

Exclusion, accommodation and community-based natural resource management: legitimizing the enclosure of a community fishery in southern Laos¹

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Abstract

CBNRM is normally practised within a co-management framework. It often deals with managing common property collaboratively among different groups who possess diverse worldviews and agendas, which raises the potential for significant conflict. This case study deals with a CBNRM project intervention that involved unexpected exclusion, but in a way that did not limit the success of the project. Rather surprisingly, the exclusion occurred without creating significant conflict.

The case study involves enclosure of a communal backswamp previously accessible to 17 communities, through the establishment of an exclusive regime by a single village in southern Laos. The enclosure was an inadvertent consequence of a CBNRM project intervention. This chapter examines the perspectives of officials, villagers and a researcher on the transition of the property regime in the context of development and associated legitimizing discourses. It explains how the enclosure in this case was achieved with relatively little social friction, and aims to encourage practitioners to recognize different perceptions of key actors on various points.

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Introduction

CBNRM has become a popular strategy for organizations working on rural livelihoods and sustainability. The tone of most literature in the field is that CBNRM has an inclusive approach and involves peaceful collaboration among various groups – the project, officials and villagers. But in fact, CBNRM does not necessarily arise from shared interests. Each agent involved has its own agenda, and the process of establishing collective resource management must deal with this reality. Despite the collective nature of CBNRM, its implementation can lead to some groups being excluded from being able to use resources. This does not always cause conflict because it can be legitimized by the actors involved. However, it should not be overlooked when cases are documented.

This chapter does not detail the methods or formal results of the research study in this particular case, nor does it describe the research project's activities. It describes the story of an incidental outcome from the research team's interventions in studying small-scale fisheries in southern Laos. It emphasizes that CBNRM is not necessarily a consensus-based process and that it can function as a platform enabling different views to coexist.

The case is about changes to the property regime of one backswamp in southern Laos. The property regime of the backswamp shifted from an inclusive one, where it was accessed by many communities, to one where it was used exclusively by a single community. This change resulted from a CBNRM research project intervention. A surprising outcome was that the exclusion did not create serious conflicts between the communities. The description of the case relies on observations, conversations and stories shared with key participants on all sides of the issue during my work as a field research adviser to the project funded by IDRC from 1997 to 2001.¹

Setting the scene: the case and local realities

The Lao Peoples' Democratic Republic (Lao PDR or Laos) is a post-socialist, one-party state. After the failure of collectivization, in 1986 the government declared the new economic mechanism designed to accommodate a market orientation (Evans, 1995). Laos has traditionally based its development on natural resources; therefore, common property has been very important for local communities in Laos. This has been especially true for the poor. Over time, several relevant policies were developed on NRM, such as land and forest allocation to village communities, decentralization and the encouragement of production for market surplus. These policies have guided the development of market-oriented growth. Since 1986, there have been changes at all levels during this period of policy transition in Laos.

Traditional Lao communities have an agricultural subsistence base and rely upon common property resources. Apart from farming private land, local communities rely upon the area's natural resources for household consumption and income. These common property resources include forests, rivers and streams. From these areas, villagers gather wood and fencing materials, as well as their daily food, which includes fish, some insects and wild vegetables. The poor have limited private land and depend on these resources, which have very limited commercial value but are accessed across village boundaries.

Villages share other ties, too. Neighbouring communities know each other quite well and marriage relationships cross village boundaries. People rely upon each other and participate

in various shared activities other than farming, such as planning for and celebrating festivals. Hence, individual communities are interwoven in multilayered ways.

In 1997, I started working with the Indigenous Fisheries Development and Management Project (IFDMP). My task was to work with local communities in collaboration with local officials at both the provincial (Provincial Livestock and Fisheries Office, PLFO) and district (District Agriculture and Forestry Office, DAFO) levels. We surveyed diverse aqua-ecosystems and people's livelihoods in Sanasomboun District, Champassak Province, in southern Laos (see [Figure 7.1](#)). The study revealed that fish catches were declining in all types of natural water bodies – rivers, streams, rice fields and backswamps – because of the pressure of an increasing population, improved fishing gear and the rising commercial value of fish. The project's focus was changed to Small-scale Wetland Indigenous Fisheries Management (SWIM). SWIM narrowed its focus to small-scale water bodies such as wetlands. This was because the villages already had rules for these resources and the size was manageable at the local level. SWIM started the process of participatory action research. Its co-management approach aimed to increase fish catches to improve people's livelihoods.

