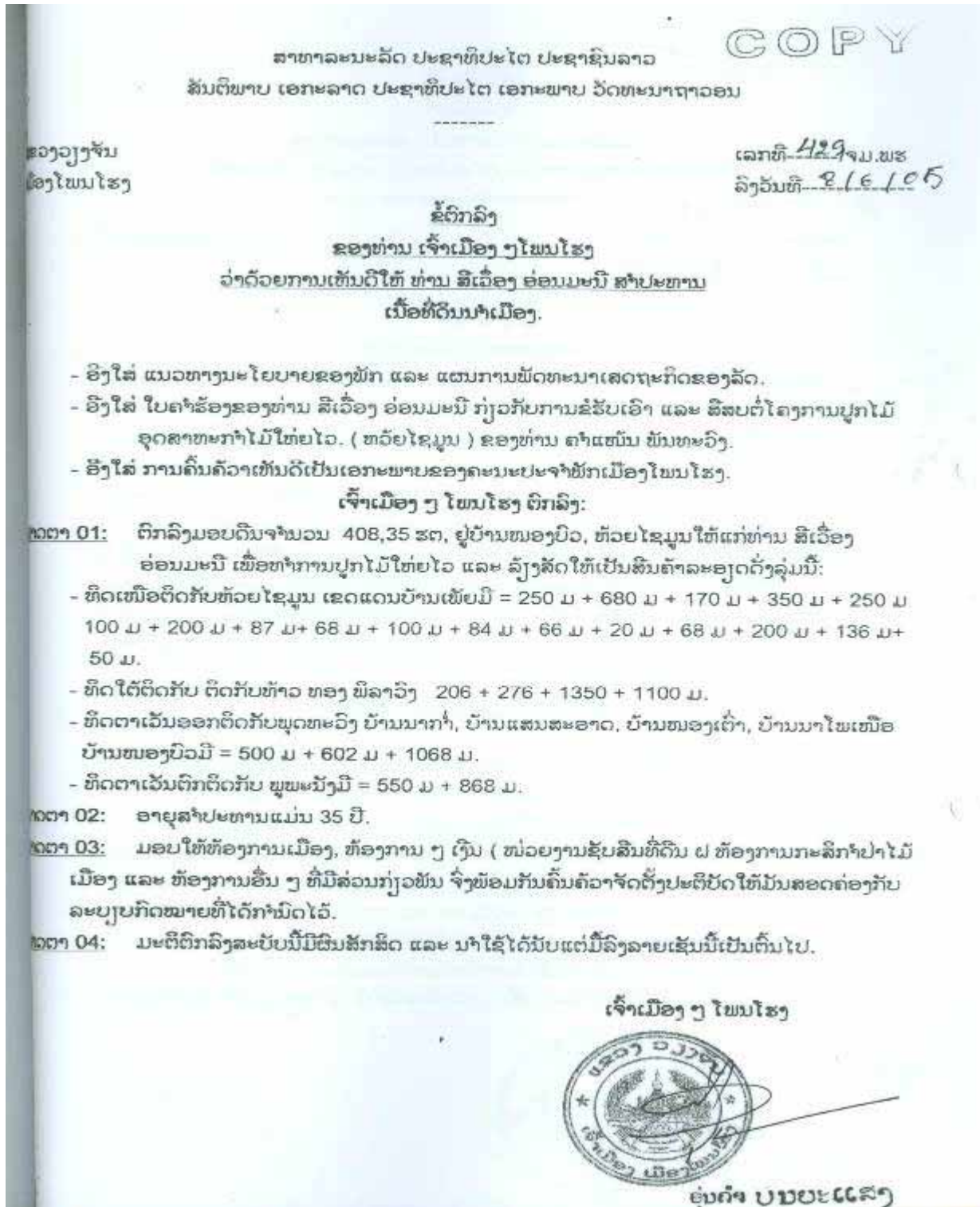
Map issued by NLMA



Map drawn by the company after land clearance

Document 4: Approving Authority not Authorized (Wrong Level of Approval)

The document shows a case in which the concession was approved by an authority not authorized to grant concessions of that kind.



