

# INRM

## Integrating Natural Resource Management initiative

Phetsoulaphonh N. Choulatida  
*Good Forest Governance Project Manager*  
*GOFOGO project: LAO 111*

*Xiengkhouang Province*  
*Lao PDR*

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# Idea and background of INRM

Project staff are confronted with appeals for support from communities on land issues, but they do not know how.

Therefore the INRM initiative will:

- Strengthen capacities of INGO staff and local government to address land, forest and natural resource issues that affect their communities
- Strengthen capacities of communities to make informed decisions

Through a consortium of participating organisations, learning and exchanging experiences

# Why is INRM

Employing into land and forest land governance ?



1

provide an overview of the issues and practices of natural resource management

2

provide an in-depth exercise of the multi-factors which need to be considered for sustainable natural resource management

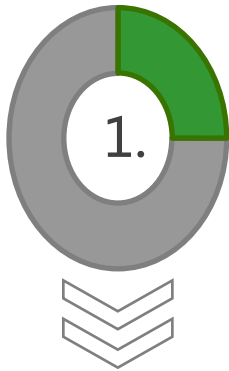
3

How to integrate into ongoing projects which are about and not about land

4

provide a set of reference tools, hands-on skills and approach for **Non confrontational advocacy**

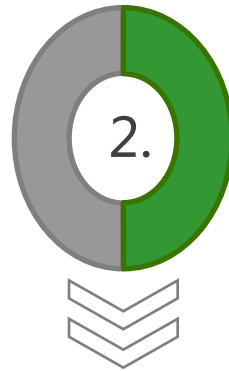
# Rippling effect



## Level 1: Support and Coordination Team

**LIWG, VFI, JVC, HELVETAS**

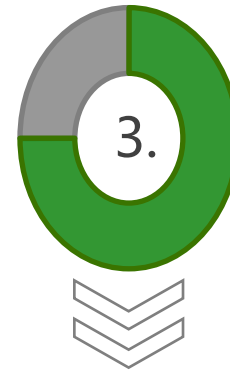
Organises pool of Master trainers, organizes required research, lesson plans, and media, liaises with CSOs



## Level 2: Master Trainer Team

**Staff of experienced CSOs and others**

To train less experienced CSOs



## Level 3: Participating CSOs

**Management & Field staff of these CSOs**

Learn about land issues to support villagers

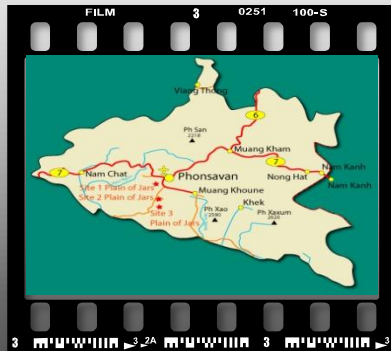


## Level 4: Target Villages of Receiving CSOs

**Communities, villager groups**

Learn about land rights to be able to respond to land issues and make informed decisions

# THE PLAN (FOR NOW)



TOT  
1<sup>st</sup> training in October 2014  
Field staff implement in Nov  
Video production in Nov

**Set 1: Xiengkhouang**



TOT  
1<sup>st</sup> training in February 2015  
Field staff implement in Mar

**Set 2: Phongsali**



TOT  
1<sup>st</sup> training in May 2015  
Field staff implement in Jun

**Set 3: Champasak**

# *INRM Master Curriculum – Contents for targeted villages of **Helvetas** and **CCL** on these topics*

*The training in Xiengkhouang province is based on the following input from INRM training partners*

## World Renew

- village relocation and village consolidation issues – impacts
- hydropower construction
- **contract farming**
- **logging impacts**
- **concessions** (not so common in our target area, there was one issue in XKH where a village was impacted by concessions given to a Vietnamese company for collecting pine tar. The company apparently did a bad job with collecting and many of the trees died.
- Mining – this has been minimal impact so far, but likely to increase in XKH.

