



POLICIES, STRATEGIES, PROCESSES AND FRAMEWORKS FOR SCALING UP SUSTAINABLE LAND MANAGEMENT IN LAO PDR

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Environment (CDE) of University of Bern, Switzerland. The aim of this policy brief is to identify different policy instruments, such as strategies and planning processes, incentive frameworks or financing mechanisms at the national, subnational and local level, which can support the scaling up of SLM and promote a broad adoption of SLM by smallholder farmers.

KEY MESSAGES:

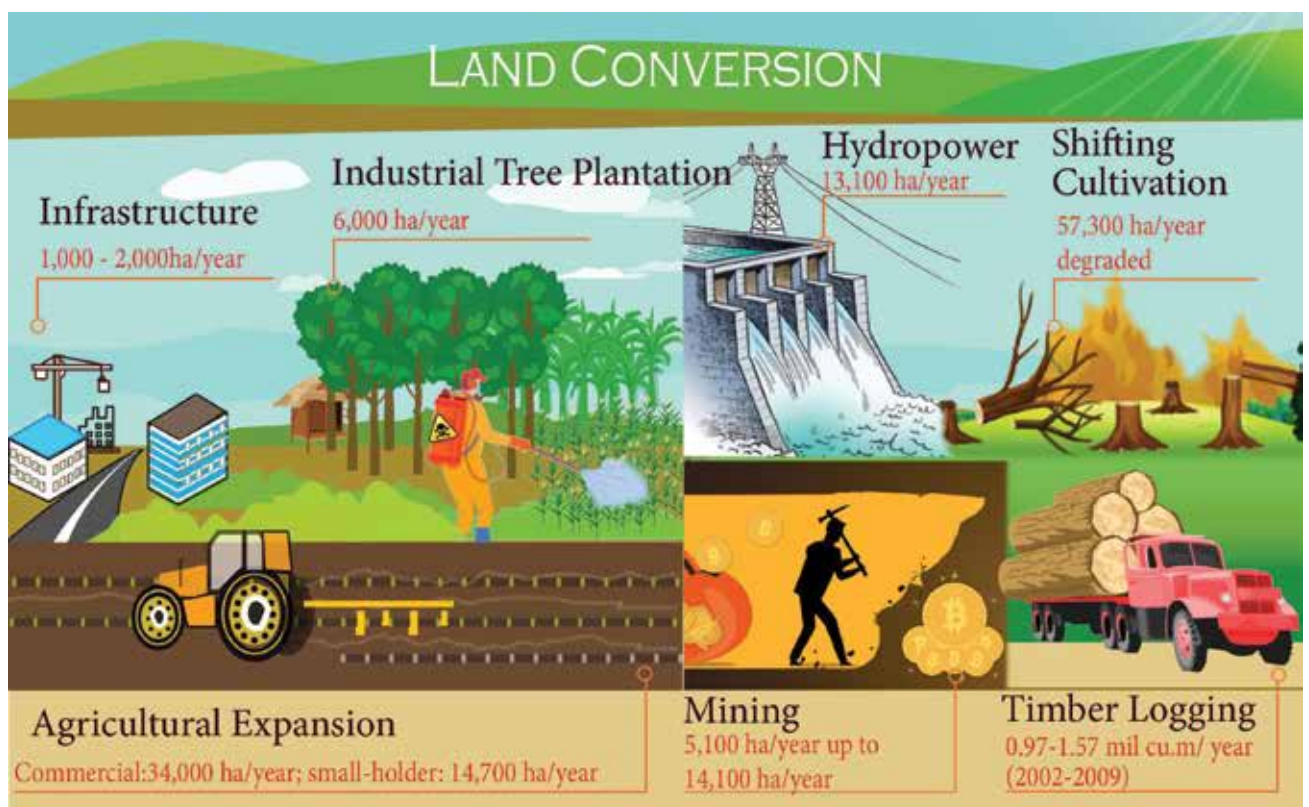
Sustainable Land Management (SLM) is the use and management of land resources such as soil, water, animals and plants in order for stakeholders to produce goods to meet changing human needs, while at the same time ensuring the long-term productive potential of these resources and the maintenance of environmental functions.

Land degradation is caused by inappropriate land management and consequently this leads to a loss of the land's productivity, hence resulting in a decline of landscape functions such as forest depletion, agricultural productivity, a loss of biodiversity, as well as impacting people's livelihoods.

In Lao PDR, there are number of policy instruments, such as strategies and planning processes, incentive frameworks as well as finance mechanisms operating at the national, sub-national and local levels. All of these support SLM, and include the Revised Land Law, the National Land Master Plan, the National Land Policy, the Agricultural Law, the Forest Law and the Environmental Protection Law.

The design and coordination of effective land management policies and programs are needed in order to scale up and scale out SLM. It is necessary to establish a decision support framework that includes the knowledge, values, and opinions of those affected by the issues together with those of scientific experts and decision makers. In this way SLM becomes a pathway for transition to broad development which can be adopted by industries as well as smallholder farmers.