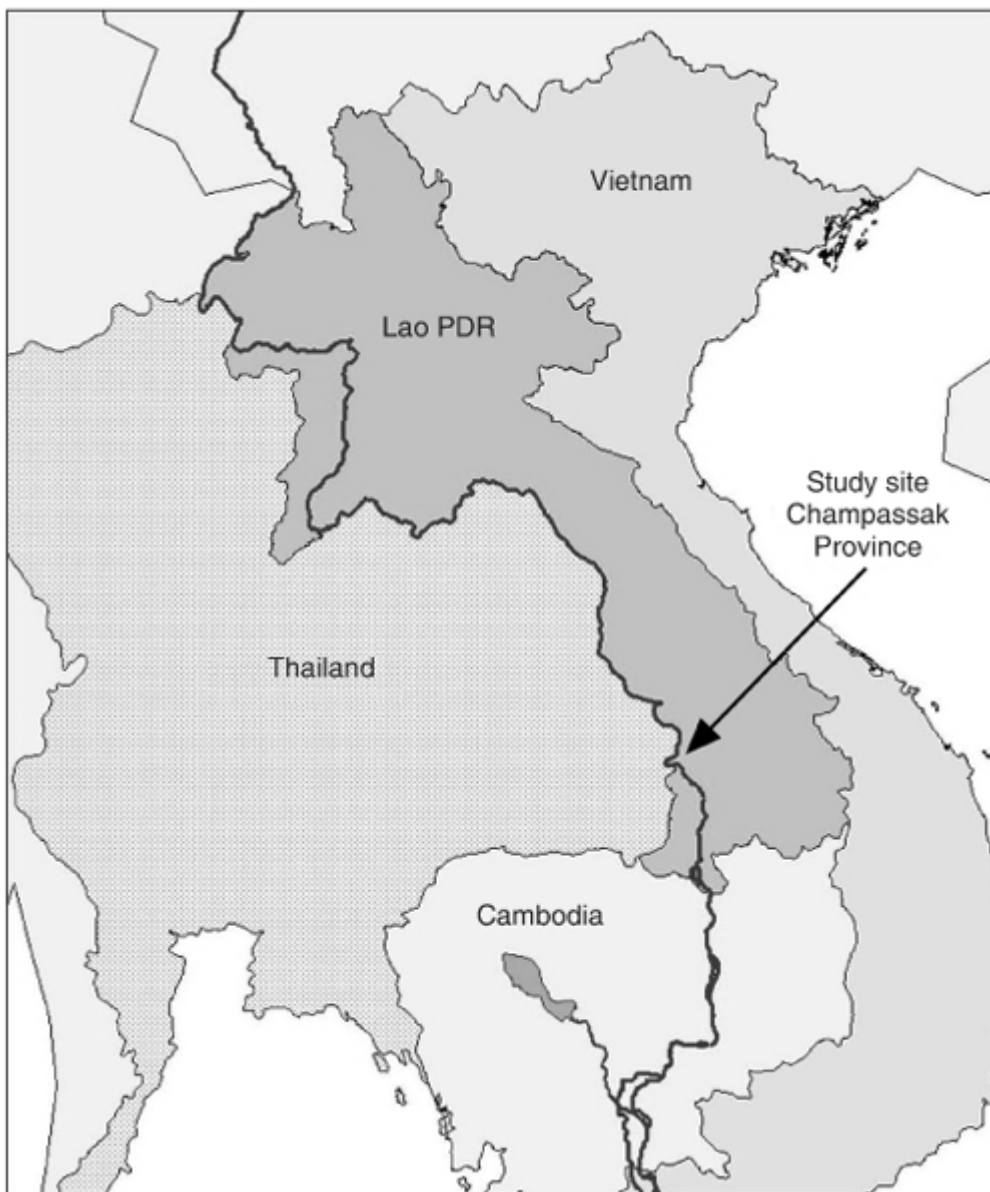


Figure 7.1 Map of Laos and study site in Sanasomboun district, Champassak province

Farming initiatives in these villages included wet rice crops, raising livestock (including pigs and poultry), fishing and some home gardens. Even though the market economy had been promoted for some time, it had not yet reached this rural area because of geographical barriers, poor infrastructure and lack of money.

Laos wetlands management

After studying how people used and managed their small wetlands or backswamps, project members found that their management systems were not only complex, but also that they varied by locality and season. Tenure of most backswamps is de facto, where there is no legal approval but rather a set of customary rules that often involve spiritual beliefs. Tenure shifts from open access, when flooding makes the boundaries unclear in the rainy season, to exclusive property rights, when the water level lowers and clear boundaries emerge during the dry season.

We also studied the cyclical relationship between fish and the backswamps. Fish come from the river to spawn in the backswamps. When the rainy season ends and the backswamps become disconnected from the river, some fish are trapped in the shallows. Because fish are a mobile resource, fishers must discover where they are in the different seasons. Some large backswamps are good sources of fish in the dry season when other water bodies such as streams and small backswamps have dried up. At this time of year, other wild foods are also scarce.

Relationship between state and village

The village is not isolated but is influenced by various factors from the outside, including the state and the market. The state is a powerful agency that affects the local level through policies and laws. Two influential policies were implemented at the time of the study: the Land and Forest Allocation Programme (LFAP) and decentralization, which have affected resource management at the local level in both direct and indirect ways. The key actors that play a significant role in putting the policy into practice are the district authority and the village committee.

