ບົດລາຍງານກ່ຽວກັບການສຶກສາຜົນກະທົບຂອງການເຕົ້າໂຮມບ້ານ ໃນບ້ານທີ່ໄດ້ມີການມອບດິນ ມອບປ່າໃນໄລຍະຜ່ານມາ ທີ່ເມືອງໂພນໄຊ,ແຂວງຫຼວງພະບາງ ແລະ ເມືອງນາໝໍ້, ແຂວງອຸດົມໄຊ

Research Report on The Effect of Village Re-location on Previous Land Allocation in Phonexay, Luang Prabang and Namo, Oudomxay

Research Management Component
Upland Research and Capacity Development Programme (URDP)
August 2007

URDP Research Report 2007/03

ບົດລາຍງານກ່ຽວກັບການສຶກສາຜົນກະທົບຂອງການເຕົ້າໂຮມບ້ານ
ໃນບ້ານທີ່ໄດ້ມີການມອບດິນ ມອບປ່າໃນໄລຍະຜ່ານມາ
ທີ່ເມືອງໂພນໄຊ,ແຂວງຫຼວງພະບາງ ແລະ ເມືອງນາໝໍ້,
ແຂວງອຸດົມໄຊ.

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ໂຄງການຄົ້ນຄ້ວາເຂດພູດອຍ ແລະ ພັດທະນາຄວາມເຂັ້ມແຂງ
(ສິງຫາ, 2007)

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Summary

This research report documents the results of a study that was conducted by the Land Management Component of the Lao Swedish Upland Agriculture and Forestry Research Program (LSUAFRP) during the period 2002 to 2006. The research was undertaken at Huay Maha-Poung Pao village in Phonesay District, Luang Prabang Province with the objective of assessing the effects of village re-location and merging on the ownership and use of previously allocated agricultural land parcels.

When land allocation was conducted in 1997-98 the village of Huay Maha-Poung Pao had a total of 58 families. The District Authorities introduced an official village re-location-village merging program in the year 2000 at which time the plan included re-locating ethnic Hmong families from highland villages to a new location near Poung Pao hamlet.

When the field research activity started in June 2002, the total number of families resident in the new Huay Maha site was 87, comprised mainly of Khumu families from Poung Pao and Huay Maha hamlets and ethnic Hmong migrant families from four adjacent highland villages.

Field activities were conducted from 2002 to 2006, the main activities being; gathering data on the past land allocation program, assessment of land allocation constraints, a review of the status of allocated land, the introduction of a land parcel identification system, data collection on land ownership changes, tracking land parcel ownership changes, and verification of land parcel claims. The following is a brief summary of the research activities and results.

1. The district staff reported that the main problems encountered with land use planning and land allocation (LUP-LA) were: insufficient staff resources, lack of equipment and materials, insufficient and late receipt of budget to undertake planned activities, and lack of understanding by villagers of LUP and LA.

2 The distribution of land among the 58 households when LA was undertaken in 1997-98 resulted in families being allocated from one to six plots of land; fifty five families received three plots or more, while 11 families received six plots. The average allocation was 4.23 hectares per household while the total number of plots allocated was 261.

3. By May 2003 there were 108 families living in the village as in-migrations continued. As a consequence of this population increase 66 new families had acquired 121 plots of land and 24 former Khumu families had abandoned 121 hectares of land and migrated to Borikhamxay Province. The new settlers acquired land in the lowlands while maintaining access to some of their original land parcels and grazing land in their former villages.

4. The key impacts of these activities were;
   - new settlers used a variety of means to access allocated land including: borrowing, paying land tax for the owners, purchasing land, and using unused fallow lands
   - Confusion over land occupancy and use
   - A decline in land and soil quality on sloping lands
   - Land trading practices that were in conflict with regulations
   - Increasing inequities in access to land since land allocation was undertaken

5. By 2005 the land ownership situation had changed significantly since 2003. There had been a re-distribution by villagers of the previous 261 allocated land parcels with the new Hmong settlers claiming 85 parcels, the Khumu retaining 78 parcels while a total of 98 were unclaimed.
6. The key findings of a land ownership analysis in February 2005 found that;

- The 43 Khumu families retained 78 of the 261 parcels of land previously allocated but in most cases different parcels to those allocated in 1997-98
- Only three of the 43 Khumu families retained all the parcels of land allocated to them in 1997-98, a total of 11 parcels
- Khumu families freely redistributed parcels of allocated land, even though they had been issued with land use certificates
- Fifty six (57) Hmong families acquired 85 of the 261 parcels of land previously allocated to Khumu families. Hmong and Khumu families also acquired more parcels of unallocated land in the village management area
- There were 98 parcels of previously allocated land that could not be accurately accounted for the main reasons being that many were resumed at the site of the new merged village, adjacent parcels of allocated land had been aggregated into larger units, some parcels previously allocated were located in village protection forests and so were withdrawn for agricultural purposes

7. A number of conclusions and lessons emerged including:
   - Khumu villagers probably did not understand the significance and value of the temporary land use certificates issued
   - After land allocation there was little or no counselling or "customer relations" activity with villagers
   - A system of providing stronger and more enduring land use documents may help to avert the haphazard redistribution of land parcels by villagers, eg, the land survey certificate (bai pantee din)
   - The process of re-allocating land to provide a degree of land security to all families is a worthy idea and activity but is a very time consuming and costly procedure
   - Re-location of families to villages in which land allocation has been undertaken renders previous land allocation virtually worthless because of the high incidence of informal land parcel exchanges
   - Ethnic Khumu villagers are very vulnerable to losing land parcels when financially stronger ethnic Hmong villagers re-locate to their village

ສະຫຼຸບຫຍໍ້:

ບົດລາຍງານການຄົ້ນຄວ້ານີ້ ໄດ້ນຳສະເໜີຜົນໄດ້ຮັບກ່ຽວກັບການຄົ້ນຄວ້າໂດຍແມ່ນໜ່ວຍງານວາງແຜນນຳໃຊ້ທີ່ດິນ ຂອງໂຄງການຄົ້ນຄວ້າກະສິກຳ ແລະ ປ່າໄມ້ ເຂດພູດອຍຮ່ວມມືລາວ-ຊູແອດ (LSUAFRP) ໃນລະຫວ່າງປີ 2002 ຫາ ປີ2006.

ການຄົ້ນຄ້ວາແມ່ນປີການຈັດຕັ້ງປະຕິບັດທີ່ ບ້ານຫ້ວຍມະຫາ - ປຸ່ງເປົ້າ, ເມືອງໂພນໄຊ, ແຂວງຫຼວງພະບາງ. ຈຸດປະສົງເພື່ອສຶກສາຜົນກະທົບຂອງການຍົກຍ້າຍ ແລະ ການເຕົ້າໂຮມບ້ານ ກ່ຽວກັບເຈົ້າຂອງກຳມະສິດນຳໃຊ້ທີ່ດິນກະສິກຳ ທີ່ໄດ້ມອບໃນໄລຍະຜ່ານມາ.

ໃນເວລາມອບດິນກະສິກຳໃຫ້ຊາວບ້ານ ໃນປີ 1997-1998 ບ້ານຫ້ວຍມະຫາ-ປຸ່ງເປົ້າ ມີ 58 ຄອບຄົວ. ອຳນາດການປົກຄອງເມືອງໂພນໄຊໄດ້ມີການວາງແຜນກ່ຽວກັບການຍົກຍ້າຍ ແລະ ເຕົ້າໂຮມບ້ານເລີ່ມແຕ່ປີ 2000 ເປັນຕົ້ນມາ. ປະຕິບັດຕາມແຜນງານດັ່ງກ່າວນີ້ ໄດ້ຍົກຍ້າຍ ເອົາຊາວເຜົ່າມົ້ງຈາກເຂດພູສູງ (ບ້ານພູຈານອມ ແລະ ບ້ານພູສູງ) ລົງມາເຕົ້າໂຮມກັບ ບ້ານ ຫ້ວຍມະຫາ - ປຸ່ງເປົ້າ ທີ່ຕັ້ງຢູ່ແຄມທາງລົດ, ບໍລິເວນລ້ອງນ້ຳປາ.

ໃນໄລຍະເລີ່ມຕົ້ນຂອງການຄົ້ນຄ້ວາໃນເດືອນມິຖຸນາ ປີ2002 ຈຳນວນຄອບຄົວທີ່ຢູ່ອາໃສ ໃນບ້ານຫ້ວຍມະຫາໃໝ່ແມ່ນເພີ່ມຂຶ້ນ 87ຄອບຄົວ, ລວມທັງຄອບຄົວເຜົ່າຂະມຸບ້ານປຸ່ງເປົ້າ, ບ້ານຫ້ວຍມະຫາ ແລະ ຄອບຄົວເຜົ່າມົ້ງທີ່ອົບພະຍົບມາຈາກ 4 ໝູ່ບ້ານໃນເຂດພູສູງ.

