



NURTURING NATURE
Livelihood Sovereignty Alliance

Social Policy Ecology Research Institute



Photo by Phonthip at Ta Pen village October 2015

Research Findings

Kuang Xi Feasibility Study from October to December 2015
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Conflict over the natural resource in Kuang Xi Waterfall

By Tran thi Lanh

Introduction

Kuang Xi is a unique area of authentic cultural, religious, social and biological ecology upstream of the Kuang Xi Waterfall in the Luang Prabang District of Luang Prabang Province in Northern Laos. Since 1975, when Lao PDR became an independent nation, Kuang Xi has been seen as an important area for the whole nation. However, while the local government of Luang Prabang and the local tourism operators gain benefits from visitors to Kuang Xi, the local indigenous people face serious obstacles in continuing their wisdom in practicing their belief of nurturing nature as well as maintaining their daily livelihoods. For this reason, a study was proposed by a Center for **Human Ecology Study of Highland (CHESH) - Lao**¹ to find a way of coordinating the different stakeholders in sustaining the unique landscape of Kuang Xi by way of an inter-ethnic co-management strategy. CHESH-Lao's involvement in the Kuang Xi area followed from their earlier work (since 1999) with Luang Prabang Province and District and Provincial Agriculture and Forestry Office (PAFO) in the area of "*Culture-Based Sustainable Community Development*" with the Hmong village of Long Lan, the Khmu villages of in Deng Sa Vang, Pon Sa Vat in Luang Prabang District; the Khmu in Nam Kha village, and the Lao lum people in Xieng Da village of Nam Bac District, Luang Prabang Province. CHESH-Lao's work with these villages was very successful and highly valued by the local authorities. That is why in 2014 the Luang Prabang local authorities invited CHESH-Lao to become involved in the Kuang Xi area in applying the same successful methodology as they had applied in Long Lan and other villages. This method was called "*Customary based watershed forest Co-management*".

The Luang Prabang District basic information

The Luang Prabang district located in the North of Luan Prabang Province with total of 25.828 ha of the primary forest which occupied 33%. Agricultural land is 10.802 ha of 13%. The Forest land is 29.440 ha of 38% and the other land is 11.336 ha of 14%. Totally natural land of the Luang Prabang district is 77.406 ha.

Population is 82.022 people of total 14.982 households of which is 41.228 female. Lao lum ethnic group is 59.123 people of 11.130 household of 72%. Khmu is 13.000 people of 2.238 households of 16% and Hmong is 9.756 people of total 1.461 households of 11%.

There are total 114 villages which divided into 15 regions. Inside Luang Prabang World Heritage is 64 villages of 9 groups.

The Kuang Xi Upstream Waterfall forest and social dimension

The Kuang Xy Upstream is located far away from Luang Prabang World heritage is 25 km towards the South where combines between three district: 1) Luang Prabang, 2) Xiêng Ngân and 3) Mường Nán.

¹ CHESH's Lao is a representative office of CHESH in 1999.

The natural forest and land of Kuang Xy watershed is 20.000 ha. Of which, there are 10.000 ha forest, about 9.000 ha is the sacred/spirit forest and other left is forest land and valey for agriculture.

Up to 2013, there are 10 villages of the three ethnic minority groups are living in Kuang Xy Upstream area. They are Lao lum, Khmu and Hmong. Lao lum is 309 households of 37%, Khmu is 322 households of 39% and Hmong is 204 households of 24%. Totally is 835 households. These 10 villages as 1) Yzang village is Lao lum 119 households; 2) Huoi Sieu village of Khmu of 62 households; 3) Huoi chia village of Khmu of 47 households; 4) Huoi Han village of Khmu of 91 households; 5) Khoc Man village of Lao Lum of 154 households; 6) Huoi Long village of Khmu of 31 households; 7) Long Lau village of Hmong of 95 households; 8) Tha pen village of 136 household of both Khmu 72 households and Lao lum 36 households; 9) Nong Khoai village belong to Xieng Ngan District of 44 households combine 19 households is Khmu and 25 household is Hmong; 10) Tu Ho village of Muong Nan District of 56 households of Hmong.

Context analysis

After receiving this invitation, CHESH-Lao began by organizing a meeting with the local authorities and officials from the professional departments of Luang Prabang, Mu Nang and Xieng Ngan Districts. At this meeting CHESH-Lao presented their method of 1) bottom-up participation in forest land monitoring using the local elders' wisdom and knowledge in categorizing watershed forest landscapes; 2) legalizing recognition of local spiritual names in the official mapping analysis of the government; and 3) legalizing the wisdom and customary laws of the local people in managing and preserving their sacred forest. The local authorities agreed to this methodology and the original plan was to begin in March 2014, so that by August 2014, 120 land right titles would be given to Yang village, a Lao village in the center of the Kuang Xi area.

