

Land Allocation: An Ethnic Perspective From Laos, Thailand and Vietnam

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Introduction

In Southeast Asia, agriculture remains a crucial sector in the majority of countries where nearly 70% of the workforce depends on it as the main source of income. In Cambodia, Laos and Vietnam, over 80% of the population is rural. Many farmers in this region face unprecedented changes when confronted with new laws that restrict or limit the use of their main resource: the land. Nowadays however, in the countries of the Greater Mekong Subregion, considerable tracts of potentially productive land are protected forests and natural reserves as a direct result of the new land laws and reforms. Thus, access to land is becoming an issue of conflict. National claims on the mountain land as a precious resource (forest, watershed), as well as an heritage to be preserved for the future generations (biodiversity) have had strong and irreversible impacts on the use of land by local populations (Rerkasem & Rerkasem 1995). More importantly, land distribution has been highly unequal across the entire region, and in this process, ethnic minorities are often marginalised or heavily penalised.

Over the past 20 years, land reforms have proven central to the Southeast Asian growth experience. While land reforms were vital to the rapid growth in these countries, the failure to readjust land systems in later years 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 land scarcity, the importance of agriculture for 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 (Evrard 2001 & 2004), separating rights and duties associated with land from the political and social status of land holders (Aubertin 2003). Land reforms and allocation, if badly needed in urban and sometimes upland areas, have so far been met with unequal success, triggering discontent and resistance from farmers (Sikor 2002). This association between land reforms and further conflicts between traditional and "new" property rights over the land has been noted elsewhere, as in Africa and Madagascar, where there is a strong need for action to promote better resource management, reduce poverty, clarify land rights and secure property rights (Bertrand n.d.).

In the past, land reforms were introduced by governments in Asia because of pressure from organisations working on the ground with potential beneficiaries to ensure the rights of these people and an improvement in their livelihoods (Putzel 2000). Newly implemented land reforms, needed by rural people who often supported these changes, also benefited the country's economy, as pointed out by Putzel.

Land allocation is often described as the vehicle for establishing the state's authority over lesser-controlled areas within the national territory (Vandergeest and Peluso 1995). Thus, the

land legislations throughout the lower region also entitled the state to collect on allotted land in Laos, Thailand and Vietnam. Recent land reforms in Southeast Asia can be summed up as follows: they are a direct result of development policies and they seek to organize space in the **uplands** (with forests reserved for conservation or logging) as opposed to the **lowlands** (dedicated to the development of stabilized agriculture). Initially, most of these laws were implemented to regulate shifting cultivation and to protect forested areas. Thailand and Vietnam, with the most extensive experience in macro-level land use plans in the sub-region, both faced similar problems in translating these plans into practice and implementing them resulting in major disappointment amongst most farmers. The Lao PDR is the only country in the region with a national program of village-level land use planning and land allocation. Unfortunately, this program, although started with good intentions, has had numerous negative effects on the livelihood of the rural population and has come under serious criticism nowadays (Evrard 2004, Ducourtieux & al 2004, Moizo 2005).

After unconditional support initially, international bodies such as the World Bank have largely revised their views on land reforms. Now, land tenure reforms are considered to have an inherent potential for promoting displacement, and some development activities actually have the opposite effect of what they are trying to achieve. 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 to preserve forested areas and have shown to be adaptive to changing ecological conditions (Poffenberger 1990; Moizo 1991). Different types of swidden agriculture are characterised by the particular practices of the ethnic groups using them. This is equally true in Laos and in the neighbouring

countries of Thailand (Kunstadter & al. 1978; McKinnon & Bhruksasri 1988), and Vietnam (Castella & Quang eds 2002, Norlund 2003). Though they have a low environmental impact under certain conditions and have proven to be sustainable in many countries, pioneer systems such as those practised by the Hmong became the main target, first of former development policies, then of land reforms and of sustainable management programmes.

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 complementarities between various ethnic groups. Relationships between these groups are largely dependant upon a specific relation to the land and the 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 dealings and exchanges (Evrard 2002).

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 conducted appropriately, swidden farming provides farmers with a 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).

Land Use Planning and Land Allocation in Laos, Thailand and Vietnam.

Before turning to a quick description of the background of land reform in each of these three countries and its main effects as have been identified, I will for the purpose of this comparative paper and to clarify the subject, define what is usually understood as 'Land Use Planning and Land Allocation'. The definitions are borrowed from a comparative study conducted recently in the Greater Mekong Region under

the MRC & GTZ as a part of the Agriculture, Irrigation and Forestry Programme (Rock 2004).

