

LAND ALLOCATION AND TITLING IN LAOS:
ORIGINS, PROBLEMS, AND IMPACTS ON
MINORITY GROUPS

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INTRODUCTION

Agriculture remains a crucial sector and the main source of income in much of Southeast Asia; over 80 percent of the population of Cambodia, Laos, and Vietnam is rural. The majority of the region's poor also live in the rural areas. However, in some of these countries, considerable tracts of potentially productive land are designated as protected forests and natural reserves. More importantly, land distribution policies are highly unequal across the entire region, thus access to land is becoming an area of conflict.

Over the past 20 years, land reforms have proved central to the growth of Southeast Asian economies. While these reforms were vital to rapid development in these countries, the failure to readjust land systems in more recent times has been 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 the state. Each piece of land reform legislation has to some extent legitimized active state intervention in shaping, challenging, and transforming hereditary property rights (Putzel 2000).

The purpose and aims of land reforms differ from one country to another depending on such factors as the extent of landlessness, the importance of agriculture and rural livelihoods as a source of employment and income, and rural population densities. In many countries, 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 the land holders (Aubertin 2003). But if land reallocation and reform are badly needed in urban and uplands areas, they have generally been less than successful and often triggered resistance from farmers (Sikor 2002).

Some governments in Southeast Asia have pursued land reforms by working on the ground with the intended beneficiaries, to improve their rights and livelihoods (Putzel 2002). Still, mapping landownership was a formidable task and could not be accomplished without a serious commitment by government agencies at the central and local levels. These efforts required appropriate skills, acquired through training and financial support. Newly implemented land reforms were not only needed by rural people, who were often supportive of such reforms, but could also be beneficial to the country's economy, as pointed out by Putzel.

Land legislation throughout the Mekong region also entitled the states to collect taxes on allocated land. This allocation has been described as the vehicle for establishing the authority of the state over less-controlled areas within the national territory (Vandergeest and Peluso 1995). Recent land reforms in the region can be summed up as follows: they are a direct outcome of development policies and they seek to reorganize land use in the highlands with forests reserved for conservation or logging, as opposed to the development of stable agriculture in the lowlands. Initially, most of the new land use laws were implemented to regulate shifting cultivation and protect forests. Thailand and Vietnam have the most extensive experience with macro-level land use plans in the Mekong sub-region, but both face similar problems in transforming these plans into practice. Laos is the only country in the Mekong sub-region with a national program for village-level land use, planning, and land allocation. Unfortunately, this program, although started with good intentions, has had numerous negative effects on rural livelihoods. The National Land Use Planning and Land Allocation Program (LUP/LA) program needs to undergo fundamental changes to become more effective (MRC-GTZ 2004).

Despite new laws on forestry and land, resettlement policies, and foreign aid-funded projects, forest cover in Laos today is estimated to be between only 36 to 38 percent, as compared to the 1997 figure of 42 percent, though even that figure has been challenged by some researchers as being optimistic (Aubertin 2002). Deforestation continues rapidly, while upland farmers are confronted with land shortages and face a severe deterioration in their livelihoods (Ducourtieux 2004). However, as stated in a United Nations Development Program report, "Nonetheless, in national percentage terms,

Laos remains one of the most heavily forested countries of Asia and one of the region's richest countries in terms of biodiversity" (UNDP 2001).

International funding agencies such as the World Bank have largely revised their views, despite having initially given unconditional support to land reforms. Now, land tenure reforms are considered to have an inherent potential for displacement, even when 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 well documented that swidden agriculture as traditionally practiced by a large proportion of upland peoples in Laos and elsewhere in the region is sustainable, if long fallow periods are associated with rotational cycles. Moreover, swidden farmers throughout Southeast Asia have developed efficient and sophisticated ways to preserve forested areas (Poffenberger 1990; Moizo 1994). All types of swidden agriculture are characterized by the particular practices of the ethnic groups using them, as demonstrated in research on swidden in both Laos and Thailand (Kunstadter et al. 1978; McKinnon and Bhruksasri 1986). Notwithstanding their demonstrated low environmental impact and proven sustainability in many countries, pioneer systems such as those practiced by the Hmong became the main target, first of earlier development policies, then of subsequent land reforms and so-called sustainable management programs.