INTRODUCTION



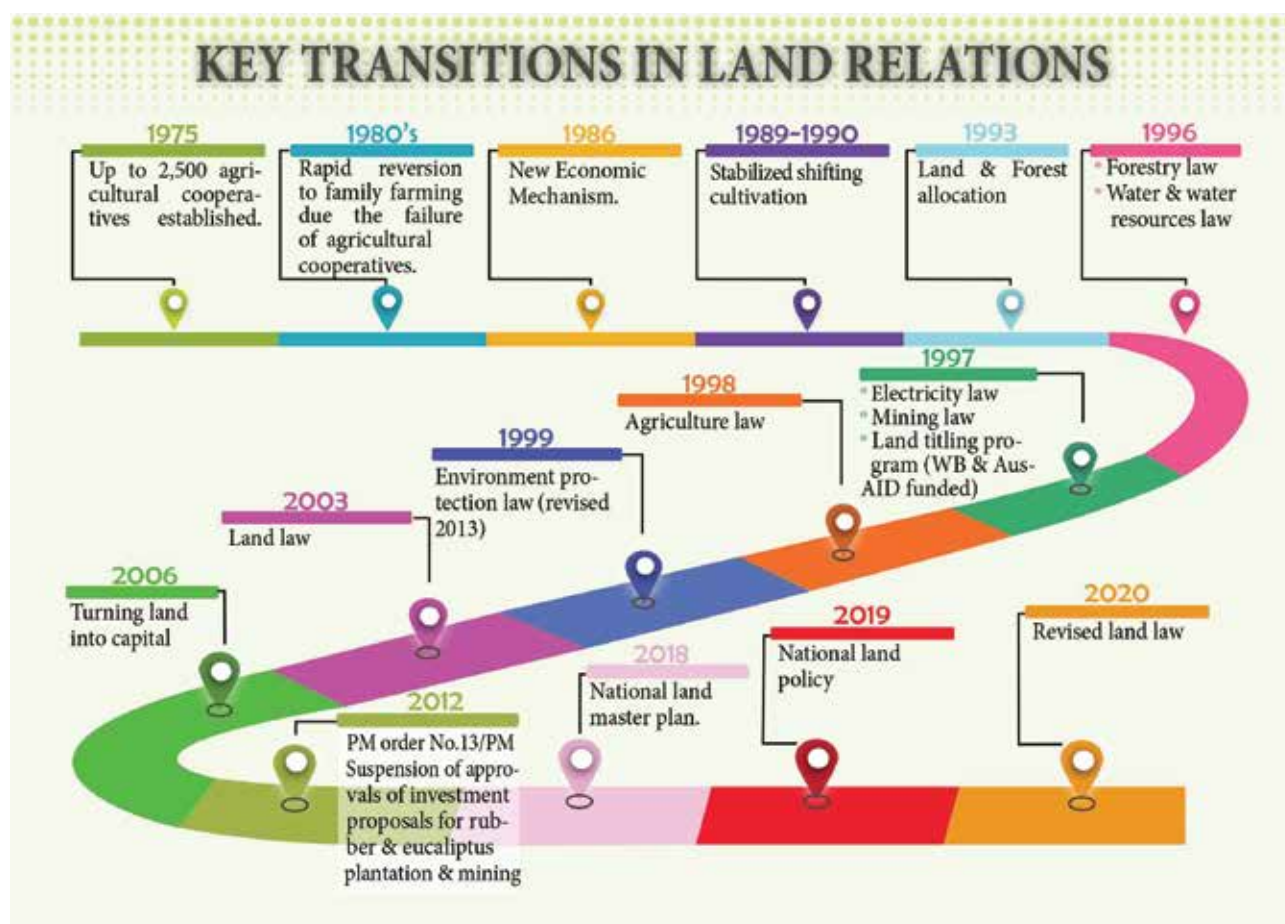
Globally there are increasing pressures on land resources and a growing threat to the collapse of ecosystems. Economic growth relies on intensifying the exploitation of natural resources without taking the negative impacts on the environment and peoples' lives into consideration. Climate change, population growth and migration, biodiversity loss, as well as the degradation of land and water resources can be witnessed throughout the world, with both developing and developed countries being affected.

Sustainable land management is critical in tackling the loss of biodiversity, land degradation, climate change and the decline of ecosystem services. It underpins food production, livelihoods, dietary health, social equity, adaptation to climate change and many other outcomes¹.

Traditionally land management in Lao PDR is associated with specific socio-ethnic land use practices. The land use patterns in Lao PDR changed from the mid-70s to the 80s, particularly in upland areas. After the war people returned to their homeland areas in order to restore their own household economy. They produced food mainly to satisfy family needs - this was in line with government policy - which at the time focused predominantly on self-sufficiency. Official data showed that shifting cultivation was practiced on approximately 300,000 ha annually by end of the 1980s and this caused an extensive destruction of forests².

¹<https://www.frontiersin.org/articles/10.3389/fsufs.2020.00013/full>

²Cited by Ian Lloyd Thomas. 2015, Drivers of Forest Change in the Greater Mekong Subregion - Laos Country Report



The substantial change in land use patterns began in the mid-80s through the introduction of the New Economic Mechanism (NEM). The country decided to open in order to attract foreign investment and was staunchly advocating export-led agricultural development so as to significantly increase the generation of foreign exchange. Lao PDR was a land-rich but at the same time a capital-poor country. According to this comparative advantage, the “turning land into capital” policy was implemented extensively throughout the country in 2006. As a result, Lao PDR made significant advances in respect of socio-economic development and improved its integration into regional and global markets. The poverty rate was halved, infrastructure was improved, and it upgraded connections with neighboring countries. Legislative instruments such as laws, decrees and national plans were also developed in order to support and monitor the rapid key transitions in land relations.