Early stages of the project

As supervisor for CHESH-Lao Land Allocation program, Mrs Tran thi Lanh undertook the planning for the program and senior CHESH-Lao land allocation specialists, Mr Ka, was to lead it. After one month of preliminary research, Mr Ka gave his recommendations for a survey, measurements and mapping to be conducted over the coming months. Mrs Lanh however felt uncomfortable with this plan. She understood that the human-social situation up-stream of the Kuang Xi Waterfall involved not only Lao (the majority ethnic group) but also the Khmu minority who were the original occupiers of the area but who had been resettled out of the area by the government twenty years earlier. Her concern was that if they went ahead with the project as planned, and land titles were given only to the Lao farmers of Yang village, then what effect would this have upon the Khmu people who also had their ancestral land there. She asked that further research be done with the eight resettled villages of Khmu and that the different spiritual leaders, traditional elders and knowledgeable farmers in these villages be interviewed about their memories, understandings and feeling toward the land, and that they be brought to the areas where they had originally lived and still believed in the spirits of nature living there so that photographs of the locations could be taken and a video recording made of their descriptions of the landscape.

After interviewing the elders from each of the eight villages and accompanying them on field trips to the forest there was an inter-village meeting held at which more information was revealed. It was discovered that in addition to the eight villages already recognized as having ancestral and spiritual connections to the forest there were several Khmu and Hmong villages in the neighboring districts of Muong Nan and Xieng Ngan who were also ancestrally related to the area upstream of the Kuang Xi Waterfall. As a result Mr Ka and Mr Phontip visited Muong Nan and Xieng Ngan Districts and held discussions with the Agriculture and Forestry Department Directors in order to gain a broader understanding of the connections of the Khmu and Hmong villages in these other two districts to the Kuang Xi area. The outcome of this 'pre-land and forest allocation research' was that the program expanded in scope from one village in one district to thirteen villages in three districts.

To proceed further, in August 17-22, 2014, CHESH-Lao organized a meeting in Yang village inviting all key-farmers and elders from all the villages surrounding the Kuang Xi Waterfall, plus the local authorities of all 3 districts. At this meeting, held for 3 days informally, key-farmers and elders from the different villages drew-up and presented to each other their own maps of their forests areas during two days officially. From these presentations one common feature emerged: that their sacred spirit forests of these villages now all belonged to the watershed, and that they all wanted the Luang Prabang local authorities to reallocate this land to them so that they could preserve their sacred forests by their own beliefs and voluntary actions, and continue to nurture and practice their own wisdom in growing the native species necessary for their daily livelihood.

The results of this meeting were submitted to the President of Luang Prabang District with suggested follow-up actions. On October 11-16, 2014, the first of these follow up action was carried out with all the traditional leaders, key farmers who had participated in the conference in Yang Village in August meeting again in Long Lan Village for 6 days of very deep discussion with all the traditional elders and key-farmers of the 14 villages in the Phu Sung are where Long Lan is located. *The outcome of this meeting was an agreement to submit to Luang Prabang Province to have the forest and land in Kuang Xi reallocated to the all villages up and down stream of Kuang Xi waterfall included three districts.*

From these two meetings the following information and understanding of the Kuang Xi area was gained: There were 63 different pieces of forest in the Kuang Xi area with 63 different named spirits residing inside them. Altogether these areas total about 9000 ha and involved 13 different villages and three ethnic groups (Khmu, Hmong and Lao) involved three districts surrounding Kuang Xy waterfall. It was clear now that if the land allocation had gone ahead without this knowledge, and the land had been handed over to only Yang village of Lao Lum group, there would have been *a lot of conflict left behind religiously and culturally*. That is why it was necessary to record and analyze the information from the different elders and knowledgeable farmers of all the different villages and ethnic groups, and to have them present this information together at a joint village meeting. This information was used to lobby the local government to persuade them that if they wanted a long-lasting solution for Kuang Xi Waterfall, one that would allow them to continue to gain revenue from the tourist company operating in the area, then they need to: 1) officially recognize the 63 piece of spirit forest by granting official land titles to its historical ancestral owner and; 2) recognize the local names for these 63 different pieces of

‘spirit forest’ used by the different Khmu, Hmong and Lao lum groups, and use these names in parallel with the official names for the forest used by the government, such as ‘*special forest*’, ‘watershed forest’ and ‘production forest’; 3) allow the land bordering each of the pieces of spirit forest to be under the ownership of the different ethnic minority groups whose forest it was so that they could regularly come back there to nurture their forest even though they had been resettled away from the area; 4) combine all 63 pieces of spirit forest totaling about 9000 ha and allow inter-ethnic co-management, co-ceremony and rituality, and co-preserving of the area by all 13 villages; and 4) for the local government of Luang Prabang to legalize this arrangement for a) Mapping with local spiritual forest names, 2) recognizing customary laws, and 3) granting community spirit forest right titles under responsible community’s name.