Swidden agriculture is a complex and well articulated system that relies on strong social cohesiveness, in-depth knowledge of territorial resources, and strong bonds between the various ethnic groups inhabiting a particular area. Inter-ethnic relationships in traditional swidden zones are highly dependent upon a specific relationship to the land and the management of forest resources in response to growing pressures upon land tenure. In Laos, for example, the social relationship to the land is interwoven within inter-ethnic relationships and exchanges (Evrard 2002).

There was a tendency throughout the 1980s to associate shifting cultivation not only with environmental degradation, but also with poverty. When it is conducted appropriately, however, swidden farming provides farmers with sufficient yield and an appropriately diverse 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 degradation" (ADB 2001, 187). Livelihood systems in Laos can be summed

up by Chamberlain's definition (ADB 2001), which describes a complex and intimately related set of various elements: cultural beliefs (rituals, ceremonies and myths); land (territory, arable land, forests, and sacred sites); rice cultivation (dry rice and paddy fields); livestock (cows, buffaloes); corn, tubers, and vegetable crops (usually grown in both upland fields and home gardens); and natural resources (fish, wildlife, and other forest products).

All these elements are organized into a continuum of activities and production based on a fragile but nonetheless operational balance between groups and their territories (ibid.). In the past there were few conflicts over land and territorial issues because the widely practiced swidden system was quite flexible. Swidden agriculture is often related to strong symbolic and religious relationships between communities and their territories. These complex and articulated relationships have been largely ignored in many of the land reforms implemented in the Mekong subregion. For example, the first occupants of an area have a special responsibility toward, and relationship with, the spiritual beings who inhabit the territory as well as to the humans who were earlier occupants of the same land. Comprehending this role is essential to understanding inter-ethnic relationships and the complexity of man/nature interactions; once again this is bypassed in all land reforms and laws, which have led to major misunderstandings in many instances (Evrard 2004).

THE LAO LAND TITLING PROGRAM

Pilot land use planning activities started in Laos in the late 1980s. Land-use planning at the village level was identified as a tool to improve the protection and management of natural resources, to clarify the boundaries between villages and to differentiate between areas that could be used for agricultural production from those in need of protection. Furthermore, land use planning was seen as a precondition for allocation of residential areas and agricultural plots, and would become a part of the poverty alleviation efforts of the Lao government.

The LUP/LA set up in 1993 was supported chiefly by the Lao-Swedish Forestry Program (LSFP) with its sub-component on "Participatory Village Development and Sustainable Land Use." The LSFP assisted the Lao government to develop and institutionalize the LUP/LA approach and conduct extensive capacity-building measures. Various other donor-funded projects also supported the LUP/LA program financially and technically. Based on the experience gained in the LSFP target provinces, a national

LUP/LA manual was published in 1997 and revised in 2001. LSFP has produced numerous technical guidelines, working papers, and brochures further describing the LUP/LA approach.

Administratively, Laos is divided into 17 provinces and one municipality (Vientiane) district comprising more than 10,000 villages. National funds were made available to the provincial authorities in support of the LUP/LA program. Provincial and district LUP/LA steering committees under the chairmanship of the vice-governor supervised the training activities, selected priority areas, and coordinated implementation. While the provincial and district agriculture and forestry offices were responsible for the overall organization of LUP/LA activities, it was mainly the forestry staff that took the lead in implementing the program. In numerous cases, and due to the lack of staff in the district office, other institutions, such as the Office of Finance, the army, and sometimes the police, were requested to second additional staff to the LUP/LA teams. In recent years the LUP/LA program has been continuously reduced due to the lack of funds, but the general target was to reach all villages by 2005.

The Lao land titling program was developed in the mid-1990s. It was modelled on the Thai program and a similar project in Vietnam, and was supported through the World Bank. Initially, only urban and suburban areas were targeted, but the final objective is to cover the entire country through the Land and Forest Allocation Program (LAP). Based on ideas and results of empirical research conducted in Thailand, the program is 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 farmers. Examples of similar effects in Phongsaly and other remote provinces of Laos have been suggested by Chamberlain (ADB 2001) and Rigg (2001).

The Land Law was initially implemented in 1997 to provide the primary legal basis for the Land-Forest Allocation Program. The major objectives were:

- to promote the sustainable management and use of natural resources;
- to prompt the reduction and gradual elimination of shifting cultivation; and
- to enhance the promotion of commercial production. (ADB 2001)

In 2001, as a result of the changing goals of the World Bank, a new approach was selected to improve food security, recognizing such factors as customary land tenure and inheritance in the allocation program (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 did not benefit local communities as was expected.

