

# Land to some tillers: development-induced displacement in Laos\*

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## Introduction

Development in all its forms is inherently a spatial activity. From the most grandiose mega-project employing armies of development experts, to the smallest scale community-based resource management plan, all development projects involve reorganising the meaning and control of space. Even the provision of basic infrastructure such as roads, health services, schools, or credit is a spatial activity – some areas gain access to these services, and others do not. In this sense, the massive reorganisations of space and lives produced by mega-projects like large dams are only the most obvious examples of a broader process of the re-definition of space that is inherent to development.

Because development is fundamentally about re-organising space, all development has the potential of causing displacement. The question of what constitutes population displacement can lead to messy arguments about whether it means coercion, neglect, “push” and “pull” factors and so on. For my purposes, I will define the term broadly to include both direct and indirect forms of displacement. The latter occur not when people are physically forced to move, but rather when development planning and policies undermine or constrain livelihoods to the degree that people decide to move, seemingly of their own

free will. But in a larger context, their livelihood choices are constrained by development policies. This can happen in many ways. For example, zoning regulations may place people in areas where the state will not provide resource tenure security. Or infrastructure and services may be distributed in such a way that people need to move if they want access to them.

If we tie these approaches to development and displacement together, we begin to see the wide range of ways in which development can produce displacement. Even small-scale, locally initiated development can produce displacement insofar as it means reorganising the meaning and use of space. The literature on common property, for example, has made it clear that exclusion is necessary for common property institutions to be effective. And indeed, the imposition of new boundaries between village forests (including some and excluding others) is one of the major problems plaguing the widespread application of community-based forest management. My focus in this paper, however, is on the kinds of development pursued by state agencies and large international aid organisations, and specifically, the displacement effects of what I am calling the new land tenure reform agenda. I will illustrate my arguments through an account of the Land and Forest Allocation Programme in Laos.

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Land tenure policies are best understood as an aspect of state territoriality. Modern states are defined in part through their claims on jurisdiction over a bounded territory. This involves not only the creation and policing of external territorial boundaries, but internal territorialisation (Vandergeest and Peluso 1995) through multiple, overlapping, and contested zoning projects. It also involves claiming the exclusive right to adjudicate access to land and other resources, most often through what governments frame as the allocation of land to individuals or households under land laws. Zoning and land allocation usually have multiple objectives—they cannot be reduced to something simple like increasing the economic product, or making what people do visible as a way of enhancing state power (Scott 1998) although both of these are often important. The main point is that all states to a greater or lesser degree use zoning and land policy to create political spaces and to shape how these spaces are used. Because they are central to the remaking of space, zoning and land allocation policies almost always have displacement effects.

This approach can be used to understand some of the specific mechanisms through which development is systematically linked to displacement. The debates around development and displacement seldom address these more systematic processes, focusing instead on direct displacement as an exceptional situation that needs special justification and appropriate measures for reconstructing lives. The exception to this emphasis on direct displacement is found among activist groups and academics who now regularly invoke the term displacement to criticise the disruptive effect of neo-liberal trade, pricing, and privatisation policies (e.g., Via Campesina 2000). The policies discussed here can also be described as neo-liberal, but my interest is less in trade and markets than in how land tenure policies contribute to reorganising space and resources.

Land tenure reforms are a good example of the inherent potential for displacement in development in that they are often seen as driven by objectives that seem opposite to those that cause displacement – they are a way of improving access to land for poor farmers, or, more recently, a way of facilitating security of tenure

and productive investments through the clarification of property rights (World Bank 2001). How can land tenure reform cause displacement? The land tenure reform programmes should not be seen as isolated projects for allocating or titling land, but as part of a broader project that also includes the consolidation of state control over land, and the attempt to force farmers out of swidden and subsistence agriculture into permanent and commercial farming. This broader project has clear displacement effects, not only in the case of land allocation policies in Laos, but also in many other land tenure reform projects that reorganise access to and control over space.

## The new land reform context

Since the 1970s the land tenure reform agenda in mainland South East Asia has shifted from land reform as the redistribution of land from the land-wealthy to the land-poor, to land reform as the clarification of property rights. Both agendas have been justified partly in terms of their potential for alleviating poverty. This redefinition of land reform parallels that in many other countries, and there are also parallels in the broader literature on land tenure (Chirapanda 2000, World Bank 2001).