However, land leases and concessions were granted for mega projects with a lack of effective Environmental and Social Impact Assessments, as well as other monitoring mechanisms, and furthermore a strategy for short term economic returns posed challenges to the government and to the environment. Huge areas of forested land were cleared to make way for agricultural production, plantations, hydropower plants, road infrastructure and mining.

The subsistence economy was radically transformed into a resource-based market economy so as to predominantly satisfy growing regional and global demands. Contract farming has been widely practiced since 1993, particularly in the northern regions, while huge land concessions have been

granted for industrial tree plantations in the central and southern parts of the country. The Conversion Timber Project (2013)³ examined stakeholders' concession records available for the period from 1989-2011 and found that out of the 3,529 lease and concessional applications, 2,479 were still active. These cover an allocated area of 1,416,000 ha with an actual land utilization of 882,000 ha, of which 45% is made up of un-stocked forest land and 47% of forest land. The area of cash crop plantations increased from 17,700 ha in 1992 (Fidloczky, 2003)⁴ to around 320,000 ha in 2006 with the dominant crops being maize, coffee, vegetables, and fruit (Chapman, 2008)⁵.

The encroachment of forest land for commercialized agricultural production including food, animal and fuel rapidly accelerated in the early part of the 21st century which in turn led to a great loss of biodiversity, land degradation and contributed to climate change (Land Conversion⁶). This production pattern heavily depended on mechanized tillage and hybrid seeds. Water resources were over-exploited, and the environment polluted through the intensive use of agro-chemicals⁷ with little consideration being given to the resulting negative impacts on peoples' well-being as well as the significant social and economic costs to the country. Since 2007 the Government of Lao PDR has placed successive moratoriums on new concessions with the main aim of reducing the negative impacts on the environment and people's lives.

Consequences of Land Degradation

Land use and land degradation resulting from inappropriate land management, has led to a loss of the land's productivity and hence a decline in its carrying capacity - and this has become a serious issue throughout the country. In Lao PDR, land degradation costs approximately one fifth of the country's GDP or USD 813 million per annum. According to the UNCCD report⁸ approximately 327,000 people were living on degraded agricultural land, representing 8% of the rural population in Lao PDR. An increase of 80,000 people was recorded between 2000 and 2010 bringing the proportion up to 32% of rural people living on degraded land.

According to World Overview of Conservation Approaches and Technologies (WOCAT), there are six types of land degradation, namely: i.) soil erosion by water, ii.) soil erosion by wind, iii.) chemical soil degradation, iv.) physical soil degradation, v.) biological degradation and vi.) water degradation.

³ Cited by Ian Lloyd Thomas. 2015, Drivers of Forest Change in the Greater Mekong Sub-region - Laos Country Report

⁴ Fidloczky, J. (2003) Final Report of Comparative Study on Forest/ Vegetation Cover and Land Use in Lao PDR. 1982 - 1992 2002

⁵ Chapman, K.R. (2008). Agriculture and Natural Resource Sector Needs Assessment. ADB PPTA-4843 (LAO).

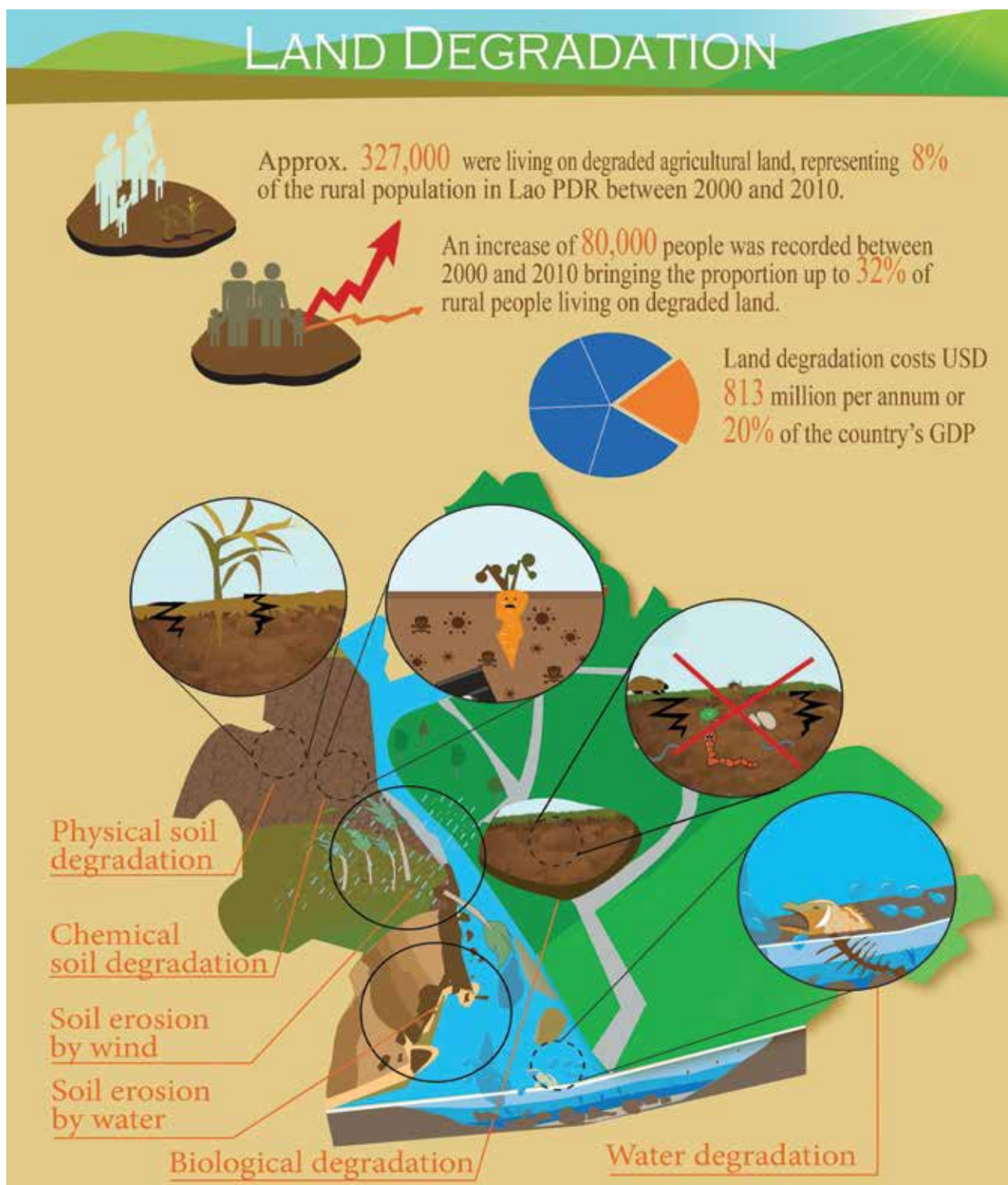
⁶ Cited by Ian Lloyd Thomas. 2015, Drivers of Forest Change in the Greater Mekong Sub-region - Laos Country Report