The LFAP was originally meant to prevent illegal logging by giving ownership of forestland and resources to villages through a process of participatory land use planning. This represented good intentions on the part of the government and was also a useful step towards decentralized, long-term management of resources in Laos. However, the program was run in association with specific development goals aimed at eradicating shifting cultivation. Furthermore, it 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 deserved titling (Lao Consulting Group 2002). Swidden techniques, foraging activities, hunting and grazing were either undervalued or simply ignored. This is crucial to bear in mind since the LAP issues temporary land use certificates (TLUC) to upland farmers 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.

In the beginning, there was nothing wrong with the land allocation policy or with its goals, but the implementation at the district levels caused numerous bottlenecks. These need to be identified and rectified in order to avoid irreversible negative environmental and social side effects.

LAND ALLOCATION REFORM: PROCESSES AND PITFALLS

It is reasonable to question how a program that is apparently people- and community-oriented, requiring strong participation, could have such negative consequences. Often with new land reforms or agricultural policies, the initial ideas are well intentioned but the implementation is poor (Putzel 2000). This has been the case with the land and forest reforms in Laos.

The "focal site" strategy had all the ingredients of success: it advocated a centralized, highly 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 the pitfalls were numerous. One quote captures the essence: "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 a loss of control of land, generate growing class inequalities (in many instances, small farmers have been forced to sell their land) and prompt displacements (Evrard 2002). It has been pointed out that non-uniform practices by district and provincial agriculture officials during implementation led to lowlanders taking advantage of the system. So, lowlanders cleared some land in order to gain title to upland areas while, to grow sufficient rice, many highland villagers were forced to travel to swidden farms in old abandoned fallow or forested areas that had remained unnoticed by or were inaccessible to officials. This poor implementation was not in accord with policy objectives and induced severe hardships for the swidden farmers. For example, fallow periods were reduced to three or four years at the most, leading to insufficient rejuvenation of soils and a lack of biomass for forest regeneration. Indeed, swidden yields were generally halved (ADB 2001).

Most damaging were the creation of a land 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 of the new land reform tenure policies is largely due to the way in which the policies reinforce this organization 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 and 2003 for details). This reclassification of space generated mutual discontent between the farmers whose traditional relationship to the land was in contradiction with the reforms, and the district and local government representatives who were implementing them.

While land titling brings some clarification and protection of individual property rights through cadastral mapping, there is no provision for protecting common property resources outside these boundaries. Thus inter-village conflict over access to resources may arise or reemerge, especially for highly valued non-timber forest products (NTFPS) or significant and symbolic spots in many provinces (Daviau 2004; Evrard 2004; and Alton and Rattanavong 2004).

In many ways, land reform is a program that incorporates various grassroots developments and community-based management ideas through improved security of tenure 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 program has induced substantial loss of available arable land, access to resources, and has generated significant out-migration (Goudineau 1997). 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 (Chazée 1999).

Several government reports from various ministries indicated real concerns over the direct and indirect effects of the land allocation program. For example, the State Planning Committee singled out the reduction of fallow periods, resulting in soil depletion and decreased rice yields for the same labour inputs, as the main outcome of the land allocation program. 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 IDENTIFIED

Forest zoning under the land reform program 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 authorized and where it is not. According to their former space classification and beliefs, if swidden is not permitted in an area, then 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; these measures are well received locally only if they have direct effects on increasing wildlife resources for future hunting purposes (Johnson et al. 2004). According to local farmers, forests are defined according to their uses: wood and timber stocks, reserves of future arable land, protection of springs for irrigation, wildlife reserves, 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 simply be ignored.

The land allocation program emphasized an approach that was too static and did not take into account local history and regional dynamics, or sophisticated local knowledge about the land and its resources. In doing so, it has also ignored or denied the ability of local communities to defend or manage their own territorial resources. Moreover, villagers perceived individual landownership as undermining the ability of their community as a whole to collectively manage and control their land and resources. "When projects undermine a community's ability to defend and manage its own resources, or when it is imposed by outsiders, genuine benefits can hardly be expected" (Daviau 2004, 164).