In Laos, the collectivisation campaigns initiated in 1978 were supposed to redistribute access to agricultural land, as well as make it possible for farmers to be more productive (Evans 1995). But most landowning farmers were not eager to transfer some of their wealth to land-poor villagers through participation in these cooperatives. Collectivisation was never made mandatory, and by the mid-1980s fewer than 40% of farmers had joined cooperatives. Many or most cooperatives, moreover, existed in name only (Evans 1995: 58–63). The government gradually lost its commitment to collectivisation, and by the late 1980s all cooperatives had dissolved, with the original landowning families retaining control of their family lands.

A new approach emerged during the 1980s and 1990s, which played down the redistribution of land in favour of the clarification of property rights and tenure security. By the 1980s, most cultivators in Laos held no official land tenure

documents at all, as these had been destroyed in 1975 after the war (World Bank 2001: 37). Legally all land was owned by the state, while the distribution of use rights was based on informal village-level institutions. There have been two major components to the current land tenure reform policies: first, the extension of land titling, and second, the allocation of state land to households or village collectives.

The Lao land titling programme was developed in the mid-1990s, and was modelled on the Thai programme (World Bank 2001: 38). It is supported by the World Bank, and has so far has been extended only to urban and peri-urban areas. The long-term intention is to extend it throughout the country, following completion of the Land and Forest Allocation Programme (hereafter LFAP), discussed below. Accelerated land titling programmes around the world have been justified by research conducted in Thailand (Feder et al. 1988), which claims to provide empirical support for the idea that secure and clear land rights will induce cultivators to make productive investments in their land (World Bank 2001: 12–13). According to Maxwell and Wiebe's (1999: 831) review, however, the evidence supporting this link outside much-cited research in Thailand is mixed, while other studies have shown that land titling may in fact not be all that important for increasing productivity or food security. Recent World Bank (e.g., 2001) publications have accepted arguments that the security necessary for encouraging investment can be provided by a variety of tenure arrangements including customary tenure, and indeed, the Lao land allocation programme may be seen in this light as an example of a programme using collective or common property rights to achieve these objectives.

Land titling has been widely criticised for the way that titles might lead to loss of local control of land and growing class inequalities as small farmers are forced to sell their land due to debt. It is not clear, however, that sale of land to non-local buyers does in fact cause impoverishment or displacement. Rigg (2001), for example, citing research conducted in villages near Chiangmai in Thailand, argues that access to non-farm work and educational levels have become much more important than land in

shaping rural differentiation. Rigg goes so far as to suggest that those who took advantage of land price inflation by selling land may be among the new village rich.

The most important displacement impacts of land titling may lie less in the way in which it facilitates the sale of land than in the way in which it redefines the meaning and control of space. These effects can be produced in at least two ways. First, land titles clarify and protect individual or private property rights inside spatial boundaries delineated through cadastral mapping, but make no provisions for protecting common property resources outside of these boundaries. Even in intensive agricultural zones there are many important common property resources that can be impacted by the use of privately owned land, for example surface and ground water, animal life, air, or collectively controlled land such as a village woodlot.

The second way in which land titling might indirectly contribute to displacement is less visible but in many places more important. Land titling is usually part of broader zoning processes that divide land into that which is suitable and not suitable for agriculture. Land zoned not suitable for agriculture is often placed under the jurisdiction of state agencies, most commonly the forest department. In Laos, this link is explicit, as the titling project is supposed to follow the completion of the Land and Forest Allocation Programme (LFAP), currently the most important means for implementing this kind of zoning. An examination of the LFAP in Laos will illustrate how these policies can lead to massive displacement.

## Land allocation and displacement

Throughout South East Asia, large numbers of farmers occupy land that is classified as non-agricultural or non-arable and claimed by state agencies – most importantly, the respective forest departments. In these areas, the clarification of property rights has meant resolving these conflicting claims to land and forest resources.