Definition of Land Use Planning:

Land use planning is the systematic assessment of the potential of land and water areas, the evaluation of **alternatives for land use aiming at sustainability, improved land management and improved economic and social conditions**. Its purpose is to **select and put into practice those land uses that will best meet the needs of the national economy and the people while safeguarding resources for the future**. LUP is carried out in a series of steps and is based on **dialogue and a balance of interests among all parties involved**.

Definition of Land Allocation:

Land Allocation is the process of **assigning land uses and property rights** to individuals, groups, communities, private or public entities **for improved land management**. (Rock 2004:5, emphasis mine).

Lao PDR: background and current situation

In the Lao PDR the first pilot land use planning activities started in 1989. Land use planning at the village level was identified as a tool to improve the protection and management of natural resources, to clarify boundaries between villages and to differentiate agricultural production and forest use areas from those areas in need of protection and conservation. Furthermore, land use planning was seen as a precondition and a step leading to land allocation of residential areas and agricultural plots and would become a part of the poverty alleviation efforts conducted by the authorities. The Lao Government received assistance from the Lao-Swedish Forestry Programme (LSFP) to develop and institutionalise the LUP/LA approach and conduct extensive capacity building measures. National funds were made available to the provincial authorities in support of the LUP/LA programme. While the Provincial and District Agriculture and Forestry Offices (PAFO and DAFO) were responsible for the overall organisation of LUP/LA activities, it was mainly the forestry staff, which took a leading role in the implementation of the programme.

Unfortunately, this land reform which attracted a lot of support in the early stages of its implementation and was participatory oriented was used by the Lao Government as a tool to enforce policies such as the eradication or stabilisation of shifting cultivation, the elimination of poppy cultivation and the relocation of settlements or village consolidation. Other objectives such as the promotion of decentralized and community-based management of natural resources, as well as the increase of investment in land and the general improvement of living conditions gradually faded away. Although originally intended as a participatory planning approach, the Lao Government uses the current practices of LUP/LA mainly as a tool to implement and enforce regulations and policies at the village level. Therefore, it would be misleading to describe the general approach as participatory in nature. By the end of 2003, parts or the entire LUP/LA procedures had been conducted in only 6,510 villages of the 10,500 spread across the 18 provinces of the country. The official target is to cover all villages by the end of this year.

The adaptations of the original methodology had numerous effects that were detrimental in the long run. First, it excluded any dialogue with or participation by the local population. The important element of identifying and discussing suitable options and alternative strategies for future land use and negotiating compromises between the facilitators and the villagers was made impossible. The principal focus of the LUP/LA exercises, as understood by the field staff, was more on increasing forest protection than on securing the livelihood of the rural population. The initial step of data collection and land use situation analysis was limited to remote villages and kept far too short. Villagers, who had few other alternatives, have generally accepted the zoning of village forest areas into conservation, protection, production and regeneration forests. Country wide protected areas were generally over-measured. Many village leaders regard the demarcation of a clear village territory during the signing of a boundary agreement with neighbouring villages as the single most important outcome of the entire process, even if it has triggered in some areas inter-village conflicts over access to valuable resources of NTFP (Schlemmer 2000).

Land measurements and land allocation for agricultural plots have generally been conducted in a very haphazard way. In most villages, only a small proportion of the land used and claimed by villagers has been allocated. In the case of shifting cultivation plots, villagers were forced to restrict themselves to only three plots (mostly not measured) or received some additional land for home gardens and orchards.

Thailand: background and current situation

Participatory LUP was initiated in Thailand by the Sam Mun Highland Development Project (funded by UNDCP and GTZ) in the late 1980s. The implementation of land use planning activities is hindered by the fact that there is no systematic or standardised LUP approach nor are there official regulations or laws to support LUP.

More recently, the focus of land use planning application has been in protected areas. LUP is used to stabilise or reduce forest encroachment in national parks, wildlife sanctuaries and protected upper watersheds. A zoning exercise tries to distinguish the core-protected areas from community land and zones for agricultural uses. One of the biggest challenges is to limit land speculation and exclude major land development projects within the boundaries of the protected areas. Different government institutions conduct land zoning and land allocation activities side by side. Overlaps and institutional rivalries are quite common. Numerous land use maps have been produced by the mapping centres of LDD, but the actual implementation based on these plans has been disappointing. The Royal Forestry Department (RFD) also has substantial experience with LUP approaches, mainly within the framework of donor funded projects. Yet, LUP activities conducted by RFD at the tambon and village level often face fierce opposition from the many local NGOs that play a crucial role in all land use planning activities and generally adopt a strong advocacy role in favour of the local population. LUP activities also lack the participation of the people.

