

Resettlement and conflict resolution:
**A case study of H'mong and Khmu ethnic groups in Densavang and
Phonsavat villages, Luang Prabang district, Luang Prabang province, Lao PDR**

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INTRODUCTION

In order to promote industrialization and economic growth, the government of Laos introduced a village resettlement programme to bring various ethnic minority peoples from different scattered mountainous villages down to low land areas set up market-oriented, bigger villages. This programme may please top policy makers and planners wanting to increase the percentage of the population accessing markets, roads, electricity, schools, and healthcare centres, but many conflicts over land and forest have occurred because of different perceptions and arrangements of land ownership, and the overlapping of land and forest ownership claims between various resettled communities, other villagers and the government. This has caused obstacles to the improvement of the local people's lives and potential ethnic conflicts and social unrest.

It is important to prevent conflicts, or else to have a suitable approach to solving them whenever they happen in order to protect vulnerable ethnic minority people. To contribute to this discourse, this research illustrates the causes of conflicts, a conflict resolution process, and the lessons to be learnt from that process. The case study focuses on the two villages of Densavang and Phonsavat in the Luang Prabang district, Luang Prabang province, Laos.

LAND CONFLICT PROBLEMS IN LAOS

There are several studies regarding the history of (re)settlement, land ownership, and land conflicts in Laos, particularly in Northern Laos. Amongst the literature, Boute (2007, p. 205) traces the history of the people settled along the Ou river in Phongsaly province which is adjacent to Luang Prabang. These highland people had been scattering and moving around, and they possibly settled fixedly, or only moved into their traditional

domain, in the 1920s. They were granted *peum kondin*, the formal written ‘Book of the Land’ by the king of Luang Prabang in the nineteenth century and by the French colonial administrators in the twentieth century. Each village had a representative who was in charge of keeping that document, and who was given the title of *chao thi din*, or ‘Lords of the Land’ (p. 188). However, the chiefs’ privilege and titles as ‘Lords of the Land’ were abolished by the Lao communist government in the 1960s (p. 207). This demonstrates that local land and forest rights of the traditional leaders and of the community was denied by the communist government. Furthermore, a process of collectivization during the 1970s-80s enforced state rights over land and other natural resources, and thereby further denied customary rights. These historical changes reflected the fact that the monarchy and the French administrators somehow respected customary rights, but then the communist government undermined or even denied them.

Following the economic renovation policy introduced in 1986, the Lao government has boosted land and forest allocation to local communities, households and individuals. The Land and Forest Allocation Policy was introduced in the early 1990s (Fujita and Phanvilay, 2008, p. 120). The World Bank launched a project to support land titling in Laos in 1996, which was criticized for causing poor farmers to lose their land through selling land to pay off debt (Vandergeest, 2003, p. 49; Vandergeest, 2007, p. 140). Moreover, three case studies in Vientiane province indicate that land and forest allocation has caused inter-village conflict (Fujita and Phanvilay, 2008, p. 129). In case studies of three communities in Sayabury, Vientiane and Phonsaly provinces, Ducourtieux et al. (2008) proclaim the ineffectiveness and counter-productiveness of the land allocation programme with regard to the goals of poverty reduction and environment preservation (p. 518). The above mentioned cases illustrate that the land allocation programme have been

ineffective, and the impacts of other development programmes are also deserving of criticism.

Together with the conventional development discourse, industrialization has been fostered in Laos since the beginning of the 21st century, and has had several impacts on traditional communities. Merging smaller villages to set up larger villages, restricting swidden practices, fostering markets, and building hydroelectric dams, industrial zones and special economic zones has often shown disregard for local people's interests and potential conflicts. Vandergeest (2003) argues that displacement, deforestation and impoverishment has been caused more by such development schemes as land tenure programmes and the government restriction of swidden practices than by swidden practices itself (p. 53). Similarly, Evrard and Goudineau (2004) assert that contrary to the government's view, "slash-and-burn agriculture is a sustainable practice" under certain conditions, so authorities should respect and take this reality into account (p. 959). A big scheme, such as the Nam Ngum hydroelectric dam and its induced village resettlement, imposed negative impacts on and conflicts among various communities, particularly those in Xieng Khouang and Vientiane provinces (Hirsch et al., 1999). By focusing on the specific case of Ban Lak Sip in Luang Prabang district, Lestrelin and Giordano (2007, p. 72) affirm that land classification and resettlement is the main cause of the reduction of local arable land availability, which eventually causes livelihood and environmental constraints. Rigg (2006, p. 130) points out that market integration and the wider process of economic transition in Laos creates poverty, degrades the environment and destroys rural livelihoods. While challenging the role of international aid agencies in Laos' internal resettlement programme, Baird and Shoemaker (2007, p. 876) emphasize that the 'Village Consolidation' scheme is analogous to resettlement, and is often disturbing and harmful to the local people's livelihoods and cultures. These writers suggest that aid agencies should overcome biases

and cultural gaps to work adaptively and effectively with a certain local community and local government as well (p. 886).

The above mentioned writings describe historic land relationships and recent land related problems in Laos. The problems have been exposed, but explicit, feasible and practical solutions have not been well introduced so far. Therefore, the case of land conflict resolution in Densavang and Phonsavat villages, and the facilitating role of CHESH Lao in this conflict resolution, should be interesting and helpful for those seeking practical answers to land conflict problems in Laos.