ກິດຈະກຳການສຶກສາໄດ້ຈັດຕັ້ງປະຕິບັດຊ່ວງປີ 2002-2006 ໂດຍມີກິດຈະກຳຫຼັກແມ່ນ: ເກັບກຳຂໍ້ມູນກ່ຽວກັບການແບ່ງດິນ ແບ່ງປ່າໃນໄລຍະຜ່ານມາ, ການທົບທວນດ້ານອຸປະສັກຕ່າງໆ ໃນການປະຕິບັດມອບດິນ ມອບປ່າ, ທົບທວນຄືນສະຖານະພາບຂອງດິນທີ່ໄດ້ມອບແລ້ວຜ່ານມາ, ການສ້າງລະບົບກຳນົດເລກທີຂອງຕອນດິນ, ເກັບຂໍ້ມູນກ່ຽວກັບການປ່ຽນແປງຂອງສິດນຳໃຊ້ທີ່ດິນ, ທົບທວນການປ່ຽນແປງເຈົ້າຂອງຕອນດິນ ແລະ ການຈັບຈອງທີ່ດິນ.

ຊຶ່ງໄດ້ສະຫຼຸບຫຍໍ້ຜົນໄດ້ຮັບຈາກກິດຈະກຳການສຶກສາມີດັ່ງລຸ່ມນີ້:

1. ປັນຫາທີ່ພົບເຫັນໃນການປະຕິບັດແຜນງານຂອງການແບ່ງດິນແບ່ງປ່າແມ່ນ: ພະນັກງານ ບໍ່ພຽງພໍ, ອຸປະກອນເຄື່ອງມືຮັບໃຊ້ຍັງບໍພຽງພໍ, ງົບປະມານມີຈຳກັດ, ການອະນຸມັດງົບ ປະມານຍັງຫຼ້າຊ້າ ແລະ ຄວາມເຂົ້າໃຈຂອງຊາວບ້ານຕໍ່ການແບ່ງດິນ ແບ່ງປ່າຍັງຕ່ຳ.
2. ໃນໄລຍະທີ່ມີການມອບດິນມອບປ່າລະຫວ່າງ 58 ຄອບຄົວ ໃນປີ 1997-1998 ແຕ່ລະຄອບຄົວໄດ້ຮັບ 1-6 ຕອນດິນ; ມີ 55 ຄອບຄົວໄດ້ຮັບ 3 ຕອນດິນຂຶ້ນໄປ, ໃນຂະນະທີ່ 11ຄອບຄົວ ໄດ້ຮັບ 6 ຕອນດິນ, ສະເລ່ຍຂອງຄອບຄົວທັງໝົດແມ່ນ 4.23 ເຮັກຕາ ຕໍ່ຄອບຄົວ ແລະ ຈຳນວນຕອນດິນທີ່ໄດ້ມອບທັງໝົດແມ່ນ 261 ຕອນດິນ
3. ໃນເດືອນພຶດສະພາ ປີ 2003 ມີຈຳນວນ 108ຄອບຄົວທີ່ອາໃສຢູ່ໃນບ້ານຈາກການຍົກ ຍ້າຍມາຢ່າງຕໍ່ເນື່ອງ. ມີ 66 ຄອບຄົວ ຍົກຍ້າຍມາໃໝ່ໄດ້ຈັບຈອງເອົາ 121 ຕອນດິນ ແລະ ມີ 24 ຄອບຄົວ(ຊົນເຜົ່າຂະມຸ) ໄດ້ຍົກຍ້າຍໄປຢູ່ແຂວງບໍລິຄຳໄຊ. ຄອບຄົວທີ່ ຍົກຍ້າຍມາໃໝ່ກໍ່ໄດ້ຈັບຈອງເອົາດິນເຂດທົ່ງພຽງ ແລະ ຍັງໄດ້ນຳໃຊ້ດິນໃນເຂດບ້ານເກົ່າ ອີກເພື່ອປູກຝັງ ແລະ ລ້ຽງສັດ.
4. ຜົນກະທົບຫຼັກໃນການຍົກຍ້າຍແມ່ນ:
    - ຜູ້ທີ່ຍົກຍ້າຍມາໃໝ່ໄດ້ນຳໃຊ້ຫຼາຍວິທີການເພື່ອໃຫ້ໄດ້ນຳໃຊ້ດິນເຊັ່ນ: ຢຶມດິນ, ເສຍພາສີແທນເຈົ້າຂອງເກົ່າ, ຊື້ດິນ ແລະ ຖາງປ່າເລົ່າອ່ອນເພື່ອນຳໃຊ້.

- ມີຄວາມສັບສົນກ່ຽວກັບການນຳໃຊ້ ແລະ ຈັບຈ່ອງທີ່ດິນ.
- ດິນໃນເຂດຄ້ອຍຊັນມີຄຸນນະພາບລຸດລົງ.
- ມີການຊື້ຂາຍດິນທີ່ຂັດແຍ່ງກັບຄວາມເປັນຈິງ.
- ຂາດຄວາມສະເໝີພາບໃນການນຳໃຊ້ດິນ.

5. ລະຫວ່າງປີ 2003-2005 ເຈົ້າຂອງດິນມີການປ່ຽນແປງຫຼາຍເຊັ່ນ: ມີການແລກປ່ຽນດິນ ທີ່ໄດ້ຮັບມອບແລ້ວໂດຍຊາວບ້ານຈຳນວນ 261 ຕອນດິນ ຊາວມົ້ງໄດ້ຮັບ 85 ຂອງ ຈຳນວນຕອນດິນທີ່ໄດ້ຮັບມອບມາກ່ອນ, ເຜົ່າຂະມຸຍັງນຳໃຊ້ພຽງແຕ່ 78 ຕອນດິນ ແລະ ມີ 98 ຕອນດິນຍັງບໍ່ທັນມີການຈັບຈອງ.
6. ໃນເດືອນກຸມພາ ປີ 2005 ໄດ້ມີການວິເຄາະເລື່ອງເຈົ້າຂອງດິນ ແລະ ຜົນອອກມາຄື:
   - ເຜົ່າຂະມຸ 43 ຄອບຄົວໄດ້ນຳໃຊ້ 78 ຕອນດິນ ຂອງ 261 ຕອນດິນ ໃນເມື່ອກ່ອນ ແຕ່ສ່ວນໃຫຍ່ແມ່ນແຕກຕ່າງຈາກການມອບໃນປີ 1997-1998.
   - ມີພຽງ 3 ຄອບຄົວ ໃນຈຳນວນ 43 ຄອບຄົວຂະມຸ ຍັງຄົງຮັກສາຕອນດິນ ທັງໝົດທີ່ໄດ້ມອບໃຫ້ໃນປີ 1997-1998, ມີຈຳນວນ 11 ຕອນດິນ.
   - ຄອບຄົວເຜົ່າຂະມຸໄດ້ຮັບເອກະສານສິດນຳໃຊ້ທີ່ດິນໃນຜ່ານມາແຕ່ວ່າຍັງມີການ ແລກປ່ຽນດິນ ແລະ ເອກະສານຢັ້ງຢືນດິນ (ເອກະສານບໍ່ຖືກຕ້ອງ).
   - ຈາກ 261 ຕອນດິນທີ່ໄດ້ມອບໃຫ້ເຜົ່າຂະມຸໃນເມື່ອກ່ອນ, ຊົນເຜົ່າມົ້ງ 57 ຄອບຄົວໄດ້ຈັບຈອງ 85ຕອນດິນ. ນອກຈາກ 261 ຕອນດິນທີ່ມອບຜ່ານມາ ຊາວບ້ານຍັງໄດ້ຈັບຈອງດິນໃໝ່ໃນຂອບເຂດຂອງບ້ານ.
   - ໃນຈຳນວນ 98ຕອນດິນ ຍັງບໍ່ທັນມີການຈັບຈອງແມ່ນຫຼາຍຕອນດິນແມ່ນນອນ ຢູ່ໃນຂອບເຂດຂອງການໂຮມບ້ານໃໝ່, ບາງຕອນດິນທີ່ມອບໃຫ້ທີ່ມີຂອບເຂດ ຕິດກັນກໍ່ໂຮມກັນເປັນຕອນໃຫຍ່,ບາງຕອນດິນທີ່ມອບໃຫ້ໃນເທື່ອກ່ອນແມ່ນນອນຢູ່ໃນເຂດປ່າປ້ອ ງກັນ ແລະ ໄດ້ໂອນມາເປັນດິນເພື່ອນຳໃຊ້ຜະລິດກະສິກຳ.

7. ບາງຄວາມເຫັນ ແລະ ບົດຮຽນຂອງການເຕົ້າໂຮມບ້ານ:
   - ສັງເກດເຫັນວ່າຄອບຄົວເຜົ່າຂະມຸຍັງບໍ່ທັນເຂົ້າໃຈເຖິງຄວາມສຳຄັນຂອງເອກະ ສານມອບສິດນຳໃຊ້ທີ່ດິນທີ່ໄດ້ຮັບໃນປີ 1997-1998.
   - ຫຼັງຈາກມີການມອບດິນມອບປ່າຫ້ອງການທີ່ກ່ຽວຂ້ອງຍັງບໍ່ໄດ້ໃຫ້ຄວາມເຂົ້າໃຈ ເຖິງຄວາມໝາຍຂອງເອກະສານສິດນຳໃຊ້ຊື່ວຄາວໃຫ້ຊາວບ້ານ.
   - ຖ້າມີລະບົບທີ່ຕອບສະໜອງໃຫ້ຊາວບ້ານມີເອກະສານທີ່ມີນ້ຳໜັກຫຼາຍກ່ວາເພື່ອ ເຮັດໃຫ້ມີການລຸດຜ່ອນໃນການແລກປ່ຽນດິນ (ໃບແຜນວາດຕອນດິນ).
   - ການດຳເນີນການແບ່ງດິນແບ່ງປ່າໄດ້ເຮັດໃຫ້ຊາວບ້ານມີສິດໃນການນຳໃຊ້ດີ ກ່ວາເກົ່າແຕ່ວ່າກົດຈະກຳດັ່ງກ່າວແມ່ນຕ້ອງໃຊ້ເວລາດິນແລະນຳໃຊ້ງົບປະມານ ຈຳນວນຫຼາຍ.
   - ຖ້າມີການເຕົ້າໂຮມບ້ານຢູ່ໃນບ້ານທີ່ມີການແບ່ງດິນແບ່ງປ່າແລ້ວໃບກຳມະສິດນຳໃຊ້ຕອນດິນຊົ່ວຄາ ວຈະບໍ່ມີປະໂຫຍດຫຍັງ, ເພາະຈະມີການແລກປ່ຽນຕອນດິນ ຢ່າງຂະຈາຍ(ບໍ່ເປັນທາງການ)ລະຫ່ວາງຜູ້ເກົ່າ ແລະ ຜູ້ຍົກຍ້າຍມາຢູ່ໃໝ່.
   - ເຜົ່າຂະມຸແມ່ນຍັງຖືເບົາໃນການຮັກສາຕອນດິນເມື່ອເຜົ່າມົ້ງທີ່ມີຖານະດີກ່ວາມາ ເຕົ້າໂຮມເຂົ້າກັບໝູ່ບ້ານຂອງເຂົາເຈົ້າ.

