

Lao People's Democratic Republic
Ministry of Agriculture and Forestry / NAFRI
Department of Forestry
Lao-Swedish Forestry Programme

Special Study

Social and Gender Impacts of Land Allocation

Hermien Rodenburg, Chansamone Phengkhay, Dec. 2000

EXECUTIVE SUMMARY

The National Forestry Conference held in May 1989 decided to adopt land-use planning and land allocation as a strategy for stabilizing shifting cultivation by year 2000 and pilot activities were started in Luang Prabang. In 1992, LSFP was requested to do land allocation on an experimental basis under the Shifting Cultivation Stabilization Sub-program. Since then LSFP has been involved in land allocation and land use planning with the Department of Forestry in most of the target villages under the Program.

During the semi-annual review of the Lao-Swedish Forestry Programme in September 1999 it was agreed that a study would be undertaken of the socio-economic impacts of land use planning and land allocation. A first study, limited to social and gender issues, should be performed within the near future following up on discussions with the Lao Women's Union GRID Centre, who have voiced their concern and started researching the issue 'gender in land allocation' for some time. The current Study is addressing this issue.

The Study started at the end of October and completed half December 2000. This report is giving the main findings of the Study and discussing recommendations resulting from it. Two annexes under separate cover are holding the discussion questions, in Lao and English, used for the Study and the resulting data from the discussions.

The objectives of the study are as follows:

- (i) to contribute towards further method development of the nation-wide procedures and methods for land use planning and land allocation by studying how the current procedures are incorporating the needs and interests of different social categories, with special emphasis on gender and kinship systems
- (ii) studying the impact of land use planning and land allocation on these social categories

The data for the Study came from:

- (i) discussion groups held in 15 villages
- (ii) interviews with key persons at policy and management level
- (iii) interviews with District staff
- (iv) learning together with District and Provincial staff
- (v) observation in a selected number of villages
- (vi) documents from LSFP, laws, decrees and documents from other projects

The 15 villages were spread over 4 provinces and 6 districts and included one NBCA and two villages with JFM. 4 Villages were in districts outside LSFP where discussions were held with the assistance of LWU. In order to get information from different ethnic groups 5 villages selected are Lao Lum¹, 7 villages Lao Theung² and 3 villages Lao Sung³.

¹ Lao Lum: Lao people from Tai-Kadai background, traditionally living in the low lands

² Lao Theung: Lao people from Austroasiatic background, traditionally living on the mountain slopes

³ Lao Sung: Lao people from Miao-Yao background, traditionally living on the mountain tops

In every village 6 type of discussion groups were held. Two of those groups, with the village head and the village L&F Allocation committee served to get an overview of demographic data of the village and an insight in the current status with regards to Land and Forest Allocation. The other four were with a women and men group to compare gender differences and with women from female headed households and with elders of the village to look at the impact of LA/LUP on less advantaged groups in the village. In those four discussion groups a total of 208 women and 197 men were interviewed.

The discussion questions for the 4 main groups in the villages were grouped around the following topics:

- (i) General data
- (ii) Residence Pattern, Customary Rights
- (iii) Land and Forest Allocation and Land use Planning
- (iv) Land Documents
- (v) Decision-making
- (vi) Communication and Awareness of LA/LUP
- (vii) Work

The data collected represent a good spread of different type of villages, different ethnic, different stages in the process of LA, different involvement with the LSFP. As such they can bring to the fore certain issues that might need attention in the future and can enhance our insight into the factors that shape the life of villagers in rural Lao PDR. The Study team did an extensive effort to record all the data available and to bring them into the report in an orderly way but this does not make the Study a quantitative study.

Land Allocation took place in 13 of the 15 villages. Land use planning was implemented in 14 of the 15 villages. Distribution of land seems to work out equally for men and women and female-headed households are not disadvantaged. But men do know better how to claim land, which confirms the finding that women are less informed about procedures for LA. There are several reasons mentioned why people do not claim land:

- (i) to avoid taxation
- (ii) because they do not need the type of land that is still remaining
- (iii) because they have not labour enough
- (iv) because they are afraid their land will be taken to give to poorer families
- (v) because they wait for the district staff to measure their land
- (vi) because they paid tax on the land since 1993 and did not declare old land

There should soon be a discussion at the higher levels about the tax issue because villagers do not understand why they should pay tax on fallow land. For allocated land a tax break is provided for the period that one is still developing the plot and waiting for the first harvest. But for fallow plots there is no yield to be expected. The tax to be paid on fallow land keeps people from claiming the land. And if they do not claim the land they will have no TLUC and therefore use the land illegally and they will get fined.

The expiration of the TLUCs after 3 years is of high concern because villagers need to know what status their land is and when they can get the promised land title. If this issue is not followed up soon they will lose their confidence in the staff. Discussions should be held between MAF and MoF to find solutions to this problem and District L&F Allocation Committees should be informed of what to do next and also budget should be provided to be able to implement the next step.

Land Allocation and Land Use Planning certainly brought clarity of land tenure. Villagers appreciate this. Especially, women and elder people express that it became much easier to define which of the children gets which plot of land. But at the same time the access to land has diminished. There is a serious worry that there is not enough land for the children in the future because parents can not book land for their children as before. The plot measurements also resulted in a decrease of conflicts within the village about land. But the village boundaries prompted a more defensive attitude in the villages towards their neighbours.

Land use planning brought changes in the way of cultivation, in the way in which farming is done. Work has increased with the intensified agriculture that farmers have to get used to. Fetching firewood and collecting NTFPs became more difficult because LA/LUP established many boundaries and rules on the use of the forest. The changes in farming need to be supported by intensified efforts of the extension service to help farmers to find alternative crops for rice and to manage their plots in the most efficient way.

The issue of name on the land documents is in one way quite satisfactory in the sense in most cases the staff put both names of husband and wife on the papers. But when looking at the receiver it becomes clear that the focus is still on the head of household's name, a man. And when women and men were asked about their belief on whose name the papers are the majority reported to have the papers in the husband's name. In terms of control over land it means that much of the village land and land from the wife's family is put under the husband's name. It is a saving grace that it was also found that the documents do not mean that much to villagers who do not understand the administrative tools and procedures used in village administration in general and LA/LUP in particular.

Inheritance and residence patterns are an issue of concern for the Lao Sung women who have no traditional right to inherit land and will move to live with the husband. In Lao Theung villages this is also observed but there is a growing tendency for bridegrooms to live with the parents of the bride and inheritance is done to all children, especially the ones who take care of the parents. This resembles the system followed by the Lao Lum for a long time. For all ethnic groups the marriage payments are in the form of a brideprice given to by the parents of the bridegroom to the parents of the bride. This is an indication that women enjoy a relatively high status and that they will not just lose that. Even in LS villages it is observed that only a little bit of information and discussion will prompt the women into asking questions about their rights and in trying to get more rights for their daughters. On the other hand, the pressure on land might prompt the village head and village committee on L&F Allocation to become more 'traditional' and to promote to only grant land to sons.

Women seemed to have involved in meetings on LA/LUP but their active involvement is more important to look at than just their attendance. The staff reported that they did not invite women specifically or encourage them to come whereas this is a necessity to get them interested to hear and think about the issues at stake. In the discussion groups it was clear that women were very interested once they had the chance to talk in their own tempo and among themselves. Because women are generally less informed and lower educated, they need more time to digest and understand the issues. Many of them can not speak Lao Lum and need careful translation. Although decision-making is attributed to both husband and wife mostly, both men and women attribute an almost equal percentage to the husband. This confirms that women are still seeing themselves as followers of their husbands. The solution of having the village LWU representative

appointed to the committee is not a real solution. Because this woman is mostly the only woman on the committee and did not get any additional training or support the representation of the village women is not very effective. There should be many more women on the committee to discuss matters together. Staff acknowledges their weakness in handling the gender issue and they should be trained and supported further to develop in this respect.

Although staff says they understand LA/LUP procedures well and apparently they worked hard to advice villagers on a wide range of issues, the implementation could be improved. Staff does not always prepare their work and does not understand the Law in detail which results in the wrong information being given to villagers. The staff is also under pressure to complete LA/LUP in as many villages as possible and this leaves them few time to discuss matters with the villagers. Staff should also have a chance to discuss and understand the policies clearly before going to the villages. There should be more focus on the quality of work in the villages than on the quantity.

The village headman and village committee on L&F Allocation are becoming more powerful with all the new duties they have to undertake in the LA process. They will be the ones deciding over distribution of land and about the proper use of land. Therefore, they need training and guidance in how to carry out those new responsibilities in a fair way. If land becomes scarcer and land requests are increasing because of the children that marry, there might be a chance that they start to use their position to pursue the wrong end. The committee and the headman should receive special training in order to be able to carry out the new tasks and district staff should monitor their performance by having regular discussions with them.

An extension system to help farmers to make the changes into intensified farming is urgent. Extension has to help farmers to find new techniques in agro-forestry and to find ways to use the available land in the most effective but sustainable way. Extension also should inform farmers about opportunities to grow commercial crops and should pass on market information. Extension could also serve many functions in the communication with villagers. If LA/LUP become a phase in extension as proposed by NAFRI, the conditions to have regular discussions with villagers about LA/LUP are met. It should be a high priority to make an extension plan and find ways to get the necessary budget. From the start of the extension activities care should be taken not to alienate female farmers who are often left out when new techniques and information are passed on. If female farmers are left out the extension services will miss the goal.

It is very important to establish a Customer Relations Services Unit that works alongside LA/LUP. This unit should resemble the unit that was set up under the Land Titling Project. This unit has the responsibility to inform the villagers of everything with regards to LA/LUP in a format that the villagers can understand. The unit should implement a publicity campaign with the use of many media to make sure that villagers are reached. A plan for such a unit with a budget proposal should be developed soonest.

For the benefit of the research by the land management and socio-economic unit of NAFRI suggestions have been made for further studies and research. The suggestions focus on the impact of LA/LUP on the rural economy, on the changes in workload and who will carry the burden and on agricultural practices. On the basis of these studies new agricultural techniques and products that are suitable for the market can be introduced so that LA can contribute towards sustainable development.

CONTENTS

EXECUTIVE SUMMARY	I
ABBREVIATIONS	i
ACKNOWLEDGEMENTS	ii
MAP	
1. INTRODUCTION	1
2. OBJECTIVES	1
3. WORK PLANNING	2
4. METHODOLOGY	2
4.1 Data Collection	2
4.2 Selected Villages	3
4.3 Discussion Groups	4
4.4 Interactive Method	5
4.5 Discussion Questions	6
4.6 Limitations	7
5. FINDINGS OF THE STUDY	8
5.1 Village Data	8
Population	9
Education	10
Rice Sufficiency	10
Available Land	10
5.2 Land Allocation and Land Use Planning	12
Land Allocation	12
Land Tax	14
Land Use	15
5.3 Land Documents	18
Names	18
Transfer to permanent Land Use Rights	23
Value of Land Documents	24
5.4 Customs and Kinship	25
Inheritance	26
Residence Patterns	28
Marriage Payments	28
Work	29
5.5 Procedures of LA/LUP in the Villages	31
Role of Village Committees and Village Head	31
Training/Meetings	32
Decision-making	32
Women Participation	33
Conflict Resolution	34
Village Forest Agreement	36
5.6 Staff Awareness	36
Procedures	36
Gender Issues	38
6 CONCLUSIONS	39
6.1 Findings of the Study	39
Land Allocation	39

Land Documents.....	40
Inheritance	41
Work.....	42
Agricultural Changes and Extension	42
Women Participation	42
Role of Village Committee and Village Headman.....	43
Training.....	43
Communication with outsiders	44
Staff Awareness	44
6.2 Impact.....	45
The right to use land.....	45
Claim of Land	45
Advantages	46
Disadvantages	46
6.3 Potential Threats to less advantaged Groups	47
7. RECOMMENDATIONS	48
7.1 General.....	48
Transfer to permanent land use rights	48
Tax	48
Extension	49
Customer Relations Services.....	50
Women	51
7.2 Research.....	52
Conditions for successful LA.....	52
Gender Issues	53

ANNEXES

ANNEX 1	Terms of Reference.....	53
ANNEX 2	Travel Schedule of Study Team	57
ANNEX 3	Persons Attending Meetings and Field Work.....	58
ANNEX 4	Key Persons seen by Gender and Social Impact Study Team	60
ANNEX 5	Preparation Day for Field Work.....	61
ANNEX 6	Lessons learned.....	62
ANNEX 7	Literature	68
ANNEX 8	Tables.....	71
	Table 4.2.2 Ethnic Sub Groups in the 15 Villages	71
	Table 5.1.1 Population Number and Sex Ratio.....	71
	Table 5.1.2 Number of Families and Family Size	72
	Table 5.1.3 Surface of the Village and Land Types	72
	Table 5.1.4 Type of Land in Hai	73
	Table 5.4.1 Brideprice.....	74
	Table 5.4.2 Customs regarding Marriage and Divorce.....	75

TABLES IN THE REPORT

Table 4.2.1	Villages to be studied during Field Trip	3
Table 5.2.1	Land Allocated in the Villages	12
Table 5.3.1	Names on Allocated Papers	18
Table 5.3.2	Names on Land Documents in Percentage	20
Table 5.3.3	Names and Origin of Land Documents	22
Table 5.5.1	Attribution of decision-making by women and men	33

ABBREVIATIONS

CRS	Customer Relations Services
DAFO	District Agricultural and Forestry Office
DOF	Department of Forestry
DOL	Department of Land
DQ	Discussion Questions
FIPC	Forest Inventory and Planning Center
FR	Field Report
GDU	Gender Development Unit
GOL	Government of Lao People's Democratic Republic
GRID	Gender Resource Information and Development Center
Ha.	hectares
HH	Households
HRD	Human Resource Development
JFM	Joint Forest Management
LA	Land Allocation
L&F All	Land and Forest Allocation
LL	Lao Lum
LP	Luang Prabang Province
LS	Lao Sung
LSFP	Lao-Swedish Forestry Program
LT	Lao Theung
LTP	Land Titling Project
LUC	Land Use Certificate
LUP	Land Use Planning
LWU	Lao Women Union
MAF	Ministry of Agriculture and Forestry
M&E	Monitoring and Evaluation
MoF	Ministry of Finance
NAFRI	National Agriculture and Forestry Research Institute
NBCA	National Biodiversity Conservation Area
NPD	National Project Director
NTFP	Non Timber Forest Products
PAFO	Provincial Agricultural and Forestry Office
PLUC	Permanent Land Use Certificate
PMO	Prime Minister's Office
SRV	Saravan Province
SVK	Savannakhet Province
SY	Sayabury Province
TLUC	Temporary Land Use Certificate
TOR	Terms of Reference

ACKNOWLEDGEMENTS

The Study Team⁴ was invited by the Lao-Swedish Forestry Program to conduct a study on the impacts of Land Allocation and Land Use Planning during November/December 2000. The area and the topics to be covered are extensive. It would only be possible to do a study with this extensive scope if the project could support the Study Team fully. And that is just what LSFP did. The support at all levels was very smooth and accurate and it has been a pleasure for the Study Team to work with LSFP staff. In line with the view of LSFP that project activities should be carried out by the government staff themselves to ensure Lao ownership of the program, the study was also conducted by the government staff under guidance by the Study Team. It was very rewarding to work with such motivated and competent staff and our appreciation goes to all whom we have worked with and whom we have met.

In particular we would like to thank Sysongkham, coordinator of LSFP, Sysomphet, Deputy Head of IS-HRD, Anna, Adviser and coordinator of the Study, and Carle, Senior Adviser to the Program. In the provinces we were helped particularly by Mr. Lonethep, provincial co-ordinator of LSFP in Savannakhet, Mr. Phimmasone, co-ordinator in Saravane, Mr. Inpeng, head of Lao Ngam DAFO, Mr. Sianouvong, Head of Forestry in Luang Prabang PAFO, Mr. Soubanh, co-ordinator of LSFP in Sayabouri and Mr. Veth, Head of Forestry in Sayabouri PAFO, to arrange everything in such way that the field work could be done according to plan. A special word of thanks goes to Ms. Patricia and Mrs. Outhaki at the Gender Resource and Information Centre of Lao Women Union, who helped to organize the involvement of GRID at Savannakhet and Sayabouri on very short notice. We were impressed and grateful for the work of Xayadeth, staff of LSFP in the Gender Unit, who accompanied us on both trips to the North to the South. He did all the introductions, explanations about the arrangements to be made for the field work, chased the forms with the discussion questions at night, helped the field staff to discuss all points properly and in the end became a good facilitator of the group discussion himself.

In every province we worked with two or three persons who are normally working with LSFP to conduct discussion groups with villagers. We were pleasantly surprised by the enthusiasm and skills of those staff who had to go to the villages on very short notice. We would also like to thank them for their work. Besides the LSFP staff we also worked with two persons of the Gender Resources and Information Centres of the Lao Women Union in Savannakhet and Sayabouri. We felt fortunate to be able to have them working with the LSFP staff and the cooperation was certainly fruitful with the GRID staff bringing in their experience in working on gender analyses and the LSFP staff their experience in Land and Forest Allocation. A study like the current one can not take place without the work of the support staff and we felt very much taken care of by the support staff of LSFP. The staff in the office is very friendly and prompt with organizing the necessary details. Both drivers who took us to the South and the North were also very helpful and helping us to be everywhere on time. We are grateful to all of the above and hope they also have some good memories and experiences from the Study.

⁴ The Study Team consisted of Chansamone Phengkhai and Hermien Rodenburg

1. INTRODUCTION

During the semi-annual review of the Lao-Swedish Forestry Programme in September 1999 it was agreed that a study would be undertaken of the socio-economic impacts of land use planning and land allocation. Further discussions with the Gender Unit and the land allocation and land use planning staff of the Lao Swedish Forestry Programme resulted in a suggestion for a series of studies to be performed in the future, possibly through NAFRI. A first study, limited to social and gender issues, should be performed within the near future following up on discussions with the Lao Women's Union GRID Centre, who have voiced their concern and started researching the issue 'gender in land allocation' for some time. The current Study is addressing this issue.

Experience suggests that a process of land allocation and registration often permanently consolidates male ownership rights to land (often in the name of head of household) at the expense of women's usufruct and ownership rights under traditional and customary law. With the recent discussions on the adoption of a procedure for land record keeping of Temporary Land Use Certificates in preparation for registration of rural agricultural land in the future, it is timely to further investigate the social and gender dimensions of the procedures, with a focus on prevalent kinship structures and traditions of inheritance.

The Study started at the end of October and completed half December 2000. The Study followed the guidelines of the TOR (Annex 1). This report is giving the main findings of the Study and discussing recommendations resulting from it. Two annexes under separate cover are holding the discussion questions, in Lao and English, used for the Study and the resulting data from the discussions.

After having discussed the objectives in chapter 2 and the work planning in chapter 3, the methodology of the study will be discussed in chapter 4. In chapter 5 the findings of the Study will be discussed covering village data, land allocation details, land documents, customs and kinship, procedures of LA/LUP in the village and staff awareness. Chapter 6 will cover the conclusions on impact of LA/LUP and potential threats to less advantaged groups. In chapter 7 recommendations will be given.

2. OBJECTIVES

The objectives of the study are stated in the TOR as follows:

- (i) to contribute towards further method development of the nation-wide procedures and methods for land use planning and land allocation by studying how the current procedures are incorporating the needs and interests of different social categories, with special emphasis on gender and kinship systems
- (ii) studying the impact of land use planning and land allocation on these social categories

Both these objectives have formed the basis for conducting the Study. Land and forest allocation are such complex issues and are relatively new in Lao PDR (since 1992). Naturally, many of the findings of the Study refer to more general issues than gender and kinship systems because these systems are influenced by what happens in society at large. LA/LUP often has been found to have positive and negative impacts for many groups in

society including gender and kinship systems. It is not always clear if an aspect is only impacting gender groups or all social categories alike. Kinship will be discussed as a separate component but gender issues are integrated throughout the report.

3. WORK PLANNING

The Study Team commenced the end of October 2000 with discussions with the management staff on organizing the Study. The resulting travel plan consisted of two trips, one to the South and one to the North in order to cover all provinces where LSFP is working. During the first week of the Study the materials made available by LSFP were read and some interviews were done. Also a set of discussion questions was developed. (Appendix 1, separate cover). The rest of November was spent on data collection in the North and the South according to the travel plan (see Appendix 2). The two weeks in December were used to process and analyse the data, do some more interviews, write the report and give a presentation of the findings⁵.

4. METHODOLOGY

This chapter will discuss the methodology of the Study under the following headings:

- 4.1 Data Collection
- 4.2 Selection of Villages
- 4.3 Interactive method
- 4.4 Discussion Groups
- 4.5 Discussion Questions
- 4.6 Limitations

4.1 DATA COLLECTION

The data for the Study came from six sources. The bulk of the data came from the discussion groups held in the villages. The discussions were guided by questions prepared beforehand and answers were written on forms in open and closed format (see Appendix 1 and 2 under separate cover). A second source of data was the interviews with key persons, mostly at policy and management level (see Annex 4). A third source were interviews with the district staff (Appendix 2 under separate cover). The fourth source was learning together with the district and provincial staff during a field test day and during the debriefing of the fieldwork. The fifth source was observation in the villages where the field tests were conducted. The sixth source were the reading documents by LSFP, by LWU/GRID, by the Land Titling project and various policy papers, laws and decrees (see Annex 7 on Literature).