In Thailand, the local land use planning approach is usually carried out within watershed boundaries and primarily within protected ar-

reas. The main procedures are to survey the national park areas, critical watersheds, and some wildlife sanctuaries in order to identify settlements and areas for agricultural use. It attempts to identify the duration of land occupation, in particular whether the settlement on land use date before the gazetting of the protected area.

The involvement of so many institutions, the absence of a standardised approach and therefore the lack of a consistent monitoring of land use planning and land allocation achievement makes it very difficult to estimate the coverage in Thailand.

In Thailand, participatory land use planning procedures were successfully applied in a number of area-based projects. Unfortunately, these project activities have been discontinued and were not spread to other areas, mainly because of unavailable government funds and a lack of institutionalisation of PLUP. In 1997, the Thai Government therefore decided to discontinue the regional and provincial land planning and to focus instead on more detailed river basin master plans.

The entire policy on land allocation and the issuing of land titles is currently under review by the newly created Assets Capitalization Office. This will probably also lead to a reassessment of the land reform programme, which has so far failed to produce the desired effects of combating poverty and landlessness. A standardised system of land titles will be a first important step, as several studies have shown that usufruct certificates will neither affect farm productivity, nor reduce the rate of forest encroachment. This land reform has extensively increased land insecurity amongst the poorer farmers, especially amongst ethnic minorities in the highlands, and is responsible for land speculation as well as a massive rural exodus (Evrard 2004, Leonard & Narintarakul 2003).

Vietnam: background and current situation

The national land use planning framework in Vietnam is still essentially following a top-down orientation. Vietnam is the only one of the three countries where land use planning is prescribed by law. In accordance with these

provisions all provinces have provincial master plans, most districts have land use plans and in some cases, these top-down plans have been broken down to the commune level.

Based on the generally very constructive practice of allocating agricultural land to individuals and households (de-collectivisation of agriculture in the 1980s), the Vietnamese Government has embarked on a similarly ambitious programme of Forest Land Allocation (FLA) to individuals, households and organisations. Very often FLA is carried out without a preceding PLUP exercise, which can lead to conflicts and complications.

Despite numerous laws, decrees and instructions from the central level, the actual implementation of LUP and FLA varies considerably from one province to another. Some provincial People's Committees have compiled separate guidelines on LUP/FLA. In general, the implementation of LUP/FLA has been slow and is mainly restricted by budget constraints and limited staff capacities, as in Laos. The main objective of PLUP/FLA in Vietnam is to improve the management and protection of land and natural resources through a sense of ownership and responsibility. The Vietnamese Government follows the principle that for all land areas, a clear ownership structure and responsibility ought to be defined and legally recognized.

Forest land allocation started in 1994. Since 1999, forest land has been allocated by using the standard land use certificates or Red Books. Scattered forests and forests along the village boundaries, areas near settlements, sacred forests and watershed protection forests are nowadays mostly allocated to the communities instead of individuals or households. Nevertheless, forest land allocation to households and organisations still constitutes the vast majority of cases. Land use certificates provide basic rights: use, transfer, heritage, mortgage and lease.

As LUP is a rather decentralised procedure in Vietnam, there is only limited information available on the overall coverage. All 64 provinces have valid macro-level land use plans or

are in the process of updating them. Nevertheless, the quality of most of the resulting land use plans is described as poor with the exception of urban areas (Rock 2004). All communes are expected to finalise their land use plans by the end of this year.

The focus of land use planning in Vietnam is still in a top-down planning approach but the need for more public participation is increasingly recognised. The approach of establishing land use master plans has proven to be of limited effectiveness in view of the change from a centralised economy to a market one. The database is often obsolete, cooperation between sector agencies is complicated and the very demanding procedures make it a time consuming effort. Implementation of the plans has thus been limited. Current land classification during LUP is often not based on the real current land use but on the purpose for which the land should be used in the opinion of the government administration. This is one of the many reasons why land use maps are often of poor quality and have little practical value. Furthermore, it has proven to be difficult to apply the forest classification system in the field as "objective" and standard criteria are missing. The issue of how to classify shifting cultivation areas (as agriculture or as forest land) has also not yet been fully resolved. This often leads to a situation where regulations are simply not observed in the field. Red books are often used as collateral for bank loans or as titling documents when forest land is sold.

