

# IMPLEMENTATION OF THE LAND ALLOCATION POLICY IN THE LAO PDR: ORIGINS, PROBLEMS, ADJUSTMENTS AND LOCAL ALTERNATIVES.

Bernard Moizo

## **Abstract**

This paper briefly outlines the origins and contents of land tenure reforms in Southeast Asia before turning to the Lao land titling programme and examining its origins, development, main goals and objectives. The implementation process of the land titling programme contains various pitfalls, as pointed out in several national reports on the issue. The paper details major local problems encountered since the programme began and proposes some possible adjustments to improve livelihoods, understanding of local perceptions of space, and use of natural resources. The second part of the paper draws from examples in several villages in the Luangprabang area where farmers have developed alternatives directly or indirectly prompted by the land allocation policy. The main conclusion is that the strong relationships which previously existed between swidden farmers and their land (including sacred preserved forest) are now directly threatened by the way this policy is currently being implemented. The result is a further and deeper environmental and social crisis that needs to be addressed urgently.

## **Introduction**

In Southeast Asia, agriculture remains a crucial sector in the majority of countries. There are several countries where over 80% of the population is rural, such as Cambodia, Laos and Vietnam. Overall, nearly 70% of Southeast Asia's workforce still depends on agriculture as a main source of income. When focusing on challenging issues such as reducing and eliminating poverty, it must be kept in mind that the majority of the region's poor still live and work in rural areas. In some of these countries, however, considerable tracts of potentially productive land are now included in protected forests and natural reserves. Consequently, access to land is becoming an issue of conflict. More importantly, land distribution is highly unequal across the entire region.

Over the past 20 years, land reforms have proved central to the Southeast Asian growth experience. While land reforms were vital to the experience of rapid growth in some countries, the failure to readjust land systems in later years has proved to be extremely problematic. Recent land reforms have been more difficult to implement since they often necessitate the adaptation of property rights, which are at the institutional core of a state. Each part of land reform legislation has to some extent legitimised active state intervention in shaping, challenging and transforming property rights inherited from the past (Putzel 2000).

The purpose and aims of land reform differs from one country to another according to the extent of landlessness, the importance of agriculture and rural livelihoods as a source of employment and income, densities of the rural population and so on. It has been observed in many countries that most land reforms seek to detach land rights from their

social context, separating rights and duties associated with land from the political and social status of land holders (Aubertin 2003). But if land reforms and allocation are badly needed in urban and upland areas they have so far met with unequal success and have triggered resistance from farmers (Sikor 2002).

In the past, land reforms were pursued by governments in Asia because of the driving force of people's organisations, working on the ground with the potential beneficiaries of reform to pursue the beneficiaries' rights and improve their livelihoods (Putzel 2000). Still, mapping land ownership is a formidable task and can not be accomplished without a serious commitment from government agencies at the central and local levels, together with appropriate skills acquired through training and financial support. Newly implemented land reforms are not only needed by rural people, who are often supportive of such reforms, but could also be beneficial to the country economy, as pointed out by Putzel.

The new land legislation throughout the Mekong region also entitled the state to collect taxes on allocated land. Often, land allocation is described as the vehicle for establishing state territorial control over lesser-controlled areas within the national territory (Vandergeest and Peluso 1995). Recent land reforms in Southeast Asia can be summed up as follows: they are a direct outcome of development policies and they seek to reorganise space in the uplands (with forests reserves for conservation or logging) as opposed to in the lowlands (which are dedicated to the development of stabilised agriculture); initially most of these laws are implemented to regulate shifting cultivation and to protect forested areas.

In the Lao PDR, despite new forestry and land laws, foreign aid and resettlement policies, forest today covers between 36 and 38% of the country, as compared to the 1997 figure of 42% - though even that figure was challenged by some researchers as being optimistic (Aubertin 2002). The point is that the deforestation process still goes on. In the meantime farmers are confronted with land shortage and a severe deterioration of livelihoods (Ducourtieux 2004). However, as stated in a UNDP report, "in national percentage terms, the Lao PDR remains one of the most heavily forested countries of Asia and one of the region's richest countries in terms of biodiversity" (UNDP 2001).

After initial unconditional support for land reforms, international bodies such as the World Bank have largely revised their views. Now, land tenure reforms are considered to have an inherent potential for displacement, which can even be caused by development activities that are actually trying to oppose causes of displacement. Such activities include improvement of access to land for poor farmers, and ways of facilitating security of tenure and productive investments through clarification of property rights (World Bank 2001).