⁵ the TOR of the Study only allowed 6 weeks but as can be seen from the work planning one additional week was added in the Study Team's own time to be able to complete the assignment

4.2 SELECTED VILLAGES

The Study Team had the task to incorporate villages of different categories in LSFP, with different ethnic groups, in districts within and outside LSFP and in all provinces of LSFP. The different categories of villages in LSFP are:

- Focus villages: villages where LA is implemented according to the 8 steps adopted by GoL for L&F Allocation and where a record system is introduced
- Key Development: villages where LA is implemented according to the 8 steps adopted by GoL for L&F Allocation
- Target with LA/LUP villages that are targets for LSFP activities and where LA/LUP activities have taken place
- Target without LA/LUP villages where activities of LSFP take place but not yet LA/LUP

Also the villages of LSFP can be categorized by different types:

1. JFM village: Joint Forest Management village where staff works with the villagers to manage and plan forestry activities by themselves
2. NBCA: villages in National Biodiversity Conservation Areas
3. normal villages which are targets for LSFP but not JFM and NBCA

The villages for LSFP are in the districts selected by LSFP to work in. For the districts outside LSFP, GRID was asked to be involved in the Study. They were asked to facilitate group discussions in villages with these criteria:

1. Village where LA has taken place or is in the process of being implemented.
2. Village where no Land Titling is taking place.
3. Not too near the main town.

After considering all those categories, types and criteria, the selection of 15 villages spread over the four provinces where LSFP was made. The selection looks as follows:

Table 4.2.1 Villages to be studied during Field Trip

Type of Village	Normal	NBCA	JFM
Target village with LUP/LA	LP:Phanip(LL, LS) Pha Youak (LS) Sar: Len (LT)		Sav: Kham Noy (LT)
Target village without LUP/LA	Sav: Natalang (LL)		
Key Development	LP: Thali (LL)	Sayabouri:	Sav: Nathong (LT)
Focus (record system)	Sar: Inpaeng (LT)	3 villages in Nam Puie: NaVene, (LL) NaNgeun,(LS) NaSamphan (LT)	
Non-target village outside LSFP District	GRID: Sav: Dong Khouang Thone (LL) Kham Syda (LT) Saya: Huay Sam Or (LS) Naluam (LT)		

LL: Lao Lum LT: Lao Theung LS: Lao Sung

The spread over the provinces is as follows:

Savannakhet

2 Field days (1 w. GRID and 1 w. PAFO):	2 villages
additionally:	
GRID:	1 village
PAFO:	2 villages

Saravane:

2 Field days w. PAFO:	2 villages
-----------------------	------------

Luang Prabang:

2 Field days w. PAFO:	2 villages
additionally:	
PAFO	1 village

Sayabouri:

3 Field days (1 w. GRID and 2 days w. PAFO):	4 villages
additionally:	
GRID	1 village

Total: 15 villages

The ethnic groups in the 15 villages were as follows (some villages had a large group of more than one ethnic):

Lao Lum⁶: Lao (4 villages), Phu Thay (1 village), Theng (1 village) with some individuals from Lue, Nyuan and Tai Dam backgrounds

Lao Theung⁷: Souay (2 villages), Makong (1 village), Katang (2 villages), Khmu (3 villages)

Lao Sung⁸: Yao (1 village), Hmong (3 villages)

For an overview which village consists of which ethnic see Annex 8.

4.3 DISCUSSION GROUPS

In every village six types of discussion groups were held. Discussion groups have a high potential to bring a variety of topics to the fore and to let villagers compare their ideas. Household interviews would have had the advantage of being able to go more in depth. But the fact that the district staff only had one day of preparation makes it unlikely that they indeed would go in depth and therefore, were better of in collecting as many responses as possible. In a group they had the chance to get a variety of answers to each questions.

Two of those groups, with the village head and the village L&F Allocation committee served to get an overview of demographic data of the village and an insight in the current status with regards to Land and Forest Allocation. The other four were with less advantaged groups and gender aggregated. To allow for gender comparisons a men and a women group both with participants older than 15 years were chosen. For less advantaged groups initially one would think of a 'not yet advanced', a 'well-off' and a 'well to do' group. But

⁶ Lao Lum: Lao people from Tai-Kadai background, traditionally living in the low lands

⁷ Lao Theung: Lao people from Austroasiatic background, traditionally living on the mountain slopes

⁸ Lao Sung: Lao people from Miao-Yao background, traditionally living on the mountain tops

looking at the practical side of things, this was not chosen because it would take considerable organisation and time to get such groups separated in the village. In our time schedule we would notify the villages 1 or 2 day in advance and then come to the village to start the group discussions. This gives too little time for the village to determine which families fall in which category with the result that we would have had mixed groups from which it is hard to draw any conclusions. Because this was not a valid option, we choose two other groups who are known to be less advantaged, namely a female headed household group and an elder group. In the South, we noticed that the elder group was represented by the Front people and we changed the group to 'group of old people'. This resulted in older persons indeed, but still did not much to attract elder women. It seemed that both Front and older people only consisted of men.

In the four discussion groups a total of 208 women and 197 men were interviewed. More specifically per group:

Women of female-headed households:	75 women
Elder group:	16 women, 87 men
Women group:	117 women
Men group:	110 men

In these four groups the percentage LL women was 33%, LT women 49% and LS women 18% on the total of interviewed women. For men this was LL men 31%, LT men 46% and LS men 23% of the total of interviewed men.

4.4 INTERACTIVE METHOD

The methodology of the Study was highly interactive with regards to involving the field staff in the four provinces where LSFP is working. LSFP is a program with a process oriented emphasis on learning-by-doing. The field staff has experience in working independently yet with guidance from external advisers. They also have experience in facilitating group discussions in the villages. Therefore, the staff could be completely involved in conducting group discussions in order to get information from the villages. If time had permitted, the staff also could have been involved in developing the necessary questions by themselves with advice by the advisers. If that had happened, the Study would have been completely integrated in LSFP efforts to make things Lao owned. In this case, the staff was presented with the questions focusing on the issues under study. This means that in the beginning they did not always feel very involved or interested but during the conducting of the group discussions they became more and more intrigued by the issues and the realization that there is still a lot we can learn in villages.

At the first day of the Study Team in a province an introduction meeting with the PAFO was held followed by preparation with the teams consisting of PAFO, sometimes DAFO and GRID in Savannakhet and Sayabouri (see Annex 3 for names). The second day the Study Team would go to a village together with the field staff and guide the facilitation of the discussion groups and see which answers needed to be verified or clarified on the spot. Then the field staff and GRID would work on their own for the next 2 villages. After the fieldwork a de-briefing meeting was held in which the incoming answers were checked for unclarities and a 'lessons learnt' session was facilitated. It was felt that the field staff by that time was very interested in the issues brought up and actually wanted to know more, in particular the outcome of the analysis of the data.

For the program on the preparation and de-briefing day see Annex 5. For an overview of the lessons learnt per province see Annex 6.

4.5 DISCUSSION QUESTIONS

The discussion questions had to be presented to the field staff in a standard format in order to facilitate analysis. However, it was made clear from the start that the question forms were only tools serving the discussion with the villagers. Because the staff could ask the same questions everywhere the villages were comparable but the most interesting information is collected outside the questions. The Study is not a quantitative one from which statistical projections can be drawn. The staff was asked to create an atmosphere in the groups in which the participants could feel comfortable to talk. They were also asked to write any comments outside the formatted answer on the forms.

The discussion questions for the 4 main groups in the villages were grouped around the following topics:

- (i) General data
- (ii) Residence Pattern, Customary Rights
- (iii) Land and Forest Allocation and Land use Planning
- (iv) Land Documents
- (v) Decision-making
- (vi) Communication and Awareness of LA/LUP
- (vii) Work

Questions for the four discussion groups would basically be the same with the addition of some specific questions for the group.

There were a few questions that came to mind initially as being important but had to be skipped for various reasons. For the benefit of the reader these points are shortly discussed here. The groups were asked how many plots they had received during LA. On purpose the surface of those plots was not asked. The reason was that many people do not know the number of hectares on the top of their head, many people had more than 1 plot and the numbers answered would undoubtedly get confused either in the answers or in the note taking and this question would slow down the whole discussion and become a tedious exercise on numbers. Another question that was not asked, or only very superficially, was the question of income. The current Study is a social study and not an economic study that does not require income details per se. It would have been good for understanding the whole picture to know some details about income but this question involves a whole set of questions on income sources, on yields, on expenses and on consumption. Because of the large scope of this question it was not added to the, already long, list of questions for the discussion. Besides, it would be very hard to prove the relationship between income and LA. Income changes can be traced to many different circumstances. E.g., a higher demand for a product like coffee prompts the farmers to grow more coffee. That they can use allocated land for that is fortunate but in itself the LA does not prompt them to grow coffee. Moreover, questions on income always run the risk of having confusion between net and gross income. The net income will depend on expenses and on inflation that is independent from Land Allocation. LA could shape the conditions for a better income, but a direct relationship would be hard to prove. A similar problem would occur with a question on yield. To ask about yield in general is not useful because farmers have more and more crops with different yields. Yield should be asked about per crop and per season. In the

scope of the current Study this was not possible. General remarks on rice yields in the Hai⁹ areas were collected though in order to follow up on earlier findings of LSFP that rice yields of Hai diminish after LA. Also a question on rice sufficiency was asked in order to know if farmers have to buy rice or produce a surplus. Immediately the difficulty and multi-interpretable nature of the question showed. Whereas it was meant to talk about rice sufficiency in terms of growing rice, the question was often answered from the point of view of rice storage. So, someone who did not grow rice at all but earned a lot with trading and could buy enough rice to fill the rice storage for the whole year, would classify for rice sufficiency. The question still addresses if people have enough to eat but not if they grow their own rice that was originally the purpose of the question. Another question that was not asked was on the availability and use of credit. In the areas where farmers do not grow Na¹⁰ as their main crop, credit use is very rare. The change that only very few respondents would answer this question prompted us to skip the question. One question on kinship is a question about the surname of men and women to see which surname a child can get, the surname of the father or of the mother. In the Lao family law it is defined that children can choose from both names. But in the countryside the use of surnames is very uncommon. People often do not know their surname. E.g., we found that a man is distinguished from another man with the same first name by putting the name of his wife instead of putting a surname. Because of the likelihood to get a majority of the questions answered with 'do not know', or 'do not have', the question was skipped.

4.6 LIMITATIONS

The Study took place in 15 villages in 6 districts of 4 provinces. The data collected represent a good spread of different type of villages, different ethnic, different stages in the process of LA, different involvement with the LSFP. As such they can bring to the fore certain issues that might need attention in the future and can enhance our insight into the factors that shape the life of villagers in rural Lao PDR. The introduction of LA/LUP to the villages should be linked to those factors in order to be successful. It is in this that this Study can provide some ideas.

The Study team did an extensive effort to record all the data available and to bring them into the report in an orderly way but this does not make the Study a quantitative study. It is simply not possible to make projections for other villages and areas based on this Study. The nature of the data confirms even stronger this as not two villages are alike, not even the ones that consist of the same ethnic subgroup. Whenever field staff will undertake activities in a village they will need to conduct a participatory appraisal beforehand. They can not take this Study to predict the situation in another village.

⁹ 'Hai' is de Lao term for upland rice; it is so commonly used that it is also used in the English language when referring to upland rice

¹⁰ 'Na' means lowland rice; this is such a common term in Lao agriculture that it is also used when using English

5. FINDINGS OF THE STUDY

In this chapter findings of the Study will be discussed. The headings that have been chosen for presentation of the findings are:

- 5.1 Village Data
- 5.2 Land Allocation and Land Use Planning
- 5.3 Land Documents
- 5.4 Customs and Kinship
- 5.5 Procedures of Land Allocation in the Village
- 5.6 Staff Awareness

These topics will be discussed based on the data collected from the six sources as mentioned in the section on methodology. Some of the data are presented in the text, others are in Annex 8 for a quick reference and the bulk of the data can be found in Appendix 2.

5.1 VILLAGE DATA

As explained in the methodology section above, 15 villages were selected. Most of these villages were established long ago, the oldest, Pha Youak¹¹, a Yao/Hmong village, in Nan District in 1816. Two villages, Na Samphan, a mainly Khmu village and Na Ngeun, a Lao Sung village, in the NBCA Nam Puie had been established newly in 1991. The other villages are:

Na Thong in Muang Phin, Savannakhet, Makong: Lao Theung
 Natalang idem, Phu Thay: Lao Lum
 Kham Noy idem: Katang: Lao Theung
 Inpaeng in Lao Ngam, Saravane: Suay, Lao Theung¹²
 Len idem: Souay, Lao Theung
 Phanip in Nan, Luang Prabang, Lao: Lao Lum¹³ and 20 families Yao who came new
 Thali idem, Lao, Lao Lum
 Na Vene in Nam Puie, Lao: Lao Lum and Khmu: Lao Theung
 Dong Khouang Thone in Champone, Savannakhet, Lao: Lao Lum
 Kham Syda idem, Katang, Lao Theung
 Huay Sam Or in Sayabouri, Sayabouri, Hmong: Lao Sung
 Naluam idem, Khmu, Lao Theung

¹¹ Pha Youak is the administrative name for 3 villages: Pha Youak, Huay Khong, Thong Khouang; actually, for the interviews nobody of the village Pha Youak attended

¹² actually, one woman explained that their village is a mixed village because a Lao Lum and a Lao Theung village were moved together; she reports that many children now do not want to speak Lao Theung anymore because they are taught Lao Lum language in school

¹³ it is highly questionable if this village is really Lao Lum; it has all features of a Lao Theung village in transition; it might well be that the villagers do not want to talk about their past in order to be regarded as Lao Lum; one man asked why we ask about their ethnic since they are all Lao citizens now

Population

The population number ranges from 1089 in Na Thong to 424 in 346 in Dong Khouang Thone. The sex ratio was determined as the number of women on every 100 men. The sex ratio could indicate an aspect of the status of women. If the sex ratio is higher than 100 it means that there are more women than men and this could be an indication of a higher survival ratio, and a related better treatment of women. However, in the context of the Lao PDR, it is hard to say if this is really a valid indication since so many men were involved and disappeared during the war and since many men migrate to the towns. The sex ratios that were found are all around 100 with an exception towards a much higher figure in Natalang and Na Ngeun. Na Ngeun is a Lao Sung village and as we shall see later there is no reason to think that the status of the women is very high in that village. The high sex ratio in Natalang is probably due to out migration of men and not to a higher status of women. (For a table with all population numbers see Annex 8, Table 5.1.1)

When looking at the age groups 6 villages have the majority of the population in the age group from 0 to 10 and 6 villages in the age group of 16 to 44. 3 Villages, including 2 Lao Sung villages, could not provide data on the age of the population. Actually, the question about the age groups was one of the most difficult ones to answer for the village head and sometimes hours of studying and counting in a record book were necessary to provide the answer. It was an indication of the difficulty that some village head men have with the administration of their village. Seen the fact that so many people still move around, with 8 villages with new settlers, and just come to settle where there seems to be place. This was the case especially in Nam Puie until recently, makes it clear that the village head man should be very alert to all changes because not everyone comes to register the family. Often they simply move to live with their families. But in all villages except for Na Thong, Kham Noy and Kham Syda, respondents report that they moved there after they were born. The main reason seems to be marriage in the current village and looking for better land for agriculture.

The average family size is 5.7 with a high number of 7.2 for Na Ngeun and a lower number of 4.7 in Inpaeng. The family size is larger in the Lao Sung villages than in the Lao Theung and Lao Lum villages. (For a table with all family sizes see Table 5.1.2 in Annex 8). This means that a family has 4 to 5 children. Many women reported to have had around 8 to 10 born children which means that 4 to 6 die during the first year.

In most villages the number of houses is the same as the number of families. Except for Dong Khouang Thone where 13 families are living together with other families and in Kham Syda where 14 families live together. This corresponds with the answer of the respondents to the question with whom they live. In the majority of the cases people respond that they live with their spouse (except for the women from the female headed households who live with their children). In Naluam we find the opposite situation that there are 7 more houses than families. This is because the new couples live in their own house already but did not register that yet. As has been shown in other LSFP villages, if people do not register or only 1 family per house registers, it becomes unclear how much land a family has. It could be that all plots are on the name of 1 family because they live together.

Education

Education leaves much to be desired in all villages. The lowest illiteracy was found in Na Vene and Na Samphan, respectively 8% women, 9% men and 8% total, the highest in Pha Youak, Dong Khouang Thone and Len, respectively 93% women, 88% men, 35% women and men, and 34% women, 16% men. This is cross cutting the ethnic composition of the villages. In 5 villages there were no data available, or only sparse data, on the education level of the population. In all villages there were only a few people who had higher secondary school. The highest number in this regard was found in Thali, Na Samphan and Kham Syda, a cross cut between Lao Lum and Lao Theung villages. In Na Ngeun it was reported that because there is a lower secondary school nearby that nowadays the girls go to school more than before. This reduces the number of girls that is marrying at a very early age. Also in Pha Youak it was remarked that the development of the village was changing because the youth was going to school in town. Since there is no road except for a footpath to Pha Youak, they have to stay in town to attend school.

From the persons who were involved in the discussion groups 68% of the women could not read and write and 29% of the men which is a considerable difference. This difference is not conclusive for different ethnic groups. The picture becomes better when looking at who can understand Lao Lum. Here men and women are almost equal with respectively 6 and 5% who can not understand it. When asked about speaking Lao Lum the difference is big again. 37% of the women can not speak Lao Lum and 6% of the men.

Rice Sufficiency

The question of rice sufficiency has been discussed under the section methodology but nevertheless it was asked. In some villages it would mean lack of rice from the field and in other villages lack of rice in the storage. Except for Inpaeng, Len, Dong Khouang Thone and Huay Sam Or, all villages reported a number of families with rice insufficiency for longer than 6 months. This cross cuts ethnic composition of the villages. The highest insufficiency was noticed in Kham Noy and Thali, one a village with Na and the other a village with Hai. It was explained that villagers survived by the sale of NTFPs and by laboring for others.

In Inpaeng the village headman said that we should not conclude that they are poor because there is rice insufficiency. Now they all have garden with coffee and cardamom and their income can be quite good. The same was heard in Na Samphan where some families are getting quite well off by selling NTFPs. It was observed that Na Ngeun, a Lao Sung village, was more well to do than the other villages in the NBCA. They have more animals, plant various crops and have a lot of fruit trees. In Pha Youak, also a Lao Sung village, the staff said that these people worked more diligently than the Lao Lum in Phanip. E.g., the villagers in Pha Youak go to their rice fields early in the morning but in Phanip villagers go at 9 am.

Available Land

Village heads were asked for the total area of land in their village. The range is quite big with a total surface of 12,582 ha in Na Thong and Inpaeng with only 363 ha. The population in Na Thong is also the biggest but not in relation with the larger land surface. And Inpaeng has a population comparable to the other villages. It was typical that the 3 villages in the NBCA did not have a record on their total land area.

The villages were also asked which type of land zones they had. In the Land Law of October 1996 the following types of forestland are specified:

- (i) Protection Forest
- (ii) Conservation Forest
- (iii) Production Forest
- (iv) Regeneration Forest
- (v) Degraded Forest Land or Barren Land

Besides, there is homestead land, Na land, agricultural land, reserve land and rivers and public land. It was noticed that villages might use different names for zones in their village sometimes meaning the same as the categories specified in the Law and sometimes another category. E.g., Hai was sometimes classified under forest, sometimes separately. The same difficulty was encountered with agricultural land that sometimes included Na and Hai but not garden, and sometimes included garden. Reserve land is for agriculture but sometimes it was reported under 'other' which made it unclear to decide about the available reserve land. Nevertheless, the question on types of land was asked and villages responded with 3 in Pha Youak up to 13 types of land in Na Thong. The strange thing is that when all the types of land were added together, there was a discrepancy with the total surface mentioned earlier of as much as nearly 2,000 ha in Na Thong and less in 7 of the other villages. This means that 8 villages 'lost' land in the division of land zones. This was discussed with LSFP experts and the conclusion is that it is very hard to document all land especially when it is not measured correctly in all situations. (A table of surface area and types of land is given in Annex 8, table 5.1.3 and 5.1.4).

One of the main concerns for land availability for the future is the population increase. An average of 3.7 child per family will surely reduce the available land dramatically in a short time. We already see 3 out of the 15 villages where they do not have reserve land, 4 villages do not know how much reserve land they have and 8 villages have some reserve land. From the latter the one with the most is Nathong: 222.23 ha and the least is Na Samphan which is not a surprise since so many people came to live in the NBCA. : 7ha. When we compare the number of people who will soon claim for new land because they will soon be married, the persons in the age group from 10 to 15, taking into consideration that in Na Samphan most probably men will request land since the wife moves to live with the husband in most cases and in Na Thong most probably the number of land requests will equal the number of women since the husband moves to live with the wife, the land available for new couples in Na Samphan is 0,02 ha and in Na Thong 3.47 ha ($222.23/64 = 3.47$ ha/ps7/325 = 0.02 ha/ps). For Na Thong there is no problem in the near future but this is the only village with so much land. For Na Samphan the problem is clear. And the next group in age group 0 to 10 is even bigger in Na Samphan.

In total 43% of the women report to have Na land and 49% of the men. When we look at elders and female headed households they also report to have Na land. The percentage of people having Na land is slightly higher in the South than in the North but the case of Nam Puie tips the scale in the North where the percentage of people having Na increases because of that. If looked at the ethnic groups it was concluded that Lao Lum and Lao Theung have around the same number of people reporting to have Na but that in the Lao Sung communities this was much lower. This is not a surprise since the Lao Sung live a lot higher and further away from flat land.

5.2 LAND ALLOCATION AND LAND USE PLANNING

Land Allocation

The situation with regards to LA in the districts where the 15 villages are located is as follows.