Numerous conflicts between traditional land tenure and the state's land laws have also arisen as a direct result of changes in the perception of village territory, especially with regard to rattan gardens, cardamom, benzoin¹ and grazing lands (Aubertin 2000). One of the new law's objectives is conservation, but in fact the forests are under new and growing threats. New swidden fields are common, sales of land have occurred in many provinces, illegal logging is flourishing, and a shortage of arable land is generating food insecurity and forcing people to rely more on forest produce for their survival. Overall, it can be said that so far the policy has been a political failure since deforestation is still increasing as a result of a direct contradiction between the government's perceptions and those of traditional users. While there are many potential benefits of land reform, there have also been unintended consequences for people and the environment alike.

In the process of delimiting village territories, the local dynamics of resource management and use were not taken into account. The new definition of village territory is rather different from the previous one. The implementation of new forest management guidelines has been weak both institutionally and organizationally, especially in new migrant areas where forest management was neither efficient nor 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 and Daviau 2003; Jones 2004).

Adequate "permanent" livelihood substitutes were not successful because many families were given unsuitable paddy land (with poor soil or insufficient water) and there was a lack of technical support. This failure to develop permanent cropping and paddy fields has resulted in further deforestation and increased cases of encroachment, and in some cases, of people migrating (ADB 2001). The deterioration and depletion of forest resources and wildlife was a direct result of rice shortages, to the point that some species were eliminated during the competition over resources or NTFPS through over-

harvesting (Foppes 2000). In some areas, NTFP harvests grew to represent 40 percent to 60 percent of household income, rising to 80 percent at certain times of the year (UNDP 2001).

There have also been inequalities in land partition and allocations. As the head of one village surveyed 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" (Kwèn villager in Bokeo, quoted in ADB 2001).

The majority of poor villages trace their plight to the combined effects of land reforms, and sometimes directly related elements such as relocation, land allocation, pests, and natural disasters. Villagers claim that prior to land reform, their rice yields and other agricultural production were sufficient. At that time, costs for health services, education, and consumer goods were either low or non-existent, but now farmers find themselves facing lower yields and a greater need for cash. "To make up for rice deficiencies and to cover new costs, poor villages are more and more having to exploit new means of supplementing livelihoods" (ADB 2001). Land allocation has emerged as the main cause of poverty in Phongsaly and in remote districts of neighbouring provinces. "In general, villagers in the study felt that land allocation is unfair and thus emerges from the analysis as one of the main causes of poverty" (ADB 2001).

There is a willingness to find alternative policies, but there are few successful examples. For instance, the Lao-Swedish Program on Forestry challenged the way that the reforms were implemented but the adjustments and new goals it made were still aimed at the stabilization of swidden and the separation of zones between agricultural and forest areas (Leuangkhamma, Sysomvang and Jones 2001). Policies are relaxed when there is pressure from the people but the fundamentals are not adjusted. There are also instances of adjustment such as lax enforcement of swidden restrictions by local authorities if there is sufficient land for rotation systems to be maintained.

The willingness of the Ministry of Agriculture and Forestry services to reduce the space available for itinerant agriculture is clearly visible in the statistics: 82 percent of land allocated between 1995 and 2002 has been classified as forest land (MAF 2003, 43). Everywhere, as a result of land allocation, protected spaces have become more important than those that can be used for agriculture. In this respect, land allocation has a stronger effect than the land use planning operations, which are the preliminary steps before the allocation. Studies conducted by NAFRI in the Phonexay district of Luang Prabang province show that in villages served only by LUP, each household has access to four hectares of agricultural land and five hectares

of forest. However, in villages where allocation has been completed, it is to two, seven, and nine hectares respectively (NAFRI/LSUAFRP 2002).

Local studies show that the decrease of available agricultural spaces has a negative impact on the food security and livelihoods of households, but no long-term monitoring or statistical surveys have been made on these issues. With the important reduction of fallow time (most often 3–4 years instead of the previous 7–15 years), and with stagnating agricultural techniques, the fertility of land diminishes steadily. Paddy yields are down by more than 50 percent (ADB 2001, 35–39), and the time necessary for weeding has increased significantly. Due to increasing pressure on forest areas, NTFPs are becoming more scarce. This has a negative impact because these products account for an average of 55 percent of the monetary income of rural households in these areas (UNDP 2001, 78). This impact is even greater for the poorest groups who rely more on these products to cope with food deficits and income insecurity.