It meant that the local Luang Prabang authorities would be agreeing to a parallel system of forest management in the upstream area of Kuang Xi in which the forest would be referred to in the local names as ‘spirit forest’, and in the official name as ‘special forest’. And whereas according to the official law, human activity in ‘special forest’ is forbidden, according to the local traditional system, local people would be able to enter the forest take care of it voluntarily according to their own beliefs and norms. In comparing one system with the other, the traditional one was seen as much stronger and more sustainable. Whereas in the government system the government needed to pay money to the national park or state owned watershed forest management board to subsidies staff salaries, guns and uniforms, and to administer a punitive law to punish those people who offended, *in the traditional system people acted voluntarily according to their own beliefs and norms of behavior, according to their livelihood identity need to response to their spirits.*

The outcome of this nine month of research was that, on the one hand, land rights had not yet been allocated; but on the other hand, if the allocation program had blindly gone ahead according to the original plan without the additional research then it would have resulted in long-term disaster for the area. As it was, the research had resulted in three different ethnic groups from thirteen different villages uniting together to share their spiritual beliefs, ritual ceremonies, naming practices and knowledge of different categories of forest, and in them selecting key speakers to present their unique perspective to the local authorities, so that in the end the local authorities agreed to follow a revised land and forest allocation process. Disaster was thereby averted.

This is why CHESH-Lao decided to stop the land allocation as planned according to the original design and follow a new challenges which was supervised by the traditional elders and key farmers and which involved thirteen villages of three different ethnic groups of three districts instead of only one Lao lum group located in only Yang village!

Outside Intervention

Time passed while CHESH-Lao prepared a new proposal for a revised forest and land reallocation process, and in the meantime some significant events happened in Luang Prabang creating a situation of acute political sensitivity in the Kuang Xi area. In May of 2015, straight after the Lao traditional new year festival in April, the President of Luang Prabang Province signed a legal paper giving a Mr Canh, an American-Lao citizen in partnership with a Chinese

Company, permission to conduct a survey of the Kuang Xi Waterfall area for the purpose of finding investment opportunities. The issue had earlier been raised at a weekly meeting of the Luang Prabang Province People's Committee and many departments of the province had not supported it. However, the President still signed a paper giving permission for Mr Canh and Chinese Company do the survey. When this paper left the President's table, the lady who handled it was curious enough to read it, and that evening she sent a message describing its content to a friend via Facebook. The friend then forwarded the message to another friend, and after only one night the number of messages on Facebook criticizing the President's decision had increased to the thousands; and after 5 days the number of critical comments had mushroomed to about over 2 million. Then the lady who passed that message to her friend was arrested for one week. There then followed a process of negotiation and discussion between the Provincial and Central Governments about these events and during this time there was a great difficulty accessing the Internet in Luang Prabang. This happened from about May-June up to August.

Kuang Xi Feasibility Study from September to December, 2015

Mrs Lanh first heard about these events in August 2015 and recognized that they could have a seriously adverse effect upon their planned program in Kuang Xi which had been agreed between Luang Prabang Authority and CHESH-Lao at the meeting between traditional elders, key farmers from both the Phu Sung and Kuang Xi areas in October 11-16, 2014 at Long Lan. So a study to gain a fuller understanding of the situation was conducted by CHESH-Lao with help by traditional elders, key farmers, professional staff of PAFO and Mr Somphong, the Director of the Commercial Trading Department of Luang Prabang Province. At the time, however, because of the around 2 million Facebook criticisms, and the gossip going around Luang Pabang about the un-transparency of the issuing of the legal paper, Kuang Xi had become a politically very sensitive area and no foreigners were allowed access to it to do research.

Objective of field feasibility study

1. To have a deep understanding of why, how and what exactly the company means to do by intervening in the area;
2. To discover according to what law, policy, legal paper the company is proposing to intervene there;
3. To coordinate a systematic and legal check on what the American-Lao and Chinese business men have been doing in interacting there.

Research Approach and Findings

CHESH-Laos began the research by described their worries about Kuang Xi to one very trustable PAFO officer, Mr Phontip, to get his advice. His opinion was that at this time inside the Luang Prabang Authority the story was very sensitive politically, so nobody would dare discuss it. The news was already getting around that the President, because of his mistake, was going to leave very soon, and the lady who had been arrested by the police had already been released from prison. CHESH-Laos then went to Long Lan to talk about her worries with the elders of Long Lan. The elders from Long Lan were very understanding, and supportive, and together different

options were considered about how to connect with the elders and key-farmers of Kuang Xi without any political sensitivity. In the end it was decided to organize a big meeting in Long Lan and inviting all the elders and key-farmers from Kuang Xi who had been to the Long Lan meeting in October 11- 16, 2014 to discuss how to continue the following up actions from that meeting.

CHESH-Lao thereafter supervised for PAFO and Luang Prabang District authority to organize a conference at Long Lan to follow-up the action plan of the Long Lan conference of October 11- 16, 2014. At the same time they wished to learn from the Kuang Xi farmers their opinions and knowledge of the story of Mr Canh's company in Kuang Xi. A plan for the meeting was submitted to the Luang Prabang Peoples' Committee, but unfortunately, for some reason, all traditional elders and key farmers from Kuang Xi could not attend. The meeting went ahead anyhow, and was successful in progressing a number of important issues.