In many ways the Lao approach looks like the model promoted by grassroots development

organisations, community forestry advocates, and good governance theorists. The LFAP provides villagers with collective rights to forest as well as to agricultural land. The allocation of collective forests compares favourably with other governments in the region, who often claim all so-called natural forests as the exclusive preserve of state management agencies. The “eight-step” allocation process in use since 1996 was developed through the Lao-Swedish Forestry Programme (2001), and adopts what looks on paper like a highly participatory approach to negotiating village boundaries and village zoning. The National Environmental Action Plan indicates that agreements had been completed with about 6,900 villages, or 50% of all villages in Laos, by 1999.

The goals of this programme include not only the clarification of property rights, but also poverty alleviation through extension activities, and the promotion of community-based forest management, forest conservation, and the so-called “stabilisation” of swidden agriculture. The central importance of the last goal, however, is indicated by the alternative name for the programme: the “Shifting Cultivation Stabilisation Programme”, used by both the Forest Department and by the Asian Development Bank (ADB) pilot project, which is supposed to be the basis for revamping the allocation process to make it even more “holistic” and “participatory” (Asian Development Bank 1998; also see their website). The International Union for Conservation of Nature and Natural Resources (IUCN) is also using the LFAP to contain swidden agriculture in the 20 National Biodiversity Protection Areas declared in 1993, which cover about 14% of national territory (Galt *et al.* 2000: 50).

Before moving on to the displacement effects, I should emphasise that the LFAP is indeed exemplary in many ways. The regulations on the use of village forests which accompany the zoning and land allocation process are much less restrictive than, for example, what is contained in the community forestry bill supported by NGOs, academics, and popular movements in neighbouring Thailand. The process by which village boundaries are demarcated and zoning is accomplished is supposed to involve careful negotiations between villagers and local officials, and the outcomes are

generally based on those existing uses that do not contradict accompanying regulations (such as those on swidden agriculture).

There is widespread support for a programme of this nature among a wide spectrum of officials, development aid organisations, NGOs, and academics, all of whom cite the need to resolve ambiguity and conflicts over resource tenure, and to base resource management on village-level needs and institutions (Australian Mekong Resource Centre 2002, Pravongviengkham n.d.). A number of economic and demographic processes have created conflicts over access to resources and rapid resource degradation in some areas. These include increased integration of rural Laos into a market economy, increased demands from Thailand on valuable forest and water resources, the resettlement of people displaced by war, and internal migration induced by government policies to concentrate rural people in “focal sites” for development (Goudineau n.d., Pravongviengkham n.d.). The resolution of the conflicts over access to land and resources that have emerged since the war cannot be achieved without some claimants giving up their claims on at least some resources. A certain amount of indirect displacement of access to livelihood resources, in other words, may be unavoidable and justified, especially where the demarcation of village boundaries is achieved through inter-village negotiation and mutual consent.

The LFAP has also been welcomed by many farmers. The sense of tenure security derived from the documentation of village territories is very important in a country that has seen much instability in the past half-century. For example, villagers in the one ethnic Laos village included in National University of Laos (NUOL) research with which I have been involved had twice lost paddy land due to the construction of dams without compensation, and these villagers hoped that the land allocation process would prevent further uncompensated losses. In addition, they believed that restrictions introduced by the programme on swidden agriculture practised by the neighbouring Hmong village would improve water supplies to their wet rice fields. In general, farmers with access to land suitable for permanent agriculture have benefited from the programme

through improved tenure security and formal recognition of village forests.

Notwithstanding the exemplary features of the LFAP, evidence is growing that it is also a primary cause of displacement and impoverishment in Laos, to a degree that far exceeds what would be necessary to resolve conflicting claims on land and resources and to institute common property rights to village forests. Although it is impossible to measure the number of people who have moved entirely or in part because of the allocation programme, it likely dwarfs those due to controversial and internationally contested dams. In the village-based studies by NUOL researchers, preliminary data show that implementation of the land and forest allocation programme resulted in substantial loss of access to resources. There was significant out-migration from these two sites after the completion of the allocation programme, including over a third of village families from a Hmong village.<sup>1</sup> Although the research has not definitively established the reasons for leaving, it is likely that the loss of livelihood resources due to the allocation program was at least an important contributing factor. The NUOL research also suggests that the demarcation of village boundaries was hurried and was not achieved through mutual consent, so that conflicts over resources were not settled through the process.