1. Introduction

The Lao Swedish Upland Agriculture and Forestry Research Program (LSUAFRP), 2002-2007, was located at the National Agricultural and Forestry Research Institute (NAFRI) and had the aim of strengthening research capacity. The Land Management component was one of four components that undertook research activity in northern upland districts, the others being Farming System Research and Extension, Socio-economics, and Forestry Research. The main objective of the LSUAFRP was: "to develop productive upland technologies and land management recommendations that are acceptable to farmers and that take poverty alleviation and gender equity into consideration".

The main objective of the Land Management Component as defined in the project document was ***"to improve natural resource management and sustainability at village level"***. The program document defined three outputs to accomplish this objective, one of which was: ***"the impacts of land use planning and land allocation are identified and appropriate procedures and methods of land use planning and land allocation are developed/refined to suit upland conditions"*.**

When the program commenced, diagnostic studies were conducted in target villages, and these studies identified land use problems associated with village re-location. The scope of the land management research was therefore broadened to include studies on the impact of "village re-location" in addition to "land allocation".

Four studies were identified:

1. Studies on the effect of village relocation on previously allocated land parcels
2. Studies on the impact of village relocation/merging on land use and village livelihoods
3. Studies to develop appropriate methods for LUP-LA in upland villages affected by re-location
4. Studies on methods of land registration to systematically manage agricultural land allocation information

This report deals with the study on the effects of village relocation on land previously allocated under the land allocation program.

2. Objectives of Research Activity

Objective: To assess the effects of village re-location and merging on the ownership and use of previously allocated agricultural land parcels.

3. Location of Research Activity

The research activity was undertaken in the village of Huay Maha – Poung Pao which is located in "Boriwen" Long Nam Pa, Phonesay District in Luang Prabang Province.

This village was selected because:

- It was located in the LSUAFRP area
- It was regarded by the Phonesay District authorities as a key site in the district re-location plan and strategy, ie, a "show case" for re-location.
- The initial LSUAFRP diagnostic studies identified emerging land use conflicts in the village after relocation and merging of highland villages was initiated by the district authorities

- It was known that pressure was being exerted on the ownership and use of agricultural land parcels in the village as a consequence of the rapid influx of families into the village from highland villages.

4. Expected Research Outputs

The expected outputs as described in the research proposal were:

"The effects of re-location on allocated land and parcel ownership are understood and documented".

5. Methodology

Group interviews with district authorities and village authorities were undertaken to understand past land use planning and land allocation methods and outcomes. A review of the results of land allocation as reported by DAFEO in 1997-98 was undertaken to provide actual data on land allocated to the original Khumu residents in 1997-98. Discussions were conducted with families regarding the status of land previously allocated to ascertain current land parcel ownership as a consequence of re-location and also to understand land use practices that have evolved on allocated land since allocation. A set of guiding questions was prepared to guide discussions with the district authorities, village authorities and families.

6. Village History

Huay Maha village was originally established by ethnic Khumu villages in 1986, at which time there were a total of 16 families. The number of families increased to 20 by 1990. The neighbouring hamlet of Poung Pao was of a similar size. Prior to land allocation the two hamlets were amalgamated into the one official village with one village committee. When land allocation was conducted in 1997-98 the village had a total of 58 families, 30 families from Huay Maha and 28 families from Poung Pao. The management areas of the two hamlets were amalgamated and one village land use map was prepared when the village land use planning exercise was done. The European Union project operated in the area in the 1990s, and among other activities, constructed permanent village water supplies in each of these two hamlets, which gave the villagers a feeling of permanency.

The District Authorities introduced an official village re-location-village merging program in the year 2000 at which time the plan included re-locating ethnic Hmong families from five highland villages to a new location near Poung Pao hamlet. The site was to be developed into a small town to accommodate villagers moving from the five highland villages and also families moving from Poung Pao. The five Hmong villages included Pha Toup Tai, Phou Soong Noy, Phou Ja Norm, Long Yom Yai, and Long Yom Noy. The plan, included the following vague details.

Villages	House-holds	Pop.	Year of Relocation	Remarks
Pha Toup Tai	100	671	02/03	Five villages find a location near Huay Maha and settle as one village. (Some families are now moving to Pak Xeng Dist. Most have moved already to Long Ngat & Long Sa Ao)
Phoou Soong Noy	63	412	03/04	
Phou Ja Norm	66	478	02/03	
Long Yom Yai	52	377	03/04	
Long Yom Noy	41	343	03/04	

When the field research activity started in June 2002, the total number of families resident in the new Huay Maha site was 87, comprised of Khumu families from Poung Pao and Huay Maha hamlets, migrant families from four highland villages and several

families from three other villages, Pak Hok, Huay Lon and Mok Jong, who had moved voluntarily to the new site.

7. Summary of Field Activities -2002 to 2006

The field activities undertaken in relation to the study are summarized below.

No	Activity	Time	Comments
2001-2002			
1	Gathered information on past LUP-LA programs	June 2002	Phonesay: Land Allocation conducted in eight villages 1997-98.
2	Gathered land use zoning information in Phonesay	September 2002	Forest and agricultural land use zoning done in 67 villages between 1994-95 and 1996-97. Land use agreements prepared
3	More LA information gathered in Phonesay	September 2002	For 8 Villages; Huay Man, Thapo, Huay Maha, Poung Pao, Ta Kham, Pak Nga, Phon Ngarm, and Sop Gia
2002-2003			
4	Constraints to LA reviewed in Phonesay	May 2003	Mainly lack of staff, budget, and materials and technical support
5	Reviewed status of LA in Huay-Maha-Poung Pao village	May 2003	58 households, 245 ha allocated, spare agricultural land 437 ha, village use forest 579 ha, protected forest categories 1,450 ha
6	Land parcel ID system introduced	May 2003	Changed from household ID to land parcel ID to facilitate tracking parcel ownership changes
7	Data on land ownership changes compiled	May to September 2003	For each household originally allocated land
2003-2004			
8	Continued land use changes data gathering	October 2003 December 2003	As a result of re-location-merging, 121 plots obtained by Hmong settlers, 121 ha evacuated by Khamu; 26 families migrated out
9	Interim LA done by DAFEO Staff	January 2004 –September 2004	31 new parcels allocated to partially replace those acquired by Hmong settlers
2004-2005			
10	Tracking land parcel changes as in-migration continued	October 2004 to February 2005	By Feb 05; 144 families, population 1,010; 23 families without land, 121 families with land (from 1 to 8 plots per family)
2005-2006			
11	Group Interviews on general land use changes since LA. (Huay Maha)	February 2006	Gathered impact information, ie, yields, access to land, soil conditions, land disputes, forest areas, NTFPs, land use agreements
12	Family interviews on land trends since LA (Huay Maha-Poung Pao)	July 2006	Gathered timeline information on land use changes on family plots over 9 year timeframe from 15 families who have retained their allocated parcels
13	Final verification of land claims & ownership details	July 2006	For all families in Huay-Maha-Poung Pao; 513 land parcels, 147 families

8. Land Allocation Review - 2002

In 2002 a review of the village land use planning and land allocation program was conducted in Phonesay and Na Mo Districts. It was found in Phonesay District that the main activity conducted was village boundary delineation and forest and agricultural land use zoning, which was undertaken in 67 villages during 1994 to 1996. Land allocation was undertaken in eight villages between 1997-98 and 2000/01. In Na Mo District activity focused on village boundary delineation and forest and agricultural land use zoning. No formal land allocation was undertaken, and for this reason it was decided that the study should continue in Huay Maha-Poung Pao in Phonesay District.

8.1 Land Use Planning and Land Allocation Methods

The District Agriculture and Forestry Extension Office (DAFEO) in Phonesay was responsible for the LUP-LA program. The normal LUP-LA procedures which the GOL has adopted were followed, ie, the so-called eight step process including, preparation, village boundary delineation, land use zoning, socio-economic and land use data collection, agricultural land allocation decisions, agricultural land parcel measurement, the preparation and issue of land use documents (temporary land use certificates, land use contracts and land parcel maps), the preparation of village forest and agricultural land management agreements.