Prior to summing up the main negative effects of these land reforms on ethnic minorities in the three countries of the Greater Mekong Region, I will turn to some case studies. Those in the Lao PDR and Thailand were conducted by me, while for Vietnam I used data and papers from other researchers.

Lak Sip Village: Kmhmu people in the Lao PDR facing land allocation

Lak Sip is located 10 km outside the town of Luang Prabang on the main all-weather road that links the provincial capital to Vientiane. It is a predominantly Kmhmu village, whose inhabitants came originally from several villages in the area and beyond, and were regrouped

gradually over the last 25 years. The village administratively comes under the Luang Prabang district of Luang Prabang province. The area of the village land, including the village itself, was delimited at 483 hectares by government authorities in 1975. The village is strongly influenced by the nearby town as more and more young people move there to seek employment. There is poor involvement from village leaders in projects supported by the district and provincial authorities, and sometimes, direct challenges are made, as when a former village headperson encouraged villagers to extend the slash and burn practices despite the government ban. It can be said that in many ways Lak Sip is quite representative of many minority villages in the Lao PDR nowadays.

Settlement on Lak Sip village land began in 1962 with three families. Other families, often fleeing from the war in the northern provinces (1954-1975), followed them. Ban Lak Sip was formally created after the introduction of population resettlement policies following the 1975 revolution. This was done with the relocation of five neighbouring villages. Since that time the village has experienced three main immigration phases. By 2003, the village population had reached 503 inhabitants. Ban Lak Sip's residents are involved in a variety of farming activities for their livelihood, though annual cropping - in particular upland rice production - constitutes the single most important source of livelihood for virtually all households. Annual cropping takes place within a shifting cultivation system, and plots are now commonly cultivated for one or two years before a three-year fallow period. In addition to upland cropping, other important land-based livelihood activities include, vegetable production based on a 'continuous' cultivation system, collecting firewood, mushrooms, bamboo shoots, rattan, and grass, hunting mainly small rodents or birds, livestock farming and perennial tree plantations.

In 1995, the forested areas were zoned and categorised according to the new Lao classification. It resulted in a drastic shortage of arable land that triggered movements of villagers away from Lak Sip. There was not enough land now available for all the villagers to farm, thus forcing people to find other alternatives: employment in town; work at the brick factory

and migration, in order to survive. Moreover the yield is decreasing each year, soil erosion is increasing and fewer alternatives are available. The growing impoverishment of villagers it has been noted, is a direct consequence of land allocation (Lestrelin & Giordano, 2004). The resettlement and land classification policies as applied to Ban Lak Sip have engendered an artificial land shortage without providing either additional resources for farmers to adapt to new conditions or, as yet, meaningful alternatives for livelihood. In response, farmers have combined shortened fallow, lengthened cropping periods, and increased labour - especially for tillage and weeding - in an effort to maintain crop production and food security. The unfortunate outcome of these changes appears to have been a decrease in land productivity, a deterioration of working conditions and an increase in land degradation and soil erosion - the exact opposite of the ultimate goals of these policies.

When faced with a situation created by outside forces, either from natural disasters or from the interference of other people upon their livelihoods, farmers in the Lao PDR have always come up with various coping strategies. These strategies vary depending upon the location, local opportunities, time of the year, and significance of change or 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 of rice; sale and exchange of NTFPs; forest food resources; sale and exchange of poultry and pigs; cutting trees for timber sales; changing of eating habits; migration. 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 unavoidable and sorely needed. The immediate causes and impacts of these strategies must be listed, analysed and corrected before the situation deteriorates further and slips out of control.

In Lak Sip Village, selling of plots of land, plantations and timber are being recorded in increasing numbers. Work is sought on rich

people's fields, in town or at the nearby brick kilns. Several farmers have cleared old fallows in remote areas and if fined, have interpreted this as the price to pay for getting access to land. Despite the shortage of land, some farmers have hired out their fallows to people from neighbouring villages, in order to generate the cash required to pay land taxes. The development of small enterprises like tuk tuks or small shops is noticeable, and in recent years the number of people leaving to seek work in nearby towns has increased greatly. This is especially true amongst younger villagers resulting in a shortage of labour. Sale of NTFPs and trafficking in wildlife is booming, as is the raising of small livestock, despite many thefts and diseases.