⁷ UNCCD, 1994. A/AC.241/27 September 12, 1994. <http://www.unccd.int/Lists/Site Document Library>

⁸ The Global Mechanism, United Nations Convention to Combat Desertification: Country Profile Lao PDR Investing in Land Degradation Neutrality; globalmechanism@unccd.int; www.unccd.int

THE IMPORTANCE OF SUSTAINABLE LAND MANAGEMENT

Scholars and several international institutions have considered whether SLM is a technological system, an approach or a knowledge-based procedure. The concept of SLM, according to Hans Hurni⁹, reaches far beyond being a technological recommendation, which focuses predominantly on expertise and uses a standardized, fixed methodology, but it is rather a “multi-level stakeholder approach” that provides room for local participation and allows the inclusion of all stakeholders in policy dialogue and planning processes.



Hence, SLM requires a better understanding not only the interrelationships and coordination mechanisms between socio-cultural, ecological, economic, and political dimensions, but must have an active engagement of all stakeholders through participatory planning approaches at all levels. The Government of Lao (GoL) emphasizes the harmonization of economic development, socio-cultural development, and environmental protection in close collaboration with and the active involvement of all stakeholders, the private sector and civil society, so as to ensure sustainable development.

Definition of Sustainable Land Management: WOCAT defines SLM as the use of land resources, including soils, water, animals and plants, for the production of goods to meet changing human needs, while simultaneously ensuring the long-term productive potential of these resources and the maintenance of their environmental functions.

The GoL implemented Forest and Land Use Planning Allocation and Management (FALUPAM) in order bring about sustainable land management. The Agro Biodiversity Initiative later proved successful in the northern provinces by testing and modifying the bottom up FALUPAM tool and approach which laid the foundation for sustainable land management and the effective use of natural resources. The project set out to integrate existing village land use, indigenous knowledge, and people's livelihoods to promote land use zoning and management from 2009 to 2021. Up until now the project has successfully implemented this approach with the active participation of villagers and local government authorities in over 225 villages, and has been able to manage more than 750,000 hectares of land