In 1997-98 the following LUP-LA activities were undertaken in Huay Maha-Poung Pao village, one of eight villages in which LUP-LA was implemented between 1997-98 and 2000-2001.

Village	LUP/LA Activities Completed
Huay Maha-Poung Pao	Boundary delineation, land use zoning, data collection, land allocation decisions, land parcel delineation, issue of temporary land use certificates, preparation of village land management agreement, and land use mapping.

8.2 Constraints and Problems with LUP-LA

DAFEO staff stated that the main constraints experienced since 1998 in undertaking effective LUP-LA were:

- Insufficient staff resources
- Lack of equipment/materials
- Insufficient budget and budget arriving late at district level
- Villagers not showing interest in participating and/or lack of understanding about LUP-LA

The annual plans and budgets for undertaking LUP-LA were often not approved in the year the plans were submitted which was the main factor in the slow rate of progress.

8.3 District Achievements with LUP and LA

The overall achievements with LUP-LA are presented in Appendix 1: Land Use Planning and Land Allocation Achievements to 2002- Phonesay District. Although there are small discrepancies in the "land use zoning" data, some interesting facts emerge.

1. The total "upland areas approved" (10,114 hectares) are approximately 69% of the "upland areas used in the past" (14,698 hectares). This reflects the intention to reduce shifting cultivation areas and restore forest in former fallow lands. This

approved area of land equates to approximately 3.70 hectares a household, equivalent to about a 3 or 4 year rotation cycle, which would not be sustainable in the long term unless considerable areas were converted to permanent commercial agriculture.

2. Protected forest categories (conservation, protection and regeneration) total 9,134 hectares, (72%) while the village use forest category totals 3,568 hectares (28%). Protected categories average about 3.3 hectares per household while the village use category averages 1.3 hectares per person. There was therefore a strong commitment towards protecting forest areas and a weak commitment towards providing villagers with access to livelihood forest sources.

3. In the eight villages in which land allocation was conducted the average agricultural land area allocated was 2.70 hectares per household, which is a very limited and unsustainable area in an upland rice fallow cultivation system. A land use zoning approach was adopted in another 67 villages, which resulted in an average area of 3.70 hectares of agricultural land being available to each household, indicating that in this district, land allocation tended to reduce household agricultural land availability more than agricultural land zoning.

8.4 Land Allocation in Huay Maha Poung Pao in 1997-98

A summary of land allocation and land use zoning results is presented below.

Table 1: Land Allocation & Land Use Zoning-Huay Maha-Poung Pao, 1997-98

Village Name	**H.holds Allocated Land (No)**	**Agric. Land Allocated (ha)**	***Corrected Land Allocated (May 2003) (ha)***	**Spare Agric. Land (ha)**	**Conserv-ation Forest (ha)**	**Protect. Forest (ha)**	**Village Use Forest (ha)**	**Regen. Forest (ha)**	**Total Village Area (ha)**
Huay Maha	30	103.21	*94.49*	30.12	28.75	1,267.52	243.12	5.00	1,680.72
Poung Pao	28	156.84	*150.68*	406.77	31.75	117.50	336.37	0.00	1,051.85
Total	**58**	**260.05**	***245.17***	**436.89**	**60.50**	**1,385.02**	**579.49**	**5.00**	**2,732.57**

Note: The Agric Land Allocated data in column 3 is incorrect. The corrected land allocation figures in column 4 were derived from an examination of the data on each Temporary Land Use Certificate (TLUC)

8.4.1 Household Land Distribution from Land Allocation

The following summary depicts the distribution of allocated land parcels and approximate areas of land allocated to households.

Table 2: Land Distribution Huay Maha-Poung Pao Families – 1997-98

Land Parcels	**None**	**One Plot**	**Two Plots**	**Three Plots**	**Four Plots**	**Five Plots**	**Six Plots**	**Total H/holds**	Ave. per House-hold (Ha)
No of families	0	1	2	5	20	19	11	58	
Ave area per household (Ha)	0	0.33	0.88	2.19	4.08	4.57	5.80		4.23

If an assumption was made that five or more land parcels permitted a viable, (if not ideal) rotation system, 30 of the 58 families were allocated sufficient land. The eight families with three parcels or less had unsustainable areas of land, and those with

four parcels had marginally viable areas of land. In addition to this agricultural land, each family had access to an average of 35 hectares of all categories of forest land which would have made a major contribution to their livelihood systems.

9. Land Ownership Situation – May 2003

During the period 1990 to 1998 there was a steady growth in family numbers from about 38 to 58. During the period 2000 to May 2003 after re-location commenced, a total of 66 additional families settled in Huay Maha-Poung Pao while 24 families migrated out to Borikhamxay Province, making an aggregate of 108 families.

Table 3: Family Increases in Huay Maha – 1990 to May 2003[1]

Year	Natural Increase	In -Migration	Out-Migration	Total
1990	-	-	-	38
1995	14	-	-	52
1998	6	-	-	58
2000	3	25	8	78
2001	1	2	4	77
2002	-	22	12	87
2003 (May)	4	17	-	108
Total	**26**	**66**	**24**	

The movement of families from the village to Borikhamxay Province coincided with the rapid influx of ethnic Hmong settlers.

In May 2003 a further review of migration to and from Huay Maha-Poung Pao was undertaken to verify the number of households residing in the village with a view to tracking land ownership changes as population increased.

Table 4 provides information on the number of families migrating to and from the village as of May 2003 and the land ownership changes that occurred as a consequence.

Table 4: Migrations and Allocated Land Ownership Changes - May 2003

Year	Families Allocated Land (No.)	Plots Allocated (No.)	Total Area (ha)	Families Migrating In (No.)	Plots Obtained (No.)	Estim. Area (ha)	Families Migrating Out (No.)	Area of Land Vacated (ha)
1997/98	58	261	245.17					
2000/2003				66	121**	113	24	121.37

** Not all of these plots were previously allocated parcels

9.1 Land Ownership - Khumu Residents

In 1997-98 the 58 original Khumu families were allocated a total of 261 land parcels. On average each family received 4.23 hectares of agricultural land. As of May 2003 24 of the 58 families had migrated to Borikhamxay, vacating approximately 121 plots of allocated land with an area of about 113 hectares, some of which the new Hmong settlers started to acquire. The remaining 34 families residing in Huay Maha-Poung Pao, also provided some parcels of land to new settlers.

[1] Exact data was unavailable and there was variation in the information provided from various sources (staff, village committee ad villagers). The above table may therefore be slightly inaccurate.

Information available at the time indicated that Khumu families had retained 124 parcels of land while Hmong settlers had acquired 121 parcels and that the status of 16 parcels of land was uncertain. The ethnic Hmong settlers acquired access to land parcels either by direct cash purchase, rental, paying land tax, or temporarily borrowing the land. This situation is summarized in Table 5.

Table 5: Khumu and Hmong Land Ownership Status – May 2003

Khumu Families	Land Allocated 1997-98		Families Migrating Out: 2000 to 2002	Allocated Plots Retained by 34 Khumu Families	Plots Sold to New Settlers	Plots Acquired by Other Means by New Settlers	Allocated Plots: Status Uncertain
	Plots	Area					
58	261	245	24	124	49	72	16

Note: The status of parcel ownership was again examined in detail in February 2005. This revealed a substantially different land parcel ownership situation which is discussed in the section "Land Ownership Situation – February 2005".

9.2 Land Use Strategies – Hmong Settlers

While the 66 families that migrated between 2000 and May 2003 acquired agricultural land within the Huay Maha-Poung Pao management area, they also retained access to grazing and agricultural land in areas adjacent to their original villages, at least, during the first year of resettlement to Huay Maha, as the following information gathered in May 2003 indicates.

Table 6: Indicative Land Use Strategies of Resettling Hmong Families

No.	Name	Location of Upland Rice Plots in 2003		Cattle Owned	Remarks
	Pha Toup[2]	Pha Toup	Huay Maha		
1	Gar Moua	1		3	Cattle kept in Pha Toup
2	Neng Lao	1		5	Cattle kept in Pha Toup
3	Jua Thong		1	4	Cattle kept in Pha Toup
4	Jong Ja Va	1		3	Cattle kept in Pha Toup
5	Too Yea Song	1		4	Cattle kept in Pha Toup
6	Tau Neng Song	1			
7	Tau Lee Song	1			
8	Nor Ja Song	1		5	Cattle kept in Pha Toup
9	Va Leu Song	1		5	Cattle kept in Pha Toup
10	Jur Ngear Song	1		6	Cattle kept in Pha Toup
11	Say Her Song	1		7	Cattle kept in Pha Toup
12	Na Yeng Hur	1		7	Cattle kept in Pha Toup
13	Sia Sua Song	1			
14	Goo Jai	1		3	Cattle kept in Pha Toup
15	Ja Fong	1		2	Cattle kept in Pha Toup
	Pha Cha Norm				
16	Nang Gia Ning		1		
17	Ze Gor Ya		1		
	Totals	**14**	**3**	**54**	

Generally, new settlers negotiated land acquisitions with the original land owners during the first year of resettlement.

[2] All of the recent arrivals constructed new houses in old Poung Pao village. The Khumu villagers vacated the site on request of the district authorities

9.3 Impacts on Allocated Land - May 2003

Within three years of induced re-location commencing, the following impacts of re-location on previously allocated land were becoming apparent in Huay Maha-Poung Pao.