It is now internationally acknowledged and scientifically well documented that swidden agriculture is suitable if long fallow periods are associated with rotational cycles. Moreover, despite various pressures, swidden farmers throughout Southeast Asia have over the years developed efficient and sophisticated ways of preserving forested areas (Poffenberger 1990; Moizo 1994). All types of swidden agriculture are characterised by the particular practices of the ethnic groups using them. This is equally true in Laos and in neighbouring countries like Thailand (Kundstater *et al.* 1978; McKinnon & Bhruksasri 1986). Though they have low environmental impact and have proved to be sustainable in many countries, pioneer systems such as those practised by the Hmong became the main target, first of former development policies and then of land reforms.

Swidden agriculture is a very complex and extremely well articulated system that relies on strong social cohesiveness, in-depth knowledge of territorial resources, and strong complementariness between various ethnic groups. Relationships between ethnic groups are largely dependent upon a specific relation to the land and upon management of resources in response to growing pressures upon land tenure. In the Lao PDR, for example, the social relationship to the land is interwoven within inter-ethnic relationships and exchanges (Evrard 2002). In the past they were very few conflicts over land and territorial issues since the system was quite flexible.

There was a tendency throughout the 1980s to associate shifting cultivation not only with environmental degradation, but also with poverty. It is now widely acknowledged though that when it is conducted appropriately, swidden farming provides farmers with sufficient yield and an appropriate and diversified diet: "Although it is true that the majority of the poor in Laos are swidden cultivators, this should not be construed to imply that swidden causes poverty... It is also necessary to distinguish between the two types of swidden: rotational and pioneering. Traditionally, only the latter type has been responsible for environmental degradation" (ABD 2001).

Livelihood systems in Laos can be summed up by Chamberlain's definition (ABD 2001), which describes a very complex and intimately related set of various elements: 1) cultural beliefs (rituals, ceremonies, and myths); 2) land (territory, arable land, forests and sacred spots); 3) rice cultivation (dry rice and paddy fields); 4) livestock, (cows, buffalo); 5) corn, tubers and vegetables crops (usually grown in both upland fields and home gardens); 6) natural resources (fish, wildlife and other forest products). All these elements are organised into a continuum of activities and production based on a fragile but nonetheless operational balance between human groups and their territories (ABD, *ibid*).

## **The Lao land titling programme**

The Lao land titling programme was developed in the mid 1990s. It was modelled on the Thai programme and on a similar project in Vietnam, and was supported and implemented by and through the World Bank. Initially only urban and peri-urban areas were targeted but the final objective, through the Land and Forest Allocation Programme (LFAP), is to cover the entire country. It is based on ideas and results after empirical research conducted in Thailand, said to have demonstrated that "secure and clear land rights will induce cultivators to make productive investments in their lands" (World Bank 2001). However, as pointed out by Vandergeest, other interpretations came out of the same research showing that land reforms and titling had no effects on increasing productivity and or food security (Vandergeest 2003) and were sometimes directly connected to impoverishment of rural farmers. Examples of similar effects in Phongsaly and other remote provinces of the Lao PDR have been suggested by Chamberlain (ABD 2001) and Rigg (2001).

The Land Law was initially implemented in 1997 to provide a primary legal basis for the LFAP. The major objectives were: 1) to promote sustainable management and use of natural resources; 2) to prompt reduction and gradual elimination of shifting cultivation; 3) to enhance the promotion of commercial production (ADB 2001). In 2001, as a result of the shifting goals of the World Bank, a new approach was selected to incorporate improving food security and ideas such as customary land tenure and inheritance in the allocation programme (Vandergeest 2003). The change in direction encompassed some innovative

steps such as using property and common property rights to achieve the new objectives. Unfortunately, for various reasons this shift was not as beneficial as expected for local communities.

The goals and objectives of the LFAP were numerous and stated in many government and foreign agency reports. In short, the LFAP was originally meant to prevent illegal logging by giving ownership of forest land and resources to villages through a process of participatory land use planning. The government's intention was good and seemed to be a useful step towards the decentralisation process and the long-term management of resources in the Lao PDR. However, the programme was run in association with specific development goals aimed at eradicating shifting cultivation, and was combined with the rural development 'focal site' approach of bringing villages nearer to services (relocation and village consolidation). As a result the initial objectives were rapidly diluted into something far less beneficial to the local communities.