The land reforms have also had a drastic impact on gender issues: the higher incidence of poverty and other negative effects of land allocation have been borne disproportionately by women. Their workload has increased while the fruits of their labour have declined. Land problems rank high among the processes alienating and marginalizing Lao women in the uplands and lowlands alike (ADB 2001). For example, with limitations on swidden rotations and the associated soil degradation, land left fallow consists mainly of grass, the cutting of which is traditionally woman's work. As a result, women must toil longer and harder at clearing fallows for lesser yields. They need to engage in other activities such as raising small livestock to compensate for the lower incomes resulting from reduced yields. Here again, they work harder since they have to deal with more animal diseases. Of course, this comes on top of their daily activities within the household and outside the villages. Girls are getting involved in various economic and subsistence activities at younger and younger ages, with the result that most of them are not attending school at all. Moreover, land allocation often neglects or ignores the importance of women's access to land as well as their traditional role in the land tenure and inheritance process.

MAJOR DIRECT EFFECTS AND COPING STRATEGIES

Directly and indirectly, the first and main effect of land allocation is to increase pressures on land in almost all villages where the program is established. As a result, there are increasing social tensions between recent

migrants to a village, following government-sponsored resettlement, and the original or longer established inhabitants. Tensions are also increasing between neighbouring villages as a result of a new concept of "borders" between villages. While in the traditional system there were some areas with diverse and legitimate claims from surrounding villages, and some kind of co-management of these border spaces by the neighbouring villages. Now there are "administrative spatial units" (*kbét phok kbong ban*)—separate and homogenous spatial units as defined by an administrative process. With this homogenous definition of spatial village units with exclusive ownership and management rights officially recognized for one single village, the traditional overlapping rights over jointly managed resources (wildlife for hunting and wild-fruit harvesting/gathering) are undermined, causing an increasing number of disputes over these rights.

These difficulties seem to make the future implementation of land allocation more and more difficult. While villagers often have, a priori, a positive attitude towards the formal registration of rights, those villages, usually the more remote ones that have not yet been affected by land allocation, seem to be more and more reluctant to get involved, as they are aware of the difficulties encountered by their neighbours. Moreover, they also consider that their customary system is fairer and more flexible than the new system. This could be a reason why the pace of the land allocation (that is, the number of villages where the new land allocation is enacted each year) has been slowing down in recent years.

Facing a new situation created by outside forces, either from natural disasters or the interference of other people upon their livelihoods, farmers in Laos use various coping strategies in direct response. 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 briefly below, followed by a case study from Luang Prabang province.

The responses 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 self-consumption or sale; rice for work or wages, either within the village or outside; sale of produce, livestock and handicrafts; borrowing rice; sale and exchange of NTFPS; gathering of forest food resources; sale and exchange of poultry and pigs; cutting trees for timber sales; changing eating habits; and migration. These strategies are often conducted on an individual basis and with short-term objectives. They have adverse social and environmental implications, but are employed because they are badly needed and unavoidable. The immediate

causes and impacts of these strategies must be listed and analyzed before the situation deteriorates further.

THE IMPACT OF LAND ALLOCATION IN LAK SIP (LUANG PRABANG PROVINCE)

Lak Sip village is located on the main road to Vientiane, 10 kilometers outside of Luang Prabang town. It is a predominantly Khmu 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 for a multidisciplinary research program involving the French IRD and Lao NAFRI researchers.²

While Lak Sip village has not yet been subjected to the Land and Forest Allocation Program, it is under the LUP/LAP. Therefore, there are already numerous restrictions and rules on the management of land, 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 available in the coming months. Published materials are already available in other research areas on this village (De Rouw, Kadsachac and Gay 2003).

Most Negative Impacts

Growing impoverishment amongst villagers has been identified with symptoms including:

- There is a lack of suitable agricultural lands as a result of inaccurate zoning.
- Internal conflicts over field limits and access to resources are resurfacing.
- Village leadership is challenged both within and outside the community.
- There is growing insecurity, evident in the number of burglaries and thefts reported.
- Environmental degradation is increasing in an area already under heavy pressure from human activities.
- Social cohesiveness is loosening and leading to further discontent.
- Land and territorial spirit rituals have been neglected since the zoning was carried out: people from other ethnic groups are hired

to clear forests or old fallow land and are blamed for problems that arise.