Once the village land has been zoned, the spirits' altar has to be moved and the oldest people choose its new location. The altar, according to Kmhmu beliefs, is central to establishing and maintaining good relationships between human beings and the various spirits that inhabit the village territory (mountain spirit, water spirit, wild animals' spirits). Each year in November, after all the rice has been harvested, the village elders perform a ceremony at the altar. All households make offerings ranging from poultry to buffalo. In Lak Sip most of the social and ritual customs connected with agrarian practices have been gradually abandoned. People claim today that the village spirits are no longer in control of the village land and forested areas since it has been reshaped and "transformed" as a result of the land allocation programme. Recently the headman bitterly expressed his concerns over these issues when he stated, "We are no longer real Kmhmu people, like in the old days. We have little choice but to become more and more Lao, but this is not our world."

In the case study presented, the Lak Sip people made a clear and obvious move to show their discontent with the current situation regarding land access and use. Their open challenge, which is very unusual, may reveal a profound social and identity crisis. They cleared old fallows - illegal if more than four years old - in the village they came from. This violation was accentuated by the fact that all land from resettled villages had been declared national forests. They even attempted to rebuild houses

in these villages. They did it through the construction of a few 'temporary' hamlets in the vicinity of former villages. This was a direct challenge to the authorities and a clear renunciation of both the resettlement policy and the land allocation.

The Karen of Sanepong: A Karen sanctuary within Thung Yai Naresuan Wildlife Sanctuary in Thailand.

Between 1989 and 1992, I was seconded to the TRI (Tribal Research Institute) in Chiang Mai as a part of a Franco-Thai research project. For three consecutive years I had the opportunity to attend a very important religious festival of the Pwo Karen held annually in April. These people have been established for over 200 years in the area near the Three Pagoda Pass. About 3,000 Karen live in the Thung Yai Naresuan area, which in 1974 became a wildlife sanctuary and in 1991 was turned into a World Heritage Site. To these people this was a holy place, strongly associated with their moving into Thailand from Burma in the mid 18th century and their strong influence in this part of Thailand since that first settlement. The Karen considered it a sanctuary - the sanctuary of the White Elephant - their homeland and base of livelihood for themselves and their ancestors, long before the Thais did. (Moizo 1995, 1996). The annual festival and the sanctuary are both at the core of Karen culture and identity. They represent a Karen view of the world, a specific relationship with the forest, a reference to a precise way of life and values, focusing on the concepts of control of greed, harmony and spiritual development as opposed to materialism and modernity. The Thais, whose influence is growing stronger and stronger in these remote areas, represent modernity and all those things seen as a threat to Karen identity.

Since the 1980s, the Karen from Thung Yai have been confronted by successive waves of change and Thai influences upon their life in the forest. The climax came in 1999 when the head of Thailand's Royal Forestry Department (RFD), interrupted the annual festival and soon afterwards, groups of soldiers and forest rangers raided the Karen villages and burnt down their religious shrines (Buergin 2002). Each time the Karen's cultural identity, especially in rela-

tion to their land, was threatened they responded by a revival of religious festivals. This was mostly inspired by followers of the Telakho sect, a millenarian Buddhist Mon inspired movement that emerged amongst the Karen of this area around the mid 19th. century (Stern 1968). They were seeking to reassert their rights as people living in the forest, to integrate and co-exist with powerful spirits guarding their community. In the 1990s especially, when nearly all hill-tribe people were amalgamated with the Hmongs, who were depicted as a direct threat to the Thai forest and environment, the strong conservation approach taken by the RFD led to the idea that 'people and forest cannot co-exist'. Thus, the Karen communities in the wildlife sanctuary became a national and political issue. The RFD pressures and the menace of resettlement grew heavier upon the Karen who retreated deeper into the forest and returned to a 'pure Karen way of life'. Living almost exclusively on forest products as a demonstration of their harmony with their environment and their dependence on it to survive, they perceived these threats as further Thai interference upon their own life, identity and relation to the land.

Although using the Karen identity as a weapon to reject Thai modernisation, the Thung Yai Karen showed that they could adapt to social, political and ecological changes during the last 40 years and they did it by claiming a specific identity and defending a way of life against the various external challenges. Still as pointed out by Buergin, the Karen may soon no longer be in a position to face these challenges, "the restrictions on their land use system, and even more so their eviction, most probably, will overtax their capability to balance change and identity, 'tradition' and modernity'." (Buergin 2002:2).