MINUTES OF A CONFERENCE

On customary based Phu Sung watershed Co-management

There were 130 people attending the Conference, including people from 13 villages and other people from Long Lan village, who represent for:

- *Luang Prabang Provincial Department of Agro – Forestry (PAFO)*
- *Luang Prabang district Party Committee*
- *Phon Xay district People's Committee*
- *Luang Prabang district Police*
- *Luang Prabang district Army*
- *Luang Prabang district's Agro-Forestry Office*
- *Phon Xay district's Agro-forestry Office*
- *Village Elders and Heads, village Party Secretaries of Luang Prabang and Phon Xay districts*
- *Luang Prabang district's Radio and Television*

The Conclusions of the Conference were:

1. *The Long Lan's Regulation, which was approved on 15 January 2005 by the Luang Prabang district People's Committee, is served as a legal basis to implement the strategy of customary based Phu Sung watershed Co-management in all 13 surrounding villages;*
2. *It is urgent to confiscate all types of the self-made and non-licensed guns available in the communities;*
3. *Forest damage, wild animals hunting and camp building are prohibited in the Phu Sung watershed area;*
4. *Remove all existing camps in the Phu Sung area;*
5. *Establish a Phu Sung watershed management and protection Network soon. Prepare paperwork for district approval as soon as possible;*
6. *Establish a Fund for Phu Sung watershed management and protection.*

These minutes were signed by 22 signatories and sealed by 22 stamps represented by 13 villages, 2 districts and functional agencies of Luang Prabang district (see annex1).

CHESH Lao also approached Mr Somphong who was Director of PAFO from 1999 to 2012 and who was now Director of the Commercial Trading Department. He was interviewed about Mr Canh's company and the Chinese company and their involvement in Kuang Xi but answered only in very general terms. He said that legally, if Mr Canh wanted to survey Kuang Xi he should first have approached the Commercial Trade Department. Then, as Director of that department, Mr Somphong would have monitored his company, organization, and documents, to determine whether the purpose of the survey of Kuang Xi was legal or not. But as Director of the Department he received nothing from Mr Canh, or from the Luang Prabang Province. So his department was ignored. He provided CHESH-Lao with the Enterprise Law of the Lao Government 2005, article Number 3², explaining that a Lao citizen or foreign resident can open an enterprise in Laos (see footnote below for article 3), and he also shared the story of Mr Canh as being the same man who used a legal paper from the President of Luang Prabang Province in 2007 to try and occupy 50 ha of land in Long Lan. At that time Mr Somphong was still Director of PAFO and he supported Long Lan in having Mr Canh moved out of Long Lan even though he had a legal paper from the President of the Province. Now the President and Mr Canh had been found doing the same thing (though they were different presidents at these times), but luckily this time the paper was discovered straight away while it was on its way to be officially stamped.

After this CHESH-Lao discussed deeply the whole lessons gained through this research, and worked with PAFO to collect information about Kuang Xi from the official maps of Luang Prabang. Then, together with PAFO and the Luang Prabang District, they lobbied for a meeting to be held in Kuang Xi. Approval for the meeting was received on 11 November 2015, but for it to be organized by PAFO and Luang Prabang District, not CHESH-Lao. However, although CHESH-Lao did not appear officially at this meeting, behind the scenes they supervised the way it was organized: First, participants would be from all the professional departments at the district and provincial levels, such as Agriculture and Forestry, Justice, Culture, Police, Army; and second, all elders and key-farmers who had participated in the October forums needed to be invited. CHESH-Lao also organized for the elders and village leaders from Long Lan to attend the meeting and present the whole 16 year process of fighting against outside intervention, including the removal out of Mr Canh's Company in 2007; how Long Lan were using their own customary law to co-manage about 11,000 ha of natural biodiversity with the other 13 neighboring villages in the Phu Sung area; for Mr Xay Xua Ly Ho to present to the meeting his experience and achievement from the Long Lan process in building up the informal Hmong Association to become a formal legal association; and for the village leaders from each village in Kuang Xi to present their mapping analysis and forest categories, and their recommendations from the meeting in 2014 in Long Lan, especially the mapping of the 63 sacred spirit forest plots belonging to them historically, totaling about 9000 ha. The idea was for the whole meeting, attended by 43 local authority members and staff, to listen to what they had been learnt from Long Lan.

²file:///C:/Users/Administrator/Downloads/21.%20Law%20on%20Enterprises%20(2005)%20Eng%20(1).pdf
Articles No. 3 "Right to establish Enterprise": Lao citizens, foreign, residents, apatrids residing in Lao PDR and foreigners, including their organizations, are entitled to establish enterprises on participate in business transactions in accordance with the laws and regulations of the Lao PDR". (No 29/PO/2005) of Law on Enterprises of Lao PDR

MINUTES OF A CONFERENCE
“Community based Kuang Si Watershed Forest Co-management Network”
(Tha Pen, 10 November 2015)

The “Conference on Community based Kuang Si watershed forest Co-management network” is organized in Tha Pen village on 10 November 2015 which is chaired by Mr. Som Van - member of the District Party Committee, Secretary of the Muong Khay Party Committee and Head of the Luang Prabang District Agro-forestry Office.