Since 1993, Laos has been implementing LFAP, which clearly defines and demarcates property rights. The government claims that LFAP leads to secure land tenure and thus provides an incentive for people to move from subsistence to surplus production. This is seen as an important step to facilitate marketization, which in turn is expected to lead to development. LFAP categorizes all resources into three main property regimes: state, community and private. State property includes national protected forests and rivers. Resources such as streams, natural ponds and forests are defined as the common property of the village. At the village level, paddy fields and residential areas are formalized as private property. Maps are drawn and neighbouring villages are invited to confirm the village boundaries. A map showing the boundaries is posted at the entry to each village (see [Figure 7.2](#)). As a result of LFAP, rights in each different property regime are confined to the designated geographical areas.

Vandergest (1996) explains that LFAP encourages territorialization because the state uses mapping and territorial delimitation to formalize and legitimize resource tenure. This agenda is also interpreted as 'state simplification' (Scott, 1998). The state can regulate resources more easily when they are mapped and categorized than when they are under complex property

regimes. This is especially true when the common property regime uses customary practices that are only understood by the people in each locality. However, clearly defined property regimes are not only the state's agenda. Communities can use them as well to make claims, particularly when economic incentives can be applied to resources. But even where resources are mapped as a certain property type, they can be used in overlapping ways, especially if there is no pressure from scarcity or commercial incentives.



Figure 7.2 A board showing the village boundaries
 Photo: N. Tubtim.

LFAP is more progressive than Thai law, which only has private and state property regimes and where villages cannot own or manage communal resources. Laos may be different in this regard because the government does not have the resources or capacity to enforce rules that are more restrictive. However, even though the Lao government recognizes common property regimes, these are only defined within the administrative boundaries of a single village. In addition, government authorities still have the authority to intervene in how communities manage their resources. For example, the village must get district recognition or approval every time it wants to change the management rules or obtain benefits from communal resources, such as selling timber for electricity.

In the late 1990s, a few years after the economic crisis in the region, the national government implemented a policy of decentralization, to respond to fiscal pressures and macro-economic imbalances. The government made up a slogan, *Kwaeng pen Yudtasaat, Meuang pen Ngobpamaan, Ban Jadtang Patibat*, which translates as 'The province plans while the district finances local development plans and the community has to participate, contribute, and implement.' It forces local villagers and authorities to increase their self-reliance in development at the provincial, district and village levels. This kind of decentralization is not

designed to devolve power to the local level. Instead, it allocates administrative functions, especially financial responsibility, to local authorities (Fisher, 2000). This policy has eased the financial constraints of the central government, but the government still reserves the exclusive authority to plan (through its provincial line agencies) and make decisions about local-level policies and development directions.

Lao village committees consist of four groups: the village heads and village party; respected elders; mass organizations (for example, women's unions, youth organizations, village patrol units); and a technical group including the forest caretaker, village doctor or village veterinarian.

These village committees can represent both the state to the community and the community to the state, depending on the context. Even though full participation in a village meeting is the ultimate decision-making mechanism, the village committee is influential in the affairs of the village. The village heads do not have absolute power, but they can raise issues and initiatives, bring these topics to village meetings, facilitate the meetings and conclude decisions from the meetings. Most issues and initiatives are first discussed in the village committee, and then decisions are made in the village meeting.

In my experience working with several villages in rural Laos during the past decade, the village committee is very influential in directing decisions. This is because many people do not bother to participate in sharing ideas, but instead choose to follow the decision made by the majority. They also tend to be quiet in public and more active in the informal sphere. People discuss and gossip about the failure of some collective activities. However, ordinary villagers may not express their opinions at a meeting, especially when the topic or decision discussed does not have any direct impact on their families.

Policies do not come into force at the local level overnight. People become informed about them at the village level through the meetings and training sessions that the state arranges for the village committee. People also do not implement policies until they have some experience with what they mean in practice. Two examples of this are the policies that people implemented only after they mapped the resources in their village or after they enclosed Nong Bua. However, some policies simply endorse what is actually everyday practice, such as exclusive rights over an individual's rice fields. Development discourse can facilitate the acceptance of new policies such as an exclusive property regime for productive management.

The case

Our CBNRM case started organically. The project was not originally intended to initiate interventions, but while studying wetlands management, we raised local expectations. While I was being amazed at the complexity of the backswamp fisheries, the villagers, district and provincial staff asked me the typical Lao question: 'You have been walking in and out of the villages and asking many questions; what are your findings and what is next? Will you do some development? What about giving villagers some fingerlings?'

As I have done in previous projects in Laos, I replied that this was a research project and that we did not have many resources at our disposal. However, I knew this was not a good answer for them because it did not show what direct benefit they would gain from our research. They expected something concrete to come out of the project, especially when it involved a foreign expert.

This reaction is understandable because Laos has very limited development resources. Therefore, the government has placed a priority upon infrastructure development while leaving most development activities at the village level to international organizations. These included NGOs and donor organizations such as the UNDP, the Swedish International Development Agency (SIDA), the Japan International Cooperation Agency and Canada's IDRC. The notion of project, or *kong kaan*, in Laos, when it involves foreign experts, clearly implies the expectation of both new knowledge and investment in facilities or infrastructure.