The balance between tradition and modernity has been well maintained despite the fact that the Karen established in the sanctuary are predominately subsistence oriented and monetary income is of lesser importance. The Karen are now well known to practise an environmentally friendly rotational swidden system (Hinton 1975, Moizo 1991, Jorgensen 1995) and they have even become a symbol of hill tribes' long term management of resources and "territories" (Besses, 2004). For the Karen it is

essential to maintain short cultivation followed by long fallow periods. This swidden system is used to grow hill rice for one year, then numerous edible plants are grown on the plot during the fallow period that can last 8-12 years according to the type of soils and the availability of land. Even in areas occupied by the Karen for more than 200 years (Hinton, 1978), the length of fallow periods, specific land use and appropriate cultivation techniques support the long-term productivity of the soils. This is the case even in protected areas such as the wildlife sanctuary: "By now, many studies have shown that rotational swidden systems can be sustainable and may even increase biodiversity and food resources for wildlife. The studies done in Thung Yai so far, as well as its appreciation as a World Heritage Site indicate that this is the case. The traditional land use system of the Karen, with its fields and fallow areas for long periods, has been an integral part of Thung Yai and has shaped its 'ecology' and enhanced its biodiversity." (Buergin 2002:15).

Unfortunately, land reforms and their aftermath, by largely ignoring the multiplicity of relationship between the Karen people and their land (social, economical, spiritual and religious), have underestimated the local knowledge and its natural adaptive potential. This downplaying of the potential of the Karen's use of land follows 40 years of Thai policy at national integration. This may be the last blow that contributes to denigrating Karen self-esteem and confidence in their culture. Nevertheless, strong support from NGOs, concerned academics, peasant and hill tribes' movements on the issues of the people living in forest and the Thung Yai controversy may help to recognise the values and local forms of identity as elements to balance efficiently relationships to land between tradition and modernity.

Conflicts and resistance to land Allocation in Vietnam:

Since I am not familiar with the ethnographic situation in Vietnam regarding land issues, the number of articles mentioning the conflicts and resistance to land allocation (Fortunel, Poffenger & al 1998, Norlund 2003, Sikor 2002, To Xuan Phuc 2004) strikes me. Unlike Laos or Thailand, ethnic minorities in that country have

openly challenged the implementation of land reforms.

One of these authors, who worked amongst the Black Thai, was surprised that they had resisted vigorously land allocation which was supposed to meet rural people's demands through enhanced rights and land registration (Sikor 2002:1). In response to this land reform, people ignored the state implemented allocation, maintaining that their land uses system was much more flexible and better adapted to their ways of life and livelihood. The Black Thai staged open protests against registrations of fields (Sikor 2002:2). Formerly subsistence farmers, they have adapted their agriculture system to changing social and ecological conditions in developing wet rice fields when suitable and have diversified their production (water buffaloes, forest products). This fluid system was accompanied by a collective control of wetlands and flexible uses of land in upland areas (Sikor 2002:8). Although many changes occurred in the past 30 years in socialist Vietnam they did not interfere much with the Black Thai perception and use of village lands. "Collectivisation increased the fluidity of land tenure relations. Boundaries between wet rice fields lost significance because villagers worked the land collectively. Upland boundaries remained fluid for the continuously changing location of uplands fields; the areas negotiated with the district as well as villagers' individual fields moved from year to year in the search of fertile uplands soils; very few boundaries remained fixed in time and space, only the boundaries around the village's wet rice fields continued to be impermeable to outsiders." (Sikor 2002:7). The land legislation, implemented in 1993, reinforced individuals' land and property rights and specified land uses according to state classifications. This land reform came into direct conflict with the Black Thai's adaptable and fluid land relations, both in terms of ownership and uses. The resistance to land allocation took several forms. Village leaders opposed the inclusion of wet rice fields in land certificates because in their view it was against the collective property rights upon these fields (Sikor 2002:9). They also maintained a fluid system of land exchanges despite having been issued land certificates (Sikor 2002:10). The dilemma was that they were eager to receive land certificates

but did not want to abide by the new legislation. "Villagers did not care about the precise geographical identification of their fields; what mattered to them was an acknowledgment of their right to a share of the land." (Sikor 2002:11). We may conclude, as was the case in Thailand and Laos, that land reform in Vietnam sought to separate land rights from their social and spiritual context, "separating rights and duties associated with land from the political and social status of landholders" (Sikor 2002:13).