ENABLING ENVIRONMENT FOR SUSTAINABLE LAND MANAGEMENT IN LAO PDR

Party Directions

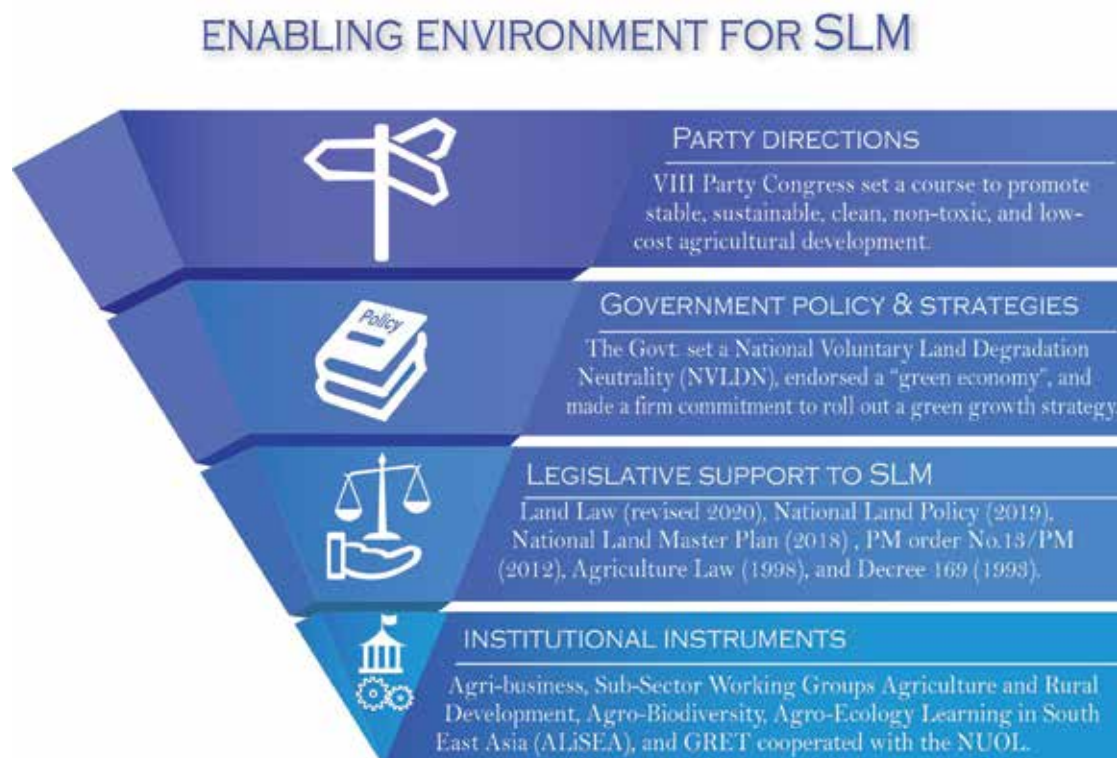
After the New Economic Mechanism had been introduced to attract foreign investment the Party recognized the necessity of finding alternative pathways for the agricultural sector to become more sustainable due to the large number of negative impacts of the prevailing system. In 2006, the VIII Party Congress set a course to promote stable, sustainable, clean, non-toxic and low-cost agricultural development for the country⁹.

Again in 2018, the X Party Congress resolution endorsed the development of the agricultural sector as it was also regarded as being a key factor for the development of the industrial sector thereby paving the way for sustainable development. Commodity production should be stable in terms of quantity and quality whilst ensuring cleanliness, safety and added value to the products. Intensive agriculture should be promoted, with the objective of increasing productivity. The resolution also emphasized the importance of agricultural land management through the effective implementation of land use planning to improve soil fertility and the sustainable use of land.

⁹ Hans Hurni ITC Journal 1997

¹⁰ Lao People's Revolutionary Party, "Ekkasan kongpasum nyai khang thi kao phak pasason pativat lao 2006" [Documents of the 8th Congress of the Lao People's Revolutionary Party 2006]

GOVERNMENT POLICIES AND STRATEGIES THAT SUPPORT SUSTAINABLE LAND MANAGEMENT



Responding to these resolutions, the 8th National Socio-Economic Development Plan (NSEDP 2016-2020) was initiated. It endorsed the activation of the principles of a "green economy" to end hunger, ensure food security and improve nutrition. Furthermore NSEDP 2016-2020 aimed to promote sustainable agriculture (SDG2), ensure sustainable consumption and production patterns (SDG 12), and combat climate change and its impacts on people's livelihoods (SDG 13).

A National Pollution Control Strategy and Action Plan (2018-2025) with a clear vision until 2030 was developed and implemented.

In 2017 Lao PDR committed itself to an international effort by setting a National Voluntary Land Degradation Neutrality through the establishment of a baseline and the formulation of comprehensive measures to achieve Land Degradation Neutrality (LDN). Sustainable Development Goal 15: 'Life on Land' and its targets on LDN is a unique opportunity for countries to curb the growing threats of land degradation and to reap multiple socio-economic benefits of LDN.

The LDN targets provide Lao PDR with a strong vehicle to foster coherent policies and actions by aligning the national LDN targets with measures from the Nationally Determined Contributions and other national commitments.

Investing in LDN also accelerates the advancement of the other Social Development Goals as there are close linkages between land and the other goals and targets, such as: Goal 1 (No Poverty), Goal 2 (Zero Hunger), Goal 5 (Promote Gender Equality), Goal 6 (Clean Water & Sanitation), Goal 8 (Decent Work and Economic Growth), Goal 12 (Responsible Consumption & Production) and Goal 13 (Climate Action).