Present at the Conference are representatives from:

- Luang Prabang Provincial Agro-Forestry Department (PAFO)
- Department of Culture and Tourism
- Department of Natural Resources and Environment
- Luang Prabang District Party Committee
- Luang Prabang District People’s Committee
- Xieng Ngan District People’s Committee
- Muong Nan District People’s Committee
- Kuang Si Military Committee
- Agro-forestry Offices of Luang Prabang, Xieng Ngan and Muong Nan districts
- Natural Resources and Environment Offices of Luang Prabang, Muong Nan and Xieng Ngan districts
- Village Elders and Heads, and Party Secretaries of Kuang Si’s villages
- Luang Prabang District Radio and Television
- CHESH Lao Office

I. Summary and Conclusions by Mr. Som Vang, Chairman of the conference organization board

1. Establish an inter-village and inter-district Kuang Si watershed management and protection network and, at the same time, establish a “Community-run Kuang Si Watershed Management Board” which is to be legalized by the district authority. The Luang Prabang DPC is to be in charge of implementation. CHESH Lao to advise and facilitate the methodology;
2. Set out a Community customary based set of regulations for each village. The Luang Prabang DPC is to be in charge of implementation. CHESH Lao is to advise and facilitate the methodology. Other districts are to collaborate for further support;
3. Conduct demarcation for each village’s spirit forest. The District Agro-forestry Office is to be in charge of implementation, while villagers are the doers;
4. Conduct demarcation for each village. The District Agro-forestry Office is to be in charge of implementation, while villagers are the doers;
5. Conduct demarcation for the whole Kuang Si area. The District Agro-forestry Office is to be in charge of implementation, while villagers are the doers;
6. Strictly handle deforestation and wild animals poaching cases;
7. Disseminate legal documents in terms of the watershed forest protection and regulation of each village to other villages for peoples understanding.

All the participants unanimously signed the Minutes (see annex 2)

The meeting came up with **7 recommendations** that the meeting decided needed to be actioned immediately in order to stop absolutely any further action to grab Kuang Xi land and forest (See meeting document). All people at all levels of authority signed the conference paper and recommended that an MoU³ to be signed between CHESH-Lao and the Luang Prabang authorities to re-allocate the sacred forests to Khmu, Lao Lum and Hmong communities and households and legalize their right to continue to practice their traditional wisdom in nurturing their sacred spirit forests and growing their own native edible species in the watershed of Kuang Xi. They also had a strong recommendation that the Kuang Xi tourist company should be revised in order to hand over the right to carry out tourism in the Kuang Xi area to the 13 villages of Kuang Xi (*see annex 3*).

In commenting on the outcomes of this research Ms Tran thi Lanh reflected that:

“The biggest lesson learned from this methodology of this research – especially in the sensitive situation ecologically, culturally and politically - was to avoid doing any harm to any individual by peace-building and by totally respecting the contributions of bottom-up participation by both Long Lan and Kuang Xi villagers; connecting between the elders and key-farmers of Long Lan and Kuang Xi and uniting local authorities who have been working closely with CHESH-Lao in Long Lan. The research was based on connecting people with people - Long Lan village leaders and elders connecting with Kuang Xi village leaders and elders - and we were successful. The research also emphasized the very high value of solving conflict between highly powerful people in Province individually and personally, with Mr Canh on one side, and on the other side the whole people of Kuang Xi and the authorities who did not agree with Mr Canh. But we did not hurt anyone individually. We didn’t hurt the President because he was already going to lose his position, and we didn’t touch Mr Canh, but were still successful in stopping his activities. This is what I am proud of with this research dealing with Conflict resolution. And now the situation is that the MoU was signed on 24 March 2016 and we are hand-in-hand with the new President (the last one was fired) who is very supportive of CHESH-Lao, and the past PAFO director who has now moving to be Vice-president of Luang Prabang Province in November 2015. So CHESH-Lao is now going to work in Kuang Xi very fruitfully with the understanding and support of all the people in Luang Prabang District and Luang Prabang Province and PAFO who are powerful.”