The last case study I will use is drawn from research carried out by To Xuan Phuc (2004) amongst Dao communities of the Da Bac District (Hoa Binh Province, Vietnam). The Dao are swidden farmers and forest dwellers who rely heavily on forest products for food and income. Though they maintained some of their rotating swidden farming methods, they were gradually drawn into using partially wetland culture. According to To Xuan Phuc, the Dao people in the area studied face two periods of food shortage during which they rely on forest resources to survive (To Xuan Phuc 2004:4). The Dao's local knowledge of forest resources is impressive and their management of forestland has proved sustainable in the long run (To Xuan Phuc 2004:5). They have sophisticated sets of rules and taboos that ensure for them full control over forest resources, which are accessible to community members only. Moreover, due to social and ecological changes farming techniques have been adapted to meet the new constraints and have combined soil conservation methods as well as agro-forestry systems (To Xuan Phuc 2004:6). Fields are cultivated for a short period followed by a long fallow, carefully maintained by the Dao in order to regenerate both the forest and the soils. As with many ethnic groups living in close relationship with the forest, the Dao have social, economic, symbolic and religious links with the land. Therefore, the Dao's system of beliefs and ritual cycles includes numerous ceremonies, both collective and individual, dedicated to all forms of forest spirits who inhabit land, water, trees and caves. "The forest is a sacred place for the Dao, where their ancestors and the spirits live, where they meditate and make pilgrimage to seek divine guidance to achieve oneness, and where peace, order, and harmony

prevail." (To Xuan Phuc 2004:7). As expected, the implementation of land reform brought havoc to the Dao communities. Households in the village were allocated titles to forest land (of very unequal value) and participated actively in promoting orchard development programs (To Xuan Phuc 2004:9). Some households were paid by officials to enforce forest protection. These individually led actions initiated by the officials prompted reactions from the Dao: "the customary law of the Dao considers the forests to be a common property in which all the Dao people have equal access. As a result the total payment received by the district for forest protection was collected by the hamlet chairman and then distributed equally among all the households within the hamlet, regardless of whether they had been chosen to protect the forest or not." (To Xuan Phuc 2004:11). The real negative effect of the land allocation was that Dao households in this hamlet were allotted wetland rice areas too small to provide the staple food required by them resulting in the opening up of new swidden in isolated parts of the forest and an increase in illegal logging (To Xuan Phuc 2004:11-12). The last problem that emerged as a direct consequence of the land allocation implementation in this area was forest encroachment by neighbouring villages to collect NTFPs, a strategy driven by strong demands from the cash economy. To Xuan Phuc acknowledged that while the new forest policy successfully contributed to protecting forests in some parts of Vietnam, it did not happen with the Dao. In this case, it prompted a deep social and ecological crisis in forestland uses and management, mainly because the cultural significance of the forest for the Dao had been ignored, and ultimately both the forest and the Dao people were the victims of that inadequacy (To Xuan Phuc 2004:15).

Land reform in Vietnam has increased the marginalisation of minority groups (Fortune 2002) and growing inequalities and social differences are some of the new stresses upland people have to cope with (Norlund 2003). To the same author, the impact of the side effects of the land reforms can still be seen, especially in remote areas. One last quotation will sum up the aftermath of that land reform in Vietnam; "the greatest incentive in this programme

was a revised land law providing up to 50 years tenure for land users investing in commercial tree crops. However, no funds were made available for land improvements. Consequently, rehabilitating degraded forest has proved very difficult. The beneficiaries of the programme have turned out to be the lowland majority... Limited funds and prejudice against ethnic minority cultures have been the major constraints to extending this kind of programme to remote mountain communities." (Rerkasem n.d. 329).

An ethnic perspective on land reforms: some global comments

Once again it seems that a new policy, initiated through international channels (World Bank) and implemented with foreign assistance and funds, was diverted from its initial goals and objectives, to meet national policy criteria and to deal with other issues of land allocation and land titling. Lack of funds and poor training in these three countries were shown to be the main factors for the poor implementation of land reforms. This may be partly true, but it is also my opinion that the complexity and diversity of land uses, particularly amongst the ethnic minorities, were not taken into account leading to confusion and misunderstanding on both sides.

The land allocation policy and the forest zoning plans, which banned various land uses, are all based on a western view of forests and on the negation of local agro-forestry practice. The alien view of forests seems to be accelerating the clearing of trees, increasing poverty and endangering the lifestyles of mountain peoples.