On reconsideration, I thought that the request from the district was not unreasonable, and that a small project such as ours could afford it. The more important rationale was that it would be a good opportunity for the project to demonstrate support for the local initiatives of both officials and villagers. In this way, we could meet our goal of encouraging the co-management of communal resources and improving food security through low-cost development activities. We decided that our project would give 10,000 fingerlings bred by the provincial fishery station to each backswamp, at a cost of approximately US\$100. With financial support from the project, PLFO offered training in fish nursery and fish breeding practices.

The case was interesting because there was a range of rules and tenure differences in the four backswamps we studied. Three were roughly 2–6 ha in size, while one was much larger. Also at issue were the spiritual beliefs held by local people. These placed restrictions on particular types of fishing gear as well as limitations on who could fish and when. The three smaller backswamps were used exclusively by a single village, even though there was some provision for other fishers (usually relatives) to fish on a single day in the dry season. All fishing was for household consumption, so few fish were sold. In contrast, Nong Bua is a comparatively large backswamp of 28 ha (see [Figure 7.3](#)). It was the only one of this size in our project, and there were no restrictions on use. Therefore, fishers from outside Kaengpho district, where Nong Bua is located, could come and fish here. In fact, this backswamp was used by 17 different communities. The only prohibition at Nong Bua was on certain fishing gear, based upon a spiritual belief.



Figure 7.3 Nong Bua, one of the four study sites
Photo: N. Tubtim.

The project-supported fish stocking began after the rainy season finished in late October. The communities introduced new management rules prohibiting villagers from fishing between stocking time through to the end of the dry season in April or May. This allowed fish to grow for about five months so that people could catch bigger fish and obtain a higher yield. Harvesting in all four backswamps now changed its focus from subsistence-based household fishing to a carefully managed harvest system. All fishing was prohibited until an agreed opening date near the end of the dry season. At that time, the village committees fished for some time, and all proceeds from the commercial sale of the fish went to a collective community fund. (In all cases, this period was followed by a stretch of individual, household-based fishing.) The villages used their community fund for communal purposes, such as maintaining temples, schools and roads. In the absence of sufficient income, some villages levied a fee from each family for these purposes. Other income-generating activities included organizing festivals, which would draw paying visitors, or selling some other community resources, such as fishing rights or wood in their forest.

Fish stocking did not create problems for the three backswamps that were exclusively used by a single community. For Nong Bua, however, the project intervention led to the exclusion of communities that had previously held access rights.

The Nong Bua exclusionary situation

Nong Bua is located inside the boundaries of the village of Kaengpho, a medium-sized village that had 111 households and 662 people in 1999. It is situated on the left bank of the Sedone River, a tributary of the Mekong River (see [Figure 7.4](#)). Nong Bua is surrounded by rice fields that Kaengpho's villagers use. Prior to the stocking of fish, the property regime of Nong Bua was inclusive all year round. People from other communities could fish here at any time, although they did not bother during the wet season when fish were abundant everywhere and people were busy with farming. There was only one management rule, which prohibited specific types of fishing gear based upon the belief that these would offend guardian spirits.

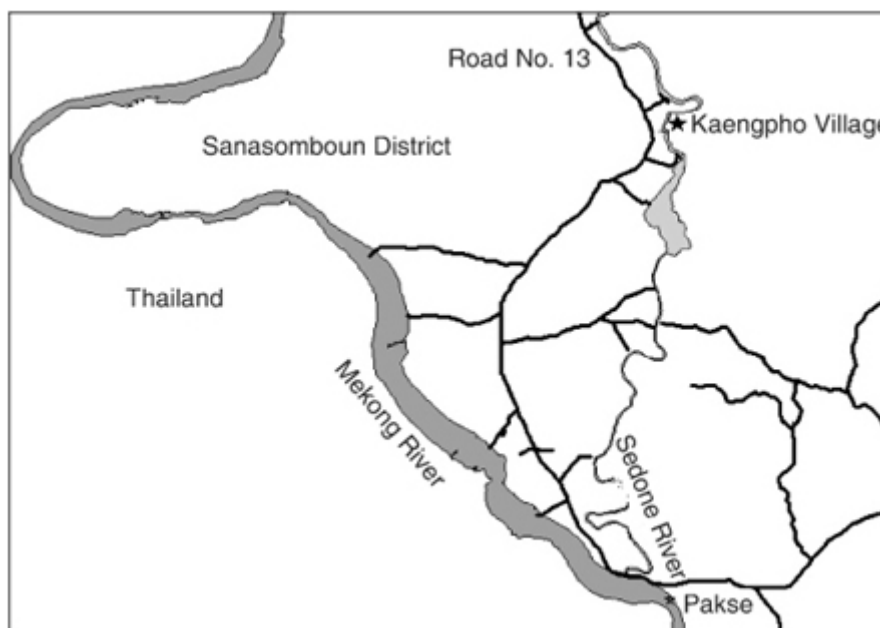


Figure 7.4 Map of Kaengpho village area

At the end of the flood season, many fish are trapped by filter traps (*tawn*) set in 18 channels that connect the backswamp to the Kaengpho villagers' rice fields. The catch supplies families with enough to preserve as fermented fish for their households' annual consumption. During the dry season, especially between February and April when fish are concentrated in a small area, Nong Bua becomes an important source of low-cost protein and secondary income for people in these 17 communities surrounding the backswamp. During this time, most other water bodies dry up, so food that is abundant at other times of the year becomes scarce.