Conflict over Land Zoning and Uses

The land survey was conducted with village leaders only, and not all agricultural lands were taken into account since some villagers did not declare old fallows. Arable land within the village zone was allocated in one contiguous block, which did not reflect the reality of cultivation practices, while many forest uses were not taken into account when forest delimitation was performed. Land claims by villagers who had temporarily left the area were 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 a lack of cohesiveness and a leadership challenge.

Inequalities in Land Repartition and Allocation

The better-off families were given more land, while the property of those leaving the village was either sold or taken by lowlanders. Newcomers were given poor quality land or patches located very far from the village. Many areas of the territory were no longer under village control, having been sold to urban buyers for cash needed to compensate for lower yields. The flexibility of the former land-use system was no longer practised and the start of inter-village conflict was noted over access to and uses of land, especially for degraded forest or old fallows located far away. There is now a complete lack of recognition of the significant and symbolic areas within the territory (traditionally protected on behalf of the area and village spirits), leading to a loss of self-esteem.

Gender Issues

Women are marginalized in their access to land and prostitutes have started appearing on the main road and in local shops. Women have to work more in the fields and on other necessary activities, while weaving, for example, is now neglected due to lack of time. Young girls are becoming involved in agricultural activities earlier and thus miss out on school. The new village leader is a woman but overall, women seem to be further marginalized in the decision-making process. In addition to their household chores many women have taken up employment at the nearby brick factory to compensate for falling agricultural yields.

Coping Strategies

The sale of plots of land, plantations, and timber was recorded in increasing numbers. Work is sought on fields owned by wealthy farmers, in town, or at the nearby brick factory. Several farmers have cleared old fallow in remote areas and if fined, have interpreted it as the price for access to land. Some farmers have hired out their fallow fields to people from neighbouring villages, despite the shortage of land, in order to generate the cash required to pay land taxes. There has been a noticeable increase in the development of small-scale enterprises like running tuk tuks or small shops, and in recent years the number of people leaving to seek work in nearby towns has also risen. This is especially true amongst young villagers and results in a shortage of labour. Sales of NTFPS and illegal trafficking in 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 reforms—the elimination of swidden and the reorganization of space into two categories—should be reconsidered. As stated by Vandergeest (2003). "It is quite possible to imagine a land allocation process that does not try to reorganize space into mutually exclusive agricultural and forest spaces, and works with swidden as a viable and sustainable land-use practice." Furthermore, very few land reforms have been successful when they induce conflicting views between popular and governmental definitions of space, both in perception and use.

In many case studies, the delineation of forest boundaries has been conducted without consideration of customary resource management practices. 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 even given priority in the land zoning survey when appropriate. One alternative has been suggested by the UNDP, in which "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 utilization and management of natural resources within these zones" (UNDP 2001).

Another major change should be to ensure that the allocated zone is not necessarily a contiguous block of land, reflecting actual land use and villagers' perceptions more accurately as well as acknowledging 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 dynamics, and provides new insights into the relationship between human groups and their environments.

It is necessary to readjust objectives from that of merely stopping swidden to improving 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 useful tool that secures village limits, but within villages the distribution of land among households should be made at the village level, with the complete and real involvement of stakeholders. The program should allocate large areas to individual households to allow possible subdivision amongst children in some cases or to encourage intensification of agriculture if appropriate. The program should also concentrate on environmentally sensitive areas in places close to towns where there is a potential for land speculation, and in areas where the necessary preconditions are available, such as reasonable roads and market access (UNDP 2001).

To achieve this, the government needs to "capitalize on ethnic diversity" by utilizing the strength of the nation's different groups. Each group has strengths and weaknesses in forest and land management. It has now become a priority to rehabilitate some of the villagers' practices and forest resource use in order to restore their self-esteem and to get them to support land reform with appropriate adjustments that will make more sense to them than that currently imposed. Continuing sensitivity to gender issues is also a priority. Two other areas require special attention as they offer promising alternatives for the future: livestock breeding and NTFPS. The latter have a 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 Ketphane 2001, quoted in UNDP 2001).