Reports on other sites around the country confirm these results. The most convincing documentation so far is a participatory poverty assessment in 90 villages conducted through the State Planning Committee (2000). It found that the most commonly cited cause of poverty was land problems, mostly attributable to the LFAP. The report describes, using quotes and examples, how the allocation process forced villagers to shorten fallow cycles, causing soil depletion and decreases in rice yields for the same labour inputs (State Planning Committee 2000: 7, 8, 12). More indirect evidence of the displacing and impoverishing effects of the programme is suggested by a UNESCO/UNDP study (Goudineau n.d.) of resettled villages in Laos. According to this study, one third of all villages have moved due to direct and indirect pressure to resettle and to stop swidden agriculture, although the displacement reaches 50 to 85% in some areas (Goudineau n.d.: 20). In many cases this pressure was exerted by the restrictions

introduced through land allocation. Resettlement, moreover, did not necessarily eliminate swidden agriculture, as many sites did not have land suitable for permanent agriculture. Villagers' ability to continue producing food was thus seriously compromised: pressure from government policies, combined with population concentration, forced villagers to work with short fallows; there was a shortage of draught animals after the move, partly because animals needed to be sold to buy rice in the first years after a move; villagers did not have sufficient knowledge about farming in their new ecological environments; and villagers' health and capacity to work was often seriously affected by the move.

The NUOL studies, together with other studies (State Planning Committee 2000) show that the non-Lao ethnic groups, which make up about 45% of the population, are most at risk of displacement and impoverishment, while ethnic Lao are most likely to benefit from the programme. Non-Lao ethnic groups are more likely to have lived in upland areas in the past, and to have responded to government pressure to move to lowland sites. When they arrived in these sites they often found that existing residents – often ethnic Lao – already controlled most land suitable for permanent cultivation. They were thus forced to rely on swidden agriculture, livestock, and forest product collection (Hirsch 1997). 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. This was the case in the Hmong village in the NUOL study, which, when established in the early 1980s in response to government requests that they move to a lowland area (Australian Mekong Resource Centre 2002), found that most of the best paddy land was already occupied by ethnic Lao villagers.

How can a land tenure reform programme that seems to incorporate so many of the currently popular approaches to grassroots development and community-based resource management have so many deleterious effects? To understand this, it has to be put in the context of the government's larger efforts to reorganise the use of space in Laos. The LFAP not only allocates land to farmers, but also creates large areas of state forest land outside the new village



A Katou village in Laos. C. Sappa/TOP

territories, although much of this land has long been used by rural people. Today the programme is justified through managerial forms of environmental knowledge produced by (or more accurately, recycled by) newly greened development agencies like the World Bank (Goldman 2001) and the ADB. But the drive to reorganise space in this fashion was not introduced by international aid agencies; it was part of Pathet Lao policies almost from the moment they were able to control territory (Evans 1999: 127–128). The net result of this reorganisation of space is supposed to be a concentration of population into clearly demarcated lowland areas and along major transportation routes, leaving most space uninhabited, covered by forest, and administered by state agencies.

These policies are based in land capability assessments which find that the majority of land in Laos is unsuitable for agriculture and should be maintained as or converted to forest. For example, according to the IUCN, only 3.3% of land in Laos is arable, compared to 34.3% of land in Thailand (Chape 1996). The 1998/9 Lao

Agricultural Census gives the total arable land as 3.7% of national territory, while the Strategic Vision for the Agricultural Sector uses criteria like slope and soil fertility to arrive at a figure of 15–32%. In all of these cases, the figures rely primarily on research and knowledge produced by non-Lao development agencies such as the World Bank, ADB, or FAO (Food and Agriculture Organization). The LFAP is supposed to contribute to the objective of eliminating agriculture on non-arable land, which makes up 68–96% of all land, depending on whose studies are accepted.

The primary means for doing this has been to demarcate village boundaries, zoning village land so that swidden is permitted only on land without “secondary” or “primary” forest cover, and most controversially, enforcing a three-year maximum rotation period. According to an interview conducted with the chief of the Ministry of Agriculture and Forestry’s Shifting Cultivation Stabilisation Office, the goal is to eliminate swidden completely by the year 2010. Local officials are required to report the area

under swidden agriculture on an annual basis; officials who do not report decreases or meet targets may have their figures changed so that the appearance of success is maintained (personal communications). The net effect is to compromise a participatory process with very restrictive rules and the need to meet targets, all to enforce the new organisation of space based on environmental management criteria.