The furthest community from Nong Bua is about 1–1.5 hours away by bicycle or on foot. On a daily basis, some fishers from a couple of communities sold fish caught from Nong Bua to buy rice. Many villages have their own backswamps, but they are small and dried up during the dry season. Some of these wetlands are far from the villages and are not connected to the rivers, meaning that there is not much fish. Therefore, only Nong Bua was readily accessible and had ample fish, so people from many communities preferred to go there.

Nong Bua is believed to be protected by two fierce female guardian spirits, *Maetho Kammai* (a female widow) and *Nang Waan* (a female spirit who likes sweets). People have found house posts and some pots in the backswamp that they connect to the tale of '*Phadaeng Nang-Aai*', a common legend of widow spirits living in big natural ponds in Laos and the northeast of Thailand. People pay strict respect to the spirits. Certain fishing gear and activities are prohibited. Those who suffer from an unidentified sickness or who die are believed to have broken the rules. At one time, almost 100 animals died and people believed that the spirits had been offended.

One elder in Kaengpho explained to me that worshipping the spirits is the last resort in treating illness when modern and traditional medicines fail. If the patient recovers after this, however, the cause of the sickness is often traced to an offence to the spirits of Nong Bua. Because of this type of event, the Kaengpho village committee once sent letters to the surrounding communities who came to fish in Nong Bua. They asked the outsiders not to break the rules because they feared that if they did, problems and sickness would befall the people of Kaengpho.

Those who break the rules must appease the spirits by offering gifts to the village shaman. The offering consists of two pigs (a black one and a white one), a piece of cloth, a bottle of whisky, a *khouai yai* (phallus or large timber carved in the shape of a penis) and some dessert. This is quite costly for villagers. Because of that, some people have recently switched from pigs to chickens for their offerings. During this case study, I saw one of the large phalluses at the spirit house located near the backswamp.

Kaengpho people told me that in the past the situation was more serious than now, because back then they could not even build a house near the backswamp. Now, new houses are being constructed closer to the backswamp because the original residential area is crowded. However, the community has to worship the spirits first to ask for their permission. As for the prohibited fishing gear, the restrictions remained in effect at the time of my study.

Around May each year, when Kaengpho people worship the village spirit before the new crop season, they include the two guardian spirits of Nong Bua in this village annual ritual. Commonly, people think that there are both good and bad spirits in nature. Some readers might think that this was just a belief of people that was not based on scientific evidence;

however, these beliefs are common in Asia and they determine people's behaviour to some extent. In the case of Nong Bua, this belief was shared among people in both Kaengpho and the surrounding communities. It was more effective in influencing user behaviour than many legal rules that the government has tried to implement in the area.

Enclosure of the backswamp

After stocking fish in Nong Bua, Kaengpho people claimed exclusive rights over Nong Bua and prevented the 17 surrounding communities from fishing there. Kaengpho people maintained the belief that guardian spirits prohibited the use of certain fishing gear and added an additional rule forbidding the use of gill nets. More importantly, they prohibited other communities from fishing in the dry season. Kaengpho people still fish during the dry season, but only use hooks and lines.

When I asked why other communities were excluded, I was told that they did not enclose Nong Bua in the rainy season. However, it was widely understood that during that season other communities do not fish in Nong Bua in any case because fish are abundant and they use other closer locations. Therefore, I think people tried to find an answer to please me.

Kaengpho used the money gained from communal fish harvesting under the new management to help fund a new primary school in the village and to buy fingerlings for restocking the next year. The project was considered successful by the villages and the district authorities. However, it does not mean that everybody agreed, especially if they happened to be from the excluded communities. Nevertheless, the enclosure did not cause a lot of conflict between Kaengpho and the excluded communities.

Nong Bua legitimization process

The legitimization of the situation in Nong Bua started immediately after villagers got to know that they would receive fingerlings as a direct result of the project. Kaengpho villagers organized a meeting to establish a community fishery committee to set the new management rules. Afterwards, they invited DAFO to attend the meeting so they could offer comments. As a result, changes were made to some details in the new exclusionary rules. DAFO then announced the new management regime for Nong Bua to the other communities. These steps were required because villages do not have authority over one another. Therefore, they needed approval from a higher authority which would endorse the new arrangement. This process is followed in Laos whenever a change in management rules is made.

When fish were stocked during the first year of the project in Nong Bua, I was delighted that officials and villagers had initiated the intervention on their own. In addition, on the first fish release day, I was amazed to see the elaborate decorations adorning the area near the backswamp. As well, time was spent feasting and hosting invited guests from the province and district, as well as representatives from neighbouring communities. Monks were also invited to chant, after which the district head made a speech, emphasizing how this type of project represented a good opportunity for village development.