## CCL

- Main constraints/ problems related to land and forest governance issues:
- No implementation of existing laws, no action plan about management of forestry resources at village level or district level, **conflict about concessions, land grabbing**, no respect of the terms of the contract (**contract farming**), lack of knowledge of farmers about how elaborate a contract farming, lack of capacities of local authorities (district level) to negotiate with firms.

## Possible solutions:

- Train local authorities and villagers (through project team) about existing laws, about how to elaborate a contract farming, about what is the legal process in the case of no respect of the terms of the agreement between firm and villagers, etc.

# *INRM Master Curriculum – Contents*

## *for CARE Lao PDR's targeted communities*

*The training is based on the following input from INRM in targeted project sites*

Phongsali province under **GOFOGO**

- **village relocation and village consolidation issues – impacts** (Samphanh=1; Mai=3; Khua=1)
- **hydropower construction** (Mai=1)
- **contract farming** (Samphanh=9; Mai=5; Khua=23)
- logging impacts ?????
- **concessions** (Samphanh=9; Mai=6; Khua=23)
- **Mining** (Khua=1)

Sekong province under **GOFOGO**

- village relocation and village consolidation issues – impacts ????????
- **hydropower construction** (Dakdieng-Dahloo=1)
- contract farming ?????
- logging impacts ?????
- concessions ?????
- **Mining** (Khounxay, Dakchang, Dakrun=3)

Possible solutions:

- Train local authorities and villagers (through project team) about existing laws, about how to elaborate a contract farming, about what is the legal process in the case of no respect of the terms of the agreement between firm and villagers, etc.

# *INRM Training program*

## Day 1 **TOT introduction**

- Technique (Qualification of trainer)
- Participatory learning (KSA)
- Practices

## Day 2 **Overview and situation analysis**

- Value of land rights training (Scale of NR use change, cross-cutting impacts, successful cases) – allow a lot of discussion – purpose is to encourage participants to be interested in resolving land issues
- Situation Analysis – Land issues in your target areas – Small group discussion -trainers can start by talking about the land issues in their areas
- Overview of INRM project and how it can help the participants
- Situation Analysis – Opportunities and Challenges in your target areas

## Day 3 **Laws and cases**

- Contract farming including practicing to train it
- Illegal logging including practicing to train it
- Good governance focusing on ‘Responsive Good Governance for citizens’ + NR Governance including practicing to train it

## Day 4 **Identification of the ways how to train these law and cases**

- Using adult learning approach
- Develop various methods in each sessions

## Day 5 **Planning**

- Plan actual village trainings and next steps for CSO trainings
- Summarize lessons from whole workshop



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ໂດຍການເຂົ້າມາມີສ່ວນຮ່ວມຂອງເຜົ່າປະຊາກຸ່ມທີ່ຢູ່ເຂດຫ່າງໄກສອກຫຼີກ  
PARTICIPATION OF REMOTE ETHNIC GROUPS FOR GOOD FOREST  
GOVERNANCE (GOFOGO)

**HOW IS THE INRM ACTIVITY LINKED TO GOFOGO  
PROJECT ?**



Grant by: EU & CARE Denmark

**ER1:** Improved capacity of civil society organisations to engage in policy dialogue with government on forest governance (Right to Land, Right to Adequate Food, Gender Rights).

## **Main activities**

- ✓ UPR participation and documentation;
- ✓ Capacity building on:
  - 1) forest governance,
  - 2) gender sensitive planning,
  - 3) leadership and management, and
  - 4) policy debate;
- ✓ Coordination with LIWG;
- ✓ Participation in regional forum and network

**ER2:** **Empowered communities** by raising opportunities for ethnic groups leaders and representatives, particularly women, to participate in the dialogue and **decision-making on equitable land tenure systems.**

## **Main activities**

- ✓ **Clinical Legal Education (CLE);**
- ✓ Capacity building on:
  - 1) Rights to Adequate Food,
  - 2) Customary and Communal Land Rights,
  - 3) Contract Farming
  - 4) Free Prior Information Consent, and
  - 5) Sustainable NTFP Use;
- ✓ Livelihood activities.