This attack on swidden agriculture is based on a series of assumptions, all of which have been challenged by research in Laos and in the wider literature on swidden agriculture. These assumptions are that swidden (1) causes poverty, (2) is becoming unsustainable given increasing population densities, (3) destroys forests, and (4) reduces water available for lowland agriculture.

First, with respect to poverty and swidden, the studies that I have been citing indicate that the causality should be reversed: farmers make swidden fields in part because they lack access to land suitable for permanent cultivation. Second, my reading of the development literature on Laos available both in published form and in project documents suggests the impact of population increase on swidden cultivation in Laos is often exaggerated. Data on the decreasing period of fallows and falling yields in swiddens often play down the way that these changes are the result of government restrictions on swidden, attributing them instead to increasing population density (e.g., Roder 1997).

More important is the evidence that points to pressure on resources due to population concentration and external demands on resources through dam building and logging rather than increases in overall population density (Anonymous 2000, Goudineau n.d., Pravongviengkham n.d., Thapa 1998). The overall population density of Laos is only about 22 persons per square kilometre (compared to about 250 in Thailand and 1000 in Vietnam) – many of whom are urban or practice wet rice rather than swidden agriculture. According to the 1998/99 agricultural census, the total land used for agriculture, including land under swidden fallow, was only 10,000 km<sup>2</sup> out of a total land area of 236,800 km<sup>2</sup>, i.e., some 4.2% of national territory. Although there is considerable evidence of resource degradation due to population concentration and restrictions in the

LFAP, there is little evidence in support of the argument that population density overall is too high to support swidden cultivation by those who lack access to land suitable for permanent cultivation.

Third, there is a sizable international literature that argues that swidden may transform or manage forests, but does not necessarily destroy forests. Fox (e.g., Fox et al. 2000), for example, draws on fieldwork in different mainland South East Asian sites where population densities are much higher than in Laos, to argue that swidden may often be the best means of preserving forest biodiversity and may be the most suitable land use for meeting the needs of local communities. With respect to Laos, both local case studies (Fujisaka 1991, Thapa 1998) and country-wide analyses (Anonymous 2000) suggest that commercial logging, rather than swidden, has been the primary cause of deforestation in Laos. Case study research also provides many examples of situations where swidden has not had a major impact on forest cover (Sandewall, Ohlsson, and Sawathwong 2001, Thapa 1998).

Fourth, the notion that deforestation or swidden agriculture invariably decreases lowland water supplies finds little support from researchers who have studied the hydrological effects of different land use systems (Forsyth 1996). This assumption nevertheless pervades discussions of the benefits of the programme, from official documents to village-level negotiations. In the NUOL research sites for example, district officials used the promise of increased water for lowland agriculture as a way of convincing villagers to agree to restrictions on swidden. The preparatory report for the ADB pilot project (Asian Development Bank 1998) is particularly indicative of how this assumption justifies the reorganisation of space and livelihoods, even in the face of contrary evidence in the same report.

According to the ADB report's Annex 4 on forestry, the improved protection and management of forest watersheds in the target provinces should make it possible to irrigate the 92% of the lowland rice fields that are not yet irrigated, and to generate more hydroelectric power. These are astounding assumptions, which are contradicted in the next paragraph of the document which observes that fallows in the project area

regenerate into woody growth; that the mountain landscape is as a result not one large open area but a mosaic of cultivated patches surrounded by wide fields of forest fallows; and that in this situation adverse ecological impacts have not happened. Surprisingly, the report goes on to conclude optimistically that this will make high-cost reforestation of old swidden fields unnecessary, when or if swidden farmers reduce or stop their slash and burn activities. An obvious alternative conclusion – that swidden cultivation in this area is an ecologically benign or even beneficial form of cultivation (Fox et al. 2000) – is not considered in the report. Nor do the report writers express any concern that this might mean that the reduction of swidden might not have the anticipated effect of creating large volumes of new water for lowland uses.

