

THE COUNTRY STRATEGY OF LAO PDR TIMELINE: FROM 2016 to 2018

Background

The Mekong Regional Land Governance project has based its Headquarter in Laos PDR, and for its operation in Lao PDR a Memorandum of Agreement between Lao Government, represented by the Ministry of Planning and Investment, and the Government of Switzerland, represented by the Swiss Agency for Development and Cooperation, was signed on 13 March 2015. The MRLG program has been engaging through the learning and alliance building activities with various government agencies, including MPI, Investment Promotion Department, MONRE, Department of Land Administration, and MAFF, Department of Agriculture and Land Management, as well as the engagement of the Lao Women's Union mass organisation.

After a decade where the government has actively supported Large Scale Land acquisition through Economic Land Concessions, with the aim to encourage FDI in agriculture and other sectors (Mines and Energy), this policy created strong tensions and conflicts, because of the number of affected farmers in traditional communities, in particular in the mountainous areas covered with forest. Some changes in policy have happened at the end of 2012, with the ban on new agro-forestry concessions and with a revision of the Investment policy in process. At the same time, it has postponed several times the adoption of the National Land Use Policy, because of strong internal opposition from some sectors of government and the National Assembly. All aspects of the land policy have been "frozen" for several years, until recently the newly elected government has decided to put back the NLUP on the legislative agenda. There are various signals that this new government is trying to solve some of the most blatant problems, including indiscriminate forest logging and corruption of the public sector.

In this context, there are three major opportunities for policy engagement with government:

- a) The drafting of the NLUP, including provisions on recognition of customary tenure, appropriate compensation mechanisms in case of expropriation, communal land titling, and, as a next step, the drafting of the new land law.
- b) The discussion of the process of communal land registration, in particular as part of the systematic land titling proposed by GIZ within MONRE (LMDP Project)
- c) The drafting of the new investment law, and discussions on new regulations for investment in agriculture, in link with MPI/DPI.

MRLG Strategy

Following the first National Stakeholder consultation in Laos, 3 thematic L&A groups have been formed, around the following objectives:

- a) Communal Land Registration: Group established by MONRE/DOLA, with GIZ, CSOs.
- b) Legal education (Clinical Legal Education/ faculty if law, MoJ, MONRE, VFI
- c) Responsible Investment and private sector (involving MPI, MONRE, MAF, Civil society, Private sector

Based on the results of regional and country level political stakeholders analysis workshops conducted in October 2015 MRLG set its two priority themes for its activities for the 2016-2018: Recognition of Customary Tenure and Regulation of Large Scale Land Acquisition-Responsible Agro Investment.

In Laos, it has been decided to continue on 2 L&A thematic working groups on communal land registration/titling and responsible investment in land governance working towards community empowerment. This L&A groups will develop synergies with to 2 government support IF projects which have been approves recently. There are also synergies with ongoing IF and QDF.

The following activities will contribute to the key priority response areas as outlined below:

1. Monitoring and Improving Investment of Large Scale Agriculture/ encouraging RSE in private sector

- a. L&A group working from a **communities'** perspective to learn engagement and empowerment techniques: **Focal lead VFI**, working with MRLG, selected companies and MPI
- b. A QDF project to support training and communication resources on Free Prior and Informed Consent for communities who are about to be affected by large scale investment project. This is a co-implemented project by VFI, Stora Enso and RECOFTC with the support of the International Finance Corporation. complimented by a QDF to develop training and communication tools (VFI, Stora Enso, RECOFTC).
- c. A project by the Investment Promotion Department of MPI to develop recommendations and guidelines for improving investments in agricultural crops, particularly bananas based on market analysis and community decision making.
- d.

2. Recognition of Customary Tenure

- a. Advocating for Recognition of Customary Land Tenure and Communal Land Titling L&A group piloted by MRLG, MONRE and GIZ

As part of this process:

- i. MRLG actively supports and is involved in the consultation process of the draft NLP and future land law drafting.
- ii. MRLG is leading a focal group on communal land registration and titling and is also a core member of other focal groups of the LSSWG
- iii. The NLGF works through LSSWG to coordinate consolidated comments and recommendation of the LSSWG to the NLP Reviewing Committee, and will similarly continue with these efforts when the policy is passed and the laws are next to be deliberated.



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- iv. Working with NA newly established Institute of Legislation and Parliamentary Studies to provide technical assistance as necessary (See ANNEX 1 for more details)

- b. A QDF project to support the development of a platform for dialogue in the tea and eucalyptus sectors with the aim of building up experiences and lessons towards responsible investment practice of private companies. The project was implemented by Earth Systems.
- c. An IF project in collaboration with FAO is ongoing, supporting legal education to local communities and district officials. This project is implemented by the land network VFI, and not-for-profit organizations working at village level with communities (LIFE).
- d. Promoting Communal Agricultural Land Management: IF project piloted by MAF (DALAM)/DOLA in collaboration with DOLA (MONRE) (CALM). Designing the CALM Model will be a multi-stakeholder, collaborative process led by DALaM. The design phase will incorporate input from an advisory Steering Committee, comprising decision-makers from MoNRE, local government agencies, development partners, communal and customary land experts, and MRLG partners (i.e. - GIZ, VFI, L&A Group 1, Nam Theun 2
- e. A QDF project by LIWG in collaboration with the NA to conduct 3 regional capacity building workshops for new NA and PPA members – planned but not executed

Summary Table: Engaging Government Strategy 2016-2018 (Laos)