## Activities:

- **A2.1 “Develop and test legal and human rights curriculum, and roll out CLE in communities.”**
- Existing laws and rules on land and forests are not yet well known within remote ethnic groups. In each of the targeted districts up to 15 villages will be included in legal outreach, which sums up to 65 villages. Field staff of the consortium partners and district staff will accompany the legal teams in order to ensure smooth communication between villagers and legal teams. Making use of village cluster volunteers or local translators identified by consortium partners will reduce language barriers, as many ethnic communities do not understand Lao, in particular the women. The targeted groups in communities will be women groups, farmer groups and village mediation units. Other village civil society leaders are also targeted.

The following laws, decrees, regulations and human rights are of potential relevance for the CLE curriculum:

Law, Decrees, Orders and Human Rights	Benefit for ethnic communities
<b>Environmental Protection Law</b> 1999 and 2009	Informs why and how social impact assessments are carried out and let communities reflect on potential social impacts of development projects/concessions near their village, and provides a basis for negotiations and FPIC.
<b>Land Law</b> (2003) (revision underway)	Informs on rules related to management, protection and use of land and outlines the rights of villagers to use, protect, usufruct inherit land, and regulations on concessions.
<b>Forest Law</b> 2005, amended 2007	Determines forest categories, and customary use of forest, NTFP use, and informs on the need to set up village regulations on NTFP use
<b>Law on the Development and Protection of Women</b> (2004)	The key piece of domestic legislation that advances gender equality and addresses gender- based violence and gender discrimination. Gender equality will be exemplified by women's role in the community, their reproductive and productive roles and how women's access and control over productive assets are secured.
<b>Contract Law</b> (1990)	Provides guidance on what contracts should contain to have a legal basis and how contracts should be issued; in role plays or examples communities will report on their experiences and will rank this to criteria outlined in the contract law. This is a first step to inform villagers on their Rights to free prior and informed consent
<b>PM Decree on Land Law Implementation</b> no. 88	Communities are informed about land categories, land titling and registration process and will be aware on their right to land as defined by the land law. Detailed regulations on NTFP use and management will facilitate the next step on village regulations and forming association on protection of NTFP.
<b>PM Order 13:</b> Moratorium on rubber and minerals, dated 11/6/2012	This decree informs communities that a high-level decision was taken in order to stop concessions for certain projects as the social and environmental impact is not only positive. The decree shows that communities are also protected by government decision in case development practices are getting increasingly unreasonable for local communities.
<b>PM Decree 112:</b> Environmental Impact Assessment (revised soon)	Informs communities on the regulated process before development projects investments are carried out in or close by communities. Villagers are getting aware on their right to be informed and compensated and this should enable them to report on cases and processes that has been happening in the community.
<b>PM Decree 192:</b> Compensation and resettlement (revised soon)	This Decree provides principles, rules, and measures to mitigate adverse social impacts and to compensate damages that result from involuntary acquisition or repossession of land and fixed or movable assets, including change in land use, and restriction of access to natural resources affecting community livelihood and income sources. The information provided villagers the basis for negotiating with investors.
<b>PM Order 16:</b> Three Builds	This Order provides the decentralisation strategy of Lao PDR by assigning different tasks for the three levels, in which the province becomes the strategic, the district the enforcing and communities development units. Communities will be encouraged to think about their development potential under the premise of secure land tenure.
<b>Free Prior Informed Consent</b>	Concessions/Contract Farming - Think Before You Sign: A successful campaign under Ministry of Agriculture that includes outreach materials (radiospots, posters, leaflets) and creates awareness among remote ethnic groups to enable making informed decisions before renting out or selling land and labour to potential investors.
<b>Right To Food</b>	Developed by earlier EC supported Actions, a nutrition education module for remote ethnic groups will be used as entry point; nutritional facts for food groups are explained, and food groups are ranked by three food sources (farm, market, and forest). Herewith the importance of forestfood, in particular for some nutrients, become obvious, and communities will develop food and nutritional security maps by analysing how village land and natural resources use are linked to the six food groups. These maps will be shared under A2.4 as a good decision-making base for negotiations with investors or government authorities and therefore linked to FPIC and Contract Law.
<b>Gender rights</b>	Aligned with the Law on Development and Protection of Women and the specific needs in the communities, gender equality is promoted through gender analysis on access and control over resources and division of labour as entry tool to create awareness on gender equality.