The problems with the current LFAP are now widely recognised, and there is a search for an alternative, more flexible process among some government officials and development aid organisations (Pravongviengkham n.d.). Examples include the ADB project and reports produced for the Lao-Swedish Forestry Programme before it ended in 2001. But the ADB project remains committed to the overall objectives of “stabilising” shifting agriculture and reorganising space into separate agricultural and forest zones. Policies in at least some areas have become more flexible. According to Pravongviengkham (n.d.: 80), who is the Lao head of the ADB pilot project, the Ministry of Agriculture and Forestry is no longer strictly enforcing restrictions on swidden where there is insufficient land available for permanent agriculture. As I write, it is unclear whether this loosening up of the programme will be reflected in a fundamental change, away from the goals to eliminate swidden based on annual targets and towards a policy recognising swidden as a viable and sustainable resource management system.

## Land tenure reform without displacement

People throughout the mountainous zones of mainland South East Asia have long exhibited high levels of mobility, due to war, searches for more productive environments, tax evasion, and so on (Goudineau n.d.). What makes the land

tenure reforms and associated resettlement programmes of the last few decades distinctive is that they are the outcome of development policies that seek to reorganise space into uplands covered by forests, used either for logging or conservation, and lowlands characterised by sedentary, intensive, commercial agriculture. This has involved moving people out of the ecological spaces to which they are most accustomed and into spaces where they would have been unlikely to move on their own. The dramatic nature of these policies is particularly apparent in the Lao case. The displacement impacts of the new land tenure reform policies are largely due to the way in which the policies reinforce this reorganisation of space.

I am not arguing that land tenure reform programmes should be discontinued. I have been careful to note in this paper that many people do benefit from these programmes – beneficiaries obtain legal recognition of resource rights in situations where they have previously been subject to uncompensated expropriations; they are able to use land rights as security for credit; they obtain better prices for their land, and so on. These benefits are important, and could provide adequate justification for pursuing these policies – if they were subject to significant changes.

The most important reason that land tenure reform policies produce displacement and impoverishment is the way that these programmes are incorporated into national-level land use policies that enclose resources as state property and try to reorganise space in ways that deprive some people of their ability to make a livelihood. It is possible to correct these problems, but only with significant changes to the assumptions that guide current land tenure reforms. With respect to land allocation, policies to eliminate swidden and to reorganise space into distinct forest and agricultural zones need to be reconsidered. It is quite possible to imagine a land allocation process that does not try to reorganise space into mutually exclusive agricultural and forest spaces, and works with swidden as a viable and sustainable land use practice.

With respect to the broader question of development and displacement, this paper is in part an argument that our attention to the displacement effects of development should expand beyond debates over mega-projects like



large dams, to consider how any kind of development contains within it the potential to cause displacement. By linking land tenure reforms to land use zoning, I have picked what turns out to be a fairly obvious example of how development involves the spatial reorganisation of people and what they do. The basic approach could be extended to many other forms of development activity, as all development involves the reorganisation of space and the displacement of some livelihood activities.

As this case study also suggests, this does not necessarily lead to the conclusion that all development activities need to stop in the face of inevitable displacement and impoverishment. Development interventions can often be justified even when they have the potential of creating displacement. Nor does it mean that development professionals can simply justify displacement as necessary and justified where benefits are greater than costs, and then move on to the question of best practices for reconstituting lives after displacement. Instead, it suggests that all development policies and programmes should be carefully assessed for their possible indirect displacement impacts and for ways of preventing these impacts.

Greater attention to indirect displacement could shift our attention to finding ways of preventing displacement, or where such effects are unavoidable, of minimising it to the point where people's lives and livelihoods are not destroyed. A preventative approach, one might say, is preferable to a curative approach. In the case considered here, I have indicated that there are alternative approaches to land and forest allocation that could prevent or minimise most of the displacement effects of the LFAP (see also Pravongviengkham n.d.). Even in the case of mega-projects, however, greater attention to indirect displacement would make these projects harder to justify on both human and economic grounds, and would push development policies away from these kinds of projects toward approaches that can alleviate poverty, maximise consultation and participation, and minimise displacement and unanticipated impoverishing impacts. All this may not eliminate the vexing dilemmas that accompany development that brings clear benefits or addresses pressing problems at the cost of unavoidable displacement (see Cernea's contribution in this issue), but it can do a lot to make them less vexing and it can suggest better procedures for addressing them.

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## Notes

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1. Huai Nhyaang village, also profiled on the website of the Australian Mekong Resource Centre (2002).

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