A village party member of Kaengpho then announced Nong Bua's new property regime, suggesting that its management goals included both the community's development and its collective benefit. Following these speeches, the district head released the first fish, after which other officials did so too, including project staff, representatives from other villages,

and lastly, Kaengpho people (see [Figure 7.5](#)). It is a common tradition in Laos to make events very formal, especially in ceremonies involving government officials and foreign project researchers.

The ceremony on the fish release day was part of the legitimization process. The enclosure of Nong Bua was endorsed through this ceremony by the officials' speeches and the presence of invited guests from the project. This was a way of giving authorization to the new claim. Simultaneously, the participation of representatives from neighbouring communities was automatically a sign of their acceptance of Kaengpho's new exclusive management of Nong Bua.

Before the fish release, the new property regime of Nong Bua had been announced to the excluded communities through the district. Therefore, apart from the ceremony, the Kaengpho village committee itself had never communicated directly with the other villagers to describe the new rules. There was only one confrontation between Kaengpho and the excluded fishers from the other communities in the first year of fish stocking. A group of fishers from one village came to catch shrimp and fish in Nong Bua. When the Kaengpho village committee could not convince them to leave, one of the members of the committee fired a gun into the air to chase away the intruders. The excluded group of fishers reported to their village head and the district. However, although DAFO received this report, they did not do anything about the incident.



Figure 7.5 Fish being released in Nong Bua by villagers and district officials
Photo: N. Tubtim.

After that, there were no direct arguments between Kaengpho and the other communities. This is partly because the culture of rural Laos avoids direct confrontation on conflicting issues. Although this behaviour helps ease problems at some levels, it does not mean everyone agrees with the outcome. Because of this community incident and how it was dealt with, there was much teasing, gossiping, and arguing back and forth among residents of the other villages as well as third parties such as traders and students. As a researcher who asked many questions, I was privy to much of this gossip and teasing. However, complaints faded out over time and eventually most people supported Kaengpho.

Some Kaengpho elders told me that at first they were not confident of their exclusive claim. They were not afraid of the other communities because they felt they had support from the

district and the project, which also meant the provincial authority. What mainly concerned the elders was that the change might upset the spirits. However, their fear disappeared three years later.

In 2000, Kaengpho sold fishing rights for one day only to fishers from other communities to overcome the problem of weeds that had become invasive after the enclosure of Nong Bua. Prior to the exclusion, weeds were fairly controlled by the number of fishers who tramped around in the backswamp. In this one-day event, 200 or so people from many villages, including the excluded communities, came to fish in Nong Bua because it had many more fish than other neighbouring wetlands. The event was envisioned as a kind of ceremony and festival with feasting, whisky, music and dancing, so people thoroughly enjoyed participating. This was another step in the legitimization process, too, because when the excluded fishers bought tickets to fish in Nong Bua, their action acknowledged Kaengpho's rights over Nong Bua.

However, the most significant event of the day was when the spirits intervened. The first indication of their presence came in the morning. Villagers were surprised to discover that over half of the fish collected on the previous day for the feast had disappeared from their cage in the backswamp. Moreover, at the close of the day, a normally shy pregnant woman in Kaengpho greatly altered her usual character by speaking to people and laughing loudly, and by drinking a big glass of whisky and smoking a cigarette. She said that she was *Maethao Kammai*, one of Nong Bua's guardian spirits. She said that the festival atmosphere was fun, that she had released fish from the cage and she would help look after Kaengpho people. The elders and shaman interpreted this to mean that as long as everyone in the village agreed and worked collectively, the spirits would protect everyone. As a result, this case became a confirmation for the Kaengpho people, proving that what they were doing was accepted by both the spirits and other communities.

In the next section, I describe how the Nong Bua situation is perceived from the perspective of a researcher, local officials and villagers. They explain the exclusion based on their different worldviews. I will also explain the roles of the researcher and of the CBNRM processes in this context.

People's differing perspectives

The following stories are taken from my many discussions with local officials and different groups of villagers through the project's life from 1997 to 2001. These stories do not necessarily represent facts, but they convey underlying messages that the officials and villagers needed the outside researcher and project representative to understand. These descriptions were their views at the time of the study, but might have changed after the project finished.

Different views

When I asked the head of DAFO whether the new property management at Nong Bua was appropriate, he said, 'There was no *kaan jad kaan* (management) before.' However, I had a different opinion. I thought that the strict prohibition of some fishing gear based on spiritual beliefs was a kind of management in itself. He explained:

Kaan jad kaan has to have a kind of proper rules. The rules from spiritual beliefs did not help people manage the resources better, instead they obstructed development. In the Nong Bua case, the backswamp had lots of weeds but superstition did not allow people to separate out an area for harvesting fish so it made a big problem. Anyway, this will be changed gradually when people see the benefit from management and development.