Unfortunately the concept of permanent agriculture was based on lowland notions and uses of space. Paddy cultivation, gardens, orchards and plantations were acknowledged as the only land uses that deserve titling (Lao Consulting Group 2002). Swidden techniques, foraging activities, hunting and gathering and cattle grazing were either underestimated or simply ignored. This is crucial to bear in mind since "the Land-Allocation Programme issues temporary land use certificates (TLUC) to upland farms only if they meet the 'permanent' criteria of land uses" (ADB 2001). In other words, upland swidden farmers had no choice but to comply with the reforms and change their entire livelihood system if they wished to be granted TLUCs.

At the beginning there was nothing wrong really with the land allocation policy nor with its goals, but implementation at the district levels caused numerous disjunctures with the process. These need to be identified and rectified in order to avoid non-reversible side effects from both environmental and social perspectives.

## **The process and overall pitfalls**

It is reasonable to question how a programme that is apparently people and community oriented, with strong participation, can have such negative side effects. Often, with new land reforms or agricultural policies, the initial ideas are rather good but the implementation process is very poor (Putzel 2000). This is precisely the case with land and forest allocation in the Lao PDR. The focal site strategy had all the ingredients to be successful: it advocated a decentralised, very participatory, area-based development and aimed to promote the empowerment of local communities. But as pointed out in many reports, success was rarely achieved and pitfalls were numerous. One quotation says it all:

"However, repeated evidence indicates that as currently practised, land allocation may aggravate poverty" (UNDP 2001).

The main criticisms of land titling can be outlined as follows: with poor implementation, such a policy may lead to loss of local control of land, generate growing class inequalities (in many instances small farmers were forced to sell), and prompt displacements (Evrard, 2002). It has been pointed out that non-uniform practices by district and provincial agriculture officials during the implementation process led to lowlanders taking advantages of the system. Some upland areas were cleared just so lowland people could title

to them. Meanwhile, in order to grow enough rice, many villagers were forced to travel to remote areas or old village sites to practice swidden farming in old abandoned fallows or forested areas that remained unnoticed by or inaccessible to officials. Such poor implementation was not in accord with policy objectives and has induced severe hardship for the affected swidden farmers. For example, fallow periods were reduced to three or four years at the best, leading to insufficient rejuvenation of soils and a lack of biomass for forest regeneration. Various social, technical and natural factors combined, and overall it has been recorded that in most of the cases yields fell by 50% (ADB 2001).

The most negative effects were the creation of a new land sale market (Aubertin 2002), and the ways in which the reforms redefined the meaning and control of space, sometimes forcing local people to be displaced.

“The displacement impacts of the new land tenure reform policies are largely due to the way in which the policies reinforce this reorganisation of space” ([Vandergeest 2003](#)).

There was great confusion among farmers, for example regarding the various types of forest under the newly applied classifications (see Aubertin 2002 & 2003 for details). Their former classification of space came into direct conflict with the new definitions of the land reforms and this generated mutual discontent.

It is true that land titling brings some clarification and protection of individual property rights within bounded mapped space through cadastral mapping, but so far there is still no provision for protection of common property resources outside boundaries. Thus inter-village conflict over access to resources may arise or re-emerge, especially for highly valued NTFPs or significant and symbolic spots.

In many ways the land reform is a programme that incorporates various grassroots developments and community-based management ideas through improved tenure security and formal recognition of village forests. However, most case studies conducted so far have shown that it has led to displacement and impoverishment to a degree far beyond what could be expected from simple conflicting claims over resources and land (Thomas 2003; Ducourtieux 2004; Romagny 2004; Jones 2004; Alton 2004). Overall, it has been observed that the programme has induced substantial loss of available arable land and access to resources and has generated significant out-migration movements (Goudineau 1997). Very often, the demarcation of village boundaries during the zoning phase was either hurried or not achieved through mutual consent. Thus, former conflicts over resources were not solved but often reactivated and sometimes amplified (Chazlle 1999).

Several government reports from various ministries indicated real concerns over the direct and side effects of the LFAP. For example the State Planning Committee (2000) singled out the shortening of fallow periods, resulting in soil depletion and decreased rice yields for same labour inputs, as the main outcome of the land allocation programme. As a result, “For many ethnic minorities then, the land and forest allocation process provided them not with tenure security but with new insecurities as their agricultural practices were rendered illegal” ([Vandergeest 2003](#)).

## Major local problems

The implementation of the land reform associated with forest zoning led to a change in the territorial perception of most villagers. Their new perception is of two mutually exclusive categories of space - where swidden is authorised and where it is not. According to their former space classification and beliefs, if swidden is not permitted on an area, then to them it is not forest, and consequently it does not require any specific protection from the community since it no longer belongs to them. It is similar with conservation campaigns that ban hunting activities: they are well perceived locally only if they have direct effects on increasing wildlife resources for future hunting purposes. According to farmers, forests are defined according to their uses: wood and timber stock, reserve of future arable land, protection of spring for paddy field, wildlife reserve, and sacred or ceremonial purposes. If decision-makers want to encourage communities to take forest preservation into their own hands, these traditional uses of forests lands cannot be just ignored, as has been the case so far.