GOVERNMENT POLICIES AND STRATEGIES



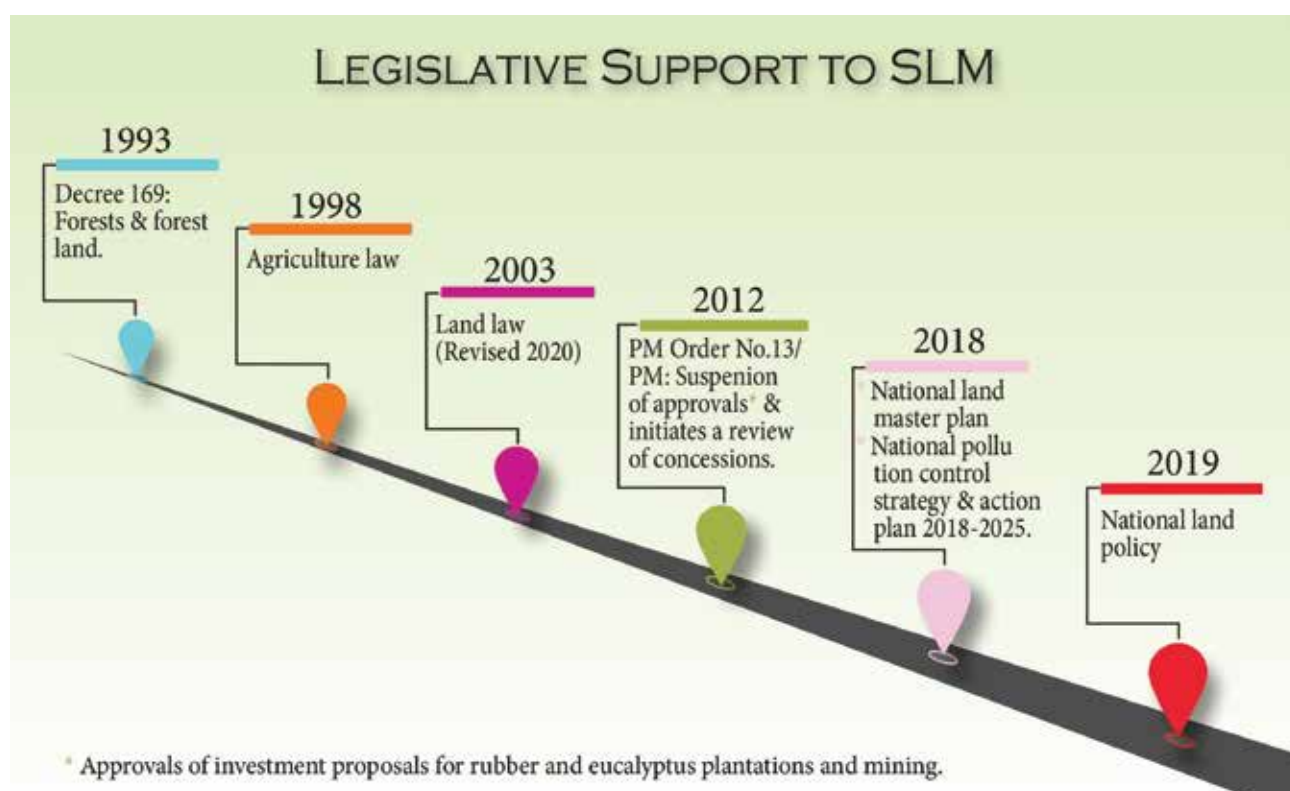
In 2016 the government made a firm commitment to roll out its green growth strategy as one of its priority tasks so as to ensure strong and inclusive economic growth, public participation, the efficient use of natural resources and clean industries as well as to better respond to climate change. A National Adaptation Program of Action for Climate Change (NAPA) was put in place. Importantly the government issued Decree No.15/PM in 2016 on banning all logging activities in the country and halting the issuance of land concessions for intensive banana production with the use of chemicals in the northern regions.

The Ministry of Agriculture and Forestry (MAF) has developed its Agriculture Development Strategy (ADS) for a period of 10 years, from 2016 to 2025, and outlined a 15-year vision to 2030 so as to achieve food security, produce agricultural commodities, whilst developing clean, safe and sustainable agriculture. The most important strategies include the Forestry Strategy 2005-2020 with a forest cover target of 70% by 2020, a National Organic Agriculture Strategy and regulatory framework for organic agriculture (2014), and guidelines for Lao Good Agricultural Practices (Lao GAP) for fruits and vegetables (2014).

LEGISLATIVE SUPPORT TO SUSTAINABLE LAND MANAGEMENT

The following legislative instruments are in place to support the scaling up and scaling out of SLM in Lao PDR:

- Revised Land Law, 2020.
- Development of a National Land Master Plan, 2018.
- Development of a National Land Policy, 2019.
- Decree 169 on the 'Management and Use of Forests and Forest Land' (November 1993), focused particularly on land allocation, land tenure in rural areas and the traditional land tenure system.
- Prime Minister's Order No.13/PM (2012), which suspended the approval of investment proposals for rubber and eucalyptus plantations as well as mining and initiated a review of concessions.
- Article 6 of the Agricultural Law, (1998) which stipulated that agricultural production should be undertaken with the application of appropriate methods and measures to protect land, water, forests and air.
- Article 20 and 21 of the Land Law, (2003) ensured the sustainable use of land by protecting land and environment from erosion, landslides, degradation and the preservation of soil fertility.



INSTITUTIONAL INSTRUMENTS

The Department of Policy and Legal Affairs compiles all relevant laws, regulations, decrees as well as orders related to agriculture and the use of agricultural land. A gap analysis of existing legal and regulatory frameworks as well as policies is undertaken to enhance the preparation of implementation guidelines and processes to scale up and scale out SLM.

The Sector Working Group, co-chaired by MAF and development partners, offers possibilities for stakeholders to share their experiences, improve networking and provides an occasion for policy dialogue, policy and legal reform, as well as raises awareness of the development of agriculture in Lao PDR. Other specific groups include the Agri-business Sector Working Groups and Sub-Working Groups (SSWG-AB), the Sub-Sector Working Group on Agriculture and Rural Development (SSWG-ARD), and the Sub-Sector Working Group on Agro-biodiversity (SSWG-ABD).

In order to further expand Agro-Ecology Learning in South East Asia (ALiSEA), GRET cooperated with the National University of Laos (NUOL) to develop a curriculum on Conservation Agriculture for key universities. These include the National University of Laos, Souphanouvong University, Savannakhet University and Champasak University and also the provincial Agriculture and Forestry Colleges.