This statement illustrates that the officials view management as a formal arrangement intended to facilitate the efficient use of those resources that can foster development. It is a common belief among orthodox Lao socialists that superstition is one of the primary obstacles to Laos's progress. An elder told me that after the socialist government came to power in 1975, the government commanded people to destroy their spirit houses. However, after the country adopted new economic mechanisms in 1986, the government gradually softened this approach.

Another related point is that officials wanted to devise a simplified, standardized type of institution to manage development because the state has difficulty working with a unique set of rules in every community. This is what Scott (1998) means by 'seeing like a state'. There is also the issue of language and culture. The term *kaan jad kaan*, which applied to socialist views of development, could not be used in relation to the prohibitions attributed to spirits.

It is interesting that even though the Lao officials did not support the Kaengpho people's belief in superstition, they let them keep the rules regarding guardian spirits and arrange a ceremony to ask permission from the spirits before releasing any fish. One reason was that these beliefs and ceremonies did not conflict with their agenda of formalizing property regimes through the land and forest allocation and productive management policies.

Regarding productive management, officials both at provincial and district levels congratulated me on the success of the project. They explained:

Fish stocking in the backswamp was a low-cost input but it initiated a good idea for village development that later people could adopt by themselves. People should start producing for surplus. Our government does not have sufficient development budget. Today even the district has to look for our own sources of money to pay our staff.

Later the district and the province helped Kaengpho by mobilizing additional resources. They organized a fish release at Nong Bua in celebration of provincial wildlife conservation day, where the province subsidized the fish fry. They convinced the district education office to support Kaengpho by providing some construction materials for the school. The research project also provided money for the school. Because of the decentralization policy there was no state or provincial budget for school construction, but officials were able to pool small amounts of additional funds from various sources based on the community's initiative. Moreover, officials stated that these kinds of development activities should become a model for other communities.

The concept of a 'model village' is well known in Laos. The Lao government has few resources for rural development at the village level, so examples of villages that initiate development activities or of farmers who can produce a higher yield of rice become a way for officials to encourage people and communities.

However, Kaengpho people did not want to become the sort of model village that the district wanted to promote. The village committee said:

It is not good to show to the other villages that we are better than them or they should follow us. In fact, we want to ask them for understanding that we did not have other resources for development like the others have. If we do not do this (enclose Nong Bua), we will never be able to have this school for our children.

This interpretation reflects the tradition that Lao villagers try not to put themselves above their neighbours. Culturally, Lao people are more inclined to modesty and to seek sympathy. Because Kaengpho people still had to relate with their neighbours, they probably thought it would be better to express positive feelings.

As a researcher, I began to understand these varied viewpoints, although I was still concerned about the exclusion, as it seemed to be unfair to the excluded fishers. However, officials and Kaengpho people had different opinions. The Kaengpho village head explained:

Kaengpho does not have a proper school, no road, and no electricity while the other villages do. So, the project helps us to be able to keep up with the development of the others.

This means that Kaengpho also legitimized their claim based on equity with other communities, while pointing to differences in infrastructure development. I should note here that Kaengpho was no poorer than the other communities in terms of livelihoods; for instance, they had as much rice as their neighbours. However, Kaengpho villagers did have less infrastructure, and this is how development was understood locally. District officials did not object on the point of less development, but they felt that development could not happen evenly, at the same time. They explained that villages were not equal: some had resources and *kwam samakkee* (solidarity), so they could mobilize collective activities better than those that did not have such facilities. This made sense from the local officials' position of encouraging development at the village level under conditions of severely limited resources.

Shared views

I also discovered some shared opinions that sprang from customary practices, development discourse, exclusive management, the villagers' capacity for collective action and socialist values.

Both Kaengpho residents as well as those in other villages believed in guardian spirits. Moreover, the excluded people knew about the spirit's possession of the pregnant woman. Their shared beliefs helped formalize the exclusive ownership of Kaengpho over the backswamp. The district officials also heard about this and chose not to oppose it. This was perhaps because the belief did not obstruct their vision for new management of Nong Bua.

As to development discourse, the officials considered fish stocking to be an investment. Therefore, it would not be useful to open up access to everyone, as had previously occurred, because:

To reach development, the villagers had to put something back into the resources so that people could gain benefit from the resources. People should not just take from nature.

Resources might be enough for subsistence, but with increasing population and the need for development, they will be used up quickly.

Village heads of the excluded communities also recognized that it would be a shame if benefits to the community were lost when the project ended. This is a familiar situation in rural Laos, where benefits disappear once projects are finished. Both local officials and villages prefer projects that support sustainable productivity improvements. In order to gain concrete, ongoing benefits from fish stocking, Nong Bua needed exclusive management.

One member of the Kaengpho village committee said they considered allowing other people access if they used certain types of fishing gear such as hooks, to ensure only big fish were caught. However, the committee decided not to do this, because:

It is impossible to monitor everyone. If Nong Bua is partly opened for the others, they may cheat and this might lead to conflict within and between the communities more often. Therefore, it was better to displease the others once rather than feeling paranoid, and distrust each other forever.