#	Description of Initiatives	Government Agencies to be Engaged with
1	Active participation in the LSSWG	MONRE, MAF, MPI
2	Supporting the Government's consultation and approval process of the National Land Policy	MONRE, NLP Reviewing Committee
3	Establishing working relationship with the NA's Institute of Legislations and Parliamentary Studies and with key parliamentarians	NA and PPA , Ministries???
4	Perspective of active involvement in the revision of the Land Law and development of sub-law legislations after the NLP approval	MONRE, MAF, MPI, ???
5	IF: LIFE	MOJ, ???
6	IF: Communal Land Titling of Agricultural Land:-	MAF (DALAM), MONRE
7	IF: Improve Quality of Investment-	IPD (MPI)
8	QDF: Eucalypt and Tea Sector working group (Earth System)-	MOIC? MONRE? MPI?
9	QDF: Capacity Building Workshops for NA and PPA members (LIWG	NA, PPA, relevant Ministries : MONRE, ??
10	QDF: Improving Land Acquisition Processes through Community Consultation Communication Tools (Stora Enso/VFI)-	MPI? MONRE
11	L&A: Communal Land Registration and Tilting-	LSSWG, MONRE, MAF
12	L&A: Responsible Investment	MPI



ANNEX : MRLG implication in Land Policy and Land law

MRLG, with the status of a Development Partner (DP) or through the alliance with LIWG and other development partners, constantly seeks for opportunities to support and/or participate in initiatives of the ministries, National Assembly and other government organizations that are in line with its goal, objectives and priority areas.

Active participation in the Land Subsector Working Group with MONRE

The LSSWG under MONRE currently has 3 thematic focal groups: (1) Land Registration and communal land titling (2) Land Tenure security and forest land categories (3) Land use planning, policy and implementation. These focal groups are multi-stakeholders working group in nature chaired by a management ranking official of related department of MONRE (government focal point) and co-chaired by a representative from CSO/NGO/INGO/Development Partner organizations. MRLG is the co-chair (focal point) for the first focal group and active core member of the other two.

Based on the results of the latest LSSWG meeting in July 2016, 3 additional focal groups will be created: (1) Compensation (2) Land lease and concession (3) Conflict resolution. For each of the focal group MONRE will assign a related department to be the government focal point with a counterpart (co-focal point) from CSO/NGO/INGO/Development Partner organizations. In addition to the existing position as the focal point for the land registration and communal land titling focal group MRLG is a nominated focal point for the Land lease and concession focal group.

The LSSWG plan to convene twice a year whereas the FGs will meet 4 time per year, before and after each LSSWG meeting, to report on results of activities completed and to identify related issues and planning activities to be performed until the next LSSWG meeting. It is envisaged that there will also be a cross-sector cooperation between sector working groups of other ministries such as MAF, MPI, etc.

Supporting the Government's consultation and approval process of the National Land Policy and future Land Law

A drafting process of the National Land Policy began before 2012 and has since gone through difficult dialogue and consultation process without to date being able to find consensus for its approval. In April 2016 a new President was elected to Laos as well as newly elected National Assembly members. In this moment, there's an opportunity for revived momentum to look into the National Land Policy and in July a newly established committee was appointed to revise the policy. The policy features key important features including the recognition of customary tenure and communal land, although it does not entirely address all issues related to good land governance, particularly areas of compensation and dispute resolution. Efforts by civil society and development partners are ongoing to influence the final National Land Policy up to and including the National Assembly Intercession and Ordinary session.

MRLG was able to support a large and official consultation workshop on the draft NLP with central government agencies and some key provinces. This was organised by MONRE on 23rd August 2016 and following this was tabled at the government meeting on 26th August 2016 where it was commented and accepted by government in principle. It is expected to be tabled at NA ordinary session late October 2016.



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The most important step following this will be reviewing the Land Law in light of the policy statements and providing constructive efforts to influence a strong and implementable law to improve the tenure security of citizens, particularly those who live in customary or communal land tenure settings.

The latest draft of the NLP has been commented and accepted in principle by the government meeting on 26th August 2016. The draft is now being updated by the NLP Reviewing Committee for final submission to the government. MRLG, with LIWG and GIZ, is now in close connection with the secretariat to follow up development of the issue and be ready to intervene should the opportunity arises.

Assuming the NA passes the NLP in October 2016, MRLG will work through the FG to discuss recommendations for specific articles in the land law, to ensure the best possible implementation of the policy principles. A formal process for contributions to the Land Law shall be developed. A major effort for this will be initiated in November as the Policy is approved. This will be an immediate focus at the National Stakeholder Consultation Workshop in November to be held by MRLG.

Should this happen there will be opportunities for MRLG and all concerned parties working in land related areas to be part of the Land Law revision process and the subsequent development of various sub-law legislations as the NPL would provide a broader framework for any land related topics, hence there will be rooms for development of more details in the law and in related decrees. MRLG will follow closely the development and be ready to intervene when there is an entry point.

Establishing working relationship with the NA's Institute of Legislations and Parliamentary Studies and with key parliamentarians

Through the alliance with GIZ and LIWG, MRLG started to be more actively involved with activities of the NA in regard to land issues and there are opportunities for continued capacity building on land governance issues. Currently, MRLG, GIZ and LIWG are working with the Institute of Legislations and Parliamentary Studies of the NA on producing parliamentary Briefing Note for parliamentarians for NA's inter sessions scheduled in September. The workshops are scheduled in September 2016. This represents good opportunities for MRLG to become familiar and known to NA agencies and NA and PPA members which would make arrangement of consultation/dialogues with NA easier.