1. New settlers used a variety of ways to access allocated agricultural land, including:

- Borrowing land and paying the land tax on behalf of the original owner
- Renting land from resident families
- Purchasing land from families who have migrated out of the village
- Using land which original settlers have not claimed or used, usually maturing secondary forest (pa lao gae), which was formerly part of the fallow system

2. Confusion over land occupancy and use, the effects of which were:

- The 261 land parcels allocated in 1997-98 were distributed among 58 families, the average number of parcels available to each family being 4.50 parcels, and the area available to each family being 4.23 hectares. By May 2003 the allocated land was distributed among 108 families, 66 of whom were re-located families. The re-located families had acquired 121 plots of land, while the Khumu residents retained 124 parcels, or on average 3.65 parcels.
- The average allocated land holdings of the remaining 34 Khumu families had reduced by 0.85 parcels
- Some of the most recent arrivals did not have parcels of agricultural land. For example, of the 17 families that settled in 2003 only three had acquired one parcel for upland rice cultivation in the village area while 14 were cultivating upland rice in their former village areas (Pha Toup Tai and Phou Cha Norm). (see Table 6)

3. A decline in land and soil quality on allocated sloping lands as evidenced by:

- The former fallow cycle of four to five parcels was reduced because Khumu families had sold or loaned land to new settlers and rotated between fewer parcels. (see 2 above)
- Some families who arrived later were using poorer quality land (land that had not been fallowed sufficiently) because the earlier settlers claimed parcels of better quality land
- Farmers had adopted practices such as the sub-division of parcels and crop rotations as an alternative to plot rotations. Villagers referred to this as *prayat din* (save land). The new land use practices on the one plot of land involved continuous cropping for three years as follows:

  Year 1: Whole plot: upland rice
  Year 2: Sub-division: half upland rice; half job's tear and/or sesame
  Year 3: Sub-division & rotation: half job's tear and/or sesame; half upland rice
  Year 4: Fallow
- Imperata cylindrica grass (ya kar) started infested cropping fields

4. Land trading practices that are in conflict with the Land Law

- New settlers borrowed land and paid the land tax to the Lands Office instead of the owner as a means of claiming land (jap jong din) previously allocated to Khumu families
- Khumu families were selling previously allocated land to Hmong families

5. Increasing inequities in access to land since land allocation

- When land allocation was undertaken every family was allocated land. There were only eight of the 58 families with less than four parcels, and thirty of the 58 families had five or six parcels. The average area per family was 4.23 ha.
- As of May 2003 the situation in the Huay Maha-Poung Pao village management area was as follows:

Table 7: Distribution of Land Parcels Among Ethnic Groups – May 2003

Ethnic Group	No. of Families	Parcels Allocated or Claimed	Average No. of Parcels/Family
Khumu	34	124	3.65
Hmong	66	121	1.83[3]

***Note**: Had all 58 Khumu families remained in Huay Maha-Poung Pao the average number of parcels available to each Khumu family would have been reduced to about 2.40 parcels per family because of the ethnic Hmong land acquisitions of 121 parcels*.

10. Land Ownership Situation – February 2005

Migration from highland villages continued through 2003 and 2004 and by February 2005 the population had risen to 1,010, there being a total of 144 families in the village comprised of 43 Khumu, 100 Hmong, and 2 Lao families as indicated below.

Table 8: Family Increases in Huay Maha – May 2003 to February 2005

Month/ Year	Khumu	Hmong	Lao	Total
May 2003	40	66	2	108
2004	42	98	2	142
Feb 2005	43	100	2	145

10.1 Effects on Previously Allocated Land - February 2005

It was becoming clear that after four years of induced re-location the situation had changed significantly since 2003, and in fact the data presented in Tables 5 and 7 was no longer valid. A detailed review of land parcel ownership changes was therefore conducted in February 2005 the object of which was to re-determine the ownership status of:

a) The land parcels vacated by the 24 families that had migrated to Borikhamxay Province
b) Other allocated land parcels that had been transferred to new settlers and/or exchanged among other Khumu families still residing in the village

As anticipated, this detailed analysis found that there had been substantial ownership changes resulting from redistribution of land parcels among the two ethnic groups.

The redistribution of 1997-98 allocated land parcels is summarized in Table 9 and the details of Khumu and Hmong parcel ownership are tabulated in Table 10.

Table 9: Allocated Land Parcel Distribution – February 2005

Year	No. of Families		No Parcels Allocated		Total Parcels	Unclaimed Parcels
	Khumu	Hmong	Khumu	Hmong		
1997-98	58	0	261	0	261	N/A
Feb 2005	43	57	78	85	163	98

[3] The Hmong settlers also retained access to some of their original farm lands adjacent to their former village areas.

Table 10: Record of Khumu and Hmong Land Ownership– February 200

Old Plot No.	New Parcel ID No.	Parcel Area (Ha)	Previous Owner	Current Owners Name	
				Khumu	Hmong
003	023	1.19	Sert	Von	
004	011	1.21	Sert	Ti	
005	014	1.20	Sert		Nang Gia Neng Lee
006	164	1.47	Sunthorn	Khamphanh	
007	231	1.49	Sunthorn		Gar Por Wa
008	020	1.59	Sunthorn		Va Kua Lee
010	485	1.10	Veat		Jua Por Song
012	028	1.05	Veat	Kham-on	
013	010	2.00	Veat		Gar Mai
014	140	0.79	Veat	Kham-on	
015	008	0.56	Veat		On Ta Wa
016	121	1.40	Than		Sa Lee Va
018	116	0.54	Than		Wa Sua Va
020	473	1.00	Than		Gia Hur Song
023	021	1.54	Laa	Kham	
024	015	1.00	Laa		Sua Por Lee
027	128	1.06	Sern	Xay	
028	091	1.42	Sern	Gar	
029	070	1.12	Sern		Jua Hur Song
032	132	0.99	Somvang	Bounlieng (Moui)	
033	086	1.00	Somvang	Poui (Pieu)	
035	219	1.85	Somvang	Bounlieng (Moui)	
038	016	1.38	Somchit		Chan Dee Lee
040	115	0.82	Vee (Tavee)		Yong Gar Song
045	079	1.24	Nang Jansouk		Long Lee
046	103	1.23	Nang Jansouk		Kur Nor Too
048	126	1.44	Say (A)		Jua Vur Song
052	117	0.31	Liang		Xay Hur Song
053	017	1.00	Liang		Bua Hur Lee
054	030	1.44	Liang		Sia Yeh
056	037	1.47	Liang		Bua Hur Lee
061	413	1.26	Jik		Jong Ya Va
062	068	1.29	Jik		Kur Nor Too
063	124	1.00	Amphorn	Moun	
068	195	1.42	Lay (Thonglay)		Gur Wa (Bounthanh)
072	169	0.44	Lay (Thonglay)		Wa Sua Wa
080	172	0.56	Khamchan		Jua Tong Song
083	205	1.15	Kai	Kham	
084	206	1.33	Kai		Jong Ta Wa
085	009	0.82	Kai	Kham	
088	045	1.32	Chan	Chan (Por ping)	
093	027	0.77	Seevorn		Lia Xeng Lee
096	071	0.96	Seevorn		Nor Jor Ya
097	317	0.56	Kham-on	Kham On	
100	469	1.51	Kham-on	Kham On	
101	141	1.02	Sawart Chan	Sawart Chan	
102	245	0.56	Sawart Chan	Sawart Chan	
103	338	0.91	Sawart Chan	Sawart Chan	
104	260	0.64	Sik		Nor Gia Song
105	452	0.66	Sik		Jua Tong Song
106	262	1.00	Sik	Nang Seethorn	
107	261	1.18	Sik	Nang Seethorn	
109	437	1.20	Sik	Sing	
110	255	0.66	Thong Dee	Thong Dee	
111	192	1.20	Thong Dee	Thong Dee	
112	078	1.36	Thong Dee	Thong Dee	
114	118	0.72	Xaythorn	Xaythorn	
115	152	0.86	Xaythorn	Xaythorn	
116	395	1.27	Xaythorn		Xay Hur Song
118	412	0.91	Xaythorn	Kaew (Keo)	
119	335	0.96	Puie	Puie	
120	130	0.45	Puie	Puie	
121	315	0.95	Puie	Puie	
122	453	0.72	Puie	Puie	
123	138	0.50	Puie	Puie	