**ER3:** Government agencies and national assembly allow for multiple perspectives by incorporating civil society and smallholder farmers' views on land tenure dynamics and processes to support for enabling land tenure systems.

## **Main activities**

- ✓ Create space at multiple political levels to address forest governance, Social impact study on forest exploitation;
- ✓ National Gender Profile in natural resources;
- ✓ Mapping of forest area affected by illegal logging;
- ✓ Study tour for government / NA to Phongsaly;
- ✓ Dissemination of research evidence in SSWG Land.

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PARTICIPATION OF REMOTE ETHNIC GROUPS FOR GOOD FOREST  
GOVERNANCE (GOFOGO)

## INTEGRATING THE CLE INTO INRM



Grant by: EU & CARE Denmark

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# Clinical Legal Education (CLE)

*“Mentoring students to develop professional ethics and practical skills for tomorrow that help marginalized communities today.”*

**Thip Nouansyvong (Ms)**

**Laos National CLE Coordinator, Bridge Across Border Southeast Asia  
Community Legal Education Initiative, (BABSEA CLE)**

Faculty of Law and Political Science  
Clinical Legal Education (FLP CLE)

Tel/Fax: (856-21) 486015

Mobile: (856-20) 23388065

Email: [thip@babseacle.org](mailto:thip@babseacle.org)

Skype: thip3388

[www.babseacle.org](http://www.babseacle.org)



# Clinical Legal Education (CLE)

*“Mentoring students to develop professional ethics and practical skills for tomorrow that help marginalized communities today.”*

1. What is Clinical Legal Education?

2. Why Clinical Legal Education?

- The Problem
- The CLE Solution

3. CLE: A Sustainable Solution

4. CLE: Promoting a Pro Bono Ethic

You can read this link: <http://www.babseacle.org/laos/>

Key contact person: Mr. Manolin thepkhamvong, freeland layer of Lao Bar Association (LBA)

Mobile: +856(0)20 22203759,

email: [manolinhth@gmail.com](mailto:manolinhth@gmail.com)

Manichanh Philaphanh

Lawyer, Executive Committee of LBA

Vientiane, Laos

Tel: +856-21-353953

Fax: +856-21-990445

Personal Cell phone: +856 20 99988333

E-mail: [manichanh.plp@gmail.com](mailto:manichanh.plp@gmail.com)

# What is Clinical Legal Education?

- **Clinical legal education** is a progressive educational ideology and pedagogy that is most often implemented through university programs. Clinics are interactive, hands-on classrooms that promote *learning by doing*.
- **Historically**, CLE developed in the United States as part of an explicit social justice agenda and primarily in response to a lack of legal services for the poor.
- **Today**, CLE programs offer classroom simulation lessons based on real-life cases and/or clinic experience involving interaction with real clients. CLE programs are conducted under the supervision of experienced law clinicians and legal practitioners.
- **CLE students** also engage in a variety of community outreach programs including women's groups, support groups for people living with HIV, juvenile detention centers, community centers and other institutions. There, they teach classes that are designed to **help people understand and access their legal rights** and services. Areas of teaching often include: the rights of stateless persons; criminal law; family law; consumer protection law; **land law**; housing rights law; HIV/AIDs and the law; healthcare rights; prisoners' rights; juvenile justice; employment and labor law; and basic life and other skills.