Phine:	5 villages in 1999 and 5 villages in 2000: all got TLUCs.
Champone:	11 villages. 4 Villages got the TLUCs, 7 not yet.
Lao Ngam:	24 out of the 112 villages did LA: 17 villages have been given LUCs. In 5 villages forest was allocated. And in 2 villages the land was measured but the LUCs were not given yet.
Nan:	2 Villages have map, TLUCs and Land use contract 79 Villages have land use zoning.
Sayabouri:	121 villages get LUCs. Only in 1 village the land allocation is not completed yet.
Nam Puie:	NBCA covers 45 villages: All these villages completed LA and got TLUCs already except for households who have problems regarding their land (e.g. plots have 2 owners or are booked in the protected forest or on reserved land).

Land Allocation in the 15 villages took place in the period from 1992 to 2000. In Pha Youak and Natalang land allocation had not been done yet. In Pha Youak land use zoning had been done. In Natalang and Pha Youak, it was replied that although there was no land allocation yet, 126 families and respectively 74 families had allocated land. They mean by that that they pay tax on the land and that it is measured. This indicates confusion about what allocated land is. Some villagers will understand that it is land that tax is being paid for.

There are three situations in the type of land that people mention under allocated land:

- (i) new, not yet developed land
- (ii) land that they cultivated long already but that they never paid tax for
- (iii) land that they cultivated long already but that they paid tax for since 1993 or after

These categories include both Na and Hai.

In the light of the above confusions, the data on the land allocated were not completely accurate. Some people would mention new land, others old land. Sometimes even homestead land was reported under allocated land. Nevertheless an overview of allocated land is as follows:

Table 5.2.1 Land Allocated in the Villages

Village	Land Allocated No. of Families who received
1. Na Thong	85
2. Natalang	126: old land; there is no new land
3. Kham Noy	102
4. Inpaeng	87
5. Len	8 (for trees) ;there is no new land
6. Phanip	85 ^{*a}

Village	Land Allocated No. of Families who received
7. Pha Youak	74
8. Thali	148
9. Na Vene	75
10. Na Samphan	107
11. Na Ngeun	40
12. Dong Khouang Thone	36
13. Kham Syda	9
14. Huay Sam Or	125* ^b (106)
15. Naluam	57
Total	1164

*^a currently there are only 80 families left; this means families moved away; some of them gave back their land, some did not

*^b in 1995, 114 HH got land allocated; after that the District authorized the village to allocate land to 11 more HH

When we look at the distribution of plots to women and men who received either 1 to 3 plots or 4 to 5 plots we see that the percentages are 51% and 61% respectively for 1 tot 3 plots and 10% for both women and men for 4 to 5 plots. Even when corrected for the women from the female headed households the percentage of women getting plots is not much lower than men. On first sight this is encouraging and showing that the procedures of LA work the same for everyone. However, there is some ambiguity here since the question might have been answered from the family's viewpoint in which case the women would indeed say the same as the men. Although we asked 'if they got plots', 'they' meaning the respondents in the groups, they might have answered for their families. As we shall see in the section on land documents, the situation is not that promising for equality. It was also studied if women of female-headed households would be left behind in claiming the plots. But other than the fact that they are less informed about tax implications and do not claim land out of fear for tax, they did get their fair share of land in most cases.

The number of women who got land as claimed is equal for the number of women who did not get as claimed, namely 28/25%. 45% of the men got their land as claimed and 27% did not. This could indicate that men know better how to claim land which confirms the finding that women are less informed (see section 5.5) about procedures for LA. However, care has to be taken to not interpret the wrong way. We could not establish a link between the fact that land had not been allocated as claimed with the possession of Na land but the staff confirmed that people would receive less land if they had Na. Originally, in Luang Prabang this would be quite simple: if one had Na, one would only get 1 or 2 plots instead of 3 or 4. Also, land allocation depends on the labor available. Indeed 43% of the women who did not get land allocated as claimed are women of female-headed households and if the elder women are added this is even 58%. For elder men this percentage is 31%. It might be said that they did not get land allocated as claimed because they had no labor available. Also among the married men and women who do have enough labor a good number do not get land as claimed and it is not clear why that is. It could be because they have Na land but there could be other reasons as well, like claiming land in the wrong land use zone, requesting too much land without clear use plan or because they have land that they pay tax on for a long time already. In Inpaeng it was mentioned that people did not want to declare land because they were afraid the land would be taken from them to give to the poor. It

would not be correct to draw the conclusion that all people who did not receive land as claimed have too little land to farm or that land allocation was not done properly. It seems as if villagers mostly are not sure about the criteria for requesting land or that they have heard some information but use it out of context. They would probably benefit by knowing the details of the Land Law regarding land allocation in order for them to know their possibilities. The Land Law, May 1997, states that:

MAF is the central agency for the administration of agricultural land, and allocates agricultural land to individuals and families in accordance to the following scale:

- 2 ha per laborer in a family to grow rice or to raise aquatic animals
- 3 ha per laborer in a family for industrial farming, vegetable farming and fruit farming
- 15 ha per laborer to plant grass for livestock
- generally, the State authorizes individuals to productively use forest land and grants 3 hectares of land per laborer per family

Total per laborer in a family: 23 ha as long as they use it for the purpose as stated.

This means villagers could have a fair amount of land if:

- (i) they had a proper land use plan
- (ii) there was enough reserve land
- (iii) they were aware of this information
- (iv) they knew how to ask the staff to help with the necessary paper work
- (v) the staff had the time to help with the paper work
- (vi) the district staff did not stick to the idea that one family could receive only 1 to 4 plots (this has happened in Luang Prabang and was promoted in other provinces and apparently stuck in the mind of the staff)

After Land Allocation changes are not recorded. Only in Phanip, Nan 2 households came to request for more land. This means that the Land Allocation is regarded by the villagers and the staff as a one-time exercise without any link to the future use of land.

Land Tax

According to the Head of L&F Allocation of the Provincial Committee in Savannakhet Land Allocation should be for land of type i because the other land should have been paid tax on already. But in practice, people only start to understand that they should declare all the land that they use or even leave fallow. They might have had land that lay fallow for a few years and did not pay tax on that. As heard in Luang Prabang, land zoning as such does not give the responsibility to pay tax on land that is fallow but only when land is allocated tax should be paid even if the land is fallow. On numerous occasions we heard villagers and staff say that tax is the main reason why they did not claim more land. One woman in Dong Khouang Thone explained that she used some land for many years already but that she did not want to declare it because she was afraid to have to pay tax. This means there are three situations regarding tax before Land Allocation:

- (i) tax is paid since 1993 or when measured
- (ii) tax is not paid because land laid fallow
- (iii) tax is not paid because the land was not measured

Land Allocation will change that into land that tax has to be paid on. There is a tax break from the moment of the land allocation until the land is developed and the crop that is planted harvests. That is why for rice the tax on land starts to be paid after 3 years.

Land Use

It was asked if there were any changes in land use after land allocation. This question is difficult to answer in isolation. As mentioned before when discussing the question of 'income' the answer could reflect changes in national economy and in further integration of market principles of demand and supply. Nevertheless, a number of changes can be attributed to land allocation or land allocation in combination with outside factors. The majority of the villages report a change in land use. The changes mentioned are:

Rotation of fixed plots

- Before they did shifting cultivation now change to do Na
- We could not rotate to do slash and burn as we did before. We cultivate immediately after slashing.
- Not slashing forest as we like
- The shifting cultivation is diminished
- Fixed rotation of Hai cultivation
- Change, because rotate to do Hai in every 4 years
- Easy to administrate our land by rotating growing the crops
- Almost doing only Na
- Doing Hai but not reach rice sufficiency

Production

- Develop land for Na and Garden and growing trees
- Growing crops as commercial commodities, making income for the family
- Growing corn to feed animals
- Agriculture and livestock increase
- Growing banana, eucalyptus
- Slash the plots for growing banana
- Stop growing opium more than 10 years and had changed to grow sesame and mulberry
- Make the fishpond
- Constructing house
- Have own plot of land, limited area, more efficiency. If we really manage well if not we will get low yield
- Because we own land and should produce as much as possible

Impacts

- Will have more income from agriculture
- After Land allocation, better living conditions
- The weather situation is not predictable
- Agriculture land is lacking water
- No rain, have to replace by growing mulberry and green bean
- More weed and got lower yield than before
- Because doing Hai, not get high yield and get low income
- Because cultivate in the same place, soil fertility is diminished
- Work increase

Boundaries and rules

- To have really own plot of land and we really work on our own land, follow the land use plan and not leave any plot without develop
- Set up the agriculture zone and forest zone
- To determine the boundaries of each family's land, to have rules on land use

- Everybody has its own land and could not use the land outside the allocated zone; therefore, no conflict among us
- Because we need to keep the tree for constructing houses and for protecting the village forest
- We will warn people who will come cutting trees before we did not say anything
- People will be fined if they do slashing in the booked zone

The groups were also asked if their work had seen any changes. In most villages both men and women said that the work had increased. In elaborating on that they said that the changes were as follows:

Change in working style and Income increase

- Increase work, the family income increase
- More work than before, income increase
- Because we would like to get more for living
- Improve the living condition
- The way of cultivation. We have our own land. We cultivate successfully according to the land use plan
- Increase work, categorize agriculture zone, focus to cultivate on our own Hai
- Increase work, to focus more on work, work more, earn more
- Quick work, to produce many things at the same time. In the past, we have to finish the harvesting first then did threshing. Nowadays we harvest and can start threshing at the same time
- Can have home stead land
- To make the fence, we made like the natural fence, some barbed wire fence and some permanent fence

Change to Na and growing variety of crops

- Change from Hai to do Na
- Develop land to do Na
- Expand Na area because we have narrow Na area
- Doing Na and to use land according to what it is suitable
- Many work because we have irrigation and got advice from the technical staff
- Use more agriculture land, agriculture work increase
- So many thing to grow on our land
- Work increase because growing various of crops Growing more coffee because we got the advice from the extension staff
- Growing coffee because more demand
- Change from Hai rice to grow coffee
- Growing crops, doing garden and livestock/ to get income for family
- Growing more banana as for goods because we have small area for Na
- Growing more crops to make money for the family

Soil and fertility

- Weeding has increased
- Because the agriculture land is limited and it is also the young fallow plot
- Not good soil, not fertile soil and get low yield

Related to this were questions on their experiences after the LA/LUP on the increase of difficulties with fetching water and firewood, collecting NTFPs and hunting minor animals. There were interesting differences between men and women experiences that will be

discussed under section 5.4. But across genders and ethnic groups the difficulties mentioned as such were the same. The difficulties for fetching water were not related with LA/LUP and consisted mainly of having no water in rivers during the dry season and that rivers were far. The difficulties in hunting small animals have to do with the handing in of guns and the rules that prohibit hunting. The changes they mentioned that were related to LA/LUP were mainly for fetching firewood and collecting NTFPs as follows:

Fetching Firewood:

- There is ownership on land; therefore, firewood' forest is not so large as before. We could not collect firewood in other type of land. We can collect it only in the use forest zone.
- Firewood forest is far
- We have to go far to collect firewood
- It is forbidden to cut trees as we like
- Difficult because we use only dry wood and it is far to collect it
- Because they could not cut the trees as they like and have to collect it from the dry branches

Collecting NTFPs:

Rules

- It is forbidden and hard to get it
- Protected area or NBCA: it is forbidden
- Difficult because it is forbidden to cut the forest fruits like "Mak Tao and Mak Kor"

Far

- Before we can collect it near, now it is far
- Lesser trees and it is far to collect NTFPs
- Mostly we did not have time to collect it

Forest Zones

- Because already divided the zone if people collected NTFPs in other's zone then they should pay it after the sale it

Increasing Demand

- The use of NTFPs is increased
- The quantity of NTFPs diminished, because people only depend on nature and number of population has increased

Fetching firewood and NTFPs are definitely affected by Land Allocation and Land Use zoning and become much harder tasks. By having many rules the areas where they can collect are restricted and further away. As can be seen from the changes mentioned there are also other factors playing a role like the increasing demand for NTFPs.

It is clear that people are quite aware that their life is changing and that they can not slash and burn as they used to do and that they have to intensify agriculture. At the same time it becomes clear that for the agricultural changes to take place a lot of extension work will be needed. In many villages it was mentioned that the soil fertility is decreasing in the Hai land because of shorter fallow periods. There is an urgent need for extension to help farmers to develop new agro-forestry methods. There was one village where an increase in rice yield was reported. Although it was not clear for what type of rice it was noted that this was a

village where a lot of extension had been done and where there are model farmers (Phanip). This might indicate that extension really pays off.

5.3 LAND DOCUMENTS

Names

The study tried to find out whose name was on the land documents that people have. One difficulty in finding accurate data is that there are different names used for the same paper in the common language used by both staff and villagers. The following papers are around:

Different documents on land use that are around:

'ko toklong tong ban' = village agreement

'baay yangyeun kaan nam say thi din' = approval by village committee to use a piece of land

'baay yangyeun pattana din' = permanent land certificate

'baay mob thi din' = TLUC, signed by the District

'baay ta din' = land title

'bin phasi' = tax paper

'sanya nam say thi din' = land use contract

Often a TLUC would be called a 'baay ta din' which is a land title. When we asked villagers what kind of paper they have, we gave them the options of:

a paper for their homestead land;

b paper for Na land;

c land use certificates given by the Village Committee for use of Hai;

d land use certificates for use of allocated land given by the District Staff after LA (TLUC);

e land tax bill;

f other

Villagers in one village would have a paper for Na land separate from the tax bill. But in another village they would say they have a paper for Na land meaning the tax bill. The only way to make absolutely sure which paper villagers are talking about is to inspect all the papers that they have. Obviously, we could not do that and had to go by what people themselves reported. However, we did some spot checks for TLUCs and asked the village committee on which names these documents were written.

Table 5.3.1 Names on Allocated Papers (according to Village Committee)

	Names on Allocated Papers		
VILLAGE	Name on Document	Document signed by	Observed by Study Team
1. Na Thong	husband and wife	not yet signed (but space only for head of household)	husband and wife's name are written by staff; receiver is only 1 name and usually the head of household: a man
2. Natalang	n.a		not visited

	Names on Allocated Papers		
VILLAGE	Name on Document	Document signed by	Observed by Study Team
3. Kham Noy	husband	husband	not visited
4. Inpaeng	husband and wife	husband	names of husband and wife are written by staff; many are not signed at all or the staff has put the name of the receiver
5. Len	husband	husband	name of men because they were part of a tree plantation project by ADB
6. Phanip	husband and wife	no signature of receiver	husband and wife's name are written but they are not signed
7. Pha Youak	n.a for Hai		Na land: on name of seller, not yet transferred; 1 tax bill on name of wife because she paid; in most cases men pay for the tax
8. Thali	husband and wife	husband	not visited
9. Na Vene	husband and wife	husband	name of wife and husband on paper; signed by husband
10. Na Samphan	husband and wife	husband or Head of HH	idem
11. Na Ngeun	head of HH and wife	husband (head of HH)	not visited
12. Dong Khouang Thone	husband and wife	husband and wife	no papers were shown; only few families got Na land
13. Kham Syda	husband	husband	not visited
14. Huay Sam Or	Head of HH	same (husband)	on both names but signed by husband
15. Naluam	Head of HH	Head of HH	not visited
Total	Husband and wife: 7 Husband: 3 head of HH: 3	husband: 7 head of household: 3 husband and wife: 1	

What we see clearly from this table is the discrepancy between the names on the TLUC and the signature for the receiver. In most cases the papers were filled out by the staff who put both names of husband and wife. But for the receiver there is only one name required. In case the receiver can not write or is not present at the time the staff delivers the papers, the staff will also sign for the receiver who thus never has a chance to study the contents before signing. Often it was found that there was no signature at all. Only in the seldom case that a woman received the paper solely on her name, we would find her signature on the paper. Staff also told us they often put the name of the woman only to be able to discriminate

between men with the same name: e.g., Mr. Bounmi with wife Keo and Mr. Bounmi with wife Chantavi, and not with the purpose to protect the right of the woman. In fact, most of the times the women did not know or understand what is on the paper. Actually, neither did many men. Besides that, in several places we found TLUCs without date or without number. The TLUCs from before 1997, all in Sayabouri, were all expired.

When we asked villagers for whose name is on their land documents we got a more diverse picture much depending on the phase of life that the different respondents were in. The following options were mentioned for names on papers for homestead, Na and Hai:

- a the spouse's name;
- b their own name;
- c children;
- d both the spouse and their name;
- e spouse and son;
- f parents;
- g mother's;
- h mother of husband;
- i brother's;
- j.father;
- k. brother in law;
- l. relative

Options e through l were used occasionally and mostly by women from female-headed households. The option 'children' was only used by elders and by women from female-headed households. For the purpose of calculating whose name is on the paper the occasional options are counted as either belonging to the woman's family or to the man's family. Names are therefore on husband's or his family's name or on wife's or her family's name. The other options are on both names and on the children's name. A correction is made for the large number of women from female-headed households who have land papers on their name which distorts the total picture. The resulting data are as follows:

Table 5.3.2 Names on Land Documents in Percentage

100% women is 208; 100% men is 197; for the corrected version 100% women is 133

Type of Land	1 man's (or family or bought by him)	2 woman's (or family or bought by her)	3 children	4 both man and woman
1. Homestead land	42% / 49%	28% / 0%	5% / 0%	11% / 40% * _a
2. Na Land	17% / 43%	19% / 0%	6% / 1%	10% / 19% * _a
3. Hai	31% / 23%	17% / 0.5%	5% / 0%	18% / 33%
with correction for female-headed household^{*b}				

Type of Land	1 man's family bought by him) (or by	2 woman's family (or bought by her)	3 children	4 both man and woman
1. Homestead land	53% / 49%	10% / 0%	3% / 0%	15% / 40% * _a
2. Na Land	17% / 43%	11% / 0%	2% / 1%	13% / 19% * _a
3. Hai	39% / 23%	4% / 0.5%	2% / 0%	18% / 33%

*_a not sure if they bought by themselves or with their wives; in any case, they bought after marriage

*_b women of female-headed households have more often land on their name because they do not have a husband any longer; therefore, they increase the number of women with documents on their name a lot; a second calculation has been done without them to correct for the relatively high number of women with land on their name

What we find here is not the real situation per se but reflects a subjective attribution. E.g., the men in Huay Sam Or say that the papers are in their name because they are the ones who receive and sign the papers. But in other villages where we observe that the papers are also signed by the head of household, the men say that the papers are on both names because both names are written on the paper. In Huay Sam Or, a LS village, the men are heard to say several times: "LS is not like LL where the wife's name is also on the paper, it is not the same as LL". But it is important to know how people attribute the names on the land documents because it reveals their idea of who has control over the paper (not necessarily the land). For all three types of land it can be seen that women and men attribute the name to the husband in most cases. Quite a number of women attribute the name to themselves but less so than attributing the name to the husband. There are no men who attribute the name to the wife but many men attribute the name to both. It is auspicious that men attribute more Hai to both than Hai to their own name whereas Na and homestead land are attributed more to themselves than to both. This might indicate that LA of Hai equalizes out the traditional way of putting all papers on the name of the head of household whereas there has been a change in forms in 1995 and a campaign to put both names on TLUCs which are mostly for Hai. But this is not confirmed by the women's attribution that attributes more Hai land to the husband's name than to both. It is also curious to see that women attribute most their own names for Na land in comparison with attribution to their own name for Hai and homestead. It might be that they refer to Na land that is old and not included in LA and that they paid tax for by themselves. In the next part below we will see that it looks like men are actually claiming more Na land in the LA procedure than women.

A concise conclusion as to whom land is attributed to is hard to make. Definitely, for all types of land the name is attributed to the husband's name on most papers and no man attributes any land to his wife's name. It might be concluded that LA is putting more Hai on both names than was traditionally the case. And women might try to get more control over Na land by attributing their name to it because it might be about old Na land that is not allocated.

Another important question is where the land originated from. We used the following options:

- a. free land belonging to the village;
- b. land given by the head of village;
- c. land from the husband's family;
- d. land from your family;
- e. land that you bought;
- f. land that your husband bought;
- g. land that you and your husband bought together;
- h. land from your and husband's family

We have the difficulty in asking the question about buying land. When asked: 'did you buy land', many respondents will say 'yes' regardless of whom bought the land. Then if asked 'who bought it', they might reply as if 'you' means 'both' or the 'family'. We can not always be sure if, especially the men, say that they bought the land if that means 'they themselves' or 'with their spouse'. Therefore, in some cases, we had to add both categories because it was really not sure what they meant. Origin is divided into 'land from husband or husband's family or bought by the husband', 'land from the wife or wife's family or bought by the wife', land from both or both families or bought together' and 'land from the village, free land'. Origin of land was asked for Na and homestead land only because these two types of land used to be the permanent land holdings whereas Hai was flexible and is mostly regarded as being given freely by the village. Also many villagers moved and left their old Hai land. In order to compensate for this lack of information we asked the question if they used the allocated land before or used other land. Again a correction is made for the large number of women from female-headed households, which distorts the picture. The resulting picture is as follows:

Table 5.3.3 Names and Origin of Land Documents

Type of Land	1 man's (or family or bought by him)		2 woman's (or family or bought by her)		3 children		4 both man and woman		5 other/village	
	a	b	a	b	a	b	a	b	a	b
1. Homestead land	86 / 96	38 / 60	67 / 1	78 / 14	11 /0		16 / 45	8 / 1	0	88 / 84
2. Na Land	20 / 83	32 / 56	40 / 0	40 / 10	11 /0		19 / 39	34 / 18 * _a	0	28 / 40
3. Hai	64 / 46		35 / 0		10 /0		37 / 65		0	
<i>with correction for female-headed household^{*b}</i>										
1. Homestead land	71 / 96	19 / 60	22 / 1	43 / 14	11 /0		13 / 45	5 / 1	0	88 / 84
2. Na Land	8 / 83	23 / 56	15 / 0	20 / 10	11 /0		13 / 39	5 / 18 * _a	0	15 / 40

	1 man's (or family bought by him)		2 woman's (or family or bought by her)		3 children		4 both man and woman		5 other/village	
3. Hai	53 /		28 /		10		37 /			
	46		0		/0		65			

a: name b: origin

*^a not sure if they bought by themselves or with their wives; in any case, they bought after marriage

*^b women of female-headed households have more often land on their name because they do not have a husband any longer; therefore, they increase the number of women with documents on their name a lot; a second calculation has been done without them

It is clear that most of the free village land obtained is attributed to the husband's name (or his family). Land from the wife, or her family, is also attributed to a large extent to the husband's name. For Homestead land, 21 women, almost 50%, 'lost' their land to the husband's name. For Na land this is 5 women, 25%. For the Hai land 60% of the women used the allocated plots before and 57% of the men. (See table 3.7 and 3.8 in Appendix 2). This is again an indication that LA is equally done for men and women but that mostly this land came under the husband's name. 58% of the women used other plots before LA and 41% of the men. This might indicate that men claim more land than women do. The factor of fear of paying tax was definitely heard from women more than from men.