Similarly, it would be useful to take into account traditional uses and perceptions of space within and outside the village territory. What is often described as "tradition" is above all "dynamic" since many changes have occurred over the years. This aspect is often ignored, whereas it could be a useful lever for implementing land reform (Moizo 1997).

The only study conducted prior to the program implementation in rural areas pointed out differences in land use and allocation and inheritance amongst three different ethnic groups, the Lao, the Khmu, and the Hmong. That was indeed quite innovative and made ethnic issues part of the agenda as far as land use, regulations, and access were concerned (Lao Consulting Group 2002). Unfortunately, these studies were reproducing the state's views and classification of all ethnic groups in Laos into three broad categories. First elaborated in 1975 and officially abandoned, it is still widely used when referring to ethnic categories. "This oversimplified ethnic classification was nothing more than an ethnographic joke. Yet, it lost its popularity within the central government only slowly. The ethnogeomorphological terms are still alive and widely used, not only among the ordinary people but also among many state officials" (Schliesinger 2003).

CONCLUSION

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

The following are some suggestions for improving the overall process of mapping and zoning of village territories. Mapping should use local names (importance of toponomy) and should be conducted with farmers and, whenever appropriate, *by farmers*, so that they can provide 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. It must be a priority to register the area where major territorial and village spirits dwell, as well as any other areas of symbolic significance, 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 map of the territory, once again using local or vernacular languages. All sites of significance and their purposes or uses need to be recorded and mapped. With regard to forested areas, a clear distinction according to people's views has to be made between what a "forest" is and what is old fallow. 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 the impact of changes upon land use and ownership. These dynamics need to be taken into account for future policy adjustments, as should acts or marks of resistance, and failures and successes associated with similar policies in neighbouring countries, such as Vietnam, Thailand, and Cambodia (MRC-GTZ 2004).

A recent report on the implementation of land allocation in rural areas and its social impact pointed out the risk of long-term marginalization of the most disadvantaged groups among the urban and suburban populations (minorities, illiterates, and occupants of public lands, among others) and the growing impoverishment in rural areas, due to many factors still not taken into account in studies and reports (Evrard 2004).

The land reform project is also implemented in areas where there has never been real private ownership of land, and where customary land systems do not recognize the right to individual property even by a person who is considered as having sole rights to a piece of land. Thus, the program ought to adapt to various complex systems of social organization as well as customary regulations, which will be crucial in assessing and understanding, before introducing and implementing the new land titling procedures and regulations in remote areas of Laos. Finally, it is recommended that the Land Titling Project should undertake two comprehensive studies. The first should focus on customary land tenure systems (landownership and management, marriage, inheritance, land and residence, work organization) among various ethnic groups and regions, and on the way these customary rules have been adjusted and negotiated in local interethnic systems. The second should analyze the social dynamics (land transactions, changes in residence and housing patterns, state-sponsored and spontaneous migrations, etc.) which are currently affecting rural and suburban areas in the provinces concerned by a second phase to the land titling and allocation program to be completed soon. Local indigenous knowledge, still largely ignored in government-run programs in Laos, should become the central focus of the approach in both comprehensive studies.

Finally, I strongly believe 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 and ecological orders. In many countries, over the past 30 years, land issues have prompted ethnic identity revival movements (Canada, the United States, Australia, Indonesia, Thailand, and Vietnam) and sometimes direct confrontation between the state and minorities. It is to be hoped this will not happen in Laos.

NOTES

- 1 *Styrax tonkinensis*, which produces the benzoin resin, naturally grows only in the micro-climate of the northern provinces of Laos (mainly Luang Prabang, Hua Phan, Phongsaly, Oudomxay and Luang Namtha). It is a fast growing tree and along with bamboo predominates in areas regenerating after shifting cultivation. Benzoin can be tapped and combined with cinnamic acid and associated with free benzoic, or free cinnamic acid. In the past benzoin produced in northern Laos was exported to Europe and other markets via Thailand and Vietnam. Today it is exported mainly to France. Trees can be tapped only after seven years and they are used as markers to claim ownership when planted in old fallow fields. This is no longer possible with the reduction of fallow periods and the new land allocation.
- 2 IRD is the French Institute for Research and Development formerly known as ORSTOM; NAFRI is the National Agriculture and Forest Research Institute.

Moizo Bernard. (2008)

Land allocation and titling in Laos : origins, problems and local impacts on minority groups

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