Numerous conflicts between traditional land tenure and government land law have arisen as a direct result of changes in village territory perception, especially regarding rattan gardens, cardamom, benzoin, and grazing lands (Aubertin 2000). One of the new law's objectives is forest conservation, but in fact the forest is currently under growing threats: opening of new swidden fields is common, sales of land are recorded in many provinces, illegal logging is still flourishing, and shortage of arable lands is generating food insecurity and forcing people to rely more on forest products for their survival. Overall it can be said that so far the policy is a political failure, since deforestation is still increasing as a result of a direct confrontation between perceptions and uses. There are many potential benefits to land reform, but pitfalls have occurred almost everywhere it was implemented, with dramatic consequences for people and environment alike.

In the delimitation process of village territories, the local dynamics of resource management and use were not taken into account. The new village definition of territory is rather different from the former: management of forest and land for conservation has created a weakness in conservation purposes both institutionally and organisationally, especially in new migrant areas where forest management was not efficient or community controlled (Fujita 2003). In many provinces, new waves of migrants have been recorded subsequent to either village relocation or the implementation of land reform (Evrard 2004; Romagny & Daviau 2003; Jones 2004).

Adequate 'permanent' livelihood substitutes have not been successful because many families were given unsuitable paddy land (poor soil or lack of water) and there was a lack of technical support. This failure to develop upland permanent cropping or paddy fields has resulted in further deforestation and increased cases of encroachment, and some cases of people fleeing the areas (ADB 2001). The increased deterioration and degeneration of forest resources and wildlife is a direct result of rice shortage, to the point that some species and NTFPs have been eliminated through over harvesting (Foppes 2000). In some areas, NTFP harvest grew to represent 40 to 60% of household income, rising up to 80% at certain times of the year (UNDP 2001).

For the villagers there is a direct equation between land allocation and poverty since the former is accompanied by ecological changes, together with epidemics of pests, and results in the latter. Land allocation has emerged as the main cause of poverty in Phongsaly province and in remote districts of neighbouring provinces. "In general villagers in the

study felt that land allocation is unfair, and it thus emerges from the analysis as one of the main causes of poverty” (ADB 2001).

The land reform has also generated inequalities in land repartition and allocation. As the head of one surveyed village expressed:

“After the land allocation was carried out, we began to be short of rice to eat. If they allocated us some of the paddy given to the Hmong that would have been better, because they have more than they need” (KwŃn villager in Bokeo, quoted in ADB, *ibid*).

The majority of poor villages trace their plight to a result of combined and sometimes directly related elements (relocation + land allocation + pests + natural disaster). Villagers claim that prior to land reform, their rice yields and agricultural production were sufficient. At that time, costs for health, education, and consumer goods were either low or non-existent, but now farmers find themselves facing lower yields and higher needs. “To make up for rice deficiencies and to cover the costs of new costs, poor villages are more and more having to exploit new means of supplementing livelihoods” (ADB 2001).

There is a willingness to find alternative policies but examples are few. For example, the Lao Swedish Programme on Forestry challenged the way that reform was implemented but the adjustments and new goals it made were still aimed at the stabilisation of swidden and the separation of zones between agricultural and forest areas (Leuangkhamma, Sysomvang & Jones 2001). Policies are loosened when required to by people pressure, but are not intrinsically adjusted as they should be. There are also examples of local adjustment, such as relaxing enforcement of swidden restrictions by local authorities if there is sufficient land for rotation systems to be maintained.

Another field in which this reform has caused drastic changes is gender issues. The impacts of poverty and land allocation are more severe on women. Their workload has increased while the fruits of their labours are declining. Land problems rank high among the processes alienating and marginalising Lao women in the uplands and lowlands alike (ADB 2001). For example, with limitations on swidden rotations and the associated soil depletion, fallows consist mainly of grass, and cutting grass is traditionally women’s work. As a result, women must work longer and harder at clearing fallows for lesser yields. They also need to engage in further activities such as raising small livestock to compensate for the lower incomes that result from reduced yields. Here again they work harder, since they have to deal with more animal diseases. Of course, this comes on the top of their daily activities within the households and outside the villages. Girls are getting involved in various activities at younger and younger ages. This has an impact on their education, with most of them not attending school at all. Moreover, land allocation often neglects or ignores the importance of women in access to land as well as their role in the land tenure and inheritance process.