Transfer to permanent Land Use Rights

As mentioned above, all TLUCs from before 1997 are now expired. The Land Law, May 1997, states that:

"In receiving agricultural land use rights, individuals are at first issued a temporary land certificate for a term of 3 years. If, within the three-year period, the land is used in accordance with its specified use, such individual may request a land title for long term use.

Individuals and organizations authorized to use forestland are issued probationary land use certificates for a period of 3 years. If, during this period, they use the land productively and in accordance with the laws and regulations of the Lao PDR, they will be entitled to receive a title to the land for long term use. "

From the Head of Land Use we heard that originally, in the upland the TLUCs would have a period of 5 years and 3 years in the low lands. But this is not in the Land Law and we have not observed TLUCs with duration of 5 year.

According to a report reviewing Land Allocation Documents to facilitate Land Registration Process, Sept 1999, MAF has agreed to further steps in the process towards obtaining a land title. The steps would be as follows:

1. TLUC
2. Land Development certificate
3. Permanent land use certificate
4. Land title

But certificates 2 and 3 are not covered under the law and as such present a problem for their legal status. During the fieldwork we only heard one Chief of DAFO in Muang Phin talking about the land development certificate.

In answer to the question of how to solve the problem of the expired TLUCs we were told by several officials that it is the responsibility of the Distr. L&F Allocation Committee to make further arrangements about the follow-up of the expired TLUCs. The District L&F Allocation seems to have the authority to send DAFO and Distr. Land Office to check on land use. But also DAFO should take some responsibility because they signed the TLUCs. The Chief of DAFO in Muang Phin promised the villagers that he would make sure they get a permanent land use paper. The DAFO with the District Committee should make a plan and propose to the province. The problem is that they do not have budget.

In future a land title should be issued but it is not known when land titling in rural areas will start. The final transfer to a land title is the responsibility of the Land Office. We were told that they have special staff who will check who in the family has the right on land, making sure that women are not left out. They will also check if the families use the land according to the purpose. If the families need more land they can request that.

We asked in all villages if the 'completion of the LA process' was understood to mean receiving the TLUC. In all villages the answer was affirmative except for Na Samphan and Na Ngeun where they said that the TLUC was not the final step because they needed the LUC and the 'yellow' paper (which is the 'baay ta din', the land title). They were aware that there were two more steps involved. These are the only villages that seem to be aware of the full process as tested by LSFP and DOF. But these villages in the NBCA are also the only villages that are not entitled to get a land title because they live in an NBCA. Apparently, the villagers have wrong expectations and/or are wrongly informed. This is no wonder if we see that the staff of Nam Puie themselves suggest: "If providing the permanent LUC the staff suggests that the paper should be put on both names of husband and wife and signed by both of them". The staff themselves are not sure about the process for the NBCA.

Value of Land Documents

There are several indications that the Land Documents are not regarded as very meaningful by the villagers. First of all people are not aware of what is written in the documents. Many of the TLUCs are unsigned. Even a village headman, from Inpaeng, said he was not aware that there was an expiration date in the TLUC. A man from Len showed us a tax bill that was written out on 'state land'. He was not aware that this was the case and that he was working on state land according to that bill. It is no surprise that people are not aware of what is in the documents because there is no reading culture. The illiteracy is so high (for our respondents 68% for women and 29% for men) that it would be strange to find that everybody knew what is in the documents. Besides, 37% of the women respondents have difficulty speaking Lao Lum so it is really no wonder they do not understand all the details. When the Village L&F Allocation Committees were asked to if they used the TLUCs they mostly said not and only a few said that they can use it for applying for the land title and for buying and selling (which accidentally is not according to the Law that states that the land can not be sold; on the other hand it is often heard that they can sell the rights to use the land, but not the land). The fact that so many people used other, non-allocated, plots before LA, makes it highly likely that they still use those plots especially 'when the stomach is hungry', as one man in Na Samphan said. The fact that now they have a piece of paper for some plots and not for others probably makes not much difference for the villagers.

The fact that on most TLUCs the names of husband and wife are found is not an indication of to whom women and men themselves attribute the papers and it did not change anything in the way of who received the paper. It is merely a paper exercise. Except for the fact that it is believed that men often reported 'both names' because they are told that it should be that way. But there is no relation with what ought to be and with what is written by staff in the papers. In other words it is far from sure that women and men both have control over land.

The fact that the TLUCs are expiring soon will undermine the confidence that villagers have in the system, if there was any. If no follow-up is given to the expired TLUCs villagers will have no reason to put any value on the documents since they can not use it for anything. That will contribute to a further low value put on the land documents and will not help the villagers to understand the system any better.

At the same time there is a sense of knowing that these documents are important. As the main purpose of the TLUCs the villagers mentioned 'to keep others out of their land'. The second reason was 'to pay land tax' and 'to transfer land to their children'. Most of them keep the documents as good as possible in a cupboard or a suitcase. Even storage in a bottle, a traditional way, was found. This means that they do keep the documents in a certain regard and certainly do not want to loose them.

5.4 CUSTOMS AND KINSHIP

Art. 30 of Forestry Law (11 Oct. '96) states:

"The customary use of forest, forest land is the use of forest, forest land and forest produce which has been practiced for a long period and is recognised by society and/or law. The customary use of forest, forest land and forest produce must be in accordance with village regulations on forest and forest land which the village authority has determined consistent with the special circumstances of the village in each stage of its development."

Therefore, it is important to understand more of the customary use and customary rights on land use that are practiced by the villages. One way to study this is to look at various customs relating to land and to kinship. The questions to collect data on customs and kinship were new to the staff but mostly appreciated as valuable in understanding more of the life of villagers, especially non-Lao Lum people. The topics covered all have a relationship to land issues and are as follows:

- (i) Inheritance
- (ii) Residence Patterns
- (iii) Marriage Payments
- (iv) Work

Inheritance is important in order to understand customary rights on land and see whether this complies or not with inheritance under the law and what the impact of LA will be on the traditional inheritance system. Residence patterns indicate who will have control over land in the traditional way. Marriage payments can indicate the status of women, which is of importance for the access and control over land. Work is included in this section because the division of labor is bound by customs and traditional perceptions on whom does what. We want to see if LA will change these customs. The answers to the questions asked on

those topics are all subjective. This means that the answers depend on who gives the answer. The study on customs is a study on beliefs and reports on how things ought to be according to the person who is answering. In order to find out the real situation one should have to study the villages more closely for a long period of time. However, the belief system and perceptions also guide the villagers in their daily life and therefore it is equally valid to know their subjective view of reality. This view will influence the way they deal with land issues or how they believe that LA is influencing them. In order to get data as close as possible to the reality the men and women groups were compared in all three ethnic groups. If men and women agree on an issue we could assume that the reality also looks that way. If they do not we have to understand why men and women have a different view.

Inheritance

Among LL villages nearly all, women and men, say that inheritance is to all children but most to the child that takes care of the parents. The child who takes care could be both son and daughter but mostly it is the daughter. In the LT villages, both men and women say the children who take care most, which can be daughter but also, the younger son. In 2 LT villages they mention inheritance to sons only and adopted children. It is interesting to see that in 2 Katang, LT, villages, where one would expect the same inheritance system, 1 village inherits to sons only and the other to the children who take care. LS men and women report that only the sons inherit but in some cases the women mention that the daughter inherit. Most probably the latter should read: 'daughter should inherit'. We heard the story of one LS woman who told that when her parents died, her brother took all the land. Then she took all the cattle that she was taking care of and the brother got really angry with her and broke the family ties with her. Therefore, she does not want her daughters to have the same fate. Across ethnic groups it was reported that inheritance could also be to adopt children. Apparently, adoption is a common procedure (earlier observed in the Land Titling Study, Schenk, Rodenburg, Phengkhay). Inheritance was discussed both for Na and homestead land, the permanent land types, and for Hai land that used to be flexible and changing all the time. But the evolving pattern did not differ. (See Appendix 2 for Table 1.4 and 1.6 on Inheritance). One interesting difference between elders and other groups is that in some cases elders say they want the children who take care to inherit whereas the other groups are in favour of all children equally. This reflects the change in life of the elders whose other children left already and who rely more and more on the children that take care of them.

When asked if this system of inheritance was changing the following responses were noted.

- Limit on access to land (meaning they can not just select land anywhere)
- Now we have the detail of land use certificate (meaning that it is easier to proof which land is there to divide)
- Parents do not have the right to book plots of land for the children
- There are children, nephew and niece who will get inheritance next
- In case of divorce there might be a problem of asset separation
- Every household has right on land (meaning every household can claim land)
- The village can give land to the poor so they will have the agriculture land
- Changing because every plot of land has the proper boundaries. No one can exceed the boundaries because each plot of land was well measured
- Everybody knows their land, it is very useful
- Categorize the agriculture zone and forest zone
- To set up the zone and the land boundaries for everybody. To have right on land. It is really our land
- Increase production and permanent occupation

- Develop land to do Na, to grow fruit tree, to do garden
- Did not leave land without developing. Have to grow banana, pineapple, papaya as commercial crops
- Because there are many ethnic groups living together (meaning mixing start to happen)

From these responses we can see that on the one hand LA is regarded as useful because it gives every household the right to use land and they can start to grow permanent crops and develop the land. On the other hand, the boundaries and zoning will restrict the access to land where they before slashed and burned freely. The measurement of the plots makes it easy to know what to divide to the children but at the same time there is less to divide. Many women expressed their worries that the children can only inherit the allocated plots and that they can not book land for their children as before. These worries are very realistic seen the fact that there is very few reserve land in many villages and the population increase is rapid.

The LT villages reported more on changes in land transfer after LA/LUP than LL villages. This is possibly because LT communities are currently in a transition to adopt many LL customs (as we shall see in the next sections also). E.g., when we compare the two Katang villages it is highly likely that the distance to the larger town and contact with the LL is a factor in the changed inheritance system from inheritance to only sons to children who take care.

The LS inheritance system to sons might go two ways. As was observed in Pha Youak the men made a point of mentioning the difference between LL and LS in terms of whose name is on the documents. If land becomes more scarce and restricted, it might well be that the old tradition of giving land to the son might become stronger. After all, the woman goes to the house of the husband that might be in another village. But if women get their way, their daughters will also inherit and this would be in accordance with the law. If the latter does not happen there might be a disadvantage for women. Because LA invites people to invest more on their land and grow permanent crops the women will invest labor and maybe money in the plots of her parents. Once the parents have died it would be not only a loss of land for the woman but also a loss of investment if only the sons inherit. In case of divorce among LS the same problem will occur. A woman invests on the land with her husband; e.g., they plant trees. If they divorce the woman has no right to go back to the house of her parents because the spirits will not accept her. She might go back to her village but she will have to build her own house and has to get newly allocated land. It means this woman will loose everything with a divorce whereas it would be fair if she got a part of the investment that she made on land, back. Again, it will be a struggle for LS women to change these customs in which they themselves also believe. One more indication that women start to think differently, we heard from another story from a woman in Huay Sam Or who was talking with the LWU/GRID person:

"I sent my daughter to school and my husband scolds me because now there is no help in the house; did I do the wrong thing". The LWU assures her that she did the right thing explaining that nowadays women do not only do household work but that there are even female district governors now. The woman looks relieved and says: "Ah, I will tell my husband like you tell me next time he scolds me".

We can see from this story that it might take only a little information and support from the outside to give the women courage to do what they think is best for them. And that is not always what their husbands think.

Residence Patterns

Residence patterns refer to where a newly wed couple will live. LL have the well-known pattern of the bridegroom going to live with the bride's parents. This serves a purpose of giving a chance to the parents of the bride to educate the young man and let him understand the bride's family's ways. In that way the LL women enjoy a high status. This pattern was confirmed in all LL villages. Although there were also occasions of brides going to the bridegroom's parents house. This is often done when only one son is left and someone is needed to take care of the parents. Surprisingly, half the LT villages also follow this pattern. The other half has the brides coming to the bridegroom's house. In LT custom it is normal for the younger son to go back to the house of the parents to take care of them. We observed a high occurrence of divorce in LT villages and this might well be the reason. Many women might not like to move to take care of their parents in-law. In LS villages the brides all go to the bridegroom's house. In both LL and LS villages it was reported that the newly wed couple would move in their own house. As we mentioned in the section on population, this is often registered only later. In the future there might be a problem of available land for the newly weds. (For details see Table 1.1 and 1.2 in Appendix 2)

Both LL and LT notice changes in the residence custom. The LT especially noticed that nowadays the bridegroom start to live in the house of the bride. This change was observed earlier by Schenk (Women and Irrigation and Land Titling Study) and called Luminization. It seems our Study confirms this trend. The LL notice changes because they start to live on their own. And both LL and LT notice changes because they start to live in mixed villages. For LS the changes are not so clear and this confirms the concern that LS might want to keep stronger to their tradition especially in the light of new changes in society. (See Appendix 2 for details in Table 1.3)

Except for the LS it can be said that LL women and a growing number of LT women enjoy a high status with their husbands moving to them. Even in a LT village where women do live with their husband's parents, it was noticed that she could inherit land from the family of the husband if she needs it. It looks like women are quite well taken care of with respect to land.

Marriage Payments

Brideprice means that the parents of the bridegroom pay an agreed sum to the parents of the bride for the son to marry the daughter. It is also an indication of relatively high status of women when an amount is paid for them at marriage. This is in comparison to societies where a dowry prevails which means that the parents of the bride have to pay to the parents of the bridegroom. Therefore, the type of wedding payments was inquired. Immediately, it became clear that there are a wide variety of practices in the different villages. Furthermore, the matter was confused at times when talking about:

- (i) main payment for marriage: from parents to parents
- (ii) payment of the wedding and who would pay for that
- (iii) a gift given as a respect or support to the newly weds

The main payment is separate from the payment for the wedding itself and could be kept by the parents of the bride although if they are rich, they will give it to the newly weds. Besides, money and food and alcohol are needed for the big party at wedding day. Often the parents who receive the main payment themselves give a gift that could have the following meanings and forms:

- this is not a real dowry as a gift to the bridegroom parents but is meant as sharing in the wedding costs
- this is given as a token of respect for the bridegroom's parents
- the gift consists of cloth, pillows and mattresses
- cow or buffalo if parents are rich
- if parents want and can afford it, they will give a gift

Surprisingly, in all villages the brideprice was found as the main payment system. This indicates again that women enjoy a relatively high status even among LS. Mostly, the price would be in money and cattle but also silver and gold were found.

(See Table 5.4.1 in Annex 8 for details). Gifts as mentioned above were given in 6 villages. When asked if they saw a change in this pattern mostly the LT saw changes. But the changes referred to the price of the bride price which has increased. Interestingly, 2 LS and 1 LT village report a change of a decreasing bride price. This is probably a result of higher silver prices and inflation. (Most prices were agreed upon in silver which nowadays has become a lot more expensive). In villages where the price is decreasing, the custom would be to verbally stick to the old custom of e.g., 1 buffalo, 1 pig, 15 plates and 15 chicken, but in reality one gives less. More interesting details per village can be found in Table 5.4.2 in Annex 8.

The brideprice system, even in LS villages, indicates that there is a good chance for women to keep a relatively advantaged position in Lao society. And for LS women that chance is there too if they get some more education, information and encouragement.

Work

Work is an interesting topic to discuss because the answers are very much influenced by common beliefs and perception. Therefore, the data were looked at separately for the four groups. (Details are in Tables 6.2 in Appendix 2). It was found that:

- (i) female headed households have many more tasks to do by themselves (as expected)
- (ii) there is a bias when women report and men report: on the total of 15 villages men say they did tasks by themselves in 63 occurrences whereas women say men did tasks mostly in 39 cases. For tasks done by women this is the opposite: women report they do most of the work in 68 cases, whereas men report that women do tasks mostly in 50 cases. This means that both groups think of themselves of doing certain tasks more than the other gender but the other gender sees it differently. This shows the need for observation when one has to correctly assess who is doing what.
- (iii) tasks that seem to be mostly done by women are: milling, seed selection, fetching water and firewood and collecting NTFP (the latter is also done by both a lot)
- (iv) Tasks mainly done by men are ploughing for Na, slashing (although an equal number of both was mentioned), burning, harrowing and minor hunting; surprisingly, weeding came out as a task done by both;
- (v) LT women seem to do more of the hard work in ploughing for Hai, stick planting in Hai, and putting animal manure although all these tasks are also done by both
- (vi) LT and LS mentioned that children did a lot of tasks (more than LL); interestingly, the men mentioned children work for many more tasks than women; it is not clear what causes this

The findings cross cut completely through the ethnic groups so no conclusions could be drawn on which women or men worked more on specific tasks. It was noticed that all groups mentioned many tasks done by both. It might be an indication that things are changing and that LT and LS men start to work more than was reported about them in the past. This might also be the reason that the task of 'weeding' is not particularly done by women as is commonly assumed and found in other studies (Phengkay, Women and Land Allocation) . Another reason might be that the question was not really asked in detail. For Hai there are 3 to 4 weeding and if asked in detail, the picture might revert back to the familiar sight of women doing most of the work. During the discussions women were often heard to report about the increase in weeding. NTFP are collected a lot by women but also by both. An interesting question that comes up here is if the reason for the interest of the men might be that they can sell the NTFP. It might be that women collect NTFP for consumption and men for selling. This should be further researched.

There is another reason to believe that men start to work more. Nearly every group has reported an increase of work and someone has to do all that. It would be a relief for women when they do not have to carry the whole burden of the additional work. And it seems that indeed the men are more supportive than often found in studies in the past. The LP staff also remarked this. But it was also found when the groups were asked which tasks had become more difficult. More men than any other group reported that fetching water had become more difficult. Since traditionally, fetching water is a task done by women, this might reflect a change in men's behavior and maybe they start to help quite recently and experience it as more difficult for that reason. Or, men are more aware of lower water levels in the river, but this would be strange since women would be also well aware of that. But women did not notice that water fetching became more difficult.

For fetching firewood we found that especially, the elders and the women of the female-headed households replied that firewood fetching became more difficult because it was far and the forest was restricted and they could not cut trees. Of course, this reflects the age, health and situation of those groups but it could also be said that LA/LUP impacts the work of the less advantaged groups more. Elders also report that collecting NTFP became more work and apparently they are the ones that experience collecting NTFP as more difficult than the other groups. Men and women do report that NTFP collection became more difficult but only when they live on mountaintops, LS, and in the NBCA with all the rules.

Furthermore, elders mentioned the following tasks that became harder:

1. Na Thong: work in the Na is harder
2. Natalang: to collect firewood and fetching water because the river is almost dry during the dry season and the firewood is far away
3. Kham Noy: to develop land and Na
4. Dong Khouang Thone: to take care of nephews and nieces
6. Phanip: taking care of children and doing Hai
7. Pha Youak: Hai work, harvesting, rice transplanting
8. Thali: taking care of children, nieces and nephews
9. Na Vene: rice cultivation; illness
10. Na Samphan: rice insufficiency; problems of health
11. Na Ngeun: not doing anything
12. Dong Khouang Thone: to take care of nephews and nieces
13. Kham Syda: fetching water and firewood, live alone, no children, eyes not seeing well, ears not hearing well, falling tooth

14. Huay Sam Or: can not work properly even in Hai and Na as when we were young
15. Naluam: to produce for surviving because we are not so strong as when we were young

From this we can see that elders experience tasks as more difficult in general and then the changes brought about by LA/LUP in terms of imposing boundaries and restricted access are only additional burdens that are experienced as more difficult. But taken into account that the elders indeed can do less but actually have to work more after LA/LUP, it can be said that life of the elders became more difficult after LA/LUP. The same is true for women from female-headed households. But for women with a family it could be that life is getting a little less difficult because men start to help more. Or, more likely, the additional burdens brought about by LA/LUP might be shared more evenly and the burden of women is still a huge one.

5.5 PROCEDURES OF LA/LUP IN THE VILLAGES

Role of Village Committees and Village Head

The role of village committees for L&F Allocation must be seen in the light of PM001/11 March 2000 on decentralization, which recommends the building up of:

- strategic units at the Province
- planning and budgetary units at District
- implementing units at village level

This will increase the power of the village heads and village committees. Their role will become more and more prominent. E.g., registration of land use, collecting tax, controlling the use of land by villagers, having the power to distribute land, etc. As long as there is enough land this is not a problem, but if land becomes scarce the question is if the village committees for L&F Allocation will be able to deal with increasingly conflicting requests for land. When we asked the committees if they understood all LA/LUP procedures only one village, Na Thong, answered affirmative. Most committees did not answer this question which is an indication that they do not understand much. In one village they admitted that they did not understand everything but at least that they knew about the village boundaries and how to administrate that. In this village, Dong Khouang Thone, they said they placed already many signs at the trees in the forest and indeed, one could see little plates all over the forest. Some saying 'booked', which looked quite impressive in a large forest.