Further, the articulated set of relationships that do exist between the ethnic minorities and the land have been downplayed or ignored and reduced to mere agro-economic use. An upland village does not exist on its own. A complex set of relationships links a network of villages in their dealings with each other and in the uses of the land. The agro-systems we can observe today are the result of long relationships between villages, inter-ethnic collaboration and contacts and adaptation to ever changing social and ecological conditions. Thus, it can legitimately be asked why these local practices were not taken into account prior to

implementation of a new policy. This question brings us to the issue of indigenous and local knowledge. Ethno-sciences have brought forward the importance of local knowledge particularly concerning sustainable use of resources. Unfortunately, this knowledge is often presented as static, archaic, not adaptable, or on the contrary is overestimated by some academics that see it as the ultimate solution. I do believe that indigenous knowledge is adaptable, innovative, transferable, dynamic and above all situational. Furthermore, we now have many case studies showing that local responses to outside threats or inappropriate policies are coping strategies, developed partly upon an indigenous knowledge combined with contemporary elements in order to give the most suitable answer to a given situation.

Poffenberger illustrates this in the case of Viet Nam: "In remote upland regions, predominantly settled by ethnic minority groups, forest management by private households may also be in conflict with indigenous or traditional community-based institutions that have historically controlled forest use and access. The land use systems and the resource management institutions of ethnic minority groups in Viet Nam are in the process of change. Highland communities are responding to new systems of governance, commercial agriculture, and growing population pressures; yet, despite the emergence of new political systems, cash crops, and emerging markets, indigenous institutions and leaders remain influential in shaping community decision-making regarding resource use in the Da River watershed and many other parts of the country. To establish effective policies and programs for the nation's upland communities, planners will require more information regarding traditional resource management institutions, land tenure systems, indigenous knowledge, technologies, and forest use practices." (Poffenberger & al, 1998:40).

Ultimately, the minorities are the main victims of a good policy badly implemented, mainly because their perception and use of resources were ignored or ridiculed. The self-esteem of the ethnic minorities has suffered another blow as a direct and indirect result of land allocation policies in the Lao PDR, Thailand and Vietnam. They have been marginalised

both socially and economically, they have been impoverished, and in areas where resettlement policies were associated with land allocation, a higher death rate has been reported (Romangy & Daviau 2003). Today, it seems fair to say that these land reforms, although initially meant to alleviate poverty and secure land tenure amongst the poorest, became another tool of forced assimilation.

Conclusion

I believe that the case studies I have used to illustrate my argument show quite clearly that any land reform has a much deeper impact and side effects than a simple change in land titling, land uses and livelihoods. In the Lao PDR, for example, the impact of land reform in these three areas is important to such an extent that some adjustments have already been implemented and others under consideration (Moizo, 2004). Unfortunately, very important factors are still being left unexplored in the land issues, as for example, the symbolic and complex sets of relationships that exist between swidden farmers and the area they live in. Also the importance of the identity components in the way people perceive, get access and use the land and more specifically their territory - the village, the fields, the fallows, the forest, the secret and sacred places. It is crucial to conduct in-depth studies in such areas, not only at the traditional level amongst ethnic groups, which are less well documented in the Lao PDR, Thailand and Vietnam but also on the dynamics of change that occurred in the last 20 years in relationships between people and their land.

If government policies and land programs want to interface successfully with indigenous land management systems, they will have to identify and be attuned to local land classification and use systems; for example, making a clear distinction between property rights held under community, households or individual control.

Overall, it is fair to say that land reforms have been a failure in the three countries considered. On one hand, they have created more problems for farmers, contributing to increased impoverishment in rural areas and marginalisation of ethnic minorities, while on

the other hand deforestation is still increasing at an alarming rate despite the reduction of most swidden farming. The main cause of this failure is a direct confrontation, sometimes close to a clash, between representations and uses, prior to and after the implementation of land allocation programmes. For example, according to the new land law there are five different types of forests in these three countries. These classifications have been made according to governmental criteria on uses and control of slash and burn practices, rather than on the farmers' perceptions and uses. Farmers and highlanders usually have one type of forest, the sacred one where access is strictly controlled and under heavy taboos. The remaining parts of forested areas are potential fields or areas of hunting and collecting activities, essential to their livelihood. Thus, the forests are fully integrated within the villages' territories. The land reforms initially intended to take into account the land rights and uses of farmers, and local communities were to be involved in forest management. However, after several years of implementation of the Land Allocation Programme, most case studies show the opposite. Highlanders are caught in a schizophrenic turmoil in which their former perceptions are in direct conflict with the land law. In the past these farmers did not have titles to the land but they controlled access and managed the use of resources within their territory. Nowadays, they may have land allocated to them and some land titling but they no longer have the full right to manage their territory the way they want.

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