Further discoveries

During the course of the above research, other discoveries were also made which had an important bearing on the Kuang Xi situation, but to understand the importance of these discoveries it is first necessary to understand the Lao system of local government. In the Lao polity, the Central Government makes the laws and the Provinces handle the strategic planning for each province; the District conducts its development planning according to the strategic plan of the Province, and the village implements the District plan. In this sense, in Laos, the village is

³ MoU Signed in March 24th 2016.

equivalent to commune in Vietnam. The village leader is paid a salary and different villages form a region with a Regional Office in one of the villages. The Regional Office building is where the different villages of one region meet. The legal procedure is for the District to issue instructions to the Regional Office and for the Regional Officer to bring the instructions of the district to the village for implementation. The Regional Officer is usually appointed by the District Authority and is not himself one of the villagers. He is a bureaucrat: usually a university graduate. Often he is the manager or senior staff of one of the District's professional departments and most of the time he stays in town, contacting the villagers only when there is a planned meeting. The rest of the time the Regional Office is closed. It is because of this sort of system that the following events can be allowed to happen.

Watermelons

In Luang Prabang District, the Agriculture Department set up a plan for agricultural innovation according to which farmers would be free to decide what they grew in order to increase their incomes. Taking advantage from this policy, in 2014, a Chinese businessman came to three villages in Kuang Xi (Mung Kai, Ou, and Pak Xi) and discussed with the village leaders a plan to borrow all their rice fields to grow watermelons. These three villages' rice fields were currently being used to grow traditional rice species under their traditional local water irrigation system, so the soil was very fertile. The village leaders were true men and had never before been confronted with corruption, so they believed the Chinese businessman in saying that if the village leaders agreed for him to borrow the rice fields of the three villages to plant watermelons he would pay 3 million Kip per hectare per crop. In addition he would employ villagers as laborers to grow the crop. The leaders came to their villagers and discussed the proposal with them and when all the villagers saw that for one hectare they would receive 3 million kip in cash, and in addition they could be paid for every day they worked, the villagers were very happy and gave their oral agreement to the contract. The village leaders then wrote down all the villagers' names and signed his name and gave the document the official village stamp. It meant that the contract was only between the Chinese 'company' and the village leaders. For their part, the Chinese 'company' had only a paper in the Chinese language. The businessman had come to Laos on a tourist visa and was staying with a Chinese citizen who had been living in Luang Prabang for several years since coming to Luang Prabang to help build a market and brick factory. On this basis, the farmers handed over all of their traditional rice fields where they had been farming according to their own wisdom and customs of community solidarity with their own local irrigation system, and which formed a beautiful landscape along the road from Luang Prabang to Kuang Xi Waterfall.

After the villagers handed over their rice fields, the businessman paid 1 million Kip in advance and promised the other 2 million Kip after the melons had been harvested. He then gave the villager the watermelon seeds to plant. During planting the watermelons the farmers discovered that the businessman was using the fishponds in the rice field as tanks for mixing chemicals and water for irrigating the melons at night. Every day the farmers could smell the chemicals and all fish in the ponds died. The farmers also had to cover the melons with plastic bags. For the labor the farmers were paid by the day, but actually they were paid only for planting and harvesting, as during the melon growing season the businessman used chemicals to kill the weeds and make the

melons grow very large. During the first crop, many farmers could not suffer the chemical smell and refused to work, so they received no money.

After the harvest all the terrace fields were damaged, the fish ponds had dried out and the rice fields were left covered in black plastic bags. The villagers started to talk among each other and they ask to meet with the village leader. The village leader it was found had received corruption money from businessman. Then the problem start to happen and the farmers united together to bring the problem to the Regional Officer. The Regional Officer said he know nothing about it, it was the mistake by the village leader not him. Then villagers brought the problem to the District Authorities to ask about the other 2 million Kip per hectare they were promised but did not receive. The businessman had disappeared after the first harvest of the melons.

Elephant Grass

In another case, Elder Chan Sing (*who is in the picture of this report cover*) from Ta Pen village described how a Thai man came to him saying he was from an Elephant company. He asked to rent 2.2 ha of traditional rice terrace field to plant grass for elephant feed. He offered 13 million Kip per ha per year and paid 6 million Kip in advance. After harvesting the crop the first year elder Chan Sing waited for the remainder of the money but the man did not come back. Chan Sing then went to the Elephant company nearby Ta pen village (only 1 km from Ta pen village, Kuang Xy Waterfall) and asked about the man, but the Elephant company said there was no such man. The result of this was that all 2.2 ha of beautiful terrace fields were destroyed and Chan Sing had to spend 22 million Kip to hire labor to rebuild the terraces.

Land grabbing in Upstream of Kuang Xi Waterfall

The family of Som Mai opened a company according to the Lao Enterprise Law 2005. The company arrived at Huoi Sieu village where there was merged 4 different Khmu villages who had been re-settled from Kuang Xy Waterfall in 1997 but who still return every year to worship their sacred/spirit forest (in the 63 plots of around 9000 ha forest which discovered in 2014 research of CHESH Lao) and offered to plough their land by machine without payment, and to help the villagers dig fish ponds. The Khmu farmers were very happy with this and looked upon Som Mai as a kind man. Then in 2006 they asked Som Mai to open a road from Kuang Xi to their village and in return offered Som Mai a piece of land for him to live in their village. After this Som Mai began to engage with the village very friendly and his company agreed to plough all the land for the whole village. But now he said he need money for petrol for the machine – 250,000 Kip per hour. After plowing the fields he asked the village that if they want hybrid corn, and he offered it to them for free, requiring only that after the harvest they return to him the amount of seed he had given them for planting.