Village committees were established in all villages where LA took place in the year of LA. The composition of the committee is similar in all villages but some villages have some more members like the village nurse who apparently has some status in the village (Na Thong). A committee consist of Village Head, Deputy Head, village Guard, village forester, village party secretary, village nurse, members of the Front, members of village LWU and some members of the village committee. Also a committee beyond the village boundaries was mentioned in which District staff, the Governor, Distr. Finance office, the forestry unit of DAFO and PAFO sit. In the NBCA someone from the rural development office is also added to this committee. In Len and Na Thong we found another committee in which village heads of other villages and the Distr. staff sit. In 2 villages some members of the committee were changed because they married or moved on to do another task. In one case the headman was changed and then the villagers wanted to have a new committee to work better (Na Samphan). This is encouraging and a sign that villagers have a say over the committee. It seems necessary that villagers have control over the committee which otherwise becomes too powerful in making all the village decisions on land.

The village committee also regulates customary rights that are formalised, but not legalized. As we have seen in the section on customs, these rights might conflict with the aims of the Land Law. The question is if the village committees for L&F Allocation understand enough of the differences and consequences of the legalization of land use and the customary rights practiced in the village and if they could find balanced solutions to conflicting practices as well as convince the other villagers of the new practices in accordance with the village regulations and the Law. It was observed by the staff in LP and Sayabouri that the village committees for L&F Allocation did not know much of their tasks. They waited either for a command by the village headman or by the district. Although it is hard to justify from the current Study it is believed that the Village L&F Allocation will need a lot of training and encouragement in order to be able to guide the village through the next round of land requests.

Training/Meetings

The process of LA took from 1,5 month in Len to 5 days in Naluam. The village committee of L&F Allocation was asked where they learned how to implement L&F Allocation. Most of them answered that they learnt from the project, from the District staff and from the GoL. One village said it learned from another village, one from another province (strangely, Naluam in Sayabouri said that they learned from Saravane; it is not clear what happened there). In only a few villages the committee could remember how many times they had met which varied from 2 to 7 times. This question was also hard to answer because there might have been several small informal meetings but only a few large gatherings with the whole village. In one village it was said that the village headman was called to another village to hear about LA and then had the task to inform the villagers in his village. All villages answered that all families were informed about LA/LUP. In Na Vene they said that the people who understand the procedures got land, and the ones who do not understand did not get land. But the village committee of L&F Allocation that made this comment failed to see the relation with their own role in explaining to the villagers what it is all about and to help them to request for land in a proper way.

In all villages at least a few of the respondents had followed some kind of training. Also in the non-project villages they went to training about practices in the Hai, Na cultivation and about cultivation of fruit trees. Also training or meeting with the LWU was mentioned often and there would be training on weaving, natural dye, education or chicken raising. One training was about women rights in Huay Sam Or, a LS village. From the data it could not be seen if there is a difference in the number of training or the contents of the training between project and non-project villages but it did not appear so. It seems that DAFOs and LWU are getting to all villages to set up training on various topics.

Decision-making

Decision-making is an important issue because the one who makes the decisions has the control. Therefore, questions were asked about decisions on land use. It is not such an easy question because people understand decision-making differently. It could mean that discussion is included in it, in which case many men say they decided together with their wives. But it could also mean the final say and then it would often be the husband who decides. Or, in 3 cases it was reported, the village committee because they approved the land use of a plot with their stamp.

In asking about decision-making we see the same bias as in asking about the names on the land documents. 16% of women say that their husband decides (13% when corrected for women of female-headed households¹⁴) whereas 40% of the men say that they decide by themselves. Surprisingly, 38% of the women say that they decide by themselves (19% for the corrected version). This is quite high but is distorted by the fact that there were so many women participating in the discussion in Huay Sam Or. Surprisingly, the women in Huay Sam Or, a LS village said that they decided by themselves on land use before and after LA/LUP. This might be caused by the traditional labor division in LS communities which gives the bulk of the work to women. But in this village, if we compare the work of men and women we see a lot of work done by both (reported both by men and women). If we correct for the high number of women in Huay Sam Or, the percentage is much lower: 15%. And 0.5% of the men say that their wife decides. 68% of men attribute decisions to themselves together with their wives whereas 33% of women say that (27% for the version without female headed farmers). (For more details see Table 4.1 and 4.2 in Appendix 2)

Table 5.5.1 Attribution of decision-making by women and men before LA/LUP

Decision by:	husband	wife	both	children
women	16%	38%	33%	9%
men	40%	0.5%	68%	2%
<i>corrected version</i> ^{*a}				
women	13%	9%	27%	0%

*a without women of female-headed households and women of Huay Sam Or

This means that men say that they decide together more often than that they decide by themselves. Depending on the inclusion of Huay Sam Or women and women of female-headed households more women say they decide by themselves than together and even less for decisions by their husbands. But if we use the corrected version women attribute decision-making mostly to both, then to the husband and then to themselves. This pattern looks the same as the pattern for the name on the land documents and reflects a belief that men should decide and control public affairs. Whereas men themselves have the idea that they decide together and have both names on the paper because they might have discussed the issue with their wives. It reflects a self-image of women as being dependent on the man's decisions.

The decision-making by the children was mentioned by the elders and by the women of the female-headed households (10% of the total of women in this category). It is quite understandable that elders want their children to decide and some women are happy to give this additional burden to the children.

The decision-making before and after LA/LUP does not differ much. Only 4 persons, 1 woman and 3 men, say that the village committee is deciding on land use after LA/LUP but this could be seen in the light of the above mentioned interpretation of decision-making.

Women Participation

It is a little difficult to ask about women participation in hindsight. Even village committees and villagers know that we would like to hear that women participated, so they all say 'yes'.

¹⁴ naturally, the number of women in this category decide on more issues by themselves

In 14 villages the village L&F Allocation said that they talked with women about L&F Allocation. Only in Inpaeng they said they did not. For a one-time meeting with DAFO staff and/or LWU (it was not clear which meeting they referred to) there were an average of 10 persons in Huay Sam Or and 75 persons in Inpaeng (this is conflicting with the former statement in Inpaeng and reflects the difficulty to ask such questions in hindsight). In 10 villages women attended the meetings on LA whereas men did in 14 villages. The villages where women said they did not attend are outside the project area so one might speculate that project villages paid more attention to women than outside. But at the same time also women in Thali, Pha Youak and Na Vene report that they did not go (but other women did go) and Thali and Na Vene are all villages with a lot of project activities. Anyway, we will have to look at what it means that women participate. It was observed, especially in Huay Sam Or, that women came to the meeting only to stand there but not to involve. Actually, we should study the active involvement of women and that can only be done by observation. Fact is, that women in Phanip when they finally came to the meeting, because they were left out by the headman who only invited head of households, a fact remarked by one of the women of the village, were more focal than expected and wanted to sit in the front row. This was clearly a result of some encouragement and training by the project in the past.

The involvement of women in LA procedures in the village was reported quite positively but the knowledge and understanding of the women on the procedures was clearly much lower than from the men. We must not forget that a high percentage of women does not speak Lao Lum and can understand it only for a certain part. Women also do not think that work like data collection and meetings is also for them so they tend to keep away. But once a discussion is held with women in which the issues are explained properly, they start to become interested. One woman in Done Khouang Thone told that she was remarried and had asked her new husband to register her land. So he did and put it on his name. Now she was asking the interviewer if she could change that because she realized now that she should not have done that. This shows that a short discussion can make women aware and let them think about the issues at stake.

The involvement of women in the discussion on the forest agreement which took place in all villages was much lower. 32% of the women joined a meeting on this and 92% of the men. The main reason for not going was that they were not invited or that their husbands went to the meeting. It could be that for LA the staff was trained in gender awareness and the importance of involving women whereas they did not have that training for the forest agreement. If we look at the important role of women in using the forest for firewood and NTFP collection, it would follow that women would even have to be more involved than men.

For training, it was reported that 46% of the women did not go to any training. This was 43% for the men and does not show a big difference. This is partly so because so many women went to the training and meeting by LWU but even there quite a number of men attended. From these figures it does not seem the case that women are attending training less than men. It might be that staff gradually gets the message and invites women and men alike. But the fact that there were hardly any women in the elder group and in the village committees (except for the LWU representative) shows that women are not automatically attending meetings unless specifically asked and even encouraged to come.

Conflict Resolution

It was tried to get an answer to the question if there were people using land outside their allocated area and without it being land that they pay tax on already. The village committees

on L&F Allocation mentioned the occurrence of offenders in 6 villages. In 2 cases the offenders got a warning and in 5 villages the district was informed to fine them. In the province of Savannakhet there are already 44 cases of families who use land outside the allocated area. Their names are filed with the Provincial Committee for L&F Allocation. These families will first get a reprimand. This means that all the people who did not declare their land and do not pay tax will in the future use land illegally and are up for fines. We have the impression that women are more in this category because they do not understand enough and are only afraid to pay tax. In the future they will be offenders who will be fined if they are not warned and told what to do.

When the discussion groups were asked if there were any conflicts or offenders to the new rules of the LA/LUP, all groups said not. But the village committees did mention a number of conflicts. For conflicts inside the village they could be solved by talking in the village and by asking district staff to help. The following conflicts and ways of solving the conflict were mentioned (from Table 4.3 for Village Committees in Appendix 2):

- the new owner gave back the land to the former owner who got the paper already and former owner paid some labor costs to the new owner
- there was overlap during the measurements but they were discussed and solved
- solved and agreement reached among villagers
- village committee invited concerned persons to discuss together and solve the problem in front of the village committee
- because new couples did not have land yet; only their parents got TLUC
- Village head involves in solving conflict by distributing land to suitable families
- Village L&F All Com. will judge the ones who have few land because they do rotation in Hai without LU paper
- warning and clarification discussion on how to avoid negative impact from production

6 of the 13 Villages with LA mentioned conflicts with outsiders. In 2 of the 6 villages the conflicts were solved. The way of solving was to ask the district to help. Many villagers mentioned that conflicts within the village have lessened after LA/LUP because now the demarcations are clear. But conflicts with villages outside seem to increase or to become more serious now that the boundaries are strict. The fact that all villages mention the use of the TLUC for keeping others of their land is a sign that people are getting more serious about their own land. This is a direct consequence of the time they invest in developing a fixed plot of land. It also means they can not stroll into the neighboring village's forest to collect firewood or NTFP because they might face a fine. We wonder how this will work out for the many villagers who used to have land in other villages. This is usually accepted as long as the village headman agreed on it. After LA, they should have to apply for the plots already in use and the question is if they will get them and if they will have to pay extra for it. When asked about the frequency of communication of villagers with villagers of the neighboring village in only 3 villages women of female-headed households say regular and in 3 villages an older woman and 2 older men and in 1 village the women say that they communicate regularly. In 7 villages the men and women from female-headed households say they never communicate. This is not very encouraging for creating networks of villages that could work together on a better future and exchange experience in alternative techniques in agro-forestry and livestock raising. Extension activities rely on forming networks between villages but it seems like villages are starting to be more on their own. However, LSFP has also shown that when discussion with neighboring villages is done from the start during the process of LA, it could also strengthen the bondages between villages. The DAFO in Lao Ngam gave a good example of how to solve boundary conflicts:

“The staff of the forest unit of DAFO work together with a village and its neighbors to discuss about their village boundaries. If the representatives of all villages understand and agree, then they will make the agreement together and will sign it. After signing the agreement will be send to the DAFO and then to the District Governor for approval after which it is sent back: 1 copy to each village.”

Village Forest Agreement

In 7 villages the village forest agreement had not been signed. In 2 of those villages we saw a copy of the rules and regulations of forest use and it looked like a standard agreement written by the staff in which the villagers were most probably not involved. In 6 villages they did sign the agreement and apparently they had a number of meetings on it, from 1 time in Na Samphan to 10 times in Kham Noy. These villages also set up a special committee for the implementation of this agreement. In those villages the village committees for L&F Allocation reported that the decision to sign was taken by the village authorities with all the villagers. From the way in which they answered the question it seems that the villagers were quite actively involved. This was not the case when asking the women if they attended. Their attendance was low in comparison to the men’s attendance. It might very well be that the village committee thought about the men when answering that the villagers had decided. Only in the NBCA villages there were offenders to the agreement who got a fine. It is no wonder that the offenders were first reported here because the rules are stricter, the pressure on land and forest is large and the staff controls much more intense than in other areas.

5.6 STAFF AWARENESS

Procedures

The staff in all districts says they understand the procedures for LA/LUP well. Indeed they can sum up all the steps and sub-steps in writing a LUC. Also the staff in the districts outside the project understand well. This might be because they got training from the project. Also between the villages within and outside the project districts it was hard to find a difference that could be attributed to being part of LSFP or not. The conclusion is that the steps procedure for LA is well integrated into the system and is implemented a good as possible. In one province it was reported that they could not do the extension step because they did not have budget. All districts said they spent time on LA in the villages but whereas they would need only 2 days in Nan, they would go as long as 2 weeks per village in Lao Ngam. It is highly likely that the district staff interpret the implementation of the steps in a different way in the different districts.

Staff did advice villagers about the following issues (according to themselves):

- About the right to use the forest for collecting NTFP. About the solution to solve the conflicts between people about the boundaries of the plots.
- Advice about land rights, advise that villagers could not use some areas for agriculture and that they should follow the village rules of using land.
- Referring to decree No. 27/PM to propagate widely to the people to declare their land tenure.
- Propage the land and forest law and formal letter 345/Governor of Sayabouri about resettlement, permanent occupation and L&F Allocation.
- especially in Nam Puie:

- the objective of L&F Allocation
- rule of land use in the village
- advice on growing crops, rotating crops, improving soil
- gender

The villagers do remember this advice and report that the DAFO gave them the following type of advice:

Rights and Rules on Land

- About land allocation's rule and women's right and tasks towards land
- Birth planning and good wife for husband and model family
- We got the advice from the village head
- Right to use land/own land
- Advice about land law, forest law and other documents on land use
- To protect the allocated land and cultivate on it
- To protect trees, learn about the village's rule and about the land use
- Rules of land and forest allocation, forest protection and right on land
- Advice to everybody to follow the rule of land and forest use
- Should use only the allocated land, it is forbidden to slash other protected area
- Know our land boundaries, could not slash anywhere else
- Have to use land if not we will be fined
- Only use it (not sell it)
- Advice for not selling and buying land if in the future they need more land then they can request it more
- Should put husband and wife name on land document
- Each type of forestland's boundary.
- Know the village boundaries, forest conservation area, the fallow areas and the rules
- Land regulation and right on land use

Land Use

- About land use
- About land use on the allocated land
- About crops cultivation
- To use land for the right purpose
- To use land properly – agriculture land doing agriculture and forest land keep for forest
- About using land effectively
- To be responsible for production
- Should develop the allocated land; if not, after 3 years, the village and district might withdraw it back the right to use it.
- After we finish developing our allocated land, we will ask the staff to re-measure the allocated land.

Technical

- Doing Hai in the same plots, advice to grow crops
- About cultivation, especially growing rice and doing agro-forestry
- About agriculture (rice, crop, mulberry, banana and sugar cane)
- Bean crop, doing fishery, rice growing for two season –dry and rainy season
- To grow crop, chilly, eggplant, papaya and banana
- Which crop will grow on which plot for suitable land use purpose

- If no water in Na land than doing ploughing Hai and growing bean

It is clear that the staff does their best to bring information and advice ranging from policy to technical issues to the villagers. However, some confusions and weaknesses in the communication of staff and villagers were also observed. It was noticed that staff often was confused about the name for the land documents and called a TLUC a 'baay ta din', which is a land title. None of the staff was mentioning the expiration of the TLUCs as a problem. Staff mentioned that they had never really looked at the TLUCs and at the receiver's name or the date. The district staff was often heard to say: "the villagers do not understand yet" but never the link with their own work was made. But one official said: "Many problems in misunderstanding of the LA procedures by the villagers are due to the working of the district staff. Often the staff did not complete the LA work according to the manual and the 8 steps. The staff often rush to finish their work without studying the documents and are not sensitive to the village environment they are in. They do not understand that villagers do not understand things the same way they do. The staff see their work as their own work that has to be completed but do not see that they should work for the benefit of the people".

Many technical staff says that it is not their work to propagate the government policies since they are technical staff and only come to do measurement. In order to propagate the government policies the District Governor is invited to the villages to present the land law and LA procedures. But that is only an event of one or half a day. After that the technicians come for the implementation but there is no bridge to give villagers a chance to understand the process and think about it. There is no staff assigned to discuss these issues with the villagers sufficiently. Extension staff could do this as part of extension.

Gender Issues

In all districts, also the districts outside LSFP, female staff was assigned to work on LA. This is a favorite condition for involving women in the process. This is what all districts answered when asked if they did pay special attention to reach women in the village:

Phine:

We did open the meeting for all. They did not have specific discussion with women.

Champone:

We invited only the head of household to attend the L&F Allocation meeting. We did not invite women specifically.

Lao Ngam:

Women participation is rare in meetings. The meetings are often organised in other villages and only heads of households attend. If the chief of household is busy, then the wife will replace him.

Nan:

They assigned woman to work in the LA committee. She is the LWU representative of the village.

Sayabouri:

We are aware on women and invite them to participate in the village meeting during the 7 days work in the village. He saw the women coming (but they did not really involve).

Nam Puie:

We are aware of women and invite them to attend the meeting, training on gender, birth planning and advice women about household economics

This means that only in Sayabouri women are specifically invited. And even then it was observed by the staff that women do not really actively involve but merely come and look on. Lao Ngam staff gives one reason why women do not participate as much as men, because the meeting is held in another village. But apparently, if the husband can not go to the meeting, then the wife has to go, so it is possible. In Phine they just open the meeting to all but do not invite women specifically. And in Champone they only invited head of households. Nan is a showcase of how gender issues are addressed by many district staff: 'Just appoint a village LWU representative in the committee and that will cover all the gender issues and all women will be represented'. And this is where women are losing out because they are not being represented as well as they could. This single LWU representative might have the task to represent women but she is only one woman among many men. Often she is herself still shy and untrained and does not know too little about the issues at stake. So, staff and villagers feel that women are represented because this one woman of LWU is there, but in reality not much is accomplished on behalf of women.

In Sayabouri, the staff themselves said that they still are not aware enough on gender issues. They also noticed that the women group needs more time than the men group to answer the questions because of language difficulties and because they understand less than men. But in Saravane the staff said that they often saw more women than men working with them and that they can exchange many ideas together. In Na Thong staff was saying that women did not attend much because they were all in the field. This was certainly true but also a lot of women were seen walking around in the village doing various things. It shows that women need to be convinced to come to a meeting. They should be given good reasons to go to a meeting and should be encouraged. This is actually a task for the gender person on the staff. As we know some of the gender responsible staff still need training and experience to do their work well. Which is not to say that these gender responsible persons are solely responsible for the involvement of women. Staff should still learn and understand this issue and the importance of it better. The lessons learnt by the staff show that they themselves also see this as weak point that they should try to counteract.

6 CONCLUSIONS

The conclusions will be given under three headings:

- 6.1 Findings of the Study
- 6.2 Impact of LA/LUP
- 6.3 Potential Threats to less advantaged Groups

The conclusions will be written as summaries of the elaborated findings in section 5. Some points are related and others are not, which is indicated with sub-headings

6.1 FINDINGS OF THE STUDY

Land Allocation

- (i) The only villages that seem to be aware of the full process as tested by LSFP and DOF are in the NBCA. They are also the only villages that are not entitled to get a land title because they live in a NBCA. Apparently, the villagers have wrong

expectations and/or are wrongly informed. Besides, the staff in the NBCA also seems to think that in the end people are entitled to a land title.

- (i) The methods as described by DOF in the manual on LA are quite extensive and well thought out. It seems the focus should be more on implementation of the steps than on the method development itself. Except for the fact that the 7th step of Extension should not be a step in LA/LUP but rather LA/LUP should be part of extension as proposed by NAFRI. Instead of the extension step a step is added for setting up a proper data base for LA/LUP with all the LUCs registered and recorded as proposed by NAFRI. Improvements in LA/LUP can be made in the implementation if budget and planning support it.
- (ii) Villagers can not sell land with a TLUC. But if they invest already in the land by developing it for 3 years and they do not get a more permanent paper, they might want to transfer it and they will just inform the village head. The DAFO head in Lao Ngam says this is permissible when they really develop the land.
- (iii) Some villagers believe that LA is a like a land reform giving land to the poor. Therefore, they do not want to declare their land in fear of losing it.
- (iv) The expiration of TLUCs threatens the confidence of villagers in the district staff.
- (v) The increase in populations and the number of youth in the rural areas will mean an enormous pressure on the land that is already allocated. As seen from the Study most villages do not have much land for future generations.
- (vi) Land transfers, inheritance and other changes are not recorded. The villagers and the staff regard Land Allocation as a one-time exercise without any link to the future use of land.