## **Coping strategies**

As always when facing a new situation created by outside forces, either from natural disasters or the interference of other people upon their livelihoods, farmers in the Lao PDR have come up with various coping strategies as a direct answer to the implementation of the land reforms and its immediate aftermath. These strategies are treated in detail in several reports (ADB 2001; Evrard 2004; Jones 2004; Lao Consulting Group 2002;

Thomas 2003; UNDP 2001) and are listed below, followed by a case study from Luangprabang province.

These strategies vary depending upon the location, local opportunities, periods of the year, significance of change, and ethnic group. They can be placed in the following categories, which are not mutually exclusive: increased reliance on natural resources, either for auto consumption or sales; labour for rice and wages either within the village or outside; sale of produce, livestock and handicrafts; borrowing rice; sale and exchange of NTFPs; forest food resource; sale and exchange of poultry and pigs; cutting trees for timber (sale); changing eating habits; migrations. These strategies are often conducted on an individual basis and with short-term objectives. They are very damaging, both socially and environmentally, but are employed because they are badly needed and unavoidable. The immediate causes and impacts of these strategies must be listed and analysed before the situation deteriorates further and slips out of control.

### **Situation in Lak Sip (Luangprabang Province)**

Lak Sip village is located on the main road to Vientiane, 10 km outside Luangprabang town. It is a predominantly Khmou village, whose inhabitants came originally from several villages in the area and beyond and were grouped here gradually over time. For more than 15 years it has been a pilot site for several development projects and is currently one of the sites for an MSEC multi-disciplinary research programme involving IRD and NAFRI researchers.

While Lak Sip village has not yet been subjected to the LFAP, it is under the Land use Planning/Land Allocation (LUP/LA). Therefore there are already numerous restrictions and rules regarding land management, but no official titling has yet been performed with individual households or at the village level. The situation as observed throughout 2002 and 2003 is briefly outlined in the following paragraphs. Since field research is still under progress, more comprehensive results should be made available in the coming months. Published materials on some other aspects of the village are already available (de Rouw, Kadsachac and Gay 2003).

#### ***Most negative impacts***

Growing impoverishment amongst villagers has been identified, with symptoms including:

- ▶ Lack of suitable agricultural lands as a result of inaccurate zoning.
- ▶ Internal conflicts emerging over land demarcation and access to resources.
- ▶ Village leadership challenged both within and outside the community.
- ▶ Growing insecurity is noticeable with theft and house breaking reported.
- ▶ Environmental degradation is increasing in an area already under heavy pressure from human activities.
- ▶ Social cohesiveness is loosening, leading to further discontent.
- ▶ Land and territorial spirit rituals have been neglected since the land zoning was done: people from other ethnic groups are hired to clear forest or old fallow and they take the blame for any problems that arise.

### ***Conflict over land zoning and uses***

The LUP/LAP survey was conducted with village leaders only and not all agricultural land was taken into account, since some villagers did not declare old fallows. Arable land within the village zone was allocated in one contiguous block, which does not reflect the reality, while many forest uses were not taken into account when forest delimitation was performed. Land claim by villagers who had temporarily left the area was either ignored or underestimated, and several infringements by neighbouring communities have been noted in recent years (access to land is no longer controlled by village leaders as a result of lack of cohesiveness and challenge to leadership).

### ***Inequalities in land repartition and allocation***

The better off families were given more land, while the land of those leaving the village was either sold or taken. Newcomers are given poor land or parcels located too far away. Many areas of the territory are no longer under village control (having been sold to urban people to obtain the cash needed to compensate for lower yields). The flexibility of the former land use system and the emergence of inter-village conflict has been noted over access to and uses of land, especially for degraded forest or old fallows located far away from the village. There is now a complete lack of recognition of the spiritually significant and symbolic areas within the territory (traditionally protected on behalf of the territory and village spirits), and this leads to a lack of self esteem.

### ***On gender issues***

Women are marginalised in their access to land, and there has been a recent development in prostitution (on the main road and in local shops). Women have to face more and more work in the fields and on necessary alternative activities, while weaving, for example, is now neglected due to lack of time. Young girls become involved in agriculture activities earlier and thus miss out on school. The new village leader is a woman, but overall, women seem to be further marginalised in the decision-making process. Many women have taken up wage labour at the nearby brick factory, on top of their household tasks, to compensate for falling yields.

