

Enhancing Land Ownership through Communal Land Titling and the National Land Policy

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LIWG Communal Land Titling Recommendations

Background

- 2011 – LIWG Meetings on CLT
- January – March 2012 - Extensive process of discussion and consultation to form LIWG CLT positions
- March
 - Report published – LIWG Key Recommendations on CLT
 - Workshop with National Land Policy Review Committee
 - First meeting, supported by DPs, seemingly very positive outcomes

Land Issues Working Group
Communal Land Titling and Registration Policy
Recommendations - Lessons from the Field



March, 2012



Policy Recommendation - 1

- Communal Land Titles can be issued as a result of a land use plan specifically for the proposed CLT area.

Policy Recommendation – 2 & 3

- All plots delineated during land use planning are **eligible** to be registered as communal land except zones subject to exclusions falling under individual and state lands
- Including *rotational cropping agricultural land zone*

Policy Recommendation - 4

- Communal Land Titles and the areas and boundaries they represent are to be *permanent*
- **Use rights of the land can be revised with the consent of the village.**
- (The beginning of our 'flagship' NLP recommendation)

LIWG National Land Policy Recommendations- Background

National Land Policy v8 – Mid 2012

- LIWG translated it
- Hardly any wording on rights, did not include LIWG CLT recommendations
- Key LIWG members reviewed it and made comments
- These were compiled and voiced through a variety of channels
- Failed attempt to make common position with DPs
- GIZ made some recommendations and worked directly with MONRE

National Land Policy v9 & v10 – Mid-End 2012

- Some GIZ key recommendations were included
- None of the LIWG recommendations were included
- Very poor in terms of citizens rights
- Rejected by the Prime Minister

Access to MONRE

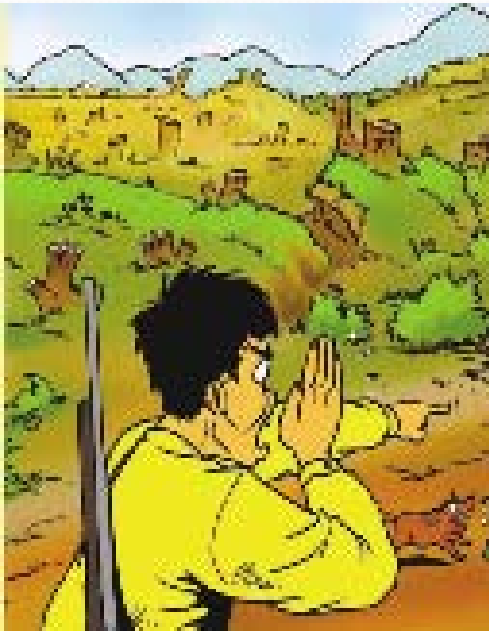
- MONRE requested that we sit with them and help them write the NLP
- Unprecedented level of CSO access to Lao policy makers
 - Proposed policy wording
 - Explanation and feedback from MONRE
 - Reiteration

The Roller Coaster: 2012 – mid 2013

- ‘Right to refuse’ included in draft, then removed
- LIWG lobbied MONRE, NA and DPs
- NLP rejected by PM in December 2012
- March 2013 -VM MONRE and NA included right to refuse in the draft
- All rights removed at a higher level
- LIWG distributed recommendations to NA
- NA members rejected the NLP in June 2013



Proactive strategy: mid 2013 - now



- Power mapping analysis
- Many LIWG members reviewed and refined the wording to make 4 key policy recommendations
- Many LIWG members helped to voice these through:
 - Land Sub Sector Working Group
 - Individual meetings with DPs and Embassies
 - LIWG DP workshop
 - GIZ trained MONRE on the recommendations
 - Attempt to reach the NA

- Recommendations published with German and UK Embassies
- Many DPs and Embassies verbally agreed to take the recommendations to key decision makers
 - Not sure if all of those actually did
- MONRE handed the recommendations out at the RTM
- EU (and possibly others) raised the issues in their RTM statements

LIWG National Land Policy Recommendations- Background



PROBLEM: Rural people are losing their land against their will (as enabled by GOL staff)

SOLUTION: Limit expropriation (taking land against the will of the land users) to what will overall benefit all citizens

OTHER PURPOSE

Right to choose

Individually used land

Individual user must agree

Communally used land

80% of community members must agree through a vote

PUBLIC PURPOSE

Full and Fair compensation

Individual and Communally used land

Right to contest

Must apply for titled AND untitled land (customary tenure)

Implementation must be strengthened

PROBLEM: Weak implementation of laws

Rural people have low access to justice systems

Low transparency

National Assembly flooded by land complaints they cant resolve

Grievance Mechanism

Publicly accessible land Information System

Conflict and villager resistance to land concessions

Responsibility to receive grievances

Independent of land concession-approving Ministries

Authority to implement resolutions

All contracts, maps, etc.

Already exists but not public

Details on CLT

- Procedure for registering communal land
- Communal Land Title Holders
 - Eligibility
 - Rights
- Communal Land Management Committee
 - Decision making powers
 - Selection process

Moving forward: A Two- fold approach

Policy and Implementation (Titling)

Why a two-fold approach to communal ownership?

- Titles will only protect ownership rights if there is implemented policy which provides such rights:
 - The current law does not explicitly provide holders of land titles with the right to refuse land concessions
 - Individual land titles holders have been forced off their land

Why a two-fold approach to communal ownership?

- Policy is only meaningful if it is implemented
 - Lao policy which is not always implemented
 - Justice system is weak (eg see UNDP Access to Justice survey)
 - Titles provide written evidence and strengthens perception of ownership

Policy

- Needs to provide communal ownership rights, especially community rights to refuse land concessions (outside of public purposes)
- Inform decision makers
- Requires many persons to help with coordinating and communicating the recommendations, as before

Communal Land Titling

- Pilot projects to (possibly) give ownership rights and feed results up to policy makers
- Defining detailed procedures
- Trainings, co-implementations, revision of policy etc.

Discussion Time