PROGRAMS AND PROJECTS SUPPORTING SLM

Year	Programs	Detail of Actions
2012	LICA under AFD support	34th AMAF covering Conservation Agriculture to Agro-ecology (AE).
2011-2016	MAF and MONRE under GEF support	Mainstream policies, plans and programs on biodiversity in Lao PDR.
2011-2017	GIZ/BMZ supports MONRE	Improve land management and better governance of land resources, including land tenure rights of marginalized groups, as well as decentralize land use planning.
2014-2017	IFAD, EU and SDC under the Northern Upland Development Program (NUDP) support	CIRAD in partnership with DALAM implements the Eco-friendly Intensification and Climate Resilient Agricultural Systems (EFICAS) component to support farmers' adoption to climate smart agricultural systems based on conservation agriculture in Luangprabang, Huaphanh and Phongsaly.
2009-2021	TABI under DOP, NAFRI and DALaM supported by SDC	Test the modified and bottom-up Forest and Land Use Planning Allocation and Management (FALUPAM) to stabilize land use in the northern provinces.
2000	CHESH Lao	Identify the relationships between human-ecology and policy-economy in the agricultural system via ecological farming principles.
2016-2019	WOCAT	Develop participatory tools and methodologies for knowledge management to build the capacity of national and sub-national agricultural extension staff in supporting decisions and to scale up SLM in Lao PDR. Tools and methodologies are now embedded into the existing national extension systems.

POSSIBLE INCENTIVE MECHANISMS TO SCALE UP AND SCALE OUT SLM

Financial Mechanism

The process of scaling up and scaling out SLM requires consistent funding. Due to the lack of a national strategy for such SLM activities the concerned government agencies have faced difficulties. A specific budget allocated for SLM either does not or rarely appears in the Annual and the Five-year Socio-Economic Development Plan at a national and a sub-national level. Due to the lack of adequate and regular financial support agricultural extension services do lose their momentum. Without the existence of a national strategy and financial assistance from donors SLM activities face a huge hurdle. The scaling up and scaling out of SLM therefore very much depends on isolated projects or programs that provide technical and financial support. Once these projects or programs are terminated there is the tendency for SLM activities to also be phased out.

Lao PDR has established multiple funds to finance projects in different sectors that are also educationally relevant for the implementation of SLM at the local level. Several of these relevant projects such as the Environment Protection Fund (EPF), the District Development Fund (DDF), and the Forest Resource Development Fund (FRDF) are outlined below:

The Environment Protection Fund (EPF) has been established to mobilize funds from internal and external sources which will effectively support natural resources management and environmental protection. Funds are generated from different sources such as the government's budget, land concession royalties, grant/aid from national and international entities, payment for ecosystem services, fines, and indemnities of environmental damages amongst others

Payment for Ecosystem Services (PES): There are four main ecosystem services that have been monetized for inclusion in PES schemes, namely: i.) watershed services, ii.) carbon sequestration, iii.) landscape amenity and iv.) biodiversity conservation. However, most PES schemes are small and still at the infancy stage, both in terms of geographic scale and in the value of the financial transactions (Arriagada and Perrings, 2009). They generally focus on payments to local people for aiding in the conservation of ecosystem services of interest. Large PES schemes tend to be government-driven, either at the provincial or national level. NT2, as will be demonstrated, is a large scheme that was designed and has been implemented by the World Bank, with the participation of a consortium of private investors.

The District Development Fund (DDF) is a funding mechanism to strengthen the capacity of the districts in managing public expenditure and planning for small scale investments to improve service delivery. DDF comprises two types of grants, namely the Basic Block Grant (DDF-BBG) for small scale capital investment projects and the Operational Expenditure Block Grant (DDF-OEBG) for other service delivery interventions.

The Forest Resource Development Fund (FRDF) was established in accordance with the Prime Minister's Decree No.38/PM dated February 21, 2005 to strengthen forest management, environmental protection, and the sustainable development of forest resources. Seventy percent of the revenue from timber sales goes to the state budget and 30 percent to the FRDF. Once the funds have been channeled to the FRDF, 60 percent is deposited in the FRDF's account and 40 percent is transferred directly to one of the communities that hold a forest management agreement for local activities.

Microfinance: Micro-credit provides loans at lower interest rates than those offered by traditional banks and this has helped to reduce poverty at individual and village levels in Lao PDR. It makes the start-up capital easily accessible and is therefore suitable to facilitate livelihood diversification. A total of 122 microfinance institutions (MFI) have been established in Lao PDR with the close support of the Bank of Lao (MFA, 2019) and they are able to render services to interested individuals and organizations.

Incentives and Market Based Mechanisms

Incentives and Market Based Mechanisms (IMBMs) are financial and economic incentives that aim to modify the behavior of land users to promote sustainable land management (Brander, 2018). In the following four categories land users are charged certain fees: land degradation, water pollution, ecosystem services and eco-labelling/certification products¹¹.

Non-financial Incentives

Non-financial incentives are flexible and can be easily adjusted to suit the local context. Often such incentives aim to improve access to knowledge and information through peer to peer learning, farmer to farmer exchanges and these are also combined with actual implementation. Positive results are properly documented, and policy makers are informed of these.