Old Plot No.	New Parcel ID No.	Parcel Area (Ha)	Previous Owner	Current Owners Name	
				Khumu	Hmong
125	242	1.00	Khamphorn		Jong Jai Song (B)
126	446	0.56	Khamphorn		Nor Gia Song
127	165	0.97	Khamphorn		Fa Gee Song (Sin Xay)
128	257	1.00	Khamphorn	Kham On	
129	330	0.60	Lun		Nor Gia Song
130	340	0.58	Lun		Yong Lee Song
133	314	0.81	Porn	Porn	
135	263	1.08	Porn	Porn	
137	352	0.51	Porn	Porn	
138	455	0.81	Porn	Porn	
139	353	1.56	Bountha		Fa Gee Song
140	129	0.76	Bountha	Bounlieng (Moui)	
141	311	0.12	Bountha	Bountha	
142	276	0.56	Bountha		Sua Lao Lee
143	472	1.69	Bountha	Bountha	
144	499	0.79	Bountha	Bountha	
145	471	1.63	Sun	Sun	
147	275	0.56	Sun		Sua Lao Lee
148	319	0.81	Sun	Sun	
149	322	0.90	Sun		Ja Fong Song
151	296	0.32	Thonglay		Noo Kai
152	364	0.39	Lun (Por Sim)		Jong Tua Song
153	366	0.53	Lun (Por Sim)	Lun (Por Sim)	
154	427	0.48	Lun (Por Sim)		Yong Yeng Lee
156	248	0.95	Jur	Ta	
157	365	0.60	Jur	Jur	
158	320	0.90	Jur	Jur	
159	376	0.48	Jur		Yong Lee Song
161	466	1.44	Khamthong		Jua Por Song
162	226	0.40	Khamthong		Ja Pia Wa
163	144	1.28	Khamthong	Khamphay	
164	438	1.10	Khamthong	Khamthong	
165	180	0.42	Somchan (Bounsong)	Khamphay	
166	167	0.86	Somchan (Bounsong)	Bai	
167	344	1.00	Somchan (Bounsong)		Sur Song
168	461	1.00	Somchan (Bounsong)		Da Xeng Song
169	350	0.32	Somchan (Bounsong)		Noo Kai
171	179	1.10	Dee (Tee)	Khamon (Sang)	
172	348	0.30	Dee (Tee)	Khamthong	
173	114	0.76	Dee (Tee)	Khamphay	
174	457	0.28	Dee (Tee)		Tong Gu Wa
178	076	1.02	Sing (Por Sum)		Jong Jai Song (A)
179	250	0.56	Sing (Por Sum)	Sing (Por Nit)	
180	361	0.34	Bounpheng		Sia Sua Wa
181	108	0.56	Bounpheng		Jong Jai Song (B)
182	323	1.00	Bounpheng	Khamon (B'pheng)	
183	324	0.82	Somphan		Fa Gor Lee
184	337	1.10	Somphan	Viengkham	
185	495	1.50	Somphan		Fa Gee Song (Sin Xay)
186	345	0.64	Somphan	Viengkham	
188	409	0.56	Laa		Fa Gee Song (Sin Xay)
189	332	0.68	Laa		Jong Jai Song (A)
191	136	0.86	Laa		Jong Jai Song (A)
192	398	0.47	Laa	Lun (Por Sim)	
193	148	0.24	Chan		Fa Gor Lee
195	356	0.75	Chan		Fa Gor Lee
196	498	1.27	Chan		Gia Hur Song
197	336	1.00	Chan	Thong Dee	
198	392	1.50	Phat		Sor Neng Tor
199	266	1.93	Phat		Da Xeng Song
200	441	1.60	Phat		Xeng Song Wa (A)
201	328	0.67	Phat		Ya Da Song
202	331	0.54	Boun		Sor Neng Song
203	312	0.86	Boun		Jua Tong Song (Jia)
204	479	0.58	Boun		Jua Tong Song (Jia)
205	456	0.52	Boun		Jua Tong Song (Jia)
206	434	0.56	Boun		Sai Gur Wa

Old Plot No.	New Parcel ID No.	Parcel Area (Ha)	Previous Owner	Current Owners Name	
				Khumu	Hmong
207	321	0.92	Paeng	Paeng	
208	244	0.56	Paeng		Fai Neng Song
210	379	0.48	Paeng		Fai Neng Song
211	174	0.57	Khampaeng	Paeng	
213	264	1.00	Sing (Por Nit)		Nor Ja Song
214	470	0.85	Sing (Por Nit)	Sing (Por Nit)	
216	246	0.60	Sing (Por Nit)	Sing (Por Nit)	
218	326	1.18	Khamdaeng	Thong Dee	
220	318	0.51	Khamdaeng	Thong See	
221	360	1.38	Say		Nor Gia Song
222	137	1.08	Say	Khamon	
223	325	1.36	Say	Nang Seethorn	
224	377	0.92	Say		Jong Yeng Song
225	041	0.54	Phan		Ja Jur Wa
227	268	0.24	Phan	Khamphanh	
229	107	1.50	Thong Vin		Long Lee
230	098	1.60	Thong Vin	Thong Vin	
231	002	0.90	Thong Vin		Long Lee
232	099	1.65	Thong Vin	Thong Vin	
233	168	1.11	Thong Vin	Khampeuey	
236	080	1.00	Ti	Ti	
238	282	1.20	Ti	Ti	
239	067	1.32	Souk		Jong Tua Wa
240	176	1.00	Souk		Nor Jur Wa
241	220	0.75	Souk	Khamphay	
245	022	1.15	Loey		XayTua Song
246	082	1.36	Loey		Bua Hur Lee
252	077	1.00	Khamtay		Ya Xeng Lee
255	207	1.07	Khamtay		Ju Xeng Wa
258	025	1.22	Bounlieng (Moui)		Too Nia Wa
260	083	1.19		Bounlieng (Moui)	

Summary:

Ethnic Group	Families	Parcels
Khumu	35	78
Hmong	57	85
Total	92	163

10.2 Findings Emerging from Land Ownership Analysis

1. The 43 Khumu families retained 78 of the 261 parcels of land previously allocated but in most cases different parcels to those allocated in 1997-98, indicating that there had been substantial exchange of parcels between Khumu families.

2. Only three of the 43 Khumu families retained all the parcels of land allocated in 1997-98, ie, Mr Chan Sawart, Mr Thongdee, and Mr Puie, a total of 11 parcels. Mr Thong Dee also acquired an additional three parcels of other village land.

3. Khumu families freely redistributed parcels of allocated land, even though they had been issued with land use certificates. This was probably induced by the fact that more parcels became available for exchange when the 24 families migrated to Borikhamxay.

4. Fifty six (57) Hmong families acquired 85 of the 261 parcels of land previously allocated to Khumu families. Hmong and Khumu families also acquired more parcels of unallocated land in the village management area.

5. There were 98 parcels of previously allocated land that could not be accurately accounted for. The review indicated that there were four main reasons for this:

   a) Adjacent parcels of allocated land had been aggregated into larger units and therefore could not be identified
   b) Many agricultural parcels were resumed when the new Huay Maha-Poung Pao village site was surveyed to establish a "town", the total land area being 22 hectares
   c) Some agricultural land was re-classified as "village water supply protection forest" when the new water supply was constructed
   d) Some parcels previously allocated were located in village protection forests and so were withdrawn for agricultural purposes

11. Conclusions and Lessons

1. While Temporary Land Use Certificates (TLUCs) were issued to families in 1997-98, villagers freely transferred allocated land parcels to other families, both new settlers and permanent residents during the period 2000 to 2005. It could therefore be interpreted that villagers did not understand the significance or value of TLUCs.

2. Since land allocation there was little or no counselling or "customer relations" activity with villagers, an activity that is necessary to increase awareness of the value and the rights that land use certificates provide.

3. The TLUCs were not transferred to new owners when the land parcels changed ownership which partly arises from the lack of after allocation customer relations. This creates a "night-mare" for district staff attempting to assess land parcel claims and re-allocate land to the permanent residents and the new settlers as Tables 9 and 10 clearly illustrate.

4. A system of providing stronger and more enduring land use documents may help to avert the haphazard redistribution of land parcels by villagers. For example, the land survey certificate (bai pantee din) which until now is issued more widely and more numerously in urban and peri-urban areas than land titles, is recognized as collateral for borrowing and provides the owner with rights to sell the land, etc, and could be issued directly by the Lands Office instead of the TLUC.

5. The process of re-allocating land to provide a degree of land security to all families is a worthy idea and activity but is a very time consuming and costly procedure and is probably not economically feasible within normal district budgets.

6. Re-location of families to villages in which land allocation has been undertaken renders previous land allocation virtually worthless because of the high incidence of informal land parcel exchange between original residents and new settlers, and the time and costs involved in attempting to officially rationalizing land ownership.

7. Ethnic Khumu villagers are very vulnerable to losing land parcels when financially stronger ethnic Hmong villagers re-locate to their village as illustrated by the fact that by 2005, 85 of 163 parcels allocated to Khumu families in 1997-98 were owned by Hmong settlers, while the Khumu families retaining only 78.

12. Recommendations

1. Should re-location or merging of villages be considered by district authorities the initial step should be to survey and plan the distribution of sufficient land parcels, either upland rain-fed land or lowland areas suitable for bunded paddy. This would necessitate a survey of available land and enable the development of a rationale land use plan for a specified number of families prior to new settlers arriving.

2. In cases where induced re-location is occurring and no prior land capability assessment has been undertaken, land allocation should not be considered or attempted until population movement to the re-location villages/sites has stabilized because from year to year there will be constant exchange of land parcels and land ownership which the limited staff resources available to district agencies will be unable to track.

3. District agencies should increase effort on explaining to villagers the importance and value of Land Use Certificates in the process of attaining permanent rights to land parcels that have been allocated as this may alleviate to some extent the illegal transfer of allocated land to new settlers.

4. The merging of different ethnic groups with different social economic and socio-cultural profiles, eg, Khumu and Hmong, as occurred in Huay Maha-Poung Pao, is not recommended as this will lead to inequitable re-distribution of available land in favour of the stronger group.

5. If land has been allocated previously to families of a particular ethnic group, District Authorities should prepare guidelines and a plan to ensure that the allocated parcels are retained by the permanent residents to which it was allocated, prior to allowing new settlers to acquire land parcels by whatever means.

6. In this case at Huay Maha–Poung Pao the Khumu families who migrated to Borikhamxay should be interviewed at their new location to understand their actual reasons for abandoning their allocated land parcels. This would provide lessons for district authorities to consider in future.