### ***Coping strategies***

Selling of plots of land, plantations and timber was recorded in increasing numbers. Wage labour is sought on rich people's fields, in town or at the nearby brick factory. Several farmers have cleared old fallow in remote areas and if they are fined they interpret it as the 'price to pay' to get access to land. Some villagers started raising poultry on a larger scale than before, but this led to an increase in both poultry diseases and theft. Serious disputes between families followed and various households moved out of the village and established hamlets in more isolated locations. Despite the shortage of land, some farmers have hired out their fallow fields to people from neighbouring villages, in order to generate the cash required to pay land taxes. The development of small enterprises (e.g. tuk tuks, shops) is noticeable, and out migration has increased greatly in recent years: job seeking in nearby towns is common practice amongst young villagers and results in a shortage of labour. Sale of NTFPs and wildlife is booming, as is the raising of small livestock, despite many thefts and diseases.

### ***Adjustments needed and some possible alternatives***

The main objective of the reform, i.e. elimination of swidden and the reorganisation of space into two categories, should be reconsidered. As stated by Vandergeest, "It is quite possible to imagine a land allocation process that does not try to reorganise space into mutually exclusive agricultural and forest spaces, and works with swidden as a viable and sustainable land use practice" (Vandergeest 2003). Furthermore, very few land reforms have been successful when they induce conflicting views, both in perception and uses, between people's and government's definitions of space.

It has been noted in many case studies that the delineation of forest boundaries has been conducted without consideration of customary resource management practice. Thus, "special attention is required to understand the communal resource management practices between neighbouring villages that vary in agricultural land use conditions and dependence on forest resources" (Fujita 2003). Common resources and properties should be included and sometimes given priority in the land zoning survey when appropriate.

Another priority should be to focus on human and social capital in social sciences. It is well known that planners cannot plan adequately using only knowledge of the physical sciences. An alternative programme is required, such as the Land Use Zoning suggested by UNDP (2001): "Land Use Zoning is the delineation of zones of forests and agricultural land within the villages boundaries, which creates a framework in which villagers themselves work out rules for the utilisation and management of natural resources within these zones" (UNDP 2001).

This should be seen as a necessary step prior to any implementation of land allocation. One of the major changes required is that the allocated zone is not necessarily a contiguous block of land. Rather, it should reflect villagers' perceptions and use of space more accurately and include sacred and symbolic areas.

The delimitation of all land and resources to satisfy and fulfil village livelihoods should use multiple levels of analysis, whereby each level demonstrates a certain degree of internal articulation, has a unique set of agents, operates according to its own dynamic, and provides new insights concerning the relationship between human groups and their environments.

First of all, it is necessary to re-adjust objectives from stopping swidden to improving people's livelihoods by finding and promoting alternative ways to generate income or revenues. Another necessity is allowing fallow periods to last longer than the three years currently the case in many places. The delimitation of village territorial boundaries is a fine tool that secures villages limits, but within villages the territory distribution between households should be made at the village level, with the complete and real involvement of all stakeholders. The programme should allocate large areas to individual households to allow possible subdivision amongst children in some cases or to encourage intensification if appropriate. The programme should also concentrate on environmentally sensitive areas, in areas close to towns where there is a potential for land speculation, and on areas where necessary preconditions are available such as reasonable roads and market access (UNDP 2001).

To achieve this, the government needs to identify a way of utilising the strength of the nation's ethnic diversity, to 'capitalise on ethnic diversity'. Each group has strengths and weaknesses in forest and land management. Many research results and agency reports are

available on this topic, and it has now become a priority to rehabilitate some of the villager's practices and uses of resources in order to restore self esteem and to get them to support a land reform, with appropriate adjustments, that will make more sense to them than that currently imposed from above. Continuing gender research is also a priority. Ongoing change and increasing poverty are placing more and more stress on the cultural systems of hill tribes, especially on women, who also happen to be the most innovative and future-oriented group concerned.

Two other areas require special attention as they offer promising alternatives for the future: livestock and NTFPs. The latter have real potential for improving both diet and revenue as well as preserving biodiversity. "They also provide a basis for food security and poverty alleviation, give strong incentives for biodiversity conservation and contain potential for the development of a strong and sustainable forest-based industrial and trade sector" (Foppes and Ketphan 2001, quoted in UNDP 2001).

Similarly, it is prudent to take into account traditional uses and perception of space within and outside the village territory. What is often described as 'tradition' is actually dynamic, since it evolves over the years. This aspect is too often ignored, whereas it could prove a useful lever for implementing land reform (Moizo 1997).