The EFICAS project applied innovative approaches to facilitate communication and negotiation processes. For example, it incorporated a simulation game that aims to foster interactions between the production, market and policy “worlds”. In this way the stakeholders can become aware of other needs and constraints and the debate of potential “win-win” scenarios.

The Agro-Biodiversity Initiative (TABI) developed and implemented an improved, comprehensive, and participatory Forest and Land Use Planning, and Management process (FALUPAM) at the village and village cluster level. The approach is based on the recognition and understanding of traditional livelihoods practiced in the upland areas. It has been designed to contribute to the stabilization of shifting cultivation landscapes, promote long fallow periods to increase vegetation cover, and to identify potentials for intensification and diversification for production. Furthermore, its objectives are to promote small and medium sized enterprises and develop linkages to markets and also to organize platforms for policy dialogue through evidence-based research and knowledge management. The engagement of village communities into participatory land use planning will enhance their ownership of SLM.

The development of the eco-labels and certification promotes the production of eco-sensitive commodities. This will ensure that food is produced after carefully taking into account environmental considerations and sustainable measurements can be applied for food and consumer products. These include a Geographic Indicator (GI), a Good Agricultural Practice (GAP) and Organic Certified and Fair-Trade products. However, it should be noted that this initiative is still in its infancy and needs more time to develop.

¹¹Details on Scorecard tool to assess applicability of incentive and market based mechanisms is available at <https://www.cbd.int/doc/meetings/im/rwim-wafr-01/other/rwim-wafr-01-annex1-en.pdf>

Challenges

The level of understanding and interpretation of government policies and strategies differs between the national and sub-national levels and this has led to deviation and often a departure from the actual policies and strategies.

The government or more precisely the district staff members often lack the human and financial resources to adequately deliver extension services to villagers on a regular basis. Extension budgets are often not reflected in the district's budget plan and this is particularly the case for extension activities. The staff members are active when financial support from projects or programs is available but once these initiatives are completed the activities are phased out, and staff then wait for alternative external support.

Agricultural extension service providers are often weak with a limited knowledge of sustainable agriculture and natural resource management. They are more experienced with top-down extension service provision and/or are still very new to the demand-driven extension approaches. The SLM problems are so complex that they even appear to be overwhelming at times and given this situation a solid project-based approach is unlikely to suffice. In many cases, individual projects dealing with SLM do not have the desired impacts because they are localized and are working in isolation to really make a difference. The best practices of SLM in different contexts are localized due to the fact that there is inadequate cooperation and collaboration between stakeholders.

Successful SLM is strongly linked with land tenure rights, because without such rights, people are reluctant to invest in land management. The population in rural areas still very much depends on customary tenure or on communal land. Customary land tenure covers a wide range of land types and resources, which provide livelihood security for most of the rural population in Lao PDR. This is particularly important for vulnerable sectors of the population, most notably ethnic minorities, women, the poor and landless, who all rely on the continued access to upland areas, communal forests, grazing land and fishing areas. However, both communal land and customary land tenure are not recognized in the land law. Several projects have piloted communal land titling, but it is still too early to draw any conclusions at this stage. This is because many cases exist in which communal land is transferred to private ownership with the issuance of land title certificates. Land use conflict and land tenure issues between stakeholders are still rampant and there is the need for clear policies and legislative support.

Working towards Integrated Landscape Management

In order to address these challenges, there are a range of interventions that are needed. Institutional capacities, qualified human resources, well defined legal frameworks and financial resources are all crucial for scaling up and scaling out SLM. Successful SLM scaling out and scaling up requires political will and the identification of SLM solutions contextualized to specific conditions. A “one-size-fits-all” approach does not work, particularly in the upland areas with different ethnicities and livelihoods. Efforts in the scaling up and scaling out of SLM should be linked to national policy and priorities and should also receive a better allocation of financial resources.

INTEGRATED LANDSCAPE MANAGEMENT



Future Perspectives

- Enabling policy coherence of cross-sectoral actions in SLM is an essential step to break down the sector heavy silo system and move forward towards a scaling up of SLM.
- Develop a national policy, strategy, and mechanism for promoting SLM with the full participation of all stakeholders. Furthermore the appropriate allocation of finances and technical support is needed so as to strengthen and enhance the capacity and capability of extension staff to practice demand-driven instead of top-down extension approaches and also to maintain the momentum with activities. The engagement of the private sector to deliver advisory services should be promoted so as to ensure that land-based investment projects will create benefits and opportunities for community members.
- Focus should be on the most egregiously damaged land and soils, and these need to be identified so that scarce resources can be effectively invested and managed. It is recommended that a program-based approach should be developed with a realistic phasing of investments and to set forth financing plans with the full participation of all stakeholders, the government, the private sector, development partners, CSOs, and also the beneficiaries. Implementation mechanisms so as to ensure a cost sharing structure for each phase should also be in place to promote enhanced integration, coordination and partnerships rather working in isolation.
- More attention needs to be given to land tenure and communal land. Securing land tenure rights is an important step in achieving positive SLM results and ensuring people's full participation in SLM practices.
- Successful SLM scaling up requires the identification and evaluation of SLM solutions which are contextualized to specific ecological conditions. Standardized documentation of the successes in scaling up and out innovative SLM and AE principles should be applied, and also barriers should be addressed and ultimately overcome.

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