When the harvest season came the corn was of very poor quality and the price was very low – only 300 Kip per kilo. As a result the farmers did not have enough money to survive and could not pay for labor for plowing for the next season of planting. Then Som Mai said that if they write their signatures they can borrow money from him. After 3 years, from 2006-9, the whole village was in debt to Som Mai. And when Som Mai said he needed the money to be paid back

the villagers were very worried because they could not pay it back. Som Mai then asked if they had land right titles. They had the ‘yellow paper’ title giving them right to use but not sell the land, but under Lao law you can use the ‘Yellow’ title to mortgage the land. However, because the Khmu villagers were not very fluent in Lao they did not know how to speak to the bank. So Som Mai said he would help them. He asked for all the titles but did not take them to the bank. He kept them himself. It means that all the Khmu villagers had mortgaged their land titles to Som Mai, and in 2010 they recognized that 100 ha of their land along the Mekong River now belong to him. This story is still on-going.

What to do

CHESH-Lao brought all of these stories, plus the story of Mr Canh and Chinese company to discuss informally with the elders, women and village leaders of Kuang Xi. The evidence was also sent to Luang Prabang Province People’s Committee as a serious problem of corruption for them to answer. CHESH-Lao/CHESH-LAOS’s own answer is that with the Kuang Xi customary law based forest and land allocation of 2016-18, they can contribute to the elimination of these forms of corruption by securing local customary co-governance of the area. Also by: 1) exposing the channel of corruption whereby Chinese businessmen using a Chinese legal paper and stamp and a Lao tourist visa, and staying illegally with a Chinese family who came to Luang Prabang in 2007 through a development cooperation program between China and Lao for building a market, hydropower station, rubber plantation and brick factory have free access to exploit Lao citizens; 2) helping Huoi sieu village (a big village combining from 4 former villages from Re-settlement policy) bring Som Mai to Court for land grabbing; and 3) helping all villagers throughout the whole of Luang Prabang Province by making sure that the public recognize the face of Mr Canh who was in Long Lan in 2007, Kuang Xi in 2015, and may continue elsewhere in the future.

Outcomes

1. The Action Plan 2016 (CCFD- SPERI)

Findings from Kuang Xi⁴ Waterfall field studies (in October - December 2015) and the solution acceptable to all actors in order to stop land grabbing situation