Land Documents

- (i) There are different names used for the same land documents by both staff and villagers, which is confusing.
- (ii) There is a discrepancy between the names on the TLUC and the signature for the receiver. In most cases the papers were filled out by the staff who put both names of husband and wife. But for the receiver there is only one name required which is mostly the name of the head of household.
- (iii) Staff often put the name of the woman only to be able to discriminate between men with the same name.
- (iv) A concise conclusion as to whom land is attributed to is hard to make. For all types of land the name is attributed to the husband's name on most papers and no man attributes any land to his wife's name but many men attribute the name to both. It might be concluded that LA is putting more Hai on both names than was traditionally the case. But this is not completely confirmed by the women's attribution that attributes more Hai land to the husband's name than to both. And women might try to get more control over Na land by attributing their name to it because it might be about old Na land that is not allocated. Quite a number of women attribute the name to themselves but less so than attributing the name to the husband.
- (v) The fact that on most TLUCs the names of husband and wife are found is not an indication of to whom women and men themselves attribute the papers and it did not change anything in the way of who received the paper.
- (vi) The fact that now they have a piece of paper for some plots and not for others probably makes not much difference for the villagers.
- (vii) It is clear that most of the free village land obtained is attributed to the husband's name (or his family). Land from the wife, or her family, is also attributed to a large

extent to the husband's name. This is again an indication that LA is equally done for men and women but that mostly this land came under the husband's name.

- (viii) 58% of the women used other plots before LA and 41% of the men. This might indicate that men claim more land than women do. The factor of fear of paying tax was definitely heard from women more than from men.
- (ix) In several places we found TLUCs without date or without number. The TLUCs from before 1997, all in Sayabouri, were all expired.

Inheritance

- (i) Among LL villages nearly all, women and men, say that inheritance is to all children but mostly to the child that takes care of the parents. The child who takes care could be both son and daughter but mostly it is the daughter.
- (ii) In the LT villages, both men and women say the children who take care most, which can be daughter but also, the younger son.
- (iii) LS men and women report that only the sons inherit but in some cases the women mention that the daughter inherit.
- (iv) The LS inheritance system to sons might go two ways: either the men consolidate the traditional system in the light of the pressure on and the new valuation of land and the position of the sons becomes stronger or the women's voice gains momentum and they start to follow the law that provides for inheritance to both daughters and sons. It might take only a little information and support from the outside to give the women courage to do what they think is best for them. And that is not always what their husbands think.
- (v) In 2 LT villages they mention inheritance to sons only and adopted children.
- (vi) In 2 Katang, LT, villages, where one would expect the same inheritance system, 1 village inherits to sons only and the other to the children who take care.
- (vii) Many women expressed their worries that the children can only inherit the allocated plots and that they can not book land for their children as before. These worries are very realistic seen the fact that there is very few reserve land in many villages and the population increase is rapid

Residence Pattern

- (i) In LL villages the bridegroom goes to live with the bride's parents. In LT villages both situations can be found with bridegrooms moving to the wife's parents house and brides moving to the bridegrooms' parents house. In LS villages it is the general rule that the wife moves in with the bridegroom's parents. In both LS and LL villages it was reported that newly weds go to live by themselves.
- (ii) Both LL and LT notice changes in the residence custom. The LT especially noticed that nowadays the bridegroom start to live in the house of the bride.
- (iii) Except for the LS it can be said that LL women and a growing number of LT women enjoy a high status with their husbands moving to them.
- (iv) Even in a LT village where women do live with their husband's parents, it was noticed that she could inherit land from the family of the husband if she needs it. It looks like women are quite well taken care of with respect to land.

Brideprice

- (i) In all villages the brideprice was found as the main payment system. This indicates again that women enjoy a relatively high status even among LS.

- (ii) The brideprice system, even in LS villages, indicates that there is a good chance for women to keep a relatively advantaged position in Lao society.

Work

- (vii) The findings cross cut completely through the ethnic groups so no conclusions could be drawn on which ethnic women or men worked more on specific tasks.
- (viii) Women of female-headed households have many more tasks to do by themselves (as expected)
- (ix) There is a bias when women report and men report. Both groups think of themselves of doing certain tasks more than the other gender but the other gender sees it differently. This shows the need for observation when one has to correctly assess who is doing what.
- (x) Tasks that seem to be mostly done by women are: milling, seed selection, fetching water and firewood and collecting NTFP (the latter is also done by both a lot)
- (xi) Tasks mainly done by men are ploughing for Na, slashing (although an equal number of both was mentioned), burning, harrowing and minor hunting; surprisingly, weeding came out as a task done by both;
- (xii) LT women seem to do more of the hard work in ploughing for Hai, stick planting in Hai, and putting animal manure although all these tasks are also done by both
- (xiii) Fetching firewood and NTFPs are definitely affected by Land Allocation and Land Use zoning and became much harder tasks. By having many rules the areas where they can collect are restricted and further away.
- (xiv) There is reason to believe that men start to work more. The staff observed this; there is a general drive in the communities to work more to raise income and men report that their tasks became harder.

Agricultural Changes and Extension

- (i) In many villages it was mentioned that the soil fertility is decreasing in the Hai land because of shorter fallow periods. There is an urgent need for extension to help farmers to develop new agro-forestry methods.
- (ii) The success of intensification of cultivation practices concentrated on smaller areas will be dependent on extension of the use of new technologies. For the agricultural changes to take place a lot of extension work will be needed.

Women Participation

- (i) Women are not automatically attending meetings unless specifically asked and even encouraged to come.
- (ii) A large part of women can not read and write and a considerable part of them can not speak Lao Lum language even in the case they can understand it. Even among men nearly a third of them can not read and write but they can understand and speak Lao Lum. This presents a definite problem for the introduction of a system based on written land certificates and forms with information for the land user.

- (iii) The involvement of women in LA procedures in the village was reported quite positively but the knowledge and understanding of the women on the procedures was clearly much lower than from the men.
- (iv) The involvement of women in the discussion on the forest agreement which took place in all villages was much lower.
- (v) For training, not a big difference was shown for the attendance by women and men. It does not seem the case that women are attending training less than men.
- (vi) There were hardly any women in the elder group and in the village committees.

Role of Village Committee and Village Headman

- (i) Village administration becomes more and more complex because of the tasks given to the village head and the village committee by the administration. E.g., registration of land use, collecting tax, controlling the use of land by villagers, having the power to distribute land, etc. Another reason that it becomes harder is that more and more people move into the villages and the population increase. It is hard to keep track if people do not come to register by themselves. Maybe people also do not know where and how to register and it is not widespread knowledge.
- (ii) When people do not register their family as a separate family their land might also come under the name of the family head under whose roof they live or have lived. The lack of proper administration in a lot of villages will make it difficult in the future to find out who owns which land.
- (iii) It is very hard to document all land especially when it is not measured correctly in all situations.
- (iv) The village committee also regulates customary rights that are formalized, but not legalized
- (v) In NBCA the record keeping of the village heads leaves a lot to be desired. It was as if nothing has happened in this area since the project helped with putting up the boards with village information in 1998.

Training

- (i) In all villages at least a few of the respondents had followed some kind of training.
- (ii) From the data it could not be seen if there is a difference in the number of training or the contents of the training between project and non-project villages but it did not appear so. It seems that DAFOs and LWU are getting to all villages to set up training on various topics.

Decision-making

- (i) In asking about decision-making we see the same bias as in asking about the names on the land documents. Men say that they decide together with their wives mostly and then by themselves. Women attribute decision-making mostly to both, then to the husband and then to themselves. This pattern looks the same as the pattern for the name on the land documents and reflects a belief that men should decide and control public affairs. Whereas men themselves have the idea that they decide together and have both names on the paper because they might have discussed the

issue with their wives. It reflects a self-image of women as being dependent on the man's decisions.

Communication with outsiders

- (i) In 7 villages the men and women from female-headed households say they never communicate. This is not very encouraging for creating networks of villages that could work together on a better future and exchange experience in alternative techniques in agro-forestry and livestock raising. Extension activities rely on forming networks between villages but it seems like villages are starting to be more on their own.

Staff Awareness

- (i) The staff in all districts says they understand the procedures for LA/LUP well. . Also the staff in the districts outside the project understand well.
- (ii) The steps procedure for LA is well integrated into the system and is implemented a good as possible.
- (iii) Staff advised villagers on range of topics about techniques of agriculture, rights and rules on land, land use. The staff does there best to bring information and advice ranging from policy to technical issues to the villagers.
- (iv) It was noticed that staff often was confused about the name for the land documents and called a TLUC a 'baay ta din', which is a land title.
- (v) None of the staff was mentioning the expiration of the TLUCs as a problem.
- (vi) Many technical staff says that it is not their work to propagate the government policies since they are technical staff and only come to do measurement. In order to propagate the government policies the District Governor is invited to the villages to present the land law and LA procedures.
- (vii) In all districts, also the districts outside LSFP, female staff was assigned to work on LA. This is a favorite condition for involving women in the process.
- (viii) But only in Sayabouri women are specifically invited for meetings on LA/LUP. And even then it was observed by the staff that women do not really actively involve but merely come and look on.
- (ix) The quick solution to pay attention to gender issues is: 'Just appoint a village LWU representative in the committee and that will cover all the gender issues and all women will be represented'. This is where women are losing out because they are not being represented as well as they could. So, staff and villagers feel that women are represented because this one woman of LWU is there, but in reality not much is accomplished on behalf of women.
- (x) Staff should still learn and understand the gender issue and the importance of it better. The lessons learnt by the staff show that they themselves also see this as weak point that they should try to counteract.

6.2 IMPACT

The right to use land

- (i) Villagers who did not declare their own land because of fear of tax or other reasons might end up with no rights to use the land because they do not have a TLUC. They run the risk to be fined to work on land for which they did not have approval and besides they also might not use the land according to the land use zones.
- (ii) But also people who had their old land measured by the land office in order to pay tax run a risk when finally the transfer to a land title will be made. It is not sure if the land titling procedure allows the tax bill for the old land to be converted to a land title since the land title procedure sees the land tax bill as only 1 piece of proof for user rights. If land titling only takes the land tax bill together with a TLUC as sufficient proof for the right to receive a land title, the people who only got tax bills for their old land which is newly measured or for which they pay tax since 1993, might be deprived of the land title.
- (iii) If people do not declare that land, they might lose it once land is recognized as property with a value. Where they had rights to use the land traditionally, these rights might vanish with the formalization of rights on use of land which becomes dependent on the possession of the right documents.
- (iv) The life of the villagers is changing: they can not slash and burn as they used to do, they have to intensify agriculture and they have to follow many new rules.

Claim of Land

- (i) It is difficult to claim good quality of land because the good land is already taken.
- (ii) Land allocation can only be done according to the land use zones. But agricultural reserve land is rapidly decreasing and with the next generation growing up, it will not be long before there is no agricultural land to be allocated anymore in most villages.
- (iii) Many people have land they use in the agricultural zone of their own village and agricultural zone of another village. They keep using the plots in the other village but they have to ask permission. They get the permission because everybody knows they used to use the land. If LA and TLUCs become normal, then they will need to request the use of the land in the other village with the risk of having to pay extra because the land will have a value put on it. This might discourage poor people to use the land because they can not afford to pay extra for it.
- (iv) The role of the village headman and the village L&F Allocation Committee will become more and more prominent. As long as there is enough land this is not a problem, but if land becomes scarce the question is if the village committees for L&F Allocation will be able to deal with increasingly conflicting requests for land. And the question is how they will deal with it and if a fee system will gradually make its way into the village administration.
- (v) 4 plots is not enough because the fertility of the soil is decreasing but in some districts the people are not allowed to ask for more even when there is reserve land (this is because of a confused understanding of the law by the district staff).

Advantages

- (i) Land use is given to the people: the land is their own.
- (ii) Because they have the sole right to use the land, they can better improve the land and make decisions to invest.
- (iii) They can use the allocated land as collateral for a loan (according to one official).
- (iv) It will protect the environment because they will work on their own plot and not use new land here and there
- (v) They can receive the right to use land for free by only paying tax
- (vi) The measurement of the plots makes it easy to know what to divide to the children. Especially, older people and women will be happy that their children do not have to fight over the new land bookings since the land is now fixed. Everybody knows his or her plots.
- (vii) There is indication that LA equalizes the right on land for LS and LT women. The LA procedures seem to be implemented in an equal way across genders and ethnic groups.
- (viii) Because of the measurement of plots disputes within villages have lessened.

Disadvantages

- (i) The boundaries and zoning will restrict the access to land which makes life more difficult for the villagers.
- (ii) For fetching firewood, especially the elders and the women of the female-headed households replied that firewood fetching became more difficult because it was far and the forest was restricted and they could not cut trees.
- (iii) Villages might be more on their own and might guard their territory more with the newly established village boundaries. The perception that land is something to be guarded is confirmed by the finding that in most cases the villagers see LA as a means to keep others of their land. Already the villagers do not communicate regularly with villagers from outside the village and this tendency will only get stronger. This is a disadvantage for the building up of village networks for agricultural extension. However, LSFP has also shown that when discussion with neighboring villages is done from the start during the process of LA, it could also strengthen the bondage between villages.
- (iv) Many women expressed their worries that the children can only inherit the allocated plots and that they can not book land for their children as before. These worries are very realistic seen the fact that there is very few reserve land in many villages and the population increase is rapid.
- (v) The soil fertility in allocated areas is decreasing and also the rice yield. In most villages it is reported that the work has increased because of the intensification of farming. This reflects especially on women who also take a big part of the burden of the domestic chores. On the other hand, there are signs that men start to work more also.

Women

- (i) Especially LT and LS women learn that they really have their own rights on land and that they are part of the whole process. Women do start to think about their rights when they discuss these issues.
- (ii) Because LA invites people to invest more on their land and grow permanent crops the women will invest labor and maybe money in the plots of her parents. Once the parents have died it would be not only a loss of land for the woman but also a loss of investment if only the sons inherit. In case of divorce among LS the same problem

will occur. A woman invests on the land with her husband; e.g., they plant trees. It means this woman will lose everything with a divorce whereas it would be fair if she got a part of the investment that she made on land, back. It will be a struggle for LS women to change these customs in which they themselves also believe.

- (iii) There are indications that, especially LS and LT women start to think differently and start to exercise their rights.
- (iv) Because of the LA process, meetings and advice of the staff, villagers start to discuss the rights of women resulting in women who are more empowered than before and can come up for their own rights.
- (v) Before, many land documents were only on the name of the head of household, a man; but currently, the papers are on both names and in that sense women got more rights. On the other hand it does not mean much as women and men still attribute the control over the documents to the husbands.
- (vi) Even LT women do get access to land when they really need it, in the case that she is left behind and only the son inherits the land. LA and future land titling of plots might have a negative impact. Because land becomes more valuable caring for the women might be forgotten. That the left behind women got access to land is alright on land that has no value but as soon as land starts to have value people might not give access to the one who has no traditional right on land in favor of the ones who do have that right traditionally.

6.3 POTENTIAL THREATS TO LESS ADVANTAGED GROUPS

- (i) Village heads who are becoming more and more powerful some of whom might not be gender sensitive and might want to adhere to their village traditions such as that public situations are only for men to attend, their perception of traditional labor division and traditional systems of inheritance, might become a threat to the rights of women. Although the opposite is also seen with village head man promoting new ideas in the village and changing customs that are disadvantaging women and children (like the killing of twins in certain ethnic groups). The village headman can be the right or the wrong example in terms of giving women a chance to voice their concerns.
- (ii) Women might be in a less advantaged position to claim enough land because they understand the procedures of LA less well than men do.
- (iii) Because of their lesser understanding women might lose their control over land if they are not involved in the meaning of all the documents that become necessary to exercise one's rights on land use.
- (iv) LS and LT women might lose the access to land that they are granted as a favor when their husband's die or after divorce. Because the land traditionally goes to the sons and because land will get more value in the future caring for the women might reduce in favor for following the traditional ways of giving the land to the sons.
- (v) As extension methods for upland farming are developed and MAF is focusing on extension more and more, there is a danger that female farmers are left out from the change in the use of cultivation techniques. This is because most staff of the DAFOs is male staff and because they do not understand and lack the skill to work around the traditional systems that exclude women from public meetings and training sessions. Or, nowadays, women might attend but then no proper attention is given to the active involvement of the women. In this way, the male farmers gradually are upgraded to newer ways of cultivation whereas the female farmers stay behind.
- (vi) Women from female-headed households and elders will feel the pressure from the newly established rules and boundaries more than other people.

7. RECOMMENDATIONS

Recommendations will be given in the same fashion as the conclusions under two main headings:

- 7.1 General
- 7.2 Research

7.1 GENERAL

Transfer to permanent land use rights

- (i) The TLUCs should have a follow-up, possibly an extension as soon as possible. DAFO and Distr. Land offices should be urged to sit together to solve the problem of the expired certificates.
- (ii) The method and procedure how villagers could apply for a land title should be discussed and clarified by MAF and MoF. In the Land Law and on the TLUC says villagers can apply for the land title after 3 years of use of the land for which the TLUC was given if the land was used in accordance with the use specified on the TLUC. The Districts L&F Allocation committees should follow this up guided by the Ministries and Provincial L&F Allocation Committees.
- (iii) Another issue that needs clarification is the question if the villagers can use their tax bills on land that they use for a long time already and for which they did not receive a TLUC to apply for a land title. If this is not the case, TLUCs should be provided on this kind of old land. And if it is the case, villagers and district staff should be notified of this.
- (iv) The TLUCs are for all the plots a family has. That means if the family wants to transfer 1 plot, they also have to change the paperwork for the other plots.
- (v) Clarification needs to be made on the following issue: If people pay tax already, it means the land office did the measurement already. Is it then still necessary to go through the LA process in order to get a TLUC to be eligible for a land title in the future or will the tax bill be enough (whereas in urban land titling the tax bill is just one piece of proof of the traditional right on the use of a particular piece of land).
- (vi) Before the district land office will give the permanent LUC it need to be checked and evaluate if the villagers are using the allocated land properly. In order to do that a planning and budget request need to be made by the district staff.

Tax

- (i) A discussion about the tax issue should take place at the higher levels and at the National Assembly. Because of fear for tax people do not claim land they are cultivating for years already. Also the question if people should pay for their fallow plots which do not give them any income should be brought forward. It drives up the need for cash a lot when a family has to pay for all their fallow plots. But when they do not declare these plots in order to avoid the tax, then they will loose their rights to use these plots, which is undesirable.
- (ii) The discussion should focus on the question if tax should be asked for fallow land since there is no produce from this land. In fact, people get a tax break for the time it

takes to develop a plot of land and until the first yield can be harvested. However, fallow plots do not give any yield. Therefore, it could be argued that people should not have to pay tax for fallow land. But another view sees it differently: land allocation gives people the rights on land use with a land paper. When they have such paper they have continuous rights and therefore, they should pay tax.

- (iii) Tax issues should be explained well to villagers. The fact that they can have the land for free and earn income with the crops should justify the paying of tax as long as they get a tax break for the years that there is no yield yet. The impression is that a lot of villagers are too afraid for tax. A public campaign, as part of a campaign about Land Allocation, should be able to take away those fears for some part.

Village Committee and Village Development

- (i) Village Committee on L&F All should have continuous training and encouragement from the staff. If L&F All becomes part of extension the staff can discuss issues on a regular basis and start to work on strengthening the village committee of L&F All as any other group, e.g., a Water User Group or a Production group, in the village.
- (ii) Training of village headman in equality of gender and ethnic becomes important.
- (iii) Administration procedures for details of the village should become much more known and understood than is currently the case. The whole committee should be able to register demographic data instead of leaving all the work to the village headman.
- (iv) There should be villages for LA where a clear impact can be shown in a positive way. All steps should be done there, much like in the key development villages in LSFP, and it should be seen that it works well. After that, other villages can come and learn from it and in that way it should be spread gradually over the country instead of trying to do LA in too many villages in a short time.
- (v) Good methods have to be developed to let the villagers understand all the details of LA/LUP.
- (vi) Village committee should be trained to help villagers on land use planning or village extension workers could be trained to work alongside the committee because it might be too much work for the committee to also do the technical work.
- (vii) In order to address the problem of population increase and pressure on the reserve land of the village the following areas could be paid attention to:
 - birth planning campaign
 - developing alternative professions: schools, trading, health care, repair of agricultural tools, services to farmers who work with new techniques
 - developing agro-forestry; find alternative crops; develop new techniques/breeds for rice growing in upland areas

Extension

- (i) LA is currently 8 steps. It is proposed by NAFRI (and in line with the findings by the Study Team) to have the extension step not as a separate step and surely not at the end of the LA process. LA/LUP is more like a phase in extension in a village and should thus be part of an extension program in a village. The LA/LUP exercises are well suited to serve the purpose of getting to know the villagers and their land. Mapping is often the first exercise to be done in a village by extensionists who want to know the villagers. And this exercise can be expanded to a land use planning map for the village.

- (ii) In order to support villagers in finding other ways of living besides growing rice, the staff should support villagers in training them in other skills based on their needs.
- (iii) There should be extension on alternative crops, new techniques and making a land use plan. There is an urgent need for extension to help farmers to develop new agro-forestry methods.
- (iv) Extension should also work together with research on alternative crops in order to help farmers to try the latest options. At the same time extension should keep a link with market information to be able to tell the farmers which crops are doing well in the market, if at all possible to predict, for longer than two years like with the jobs tears in the North.
- (ii) Extension should work on networking so villages can exchange experiences together and this could at the same time counteract the increasing defensive attitude in villages. Extension will improve the proper and sustainable use of land but also help to develop the social bonding between villagers within and outside the village.
- (iii) Training of village extension workers in different production areas should have high priority. Without working with interested villagers, the staff will not be able to reach every family.
- (iv) A plan should be made for requesting budget for extension activities. The higher levels will need to find ways to finance extension activities.
- (v) An effort should be made to reach female and male farmers alike.
- (vi) To deal with land infringements regular discussion are needed to explain the village agreement, land use map and land use rules.
- (vii) There should be follow-up discussion and training on LUP/LA. Discussion groups should be part of extension work.