## **Conclusion**

It can be said that so far the land allocation reforms have generated more disagreements and tensions than improvements to farmers' livelihoods. It has not been a participatory process as expected, because of lack of training (staff in charge of land zoning for example), and mapping that was often conducted over too short a period of time. The availability of farmers for consultation was another pitfall that triggered bad feelings on both sides. The reform caused relocation of many villagers, directly or indirectly, and those relocated people did not have sufficient time to acquire a good knowledge of their new environment. This has increased pressures upon natural resources. Land allocation induced land shortage, shortening of fallow and lower yields and is often identified as one of the main causes of impoverishment. While land allocation is adequately designed for individual titling, it takes little account of common property.

Following are some suggestions which could help to improve the overall process of mapping and zoning village territories. Mapping should use local names (allowing for the importance of toponomy) and be conducted with farmers and, when appropriate, by farmers so that they can give some information on their own perception of places, space and resources. The history of land used for agriculture should be traced up to 15 years, and displacements recorded with causes and dates. The location of territorial and village spirit locations as well as areas of symbolic significance should be registered along with the appropriate rules (myths, persons in charge, rituals and taboos). An exhaustive list of all collected forest products should be made for each village and the main location for each activity recorded on the territory map, once again using local or vernacular language. All sites of significance and their purposes or uses need to be recorded and mapped. Concerning forested areas, a clear distinction has to be made between what is a 'forest' and what is old fallow, according to people's views. These are often wrongly classified during the zoning process. It is suggested that planning start with Land Use Zoning, with possible revision once or twice over a five-year period before any TLUCs are issued.

More reports and case studies are needed on changes observed upon land uses and ownership. These dynamics need to be taken into account for future adjustments, as do resistance, failures and successes associated with similar policies from neighbouring countries (Vietnam, Thailand and Cambodia).

Finally, the author strongly believes that any change in the essential relationships between human groups and nature, as codified in native cultural practices, technology, supporting beliefs and knowledge systems, sends winds of change that turn into waves and sometimes chaos throughout social order. In many countries, over the past 30 years, land issues have prompted ethnic identity revival movements (Canada, the USA, Australia, Indonesia, Thailand and Vietnam) and sometimes direct confrontation between the nation states and minorities. It is to be hoped this will not happen in the Lao PDR.

## Author

Dr. Bernard Moizo works for the Institute of Research for Development, France and is currently working at the Faculty of Social Sciences, National University of Laos. PO Box 5992. Vientiane, Lao PDR E-mail: bmoizo@laopdr.com

## Bibliography

- Alton, C. 2004. *Livelihoods in Katu villages in Sekong*. Paper presented at the workshop "Poverty Reduction and Shifting Cultivation Stabilisation in the Uplands of Lao PDR: Technologies, approaches and methods for improving upland livelihoods". Luangprabang, January 27-30. NAFRI/LSUAFRP.
- Asian Development Bank. 2001. *Participatory Poverty Assessments, Lao PDR*. Vientiane. State Planning Committee, National Statistics Centre. p.187.
- Aubertin, C. 2002. *La forêt laotienne redessinée par les politiques environnementales*. Unpublished paper. Orléans. p. 9.
- Aubertin, C. 2003. ["La forêt laotienne redessinée par les politiques environnementales". Bois et forêts des tropiques](#). 278:39-50, special edition, *forêts détruites ou reconstruites*.
- Chazée, L.1999. *The Peoples of Laos - Rural and ethnic diversities*. Bangkok. White Lotus Press.
- de Rouw, A., Kadsachac, K., & Gay, I. 2003. "Four farming systems: a comparative test for erosion, weeds and labour input in Luang Phabang region". *Juth Pakai*. 1:14-22.
- Ducourtieux, O. 2004. *Shifting cultivation and poverty eradication: a complex issue*. Paper presented at the workshop "Poverty Reduction and Shifting Cultivation Stabilization in the Uplands of Lao PDR: Technologies, approaches and methods for improving upland livelihoods". Luangprabang, January 27-30. NAFRI/LSUAFRP.
- Evrard, O. 2002. *Forêts en partage, populations en mouvement développement rural et relations interethniques au Laos*, Université catholique de Louvain, Département des sciences de la population et du développement. Document de travail no. 17, p.69.
- Evrard, O. 2004. *La réforme foncière au Laos. Définition, mise en oeuvre et impact social*. Rapport UN pour la FAO. p.61.