# Why Clinical Legal Education?

*Clinical Legal Education (CLE) programs provide pro bono services to the community while educating the next generation of social justice, pro bono champions.”*

## The Problem

- **Clinical Legal Education (CLE)** provides an effective and sustainable solution to the two-fold problem that impedes and hinders access to justice in Southeast Asia.
- 1. **Marginalized and disadvantaged groups** often lack the legal knowledge, understanding or financial means to access the law and their rights. The result is a sense of injustice throughout societies in which a growing rift divides those with financial and legal means, and those without.
- 2. In Southeast Asia, **the traditional method of teaching law** does little to make students aware of challenges to social justice and access to justice and it does not produce law graduates with the legal skills, knowledge and values required to solve them.

## The CLE Solution

- **CLE educates people** on their legal rights and how to access them, serves the needs of the community, and provides pro bono services to the disadvantaged.
- **CLE builds bridges** between law schools, civil society, government, non-governmental organizations and communities that would otherwise not have access to legal assistance.
- **CLE fosters professional ethics** and teaches students practical skills for tomorrow, while helping marginalized communities today.

# CLE: A Sustainable Solution

- **CLE offers a sustainable solution** to access to justice issues in Southeast Asia and globally.
- **CLE provides pro bono services** and legal education to communities that would not otherwise have access to legal assistance.
- **CLE helps to build a socially responsible** and pro-bono minded legal profession.
- **CLE partners work together** and become a part of an active, collaborative network focused on sharing resources, experiences and assisting each other in overcoming obstacles to social justice. This cross-border network of pro-bono minded advocates broadens the impact and assures the sustainability of the CLE solution to access to justice issues. Indeed, many legal issues and challenges faced by the marginalized, vulnerable and needy are not limited to the confines of a nation-state's boundaries.

# CLE: Promoting a Pro Bono Ethic

- **BABSEA CLE** helps to educate future lawyers in the spirit of public service within their respective communities and promotes the value of providing pro bono legal services. Many of these legal advocates then go on to pursue an active role in the advancement of justice and the rule of law in their countries.
- In addition, **BABSEA CLE** advocates for a pro bono ethic in the legal profession by organizing and supporting regional events for lawyers, academics, students, policy makers and representatives from non-governmental organizations to develop pro bono initiatives that strengthen access to justice throughout Southeast Asia.

# CLE activities in Lao PDR



**Community Teaching with Lao Law Students**



**New In-House CLE Law Clinic in Vientiane, Laos**



**Promoting CLE in Laos**



**First of its Kind: National University of Laos Opens its Own In-House Legal Consultation Clinic**



**Learning Life Skills by Working in Laos at Village Focus International (VFI)**



**The 1st Southeast Asia Pro-Bono Conference will be held September 28-29, 2012 in Vientiane Lao PDR.**

# CLE Committee Members

- Ms Phetmany Luangsichampa, NUoL Faculty of Law & Political Science CLE Clinic, Vientiane Lao PDR
- Ms Thip Nouansyvong, NUoL Faculty of Law & Political Science CLE Clinic, Vientiane Lao PDR
- Mr Pangthong Xayavong, NUoL Faculty of Law & Political Science, Vientiane Lao PDR
- Mr Souliya Vithongthai, NUoL Faculty of Law & Political Science CLE Clinic, Vientiane Lao PDR
- Mr Bounleuth Xaphakdy, NUoL Faculty of Law & Political Science , Vientiane Lao PDR

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GOVERNANCE (GOFOGO)

**WHAT IS NEXT STEP?**



Grant by: EU & CARE Denmark



# Next steps

- Test curriculum and methods in Xiengkhouang
- Have several meeting with CLE, LBA and SODA team for common understanding
- Team sets up and train
- Develop a combined method (CLE and INRM)
- Asking an official permit to implement our combined method
- Assessment

Thank you



Contacts:

Phetsoulaphonh Choulatida

[Phetsoulaphonh.Choulatida@careint.org](mailto:Phetsoulaphonh.Choulatida@careint.org)