Customer Relations Services

- (i) A CRS unit should be set up much like has been done in the Land Titling Project. This unit should develop and implement an awareness campaign to raise awareness of all LA/LUP issues and clarify and avoid confusions. Farmers need to have information about what a TLUC really means and what rights and duties are attached to it.
- (ii) The unit should develop methods and materials for transferring information about LA/LUP to villagers of low education and different ethnic background.
- (iii) The campaign could include:
 - family planning since the increase in population is a major threat to land.
 - transfer of a TLUC into a land title
 - rights of women
 - meaning of different land documents
 - land law and conditions for rights to claim land
- (iv) The campaign should use mixed media:
 - posters (with pictures)
 - leaflets with clear explanations
 - radio
 - television
 - newspapers
- (v) Campaign on awareness of the Law for staff.
- (vi) Women should receive special attention in the campaign to make sure that they understand the issues at stake.

- (vii) The policy should also be discussed more than one time at the beginning of LA by the District Governor in the village. Preferably, the staff should take the time to discuss the matter properly with the villagers and have continuing discussion on these matters. This can only be done when LA/LUP becomes part of extension which is an ongoing activity and when LA/LUP is not being seen as a one-time affair.
- (viii) Discussion groups should be part of the campaign.

Women

- (i) Just to assign a woman representative of LWU to a committee does not give the women more chance. There should be a group of women together in order to give them the confidence to speak out and make their viewpoint heard. The one LWU representative should form a group of women to accompany her to all those meetings that she has to go to.
- (ii) Women need to be convinced to come to a meeting. They should be given good reasons to go to a meeting and should be encouraged. Women should be encouraged to participate actively in meetings and be involved in decision making.
- (iii) Women seem to not claim land because of fear for tax more than men do because they do not understand enough and are only afraid to pay. In the future they will be offenders who will be fined if they are not warned and told what to do. Women need information urgently.
- (iv) Women should be involved in the village forest agreements discussions more.
- (v) TLUC should be checked properly to make sure that they are approved correctly by the DAFO and by the receivers: both husband and wife. Every land use documents should have 2 names on it and should be signed with those 2 names (when appropriate) In case there are children over 18, they should sign also.
- (vi) Staff should plan extra time to talk with women and should be prepared to explain things more than once.
- (vii) It is strongly recommended to have women and men groups to discuss issues separately with the staff having the role as facilitators who conclude and clarify and explain things. Discussion is a way for the people to become involved in the issues shaping their life in the future and making decisions on an informed rather than an ad-hoc basis. Discussions help women to learn how to decide for themselves. Maybe the men in the village need to become convinced of the need to involve women first because often the attitude of the village head man block the participation of the women.
- (viii) The Study confirms recommendations with regards to gender issues in the report on Participatory Village Development and Sustainable Land Use System:
 - to develop M&E to look at equity issues
 - to promote active participation and equal opportunities for women and men regarding resources allocation and management by gender mainstreaming
 - appoint women to take positions in committees: ideally, the women should be elected by the villagers to take those positions. Their taking positions should be a final step in a process that lead the village to become gender aware. However, this process takes so much time that women will loose out if representatives are not appointed now for positions in committees.

Staff:

- (i) Staff needs to prepare their fieldwork.
- (ii) Staff needs to understand the documents and translate them into a language that villagers understand.
- (vi) Staff has to train in understanding and proof that they understand it.
- (v) Developing studies together with staff so they get chance to learn how to pursue qualitative data collection. This, however, will take a lot more time and more budgets for studies in order to take place.

7.2 RESEARCH

The land management is a new unit in NAFRI and therefore no research has been done yet under this unit. The land management unit of NAFRI will diagnose constraints and impacts of LUP/LA on economic-environmental environment. The purpose is to refine methods/procedures in LUP and make it suitable to upland conditions. This includes customary rights, soil survey, and recommendations for soil conservation and improvement and should be based on a flexible approach.

The socio-economic unit of NAFRI will integrate gender studies in:

- gender desegregated studies on impact on socio-economic environment
- indigenous knowledge on upland farming
- gender mainstreaming

It is hoped that those units can use the current Study as a basis for further studies and research. For that reason the following ideas for studies and research resulting from the Study are listed below:

Impact of LA

- Research on the impact of LA/LUP on different economic groups in the village: a 'not yet advanced', a 'well-off' and a 'well to do' group
- Research on economic factors, particularly income, taking into consideration income from various sources, yields of various crops, expenses, consumption
- Yield of various crops in various seasons. Especially, the rice yields in the Hai plots should be studied to provide the proof for the claim of many farmers that the rice yields became lower due to shorter fallow periods. On the basis of that research new methods for agro-forestry and for rice growing or for alternative crops in the Hai should be developed (much like the research currently done by the Upland Research Project of LSFP).

Conditions for successful LA

- Research on a market for upland products.
- Study to develop a CRS unit and national campaign on LUP/LA. This study could use the findings of the M&E study of LSFP, and the current Study. It should prepare a

feasible plan for activities of a CRS unit and a national campaign (including a proposal for the necessary budget).

Gender Issues

- Women collect NTFP together with men. Would it be the case the women collect NTFP for consumption use and men for selling? This is an interesting concise study that could be done.
- Work increased because of LA/LUP. Who carries the burden? Do men indeed start to work more?
- During the discussions women were often heard to report about the increase in weeding. Did the weeding increase the burden of women or is it shared with men?
- Who has the access and control over land in reality (besides the names on the papers)?

ANNEX 1

TERMS OF REFERENCE

Study on Social and Gender Impacts of Land Allocation

IN RURAL AREAS OF LAO PDR

BACKGROUND

General

During the semi-annual review of the Lao-Swedish Forestry Programme in September 1999 (see Agreed Minutes MAF- Sida) it was agreed that a study would be undertaken of the socio-economic impacts of land use planning and land allocation.

Upon developing the Terms of Reference for the study it became apparent that the scope of such a study would be too broad and take up too much time from staff involved in the development of the land allocation systems.

Discussions with the Gender Unit and the land allocation and land use planning staff of the Lao Swedish Forestry Programme resulted in a suggestion for a series of studies to be performed, possibly through NAFRI. A first study, limited to social and gender issues, should be performed within the near future, in response to a request by the Lao Women's Union GRID Centre, who have voiced their concern and started researching the issue 'gender in land allocation' for some time.

JUSTIFICATION

Experience suggests that a process of land allocation and registration often permanently consolidates male ownership rights to land (often in the name of head of household) at

the expense of women's usufruct and ownership rights under traditional and customary law.

Understanding the diversity and contrast within Lao social reality is an important part of gender responsive land allocation and registration processes. Even though the activities of women and men at particular socio-economic levels in different ethnic groups are similar, the structure of rights in respect of these activities and the quality of gender relations can differ greatly. Kinship is seen as providing the organising principles that govern how individuals will be part of social groups and their placement in them, the formation of family and the household, residence at marriage, resource distribution including inheritance, and the obligation and responsibilities of members of the group in their livelihood. Expertise in the field of land allocation has been from the natural sciences with limited input from social sciences.

With the recent discussions on the adoption of a procedure for land record keeping of Temporary Land Use Certificates in preparation for registration of rural agricultural land in the future, it is timely to further investigate the social and gender dimensions of the procedures, with a focus on prevalent kinship structures and traditions of inheritance.

The survey undertaken by the Lao Women's Union through their Gender Resource and Information Development Centre on Gender and Land Allocation may be used as a starting point for this in-depth study. It is advised that close co-operation with the Lao Women's Union be maintained throughout the study.

1. PURPOSE AND SCOPE OF THE STUDY

The purpose of the study is to contribute towards further **method development** of the nation-wide procedures and methods for land use planning and land allocation by studying how the current procedures are incorporating the needs and interests of different social categories, with special emphasis on gender and kinship systems, as well as **studying the impact** of land use planning and land allocation on these social categories.

Scope of the Study.

- Understand how the land allocation procedures are implemented.
- Assess the level of understanding of the procedures and awareness of social and gender issues, of male and female implementing staff at District, Provincial and Central level including the Lao Women's Union representatives.
- Analyse the implications of issues such as awareness training of district staff, the gender composition of staff, the role of the Nai Ban, and the LUP-LA committee and Village Development Committee.
- Contribute to a deeper understanding of customary rights and the ongoing process and co-operation between the levels of authority village, District, province, committees and the different ministries.
- Identify key issues emerging as a result of differences in gender relations, kinship and inheritance systems, traditions, locality and duration of residence in the villages.
- Investigate whose name/s is/are on the certificate, who are the signatories, and who were the 'owner/s' of the land before land allocation?
- Establish how, or if it is possible or desirable, to preserve women's traditional (customary) or usufruct land rights through allocation, registration and titling.

- Suggest appropriate and relevant ways to address these issues, possibly through the ongoing method development process on land use planning and land allocation.
- relate closely to the studies on 'Gender Mainstreaming', 'Lao Ownership', and the Land Titling Project study on 'Socio-economic impacts of Land Titling'

STAKEHOLDERS AT THE INSTITUTIONAL LEVEL

The Land Use Planning Sub-programme and Gender Development Unit of the Lao Swedish Forestry Programme, Department of Forestry, NAFRI, The National Shifting Cultivation Stabilisation Programme, The National Committee for Land Management and Forest Allocation, the Lao Women's Union Gender Resource and Information Development Centre, The Land Titling Project.

STUDY AREA

1. Target and non-target Provinces, Districts and villages of the LSFP.
2. A selection of Provinces and Districts which have not received Project assistance with LUP/LA.
3. Target villages of the Pilot Land Titling Project.

2. METHODOLOGY

The team shall explore and decide on the most appropriate participatory methods and group constellations for achieving an atmosphere conducive to free expression of opinion by both female and male staff and villagers and other stakeholders at all levels.

This will comprise

- scrutinising and adapting the main questions identified in the ToR—covering both descriptive and normative questions as well as impact questions.
- identifying both quantitative and qualitative indicators that will help answer the questions,
- identifying sources and informants for this data,
- identifying necessary field-visits and field-work,
- defining expected output, time-frame and efficient use of resources,
- identifying and defining the best suited data collection methods suited to the questions, realities and constraints, for example interviews (focus- group interviews, individual key informant interviews), facilitated work groups, questionnaires
- reviewing relevant documentation, regulations and plans.

3. COMPOSITION OF THE STUDY TEAM

The study team will consist of one international and one national social science/development consultant with experience in the field of land allocation and land use planning, rural sociology and/or social anthropology and gender. The team will co-operate with the researchers at the GRID Centre (and their staff in the Provinces for the data collection.)

Personnel requirements will be divided as follows:

International Consultant 7 weeks including 1 week for consultant links with the Land Titling Project Socio-economic Impact Study Team. National Consultant 6 weeks.

4. TIMING

The estimated time for the study is a maximum of six weeks, including fieldwork, report writing and presentation of findings. It is envisaged that the study will be conducted during the period 15th of October to 15th of December 2000.

5. REPORTING

The study report shall be written in English language and should not exceed 30 pages, excluding annexes. A detailed summary shall be written (or translated into) Lao language and made available at the same time.

Format and outline shall follow the guidelines in Sida Evaluation Report, a standardised format. Copies of the draft report shall be submitted to Sida no later than two weeks after the completion of the assignment. Within two weeks after receiving Sida's comments on the draft report, a final version shall be submitted to Sida. Subject to decision by Sida the report will be published and distributed as a publication. The Study report shall be written in Word 6.0 for windows (or in a compatible format) and should be presented in a way that enables publication without further editing.

The consultants shall present their preliminary findings in a debriefing seminar in Vientiane at the end of their assignment to which all relevant stakeholders shall be invited.

REFERENCES

- The Pilot Land Titling Project Document
- The Pilot Land Titling Project Studies on Gender
- Assessment of the Land Use Planning and Land Allocation Sub-programme Activities of LSFP, September 1998.
- Gender Studies undertaken by the Gender Resource and Information Development Centre of the Lao Women's Union on Gender and Land Allocation.
- MSc Thesis at AIT, on Women and Land Allocation, by Ms Chansamone Phenkhay.

ANNEX 2**TRAVEL SCHEDULE OF STUDY TEAM**

Following is the travel schedule of the study team for fact finding and data collection for the Social and Gender Impact of LA/LUP Study.

Trip 1: Savannakhet and Seravane

Vte-Sav	7 Nov
Preparation Sav	8 Nov
Field with PAFO	9 Nov
Talks with other offices	10 Nov
Field with GRID	11 Nov
To Seravane	12 Nov
Preparation w. PAFO and DAFO	13 Nov
Field Lao Ngam	14 Nov
Field Lao Ngam	15 Nov
De-briefing Lao Ngam	16 Nov
To Savannakhet	16 Nov
De-briefing Savannakhet	17 Nov
Sav-VTE	18 Nov

Trip 2: LPB and Sayabouri

To LPB	21 Nov
Preparation LPB	22 Nov
Field with DAFO/PAFO	23 Nov
Field with DAFO/PAFO	24 Nov
To Sayabouri	24 Nov
Preparation Sayabouri	25 Nov
Field with GRID	26 Nov
Field in NBCA	27 Nov
Field in NBCA	28 Nov
De-briefing Meeting /go LPB	29 Dec
De-briefing LPB	30 Dec
LPB-VTE	1 Dec

ANNEX 3**PERSONS ATTENDING MEETINGS AND FIELD WORK**

Below are the persons who attended the meetings and field work in the provinces.

Savannakhet, 8 November 2000:

Mr. Siphap	Dep. coordination office LSFP
Ms. Aliyavanh	GDU PAFO
Ms. Khammeouane	GDU PAFO
Ms. Noulack	LWU person and GDU PAFO
Ms. Sombath	GRID/LWU
Mr. Tingkham	GRID/LWU

Saravane, 13 November 2000**PAFO Introduction Meeting:**

1. Mr. Phimmasone Phimvilay Co-ordinator of Saravan Province
2. Mr. Khamphane Silavy Deputy of Forest Section
3. Ms. Bouasone Vongvilay Gender in the co-ordination office Saravane

Field Team and DAFO:

1. Mr. Inpeng Head of LaoNgam DAFO
2. Mr. Phimmasone Phimvilay Co-ordinator of LSFP Saravan Province
3. Ms. Bouasone Vongvilay Gender in the co-ordination office Saravane
4. Mrs. Malasy Gender in the LSFP project office LaoNgam
5. Mr. Chanthalsy Douangdala Extension worker of LaoNham DAFO

Luang Prabang, 22 November 2000**PAFO Introduction Meeting:**

Name	Responsibility	Office
1. Mr. Sianouvong	Head of Forestry	Provincial Forestry office
2 Ms Pinkeo	Gender	coordination office
3 Mr. La	Land and Forest allocation	Provincial Forestry office

Field Team and DAFO

- 1 Mr. Chanma Land and Forest allocation Nan DAFO

Sayabury, 25 November 2000**PAFO Introduction Meeting:**

Name	Responsibility	Office
1 Mr Veth Southivong	Head Forestry	PAFO

2 Mr. Boonthip Ngotsavath	Deputy of L & F allocation	DAFO Sayabury
3 Mr Soubanh Douangphouxay	Coordinator	PAFO
4 Mr Khamphet Chanthavong	Technical Staff in NBCA	Nam Puie NBCA
5 Ms Chanthy Vilavong	Manager GRID	Provincial LWU
6 Ms Chanthavy Phounsavath	Librarian GRID	Provincial LWU
7 Mr Phouthaphone Luksivee	Forestry Technical	Provincial forestry

Nam Puie Staff

Name	Responsibility	Office
1 Mr Sotseune Sayaluck	Head of the zone	NBCA Nam Puie
2 Mr Khamphanh Khamphouboua	Deputy of Navene focus area	Navene
3 Mr Khamphet Chanthavong	Technical Staff in NBCA	Nam Puie NBCA
4 Mr Lithikone	Extension Staff	NBCA Nam Puie
5 Mr Vilavong Kettavong	Extension Staff	NBCA Nam Puie
6 Mr Khamphet Chanthavong	Technical Staff	NBCA Nam Puie
7 Ms Somphet Khamma	Gender Responsible	NBCA Nam Puie

ANNEX 4**KEY PERSONS SEEN BY GENDER AND SOCIAL IMPACT STUDY TEAM**

No.	Name	Position	Date of Discussion
1	Mr. Sysongkham Mahathirath	LSFP Coordinator	30 Oct
2	Ms. Sisomphet Souvanthalisith	Dep. Head of IS-HRD	ongoing
3	Ms. Anna Collins-Falk	Gender and HRD Adviser	ongoing
4	Mr. Peter Jones	Land Allocation Adviser	ongoing
5	Mr. Carl Mossberg	Senior Adviser	ongoing
6	Mr. Jonas Noven	M&E Associate Adviser	20 Nov
7	Ms. Lisbet Bostrand	First Secretary Swed. Amb	31 Oct
8	Mr. John Connell	Community Dev. Adviser	31 Oct
9	Ms. Outhaki Khampiou	Gender Expert GRID	ongoing
10	Ms. Patricia de Boer	GRID coordinator	ongoing
11	Mr. Ian Lloyd	Coordinator Land Titling Project	1 Nov
12	Mr. Lonethep	Head coordination office Savannakhet	8 Nov
13	Mr. Phousy Nouchanthalath	Head of Provincial office for Land and Forest Allocation & Land Use Planning, Savannakhet	10 Nov
14	Mr. Phoumi	Secretary to the Land Management and Forest Allocation Committee	17 Nov
15	Dr. Kesone Insixiangmay	Acting Director of Shifting Cultivation & Stabilization Programme	28 Nov
16	Mr. Paul Overgoor	Agr. Research Adviser	30 Nov
17	Mr. Homchithsavath Sodarak	Head Shifting Cultivation Luang Prabang	30 Nov
18	Mr. Thongphath Leuangkhamma	Head of Land Use, Forestry Inventory and Planning Centre	5 December

ANNEX 5

PREPARATION DAY FOR FIELD WORK

The following is the program for the preparation day for field work held in the 4 provinces where LSFP works.

Program:

- 8.30 Introduction to the coordination office of LSFP in the province
- 9.30 Welcome to the people who will do the field work (including GRID); introduce everyone
- 9.45 Objective of the field work
- 9.50 Planning of the field work in terms of time
- 10.15 Determination of the villages to visit
- 10.30 Practical details in terms of transport and accommodation
- 10.45 Explanation of different discussion groups and division of work among team members
- 11.15 Go through the Village Head Questions
- 11.30 Go through the Village Committee for Forest and Land Allocation Questions
- 12.00 Lunch
- 13.30 Presentation of main headings of the discussion group questions
- 13.45 Go through the Discussion Questions for Women Group
- 14.45 Point out differences with the above questions for the Men, Elder, Female headed household women group
- 15.0 Practical issues: budget, arrange letters, arrange transport

DEBRIEFING AFTER FIELD WORK

The following is the program for the debriefing after the field work with the field team.

Program:

- 8.30 Lessons learnt or things that were new to them in the villages that they went to regarding customs, land allocation and problems.
- 9.30 Impact of Land and Forest Allocation on the population in the future.
- 10.00 Clarifications about answers to the discussion questions in the forms.
- 12.00. Lunch together*
- 13.30 Compare men/women, elders/men, women/female headed groups.
- 15.00 Conclusion

* or dinner together

ANNEX 6

LESSONS LEARNED

The following gives the learnings of the staff who conducted the field work.

Data collection and method fieldwork

Saravan:

- ♣ The providing data is not so clear
- ♣ This methodology of data collection is new for our district staff and we could not discuss all in deep detail
- ♣ The village record is quite old
- ♣ District staff is still lacking experience on studying the forms
- ♣ The administration system of the village is well organized. The villagers were supporting the teamwork well.
- ♣ Women attended more than men working with us and they can share good ideas
- ♣ We have to wait long for the villagers uniting for each group of discussion
- ♣ The village head did not have the assistant therefore the data collection work is so slow
- ♣ The statistic of population in the village is not clear

LUANG PRABANG

- ♣ We did prepare and inform the villagers in advance about the schedule of the data collection work and its objectives therefore the discussion in the village were much better understanding
- ♣ It is specific to do the discussion by different group before they did interview only the head of the household and only men attended and specifically to discuss with the female headed household
- ♣ Data from the village and from the district are not clear, different digit
- ♣ Too short time to do field work
- ♣ This type of data is new
- ♣ From this field work, getting more knowledge on development
- ♣ Get new lessons and experiences on the Land and Forest allocation procedures

Sayabury:

- ♣ The village head provides the clear data
- ♣ The women group is very slow to provide the data because of language difficulties
- ♣ Too short to do data collection and could not see much the villagers' living style
- ♣ The contents on the data collection forms are similar but the purpose of asking many group is for data comparison
- ♣ The staff did not well understand the questions' forms
- ♣ We do get good lessons from this work for further implementation
- ♣ It is also new type of data for the villagers

Savannakhet:

- ♣ It was difficult to do data collection during the harvesting time
- ♣ Nathalang did not implement the LA yet so the data collection work here is differed to other villages
- ♣ the people replied not so clear data because it is a new type of data
- ♣ the education data had showed that the majority of women were low educated and illiterated

Development work

Saravan:

- ♣ No one face to rice insufficiency
- ♣ Villagers got the training on crops cultivation but did not see much the activities related to such training
- ♣ From the past, women did not participate much in the villages' activities. It is lacking on the gender issues
- ♣ The agriculture products have increased reflecting that the family also get more income.