- Foppes J. 2000. *Non-timber forest products in Lao PDR: a practical application of the ecosystems approach?* Paper presented at the Pathfinder Workshop on An Ecosystem Approach under the Convention of Biological Diversity (CBC): from Concept to Action. 30/10-1/11, Malaysia.
- Foppes, J. and S. Ketphanh. 2000. *Forest Extractivism or Cultivation? Local solutions from Lao PDR.* Paper presented at the workshop on Evolution and Sustainability of Intermediate Systems of Forest Management. FOREASIA, 28/06-1/07/2000. Lofoten, Norway.
- Fujita, Y. 2003 *Overlapping Resource Tenure and Resource Conflict in Conservation Forest of Lao People's Democratic Republic.* Paper presented at the RCSD International Conference "Politics of the Commons: Articulating Development and Strengthening Local Practices". 11-14 July 2003, Chiang Mai, Thailand.
- Goudineau, Y. (ed.). 1997. *Resettlement and Social Characteristics of New Villages.* Vientiane. UNESCO and UNDP, 2 vols.
- Jones, P. 2004. *Village Land Use and Livelihoods Issues Associated with Shifting Cultivation, Village Re-location and Village Merging Program in Phonxai District, Luangprabang Province.* Paper presented at the workshop "Poverty Reduction and Shifting Cultivation Stabilization in the Uplands of Lao PDR: Technologies, approaches and methods for improving upland livelihoods". Luangprabang. January 27-30, NAFRI/LSUAFRP.
- Kundstater, P., Chapman, E. & Sabhasri, S. (eds). 1978. *Farmers in the Forest - Economic Development and Marginal Agriculture in Northern Thailand.* Honolulu. East-West Centre Books, University Press of Hawaii.
- Lao Consulting Group. 2002. *Existing Land Tenure and Forest Lands Study.* Final Report. Ministry of Finance, Departments of Lands, Land Titling Project, Lao PDR, p.96.
- Leuangkhamma, T., Sysomvang, S., Jones, P. 2001. *Land Use Planning and Land Allocation Component, Component Description, LSFP Model Consolidation Project.* Vientiane. Lao Swedish Forestry Programme.
- Moizo, B.1994. "Des essarteurs  cologistes: les Pwo Karen du nord et de l'ouest tha landais". *G ographie et Cultures.* 7:115-135.
- Moizo, B. 1997. "L'identit  est au c ur du territoire. Les karen face au monde ext rieur dans l'ouest tha landais". In *Actes du colloque: Le territoire, lien ou fronti re?* Eds. Bonnemaizon, J., Cambr zy, L., Quinty-Bourgeois, L. Paris 2-4 octobre 1995. Collection colloques et s minaires, ORSTOM.  ditions, Paris. CD Rom.
- McKinnon, J. & Bhruksasri, W. (eds). 1986. *Highlanders of Thailand.* Singapore. Oxford University Press.
- Poffenberger, M. (ed). 1990. *Keepers of the Forest. Land management Alternatives in South East Asia.* Manila. Ateneo de Manila University Press.
- Putzel, J. 2000. *Land Reforms in Asia: Lessons from the Past for the 21st Century.* Working Paper Series, LSE Development Studies Institute, London School of Economics and Political Science. p.25.
- Rigg, J. 2001. "Embracing the global in Thailand activism and pragmatism in an era of deagrarianisation". *World Development,* 29(6), 945-960.

- Romagny, L. 2004. *Resettlement: an alternative for uplands development?* Paper presented at the workshop "Poverty Reduction and Shifting Cultivation Stabilization in the Uplands of Lao PDR: Technologies, approaches and methods for improving upland livelihoods". Luangprabang, January 27-30. NAFRI/LSUAFRP.
- Romagny, L. and S. Daviau. 2003. *Synthesis of Reports on Resettlement in Long District, Luang Namtha Province, Lao PDR*. Vientiane. Action Contre la Faim. p.37.
- Sikor, T. 2002. *Conflicts and Concepts: the Politics of Forest Devolution in Postsocialist Vietnam*. Paper presented to the 9<sup>th</sup> Biennial Conference of the International Association for the Study of Common Property. Victoria Falls. 17-21/06.
- Thomas, D. 2003. *A Brief Review of Upland Agricultural Development in the Lao PDR*. ICRAF Report to IFAD. CD Rom.
- UNDP. 2001. *National Human Development Report Lao PDR 2001, Advancing Rural Development*. Vientiane. p.189.
- Vandergeest, P. 2003. *Land to some tillers: development-induced displacement in Laos*. UNESCO. pp. 47-56.
- Vandergeest, P. and Peluso, N. 1995. "Territorialisation and State Power in Thailand". *Theory and Society*. 24(3): 385-426.
- World Bank, 2001. *Land Policy and Administration: lessons learned and new challenges for the development agenda*. Preliminary draft for consultation, available on the World Bank Web site.

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