Appendix 1: Land Use Planning and Land Allocation Achievements to 2002- Phonesay District

1. Land Use Zoning

Year	Vill-Ages	H/Hs	Upland Area Used in Past	Upland Area Approved	Old Paddy Land Area	New Paddy Area Appr-oved	Old Fruit Tree Area	Fruit Tree Area Approved	Old Field Crop Area	Field Crop Area Approved	Total Agric. Land Area	Cons Forest Area Allocated	Prot. Forest Area Allocated	Village Use Forest Allocated	Regen. Forest Area Allocated	Degraded Forest Area Allocated	Existing Pltn. Area	Pltn. Areas Approved	Total Forest Land Area	Total Village Area
1994	8	503	1,495	1,100	63	6	-	-	-	41	1,211	118	478	188	527	19	8	-	1,338	2,567
1995	34	1,252	7,267	5,144	30	2	4	-	92	302	5,486	772	1,228	1,066	1,534	17	8	3	5,412	10,944
1996	25	984	5,936	3,870	0	0	9	0	0	140	4,196	2,694	917	2,314	866	338	0	0	7,130	11,431
Total	67	2,739	14, 698	10,114	93	8	13	0	92	483	10, 893	3,584	2,623	3,568	2,927	374	16	3	13,880	24,942

2. Land Allocation

Year	Village	H/Hs	Populat-ion	Full Labour Units	Agricultural Land Allocated	Spare Agricultural Land	Conservation Forest	Protection Forest	Village Use Forest	Regenerat-ion Forest	Existing Plantation Area	New Plantat-ion Area	Total Forest Land	Other Land	Total Village Area
97/ 98	Huay Maha	30	182	90	103.21	30.12	28.75	1,267.52	243.12	5.00	0	0	1,344.39	0	1,680.72
97/ 98	Poung Pao	28	155	87	156.84	406.77	31.75	117.50	336.37	0	0	0	485.62	0	1,051.85
97/ 98	Huay Mun	54	332	119	169.47	2.16	37.10	42.55	814.76	0	12.64	0	907.05	8.67	1,087.50
98/ 99	Tapo	54	272	121	146.81	12.30	183.88	740.33	28.42	0	18.11	0	970.74		1,272.72
99/ 00	Sop Gia	57	305	126	263.02	81.00	25.00	15.00	37.00	19.00	1.63	0	83.63		1,127.44
99/ 00	Pak Nga	123	783	123	172.19	10.30	18.30	0	20.15	0	0	0	38.45		935.10
99/ 00	Phone Ngam	107	625	229	201.83	37.15	15.30	0	19.35	0	0	0	34.65		915.04
00/ 01	Ta Kham	34	202	137	81.64	249.64	77.50	13.36	28.06	257.54	8.19	0	384.65	8.24	728.05
Total	8 villages	478	2,856	1,032	1,295.01	829.44	417.53	2,196.26	1527.23	281.54	40.57	0	4,249.18	16.91	8,798.42

Notes:
1. In 01/ 02 land allocation is being undertaken in Don Say village
2. Land use zoning was previously undertaken in the eight villages in which land allocation was undertaken between 97/ 98 and 00 / 01

Appendix 2: Land Allocation Details Huay Maha-Poung Pao -1997-98

Plot No.	TLUC No.	Plot Area (ha)	Owners Name	Remarks
Poung Pao				
001	111/98	1.58	Sert	Migrated to Borikhamsay
002	111/98	0.09		Not sure what happened to land
003	111/98	1.19		
004	111/98	1.21		
005	111/98	1.20 (5.27)		
006	134/98	1.47	Sunthorn	Retains all plots allocated
007	134/98	1.49		
008	134/98	1.59		
009	134/98	0.78 (5.33)		
010	110/98	1.10	Veat	Migrated to Borikhamsay
011	110/98	1.14		Sold 1 plot to Khambai
012	110/98	1.05		Sold 1 plot to Kham-on
013	110/98	2.00		Other plots; do not know
014	110/98	0.79		
015	110/98	0.56 (6.74)		
016	129/98	1.40	Mae Dok	Migrated to Borikhamsay
017	129/98	0.90		Sold 1 plot to Va Xeng
018	129/98	0.54		
019	129/98	0.80		
020	129/98	1.00		
021	129/98	1.00 (5.64)		
022	135/98	1.52	Laa	Migrated to Borikhamsay
023	135/98	1.54		
024	135/98	1.00		
025	135/98	1.88		
026	135/98	1.14 (6.81)		
027	132/98	1.06	Sern	Migrated to Borikhamsay
028	132/98	1.42		
029	132/98	1.12		
030	132/98	1.15		
031	132/98	1.28 (6.03)		
032	127/98	0.99	Somvang	Migrated to Borikhamsay
033	127/98	1.61		Sold 1 plot to Ya Xeng
034	127/98	1.82		Sold 1 plot to Nam Bor
035	127/98	1.85 (6.27)		
036	136/98	1.00	Somchit	Migrated to Borikhamsay
037	136/98	0.75		Sold 1 plot to someone?
038	136/98	1.38		
039	136/98	0.82 (3.95)		
040	129/98	0.82	Vee	Migrated to Borikhamsay
041	129/98	0.80		Do not know about land
042	129/98	0.87		
043	129/98	0.60 (3.09)		
044	128/98	0.95	Nang	Sold 1 plot to NorKai
045	128/98	1.24	Jansouk	
046	128/98	1.23 (3.42)		
047	141/98	1.87	Say	Migrated to Borikhamsay
048	141/98	1.44		Sold 1 plot to Nam Bor
049	141/98	1.93		
050	141/98	1.00 (6.24)		
051	113/98	1.24	Liang	Migrated to Borikhamsay
052	113/98	0.31		Sold 1 plot to Boua Hur
053	113/98	1.00		Sold 1plot for house block
054	113/98	1.44		
055	113/98	1.42		
056	113/98	1.47 (6.88)		
057	116/98	1.35	Jik	Migrated to Borikhamsay
058	116/98	0.62		
059	116/98	1.75		
060	116/98	0.96		
061	116/98	1.26		
062	116/98	1.29 (7.23)		
063	139/98	1.00	Amphorn	Migrated to Borikhamsay
064	139/98	1.15		

Plot No.	TLUC No.	Plot Area (ha)	Owners Name	Remarks
065	139/98	1.12		
066	139/98	0.51		
067	139/98	3.00 (5.78)		
068	108/98	1.42	Thonglay	Migrated to Borikhamsay
069	108/98	1.96		Sold 1 plot to Por Girt
070	108/98	1.15		
071	108/98	1.75		
072	108/98	0.44		
073	108/98	1.16 (7.88)		
074	114/98	0.22	Thongsee	Migrated to Borikhamsay
075	114/98	1.20		Sold 1 plot to Bounpaeng
076	114/98	1.75		
077	114/98	0.48		
078	114/98	1.69 (5.34)		
079	138/98	1.08	Khamchan	Retains all plots allocated
080	138/98	0.56		
081	138/98	0.40		
082	138/98	1.07 (3.11)		
083	112/98	1.15	Kai	Migrated to Borikhamsay
084	112/98	1.33		Sold 4 plots of land to Tau Kham
085	112/98	1.00		from Mok Chong
086	112/98	0.44		
087	112/98	0.28 (4.20)		
088	130/98	1.32	Chan (B)	No information
089	130/98	0.72		
090	130/98	1.25		
091	130/98	1.00 (4.29)		
092	115/98	1.24	Seevorn	Migrated to Borikhamsay
093	115/98	0.77		Sold 1 plot to Boua Hur
094	115/98	1.10		Sold 1 plot to Ya Xeng
095	115/98	0.74		
096	115/98	0.96 (4.81)		
225	125/98	0.54	Khamphan	Retains 4 plots allocated
226	125/98	0.89		
227	125/98	0.24		
228	125/98	0.95 (2.62)		
229	109/98	1.50	Thong Vin	Retains 5 plots allocated
230	109/98	1.60		
231	109/98	0.90		
232	109/98	1.65		
233	109/98	1.11 (6.76)		
234	133/98	1.12	Ti	Retains 5 plots allocated
235	133/98	1.33		
236	133/98	1,00		
237	133/98	0.28		
238	133/98	1.20 (4.93)		
239	137/98	1.32	Souk	Retains 4 plots allocated
240	137/98	1.00		
241	137/98	0.75		
242	137/98	1.47 (5.45)		
243	126/98	1.15	Loey	Retains 4 plots allocated
244	126/98	1.29		
245	126/98	1.15		
246	126/98	1.36 (4.95)		
247	118/98	1.23	Mun	Retains 4 plots allocated
248	118/98	1.26		
249	118/98	1.67		
250	118/98	1.05 (5.21)		
251	117/98	1.56	Khamtay	Retains 5 plots allocated
252	117/98	1.00		Sold 1 plot to Lao Por
253	117/98	0.60		
254	117/98	1.50		
255	117/98	1.07		
256	117/98	1.30 (7.03)		
257	142/98	1.05	Moui	Retains 5 plots allocated
258	142/98	1.22		
259	142/98	0.64		
260	142/98	1.19		
261	142/98	1.32 (5.42)		
133	*Sub Total*	*150.68*		