Annex V: Photographs Showing the Team Doing Fieldwork (Data Collection)



Photo 1: Travelling to a land concession area



Photo 2: Collecting information from concerned sectors at district (Kasy district) and village level (Phonvilay village)



Photo 3: Data Collection in the lease/concession area (Viengkham district and Meun district)

Annex VI: Budget and Local Staff

Total Budget Used for Data Collection in Vientiane Province

Description	Items	Price	Total
Motorbike YAMAHA 175 cc	2	1800 \$	3600 \$
GPS Garmin CSX 60	4	600 \$	2400 \$
Equipment (paper, printer toner, pen, pencil, raincoat and other necessary tools)	-	200 \$	200 \$
Total	-	-	6,200 \$ ⁶
Budget for field data collection	Items/Staff	Price	Total
DSA and Accommodation	3 staffs from NLMA, 1 from PLMA and 2 from DLMA	21,685,000 Kip	21,685,000 Kip
Gasoline for motorbikes	-	4,277,000 Kip	4,277,000 Kip
Cost of motorbike rental	-	6,510,000 Kip	6,510,000 Kip
Photocopies	-	1,133,000 Kip	1,133,000 Kip
Other expenses	-	2,017,000 Kip	2,017,000 Kip
Total	-	-	35,622,000 Kip

⁶ This amount refers to a “One time investment” and the equipment will be used for future research activities in other provinces.

Annex VII: List of Local Staff Joining the Team for Data Collection at the Local Level

No.	Name	Position	Organization
1	Mr. Vanthong	Acting Head, Office of Information and Mapping	PLMA
2	Mr. Khamsai	Deputy Head, Office of Information and Mapping	PLMA
3	Mr. Phonexay Dedthavong	Head of Public Relation Unit	PLMA
4	Mr. Kam Sayasith	Technical staff	DLMA, Phonghong district
5	Mr. Khamseng	Technical staff	District Authority Office (Phonhong)
6	Mr. Bounseng	Head of Land Unit	DLMA, Toulakhom district
7	Mr. Kidsangkhom	Technical staff	DLMA, Toulakhom district
8	Mr. Somsanouk	Head of Land Information Unit	DLMA, Vangvieng district
9	Mr. Lifong	Technical staff	DLMA, Vangvieng district
10	Mr. Hongthong	Head of Land Information Unit	DLMA, Meuang Pheuang district
11	Mr. Lucky	Technical staff	DLMA, Meuang Pheuang district
12	Mr. Somnouan	Head of DLMA	DLMA, Sanakham district
13	Mr. Chanthaleun	Technical staff	DLMA, Sanakham district
14	Mr. Bounkham	Technical staff	DLMA, Hinherb district
15	Mr. Phouthong	Technical staff	DLMA, Hinherb district
16	Mr. Khemphone	Technical staff	DLMA, Hinherb district
17	Mr. Konekham	Technical staff	DLMA, Maed district
18	Mr. Say	Technical staff	DLMA, Maed district
19	Mr. Khammanh	Deputy Head of Land Information Unit	DLMA, Maed district
20	Mr. Sayphone	Technical staff	DLMA, Meun district
21	Mr. Somboun	Technical staff	DLMA, Saysomboune district
22	Mr. Souksakhone	Technical staff	DLMA, Saysomboune district
23	Ms. Sengphent	Head of DLMA	DLMA, Viengkham district
24	Mr. Sithong	Head of Land Information Unit	DLMA, Kasi district
25	Mr. Somphak	Technical staff	DLMA, Kasi district
26	Ms. Keo	Technical staff	DLMA, Keo-Oudom district
27	Mr. Soth	Head of Administrative Unit	DLMA, Hom district