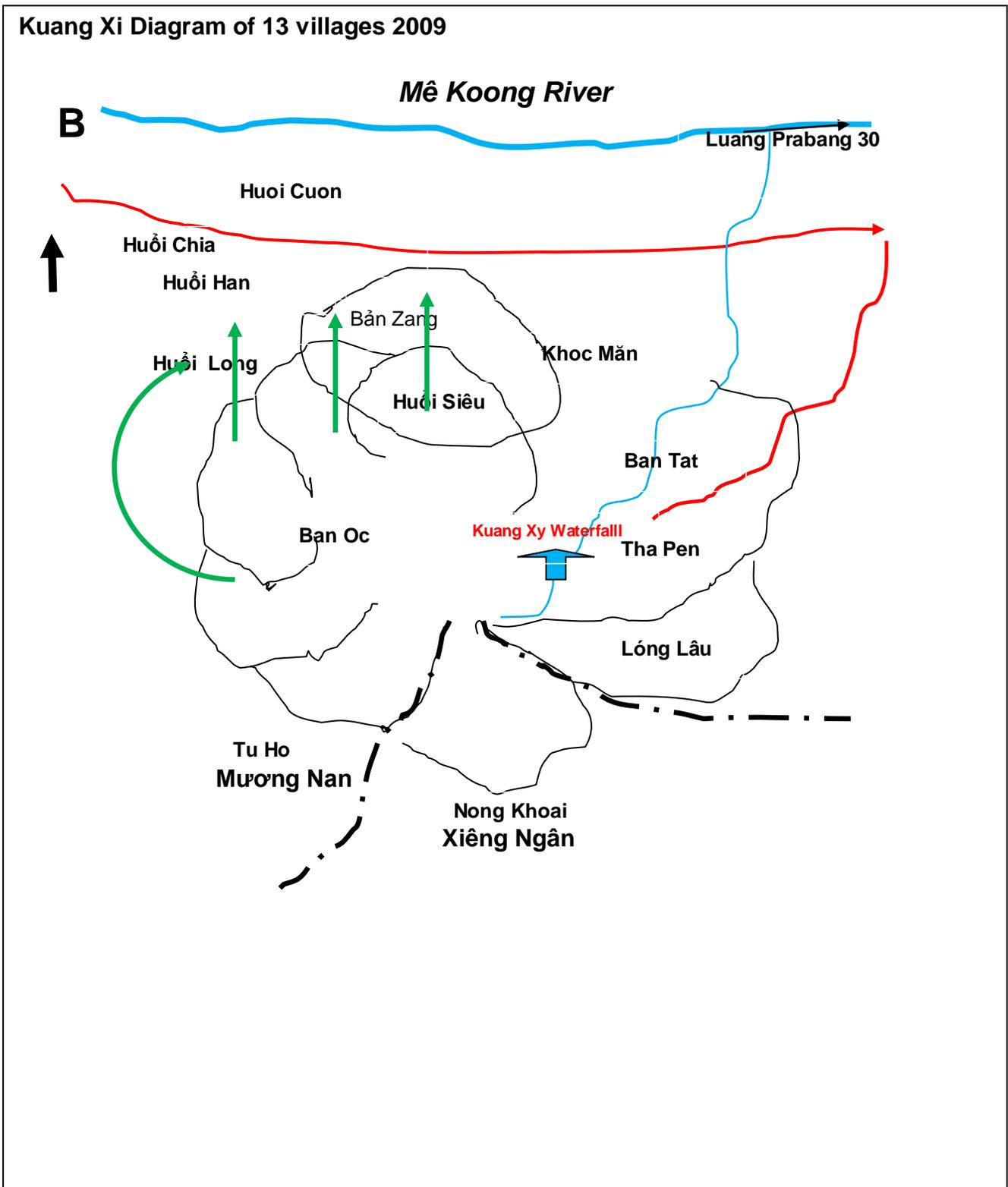
Findings

There are 20,000 ha of forest and land in upstream in the Kuang Xi watershed and 13 different villages: 1. Bản Zang; 2. Bản Huổi Siêu; 3. Ban Huổi Han; 4. Bản Huổi Chia; 5. Bản Huổi Long; 6. Bản Nong Khoai; 7. Bản Tu Ho; 8. Bản Tha Pen; 9. Bản Long Lau; 10. Bản Khoc măn; 11. Bản Tat; 12. Bản Oc; and 13. Bản Huổi Cuôn. All belong to the three district: 1) Luang Prabang; 2) Muong Nan and 3) Xieng Ngan district with 805 households and 4,075 people who are Kho mu, Hmong and Lao ethnic identities. Total natural area of Kuang Xi is 20,000 ha, of which there are 10,000 ha forest land, of which 9,000 ha is primary sacred/spirit forest which Kho mu, Hmong and Lao people there have been preserving by their own worshipping of nature and customary laws. 1000 ha is agricultural land. (See detail the Map at the page bellow)

⁴ Kuang Xi Waterfall belong to Luang Prabang, Muong Nan, Xieng Ngan Districts, Luang Prabang Province, Lao PDR.

Kuang Xi Waterfall in Luang Prabang UNESCO WORLD HERITIGE, LAOS

Kuang Xi Diagram of 13 villages 2009



key farmers up and down stream of Kuang Xi. The outcome was 7 urgent and key recommendations from the conference addressed to Luang Prabang Province and District to consider seriously and immediately as below:

1. Establish an inter-village based network for a Kuang Si watershed management movement, and at the same time establish a “Customary-Based Kuang Si watershed Management Board managed by villagers”. This customary-based Management Board to be legalized by the district authority. The Luang Prabang District People’s Committee (DPC) shall play the role of organizer. CHESH–Lao is to support with advice and methodology.
2. Set out a customary-based regulation for each village. The Luang Prabang DPC shall play the role of organizer. CHESH–Lao is to support with advice and methodology. Other districts will also support this process.
3. Local authorities and sectors are to carry out demarcation for: 1) each spirit forest (63 spirit forests have been identified by village Elders and Heads; 2) each village; 3) the whole area of spirit forests and watershed forests of the Kuang Si Waterfalls. The district Agro-forestry Office shall play the role of organizer. Villagers are the doers. CHESH-Lao is to support with advice and methodology.
4. Disseminate documents and law on watershed forest protection; inform legalized regulation and customary law of each village to all the villagers, lowlanders as well as outsiders travelling to Kuang Si waterfalls for understanding and implementation.
5. Legalize maps of the spirit forests as mentioned in item 3,
6. Grant Land Use Rights Certificate to households; and Community Rights Certificate to all legalized demarcated spirit forests as mentioned in item 3 & 5,
7. Strictly deal with deforestation, wild animal hunting and propose that the local authorities confiscate all means for illegally hunting in the same way as they have dealt with the guns in Phu Sung area.

To fulfill the above urgent recommendations, the following program proposal needs to be undertaken has approved by CCFD at contract *No. AS1-0103-15-1219 drawn on Paris May 2, 2016*

Outcome 2. Long lan customary Law applied to all Phu sung area be legalized (see annex 1)

Outcome 3. Agreement of Luang Prabang authority to re-allocation forest and land for all Kuang Xi area (see annex 2)

Outcome 4. A MoU between CHESH Lao/SEPRI and Luang Prabang Authority has been signed for re-allocation forest and and land in Kuang Xi 2016-2018 (see annex 3)