Plot No.	TLUC No.	Plot Area (ha)	Owners Name	Remarks
Huay Maha				
097	180/98	0.56	Kham-on (B)	Retains 3 plots
098	180/98	0.28		Transferred 1 plot to Lao Bor
099	180/98	0.97		
100	180/98	1.51 (3.32)		
101	167/98	1.02	Chan (A)	Retains 3 plots allocated
102	167/98	0.56		
103	167/98	0.91 (2.49)		
104	158/98	0.64	Sik	Retains 6 plots allocated
105	158/98	0.66		
106	158/98	1.00		
107	158/98	1.18		
108	158/98	0.43		
109	158/98	1.20 (5.11)		
110	156/98	0.14	Thongdee	Retains 3 plots allocated
111	156/98	0.53		
112	156/98	0.46 (1.13)		
113	160/98	0.57	Saythorn	Retains 6 plots allocated
114	160/98	0.72		
115	160/98	0.86		
116	160/98	1.27		
117	160/98	0.24		
118	160/98	0.91 (4.57)		
119	159/98	0.96	Puie	Retains 5 plots allocated
120	159/98	0.45		
121	159/98	0.95		
122	159/98	0.72		
123	159/98	0.50 (3.58)		
124	153/98	0.14	Khamon (A)	Retains 5 plots allocated
125	153/98	1.00		
126	153/98	0.56		
127	153/98	0.97		
128	153/98	1.00 (3.67)		
129	179/98	0.60	Lun	All plots sold to Nor Gia and Lao Leng
130	179/98	0.58		
131	179/98	0.37		
132	179/98	0.46 (2.01)		
133	175/98	0.81	Porn	Retains 6 plots allocated
134	175/98	0.36		
135	175/98	1.08		
136	175/98	0.09		
137	175/98	0.51		
138	175/98	0.81 (3.66)		
139	178/98	1.56	Bountha	One plot is planted to teak
140	178/98	0.76		Transferred 1 plot to Khamthong
141	178/98	0.12		Transferred 1 plot to Soua Lao
142	178/98	0.56		
143	178/98	1.69		
144	178/98	0.79 (5.48)		
145	166/98	1.63	Sun	Retains 5 plots allocated
146	166/98	0.38		
147	166/98	0.56		
148	166/98	0.81		
149	166/98	0.90 (4.28)		
150	157/98	0.63	Thonglay	I plot is teak
151	157/98	0.32 (0.95)		Moved to Pak Nga
152	162/98	0.39	Lun (father of Sim)	Retains 4 plots allocated
153	162/98	0.53		
154	162/98	0.48		
155	162/98	0.24 (1.64)		
156	174/98	0.95	Jur	Sold 1 plot
157	174/98	0.60		
158	174/98	0.90		
159	174/98	0.48		
160	174/98	0.30 (3.23)		
161	163/98	1.44	Khamthong	Retains 4 plots allocated
162	163/98	0.40		

Plot No.	TLUC No.	Plot Area (ha)	Owners Name	Remarks
163	163/98	1.28		
164	163/98	1.10 (4.22)		
165	178/98	0.42	Somchan	Retains 5 plots allocated
166	178/98	0.86		
167	178/98	1.00		
168	178/98	1.00		
169	178/98	0.32 (3.60)		
170	161/98	0.20	Dee	Migrated to Borikhamsay
171	161/98	1.10		Sold 1 plot to Kham-to
172	161/98	0.30		Sold 1 plot to Kham-on
173	161/98	0.76		Transferred 1 plot to father of
174	161/98	0.28 (2.64)		Tau Phet
175	155/98	0.30	Sing (father	Migrated to Borikhamsay
176	155/98	0.36	of Sum)	Transferred 1 plot to Tau Jur
177	155/98	0.75		
178	155/98	1.02		
179	155/98	0.56 (2.99)		
180	154/98	0.34	Bounpheng	Retains 3 plots allocated
181	154/98	0.56		
182	154/98	1.00 (1.90)		
183	168/98	0.82	Somphan	Retains 4 plots allocated
184	168/98	1.10		
185	168/98	1.50		
186	168/98	0.64 (4.06)		
187	171/98	0.46	Laa	Migrated to Borikhamsay
188	171/98	0.56		Transferred land to Song Jai
189	171/98	0.68		Sold house to Song Jai
190	171/98	0.56		
191	171/98	0.86		
192	171/98	0.47 (3.59)		
193	173/98	0.24	Chap	Migrated to Borikhamsay
194	173/98	1.35		Sold 1 plot of land to Fa Gor
195	173/98	0.75		Sold house & house land to Fa
196	173/98	1.27		Gor
197	173/98	0.94 (4.55)		
198	168/98	1.50	Phat	Migrated to Borikhamsay
199	168/98	1.93		Transferred all plots to Wansay
200	168/98	1.60		
201	168/98	0.67 (5.70)		
202	168/98	0.54	Boun	Migrated to Borikhamsay
203	168/98	0.86		Sold land to Tau Gur
204	168/98	0.42		
205	168/98	0.52		
206	168/98	0.56 (2.90)		
207	164/98	0.92	Paeng	Retains 2 plots allocated
208	164/98	0.56		Sold 1 plot to Da Por
209	164/98	1.21		Sold 1 plot to Boua Lao
210	164/98	0.48 (2.17)		
211	181/98	0.57	Khampaeng	Migrated to Borikhamsay
212	181/98	0.25 (0.82)		Do not know about land
213	176/98	1.00	Sing (father	Retains 4 plots allocated
214	176/98	0.85	of Nit)	
215	176/98	0.68		
216	176/98	0.60 (3.13)		
217	182/98	0.33 (0.33)	Gee Khong	Not sure ??
218	172/98	0.86	Khamdaeng	Sold 1 plot to Hmong at Long
219	172/98	0.66		Yom
220	173/98	0.51 (2.03)		Sold 1 plot to Thongdee
221	165/98	1.38	Say (B)	Migrated to Borikhamsay
222	165/98	1.08		Sold 1 plot to Nor Jai/Nor Gia
223	165/98	1.36		Sold 1 plot to Kham-on
224	165/98	0.92 (4.74)		
128	*Sub Total*	*94.49*		
261	**Total**	**245.17**		

Appendix 3: Research Proposal LM2: Impact of Re-location on Land Allocation

A	**RESEARCH PROGRAM**	
	Research Unit	Land Management Component
	Research Program	Lao-Swedish Upland Agriculture and Forestry Research Programme
	Programme Objective	To improve natural resource management and sustainability
	Sub-program Objectives	Impacts of LUP/LA are identified and appropriate methods of LUP/LA are developed and identified to suit upland conditions
	Sub-program Outputs	Land use planning models and recommendations for allocation procedures developed
B	**SPECIFIC RESEARCH PROJECT PROPOSAL**	
	Year	2002 -2005 -2006
	Code	LM 2; LM 2.1
	Research Project Title	The effects of relocation on land allocation programs
	Objective	To assess the effects of re-location and merging on the ownership and use of previously allocated agricultural land parcels
	Background, Justification and Relevance	The reports of LSUAFRP diagnostic surveys in Namo District and Phonesay Districts of late 2002 identified various land use issues in the nine target villages, among them being the relative shortages of agricultural land, competition for farming land and land conflicts between villages. In Phonesay District, agricultural land parcel allocation was undertaken in 1997-98 in several villages, while in Na Mo district, the land use planning program focused on forest and land use zoning. The purpose of this study is to assess the impacts of re-location on land allocation previously conducted by the district agencies. The study will be undertaken in a representative village of Phonesay District
	Expected Output	Land use of relocation on previously allocated land are understood and documented.
	Review of Related Work	• Several model building programs and studies on land allocation and re-location have been undertaken in Lao PDR, including the Lao Swedish Forestry Program, EU Project, Concern, GTZ, NUOL, Action Contre la Faim, ADB, CARE Project, FAO, Land Titling Project, SCSPP, and others. Reports on these studies are available from these agencies. References to many of them are to be found in the proceedings of the NAFRI Workshop on Poverty Reduction and Shifting Cultivation Stabilization in Lao PDR, Luang Prabang 27th to 30th January, 2004. • At the district level, the District Agriculture and Forestry office has LUP and LA records, maps and other documentation that are available for reference and review.
	Location	One representative village in Phonesay District, Luang Prabang Province.
	Methods	Field action research will be conducted in the selected village. Group interviews and data collection with district authorities and village authorities to understand past LUP and LA methods and outcomes. The results of land allocation as reported by DAFEO in 1997-98 will provide actual data on land allocated. Discussions will be conducted with families that have had land allocated by DAFEO. Surveys on the status of land previously allocated to families will be conducted to ascertain current land parcel ownership as a consequence of re-location and also to understand land use

		practices that have evolved on allocated land since allocation. A set of guiding questions will be prepared to guide discussions with the district authorities, village authorities and families.
	Activities	• Data gathering on LUP and LA programs and results at the district office and the DAFO office • Compilation of data from the discussions with district offices prior to field visits to representative villages • Village visits to conduct interviews with Village Authorities and families • Collation of field data • Analysis of data gathered at the district offices and the villages • Preparation and presentation of research report.
	Work plan	2002 – 2006 period
	Staff Involved	• Staff of the Land Use Planning Unit of FIPD working with the Land Management Component will undertake the field studies in consultation with District staff responsible for land allocation. • The Land Use Adviser will assist with documentation and interpretation of the results, with the search for relevant information from other sources, and the write up of the research findings.
	Research Partners	• The District Administration • The District Agriculture and Forestry office • Key informants and families that have been allocated land in the representative villages.
	Budget	• Funds will be allocated in accord with annual work plans and activities conducted in the field