Luang Prabang:

- ♣ Learn about the villagers' living conditions changing before and after the LA
- ♣ Phayouak has no communication road
- ♣ The social development is different than before because the youth in the village is attending the school in town
- ♣ There are model farmers in the village

Sayabury:

- ♣ In Na Ngeun, the agricultural production is better than the 2 other villages: Navene and Nasamphan
- ♣ The extension workers of the project is still lacking of gender lessons
- ♣ People are interested and proud on gender activities because of this issues men have changed to help more women working
- ♣ The communication among staff and villagers is weak
- ♣ People understand more the development activities before it never seen like this
- ♣ There is Na area but no water
- ♣ The villagers need clean water, ground well because the children and women went to fetch water far
- ♣ In Houay Sam Or, there is the difficulty with the language for communication
- ♣ Na Samphan is doing quite good business on NTFPs. There many families rich and many are poor as well
- ♣ Many of the participants said that the soil here is very poor
- ♣ There are the development for permanent occupation like: raise more animal and fishery
- ♣ Na Ngeun is a better village in term of the living conditions among the 3 villages in NBCA. It shows that the village has more animals, various crops and plenty of fruit trees

- ♣ And the new generation girl from Na Ngeun are attending school more and continuing to learn more in high school

Savannakhet:

- ♣ The technical advice on crops cultivation is not widely provided to the villagers
- ♣ After there was the project, the primary school from year1 – year3 is established
- ♣ The communication road no. 9 and the sub-road to the village are so difficult
- ♣ The village is lacking of drinking water and have to go far fetching water
- ♣ Nathong villagers construct by themselves the sub-road to their village
- ♣ The villagers especially men got the agricultural training
- ♣ After there was the project, the people living conditions are changing in a better way. There are many development activities.
- ♣ Khamsyda is a village where no project is reached to
- ♣ After LA, people work more on cultivation and earn more

Culture of people

Saravan:

- ♣ We were told that traditionally the women got inherit land from parents but under the LA, no wife's name in the TLUC.

Luang Prabang:

- ♣ The people's living style depend on the nature

Sayabury:

- ♣ Women married too young and did not involve much in the village society
- ♣ Learned about the traditional culture of ethnic
- ♣ The majority of women in the village is low educated because they were controlled by their traditional culture. Many also are illiteracy.

Savannakhet:

- ♣ Khamnoy is a LT village, the majority of the attendant is men
- ♣ The custom of their village, women will go to live in the husband house
- ♣ And the land inheritance is the majority of son getting it
- ♣ For PhouTai is different, the groom will go to the bride house.
- ♣ In Nathong, women are rare to participate in the village activities
- ♣ In Khamsyda, women depend on men

Issues in LA:

4.1 tax: people do not understand

Luang Prabang:

- ♣ People do not understand about land tax system. After allocate the land, people have to pay all the allocated plots but they would like to pay land tax only the plots where they cultivated on
- ♣ In Pha Youak, the land tax is collected 1 plot/year

4.2 Yield : increase, decrease, extension

Luang Prabang:

- ♣ The village head should get the extension training to help the villagers on land use planning
- ♣ The one who got less land complained that their yield is very low due to the problem of young fallow (short)

Sayabury:

- ♣ The living style is still remaining doing Hai. It is not much seeing changed to grow crops as for goods

4.3 Role of village head and committee

Luang Prabang:

- ♣ The village land and forest allocation committees have to understand clearly the procedures of land and forest allocation and know their task. No need too much depending on the district staff

Sayabury:

- ♣ The village land and forest allocation committees do not know much of their tasks. They have depended on the village head to give command
- ♣ Should improve the village land and forest allocation committees to get more lessons on this issue

Savannakhet:

- ♣ There is a woman assigned to be in the committee
- ♣ The village head has strong power to cover every activities in the village

4.4 Gender with regards to awareness of women rights and participation and understanding disadvantaged position of women with lower education and the role of men in public

Saravan:

- ♣ Mostly women are illiteracy and some of them are low educated

Luang Prabang:

- ♣ Women do not understand well on data collection work. They think that this is the men work so they did not attend much
- ♣ This is the first time that women in Ban Pha Youak are attending the group discussion on LA. They are all interested on it.
- ♣ Men group learn and understand more than women group about Land and Forest allocation

4.5 Technical issues of land measurement, steps of land allocation

Sayabury:

- ♣ Many men involved in the procedures of land measurement (no women)

Luang Prabang:

- ♣ Learned more on the steps of land and forest allocation

Savannakhet:

- ♣ The female headed household group could not share much ideas in Khamnoy
- ♣ In Khamnoy, in general people here is lacking chance to get the development and women is worse to get the opportunity
- ♣ The women right on land will be looked over if in the LUC is putting only men name

4.6 Advantages – Environment

Saravan:

- ♣ Many women believe that the LA is useful

Luang Prabang:

- ♣ The villagers are interested on land use and land allocation
- ♣ It is good to have land document

Savannakhet:

- ♣ The villagers know clearly their village boundaries and they have their TLUC

♣

Sayabury:

- ♣ It is easier for not booking land every year like before

4.7 Problems and worries

Saravan:

- ♣ Some men who are the household head but they did not understand the importance of LA as well
- ♣ The villagers said that they did not know what the LUC consists of
- ♣ The villagers let the village head kept all their TLUC
- ♣ The name putting on the TLUC is man name (husband)
- ♣ Amaze that the villagers could not find where their reversed land is situated
- ♣ In Ban Len, there is a map but no data on the village superficies and the clear boundaries. The staff did not aware to finish this work properly.
- ♣ Only 8 households got the TLUC after the LA, in Ban Len
- ♣ Some villagers did pay the land tax but they did not have the land document
- ♣ An old man has paid land tax from 1993 but in the receipt it was written that he paid for the state land tax.
- ♣ No market guaranteed the village production
- ♣ People worried that they will not have enough land for cultivation for their children
- ♣ Some persons who have large plot of land did not declare their whole land because they worried that the staff will took some of their land. They still hired the detail of their land information

- ♣ The staff might put the left over land that people did not declare together to the village reserved land

Sayabury:

- ♣ There are often fined cases in Houay Sam Or, Na Samphan and Na Luam because of the slashing old fallow and cut trees.
- ♣ Many villagers who had small area of Na mentioned that they did not have enough LA. Because they have Na then they got little Hai land therefore they have faced to the problem of rice insufficiency.
- ♣ In Pha Nip, the majority of villagers are facing to the problem of rice insufficiency but in Pha Youak is lesser.
- ♣ The majority of people did not understand the task of LA
- ♣ The conflict about land with other village still remained
- ♣ In Naluam, many of the villagers did not know where to claim for land
- ♣ The people have moved often in and out in Na Samphan village

Savannakhet:

- ♣ Many of the villagers could not attend the LA propagation session because it was propagate in another village
- ♣ The one who has plot of land next to each other has problem on land measurement overlapping

4.8 Evaluation for further PLUC

Saravan:

- ♣ The validity of the TLUC is 3 years. It is expired in 1999 and till the year 2000 nothing happened yet for this matter.

Luang Prabang:

- ♣ Need to check and evaluate the allocated plots if these households have used it correctly or not.

Sayabury:

- ♣ Suggest for budget to do the evaluation work and follow the 7th step of the guide line

ANNEX 7

LITERATURE

- Agarwal Bina, 1994. *Land rights for women: making the case*, Northern Book Centre, New Delhi.
- Bloch, Peter, PhD, Land Tenure Centre University of Wisconsin – Madison, (1998). Assessment of the Land Use Planning and Land Allocation Sub-program Activities, Lao Swedish Forestry Program, Land Use Planning Sub-program, September.
- Champhone district, Savannakhet (1999). Village Rules and Regulation on the forest administration and the agriculture land (in lao version), May.
- DoF. Department of Forestry (1997). Plan to the year 2000 for Stabilizing Shifting Cultivation by Providing Permanent Occupation. Department of Forestry. Vientiane. Paper presented at the “Stakeholder Workshop on Shifting Cultivation Stabilization”. Vientiane, Laos. Ministry of Agriculture and Forestry and Asian Development Bank.
- Gender resource Information and Development Center (2000). Gender and Land Documents: How do Society’s Perceptions of Gender Affect Women. Revised July.
- Jonas Noven (2000). Impact Monitoring in the Land Use Planning subprogram. Lao Swedish Forestry Program, Land Use Planning/Land Allocation Subprogram. A presentation paper for the NAFRI workshop, June.
- Land Title Project (1999). Final Report for Customer Relation Services and Gender and Development. Technical Assistance Report No. E40, November.
- Land Use Planning Sub-program. *Monitoring Method Development Activity*, A Summary of Observations and Results from No. 7 and No. 10 Villages in Xieng Ngeun District of Luang Prabang. No date.
- Lao Swedish Forestry Program, Land Use Planning Sub-program. *Field Report 8* “Monitoring of Farmer level Impacts from LA, Land Use Changes and Conservation Practices”.
- Lao Swedish Forestry Program (1998). Learning Lessons from Land Allocation in the NTFP Project. March.
- Lao Swedish Forestry Program (1997). Manual on Participatory Land Use Planning and Land Allocation. Edition 1, October.
- Lao Swedish Forestry Program, Land Use Planning Sub-program (1997). *Technical Booklet 1 on* “The Processes and Procedures for Participatory Land Use Planning and Land Allocation, October.
- Lao Swedish Forestry Program (1998). *Technical Booklet 2 on* “The Preparation of Participatory Village Forest and Agricultural Land Management Agreements”, October.
- Lao Swedish Forestry Program, Land Use Planning Sub-program (1999). *Discussion Paper on* “Review Land Allocation Documents to Facilitate the Land Registration Process”, September.
- Lao Swedish Forestry Program, Land Use Planning Sub-program (2000). *Discussion on* “Establishing Temporary Land Use Certificate Records at DAFO Level”, January.

- Lao Swedish Forestry Program, Land Use Planning Sub-program (1998-2000).
Monitoring and Evaluation of Land Use Planning and Land Allocation Impacts. Final Results Report, September.
- Lao Swedish Forestry Program (2000). Participatory village Development and Sustainable Land Use System, September.
- Lao Swedish Forestry Program (2000). Land Use Planning and Land Allocation, A *component Description*, September.
- Ministry of Agriculture and Forestry (1996). Instruction on Land-Forest Allocation Management and Use. No.0822/AF.
- National Assembly (1996). The Forest Law no. 01-96. October.
- Noven, Jonas (1999). *Field Report* "Monitoring and Evaluation in Nan district Luang Prabang Province". Lao Swedish Forestry Program, Land Use Planning Sub-program, February.
- Noven, Jonas (1999). *Field Report no. 4* "Monitoring and Evaluation in Xieng Ngeun and Hongsa districts. Lao Swedish Forestry Program, Land Use Planning Sub-program, May and June.
- Noven, Jonas (2000). *Field Report no. 6* "Monitoring and Evaluation in Xieng Ngeun, Nan, Hongsa and Phin districts. Lao Swedish Forestry Program, Land Use Planning Sub-program, January.
- Noven, Jonas (2000). *Field Report no. 7* "Monitoring and Evaluation in Phalanxay and Atsaphone districts, Savannakhet. Lao Swedish Forestry Program, Land Use Planning Sub-program, February.
- Noven, Jonas (2000). *Field Report no. 9* Study of Land Allocation Impacts and Adoption of Land Allocation Methodology in provinces outside LSFP. Lao Swedish Forestry Programme, Land Use Planning Sub-programme, September.
- Peter Kurt Hansen and Houmchisavath Sodarak (1996). *Technical Report no. 2*, Environment, Socio-economic conditions and Land Use in Ban Thong Khang Sub-district, Northern Laos. Shifting Cultivation Research Sub-programme, Lao Swedish Forestry Programme, December.
- Peter Kurt Hansen and Houmchisavath Sodarak (1996). *Technical Report no. 4*, Land use and Demographic Indicators for the Target Areas of the Lao Swedish Forestry Programme. Shifting Cultivation Research Sub-programme, Lao Swedish Forestry Programme, November.
- Phengkhay, Chansamone (1999). Women and Land Allocation in Lao P.D.R. A thesis submitted in partial fulfilment of the requirements for the degree of Master of Science, August.
- Prime Minister Office (1997). Land Law No. 33/RDL, May.
- Rosback, Jens (1999). *Summary of Report on* "Development of a Temporary Land Use Certificate Register", Land Use Sub-program, Lao-Swedish Forestry Program, July-August.
- Schenk-Sandbergen, Loes (1995). Women in Rice Fields and Offices: Irrigation in Laos, Empowerment, Heiloo, The Netherlands
- Schenk-Sandbergen, Loes, Hermien Rodenburg, Chansamone Phengkhay (1997)
Land, Gender and Social Issues in Lao PDR. AusAid, Vientiane. Lao PDR.
- Somsak Sysomvang, Somkit Senthavy, Hongthong Amphaychith and Peter Jones (1997). A Review of Problems in Land Use Planning and Land Allocation Processes, Procedures and Methods. Land Use Planning Component, Lao

Swedish Forestry Program, Department of Forestry Discussion Paper LUP/1
July.

Sypadith, Viphakorn (1996). *Technical Report on* “ Land and Forest Allocation (LFA)
Assessment in Namphak village, February.

Sypadith, Viphakorn et all (1997). *Technical Report no.3* “Land Allocation – the
Experiences of the Shifting Cultivation Stabilisation Sub-programme. Shifting
Cultivation research Sub-programme, Lao Swedish Forestry Programme,
August.

ANNEX 8

Table 4.2.2 Ethnic Sub Groups in the 15 Villages of the Study

Village	Ethnic SubGroups:											
	a	b	c	d	e	f	g	h	i	j	k	l
1. Na Thong								x				
2. Natalang		x										
3. Kham Noy									x			
4. Inpaeng							x					
5. Len							x					
6. Phanip	x											
7. Pha Youak											x	x
8. Thali	x											
9. Na Vene	x									x		
10. Na Samphan				x						x		
11. Na Ngeun											x	
12. Dong Khouang Thone	x											
13. Kham Syda									x			
14. Huay Sam Or						x(1)					x	
15. Naluam			x(1)		x(2)					x		
Total	4	1	1	1	1	1	2	1	2	3	3	1

Lao Lum: a Lao b Phu Thay c Lue d Theng e Nyouan f Tai Dam
 Lao Theung: g Souay h Makongi i Katang j Khmu
 Lao Sung: k Hmong l Yao

Table 5.1.1 Population Number and Sex ratio

Village	Population Number	a: women	b: men	Sex ratio
1. Na Thong	1089	537	552	97
2. Natalang	606	406	200	203
3. Kham Noy	581	294	287	102
4. Inpaeng	405	252	153	165
5. Len	480	237	243	98
6. Phanip	487	239	248	96
7. Pha Youak	455	211	244	87
8. Thali	814	410	404	102
9. Na Vene	486	242	244	99
10. Na Samphan	1547	778	769	101
11. Na Ngeun	796	399	331	121
12. Dong Khouang Thone	346	167	179	93
13. Kham Syda	559	291	268	109
14. Huay Sam Or	887	413	474	87
15. Naluam	424	215	209	103
Total	9962	5091	4805	111 average

Sex ratio: number of women on 100 men

Table 5.1.2 Number of Families and Family Size

Village	Total Population	Number Families	Average Family Size	No. of Houses
1. Na Thong	1089	209	5.2	no data
2. Natalang	606	126	4.8	no data
3. Kham Noy	581	103	5.6	no data
4. Inpaeng	405	86	4.7	86 (1)
5. Len	480	91	5.3	87 (1.05)
6. Phanip	487	80	6.1	79
7. Pha Youak	455	74	6.2	74
8. Thali	814	151	5.39	151
9. Na Vene	486	84	5.8	84
10. Na Samphan	1547	259 ^{*1}	5.97	259
11. Na Ngeun	796	110	7.2	110
12. Dong Khouang Thone	346	73	4.7	60 (1.22)
13. Kham Syda	559	112	4.99	98 (1.14)
14. Huay Sam Or	887	133	6.7	132
15. Naluam	424	65	6.5	72
Total	9962	1756	5.7 average	

^{*1} it used to be 300 families; everybody just moves; then new families come in registering for 1 family but coming with many relatives; now there is land shortage and people move away again

Table 5.1.3 Surface of the Village and Land Types

Village	Total Surface in Ha	Total Area reported as different types of land in Ha
1. Na Thong	12,582	13 types:10,602
2. Natalang	1,434.125	8 types: 1,420.54
3. Kham Noy	2852	6 types: 2,424.5
4. Inpaeng	363	6 types: 301
5. Len	401.5	5 types: 401.5
6. Phanip	811.51	8 types: 811.51
7. Pha Youak	531.21	3 types: 393.32
8. Thali	2,440	7 types: 1,158.59
9. Na Vene	don't know	6 types: 4,052.76
10. Na Samphan	no record	7 types: 1,221.7
11. Na Ngeun	no data	5 types: 3,257
12. Dong Khouang Thone	687.142	6 types: 653.95
13. Kham Syda	601.253	4 types: 290.41
14. Huay Sam Or	1,750	6 types: no data on surface ^{*1}
15. Naluam	2,200	5 types: 2,200
Total		

^{*1} records which were kept in the Village Head's house were burnt when house burnt down

Table 5.1.4 Village Agricultural and Reserve Land

TABLE 5.1.4

VILLAGE	TYPE OF LAND IN HAI					AGE GROUP FROM 10 – 15* ⁴
	AGRICULTURAL * ¹	RESERVE	NA	HAI	OTHER	
1. Na Thong		222.23	140.68			64 men
2. Natalang	34	no data	188.8	79.5* ²	21.04	90 men/wom
3. Kham Noy		250	165		2,424.5	no data
4. Inpaeng	122.68	163.3* ³				no data
5. Len	258	do not have				27 wom
6. Phanip		do not have			18.8	33 wom
7. Pha Youak		do not have	8.75	77.33		29 men
8. Thali	(Hai + Na)	53.81	35.16	339.39		55 wom
9. Na Vene	(Hai+ Na+garden)	not known	36.72			39 wom
10. Na Samphan		7	26	541		325 men
11. Na Ngeun		0	21	61		no data
12. Dong Khouang Thone		19.91	341.73		6	39 men/wom
13. Kham Syda	no data	84	no data			115 men/wom
14. Huay Sam Or	data burnt			318		no data
15. Naluam	460	10.5				25 wom

*¹ agricultural land sometimes includes garden, sometimes not

*² actually, they say 'old fallow' which means the same as Hai; apparently they want to make a distinction with the newly allocated Hai

*³ this land is mentioned on the board at the entrance of the village and the expert says it is there, but the villagers can not find it

*⁴ number of women or men in this age group depending on the transfer tradition: if the men goes to live with the wife, the wife gets the land; if the wife goes to live with the husband, the man gets the land

Table 5.4.1 Brideprice

Respondent	Ethnic Group			Brideprice		Gifts				
	Luum	Theung	Suung	yes	no	a	b	c	d	e ^{*2}
1. Na Thong		x		x		x				x
2. Natalang	x			x		x				x
3. Kham Noy		x		x		x				x
4. Inpaeng		x		x		x ^{*1}				
5. Len		x		x		x	x			
6. Phanip	x			x		x				x ^{*3}
7. Pha Youak			x	x		x				
8. Thali	x			x		x				
9. Na Vene	x	x		x		x		x		x
10. Na Samphan		x		x		x				
11. Na Ngeun			x	x		x				
12. Dong Khouang Thone	x			x		x	x	x		x
13. Kham Syda		x		x		x		x		x
14. Huay Sam Or			x	x		x	x ^{*5}	x		
15. Naluam		x		x		x ^{*1}				x ^{*4}
Total	5	8	3	14		15	3	4		8

a: money b: cloth c: silver d: household equipment e: cattle

*1 and gold

*2 cattle that is not killed for the wedding ceremony

*3 cattle for wedding to eat is from parents from both sides

*4 traditional brideprice is 32 silver coins and 2 buffaloes

*5 1 coin is 50,000 Kip; traditionally, 1 silver coin and 1 bar were given for "the cost of the head" (= bride price). The agreement is still in silver but can be paid in money or material. If the bride family is rich they will pass on the bride price to the bride or even give more. If the bridegroom is very poor, he can also pay after marrying.

Table 5.4.2 Customs regarding Marriage and Divorce

1. Na Thong:

It is forbidden to divorce. Nevertheless, we encountered 2 divorced women in the group.

Land is inherited to the son. But when women are left by themselves after the husband dies, they are taken care of. They get land to work on. There is system of care taking.

The men pay wedding and alcohol and food. The women pay the rice. Man pays at least 1 buffalo or 1 silver bracelet; normally the proposing can not be done without giving 1 buffalo first. Women give clothes and pillows as a gift. It depends on the wealth of the family what the husband has to pay.

When a LL man marries a LT girl he has to pay 2-3 buffaloes.

When a LT man marries a LL girl he has to pay 7-8 buffaloes because the woman goes to live with the LT family and has to work hard. But in B. Palek, Huayxakhouang, a LL man married a LT girl and lived with the girls family.

2. Natalang:

At divorce it depends on who made a mistake. If it is the wife, the brideprice should be given back. If it is the husband, the gifts should be given back. And if the husband did not pay the whole brideprice, he should now pay the rest.

3. Kham Noy:

After divorce women can not enter the house of the ex-husband. If she wants to do that a small wedding ceremony should be organised.

11. Nam Ngeun:

The custom is to pay high bride price and then the bride will take care of the husband's parents

12. Na Samphan:

Bride price is decreased; before it was silver bar and silver coins; nowadays it is money and depends on agreement between both sides.

13. Kham Syda:

The traditional bride price is silver, 1 buffalo, 1 pig, 15 plates and 15 chicken. Now there is no need for the buffalo and pig and only 5 plates and chicken are enough. But verbally everybody will stick to the number 15.

14. Huay Sam Or:

Before it used to be 1 million kip or 3 bars and 5 silver coins; nowadays it is 35 coins; if they have no silver coins, they can pay equivalent in kip

15. Naluam:

The bride price decreased from 2-2,5 million kip; before that it used to be 100 silver coins and some cattle