Everyone whom I interviewed from the excluded communities agreed to exclusive management. They thought it would be easier to manage the resource under one administrative authority because costs and time for such events as meetings, for instance, would be reduced, particularly if benefits from the resource were small. People knew of a collaborative fish-stocking project where two communities owned a backswamp, but the project ended after a year. Afterwards, one family in the village got the concession to operate it. The village head explained that mobilizing people to work collectively was not easy and sometimes created more problems than it was worth.

In the case of the exclusive management of Nong Bua, the excluded villages were able to accept the change for two main reasons. First, the Kaengpho village committee had a good reputation. Second, the collective mobilization linked well to socialist ideology, which emphasizes action for common benefit (*suan ruam*).

The village committee explained that the new management of Nong Bua was intended for the benefit of the whole village and for the children, because as a result of the project the village could build the school. In fact, some of the village's poor gained a larger proportion of the benefit, especially the women. After Nong Bua was enclosed, these women could catch some shrimp and buy fish from the other fishers in the village for trading. The women were able to sell them to Kaengpho families who did not often fish and to outside communities, but now without any competition from the excluded villages. This benefited only select individuals, so it was not mentioned as an incentive for the project's acceptance, nor was it in the district's declaration. This information was related to me as a researcher, but not shared with the other communities. At the same time, according to the village head, he and other wealthier members of the village gave up benefits because the new rules prohibited the use of their costly but effective gill nets. These decisions added to the village committee's good reputation and their claim demonstrated their commitment to collective benefit.

Elders and village committees from the excluded villages responded positively to the collective benefits, noting, 'If they had excluded us for their individual profit, it would not have been so easy.' The excluded group might not want to accept the new regime but they still had to present the image of supporting 'socialist' development. This moral value is well

accepted in socialist rural Laos. However, the idea of collective benefit refers exclusively to a single village.

The exclusive management of Nong Bua fit well with LFAP's goals. Even though the programme was implemented formally in Kaengpho in 1999, only two years after the initial fish stocking, the idea of formalizing property regimes and creating incentives for productive management had been with both local officials and villagers for quite some time. This does not mean they aimed to enclose and exclusively manage every resource located inside village boundaries. Procedures vary depending on the characteristics and value of the resource in question, and after considering whether it is possible or worthwhile to enforce management rules.

People in the area tend not to prohibit neighbouring villagers from collecting food from nature for their own household consumption. Nevertheless, when a particular resource becomes scarce or valuable in the market, village boundaries can be easily brought into play to claim exclusive rights. In the case of Kaengpho, the reaction from the excluded group did not challenge the village ownership of Nong Bua or the jurisdiction of the guardian spirits. Some people attempted to return to fish, claiming they were following the usufruct right that they used to have. However, this argument failed when district officials chose to ignore their complaint.

The implementation of LFAP in areas where people have permanent farms with clear individual ownership such as at Kaengpho has not led to conflicts as are experienced in situations where shifting cultivation has been practised. Rather, it has helped to reduce conflicts between communities in some ways. Many village committees in the area told me that since LFAP was implemented in their villages, there were fewer arguments about resource access and management than before. In the past, people could raise reasons for using some resources in other villages and access could not be denied very easily, because good relations among neighbours had to be maintained.

After a few years, members of excluded communities stopped complaining about the exclusion for a number of reasons. Initially they tried to voice their complaints in the name of the entire village, but in fact, their own village head did not support them. Village heads are part of the state administration and in situations like this they tend to side with the state. At the district level, meanwhile, officials ignored the complaints in order to demonstrate to the excluded groups that they actually supported Kaengpho. Opposition finally collapsed after villagers (and in particular a very vocal leader who was opposed to the project) discovered they had personally obtained benefits from fish stocking, because some fish from Nong Bua appeared in their own rice fields during the wet season.

On the one hand, the local officials and Kaengpho villagers were able to work together on the new exclusive management of Nong Bua even though they did not base legitimization on the same issues. On the other hand, even though the villagers of Kaengpho and the excluded communities did not completely agree about exclusion, they shared the same perspective on development and the belief in superstition, proving that they held common ideas, too.

Conclusion

CBNRM is not a process in which people agree on everything. However, it can be a way for them to work together to meet different objectives. The real power of the experience comes from this collaboration.

Collective resource tenure as part of CBNRM can lead to exclusion, but it may not necessarily lead to conflict if all the participants accept the exclusion. It is also possible that while some will want it, others will accept it reluctantly, while still others might oppose it, depending on material circumstances and discourses of what is or is not legitimate. In this case, exclusion was a subtle process of making a claim over Nong Bua in the context of legitimizing development discourses and spiritual beliefs. The exclusion was accepted because, while the project was trying to meet its agenda on CBNRM, it was also facilitating the implementation of government policies, as projects in Laos are expected to do.

Exclusion was not a goal of this research project. However, the new property regime was initiated because part of the project agreement entailed the support of fish stocking, and afterwards, project members had little control and had to limit themselves to providing technical support. In addition, it was only the foreign researcher who was concerned about the enclosure, while the local people and officials focused on different issues. This case shows that researchers should be aware of and reflect on their roles in the process of CBNRM, especially where projects could lead to exclusion.

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