A CASE STUDY OF LAND CONFLICT RESOLUTION

CHESH Lao and Research Methodology

CHESH is the Centre for Human Ecology Studies of Highlands, which was formally established in 1999 and headquartered in Vietnam. In 2006, CHESH joined in an alliance with two other Vietnamese non-governmental organizations (NGOs) to establish an independent research organization known as the Social Policy Ecology Research Institute (SPERI). Because there are few NGOs that work closely with highland minority groups in Vietnam and Laos, CHESH tried to expand its community support and research in both these countries. There is a field office CHESH called CHESH Lao in Luang Prabang, Laos. The CHESH networking programmes facilitates local ethnic minority people to exchange experiences to strengthen their capacity for action in the fields of natural resource management, land rights, indigenous knowledge, cultural values, and gender relations (CHESH, 2008). In the 2009-2012 period, CHESH Lao was responsible for carrying out a project of “Enriching Customary Law in Forest Management and Land Use Planning” in Phonsavat, Densavang and Nasamphan villages in the ‘Phu Sung’ watershed areas of the Luang Prabang district, Luang Prabang province, Lao P.D.R., funded by Bread for the World (BfdW, Germany). This project was a successive phase following other projects in

Luang Prabang province which focused on strengthening the capacity of customary law-based land and forest management of the H'mong, Khmu and Lao Loum ethnic communities of other 3 villages in Luang Prabang Province - Longlan, Siengda and Namkha - funded by The Interchurch Organization for Cooperation and Development (ICCO), The Netherlands, during the 1999-2009 period (CHESH, 2012).

This present research aims to provide a socio-cultural anthropological perspective on customary law, land rights, and land conflict resolution. The case study focuses on H'mong and Khmu ethnic groups, in two researched villages in Luang Prabang district – Densavang and Phonsavat. The research uses published and unpublished documents from SPERI. In addition, direct discussions and interviews with CHESH and SPERI leader and staff, who, along with the author, were directly involved in the land conflict resolution process are used to clarify some points which may not be adequately reflected in the existing SPERI documentation.

Densavang and Phonsavat villages

According to the Needs Assessment Study (SPERI, 2009), the villages of Densavang and Phonsavat are located in the South-East of the Phou Soung mountain, 30 km away from Luang Prabang town. They share borders with 12 other villages of H'mong, Khmu and Lao Loum peoples in the Phou Soung watershed area. Densavang village is home to 92 households, of which the H'mong counts for 25 households, the Khmu 64 households, the Lao Loum 2 households, and the Dzao 1 household. The village has a total of 549 inhabitants living on a 975 ha land area. Livelihoods of the villagers rely on natural resources, e.g. collection of NTFPs, rice growing, and free animal raising. Seven per cent of households in the village face a shortage of food for 3-5 months of the year. Phonsavat village has 84 households of H'mong and Khmu people with 504 villagers. There are 21 households belonging to the H'mong ethnic group and 63 households are Khmu. The total

land area of Phonsavat is 830 ha. An annual 3 to 5-month shortage of food is faced by 22% of the households in the village.

People in the two studied villages, as well as many other villages in Laos have been granted land-use certificates. In line with the mainstream tendency of free market promotion, selling land and changing land-use purposes from crop growing to teak plantation has left local people facing a lack of cultivating land, or landlessness, and a shortage of food. Seventy per cent of the 49.2 hectares of teak-plantation land had been sold to outsiders by the Densavang villagers, and a similar situation was happening in Phonsavat (SPERI, 2009). Community food security has become problematic due to changing from grain production to industrial plantation. Villagers increasingly use herbicide and insecticide as a response to an increasing shortage of land and a shift from traditional rotational cultivation to more intensive farming. In this situation, more and more villagers seek off-farm jobs or sell labour to secure their livelihood. Shortage of fresh water, sanitation issues, and a challenging erosion of traditional cultural values are among other listed difficulties. The most serious problem, however, was a shortage of land and a land disputes between the two villages and some households from Nasamphan, a relocated former neighbouring H'mong village, which had existed persistently since 2003 despite several resolution efforts. Solving land problems was prioritized by SPERI as the key to opening the door to a brighter future for the concerned communities.

Beliefs, customary law and local knowledge of the H'mong and the Khmu

A field study of SPERI (2009) shows that each local ethnic group have their own specific belief, values and practices on forest and land. For instance, the Khmu have the *Liengphiho* (village forest spirits) ceremony, the Lao Loum attend a religious ceremony of *Buottonmay* (tree ordination), and the H'mong carry out the *Tongsenh* (big tree or rock worshipping) ceremony, and rituals for *Suca*, or *Thuti* (historical figures or deities

considered by the community). These rituals and ceremonies show that people do not simply think of the monetary value of the forest land, but more importantly their values are entrenched in their faith in natural spirits and harmony between humans and nature.

The Khmu have *Liengphiho* and *Putpi* ceremonies as a linkage between local spirits, production and livelihood. *Liengphiho* is held in such sacred forests as Phuphakhao (the mountain of white paradise) and Phuphano (the mountain of heavenly bamboo shoots) in July, after finishing rice seeding. People believe that if *Liengphiho* is organized, forest spirits will recognize and bless the villagers. All households contribute offerings, and *Concham* (traditional spiritual leader) on behalf of the villagers prays to forest spirits for the protection of villagers' health, avoidance of livestock diseases, and good crops without worms or diseases. *Putpi* ceremony is held in December or January depending on harvest time. Villagers contribute new rice to thank gods and spirits for a good crop. Outsiders are not allowed to enter villagers' houses at the night after the worshipping. Recently this ceremony has not been organized at the community level; however, it is maintained by each household. Khmu people retain their own system of a ten-day-cycle calendar consisting of 'good' or 'lucky' days and 'unlucky' days. People avoid starting great works, such as organizing community ceremonies, weddings, burial, ceremonies for house completion, or long journeys on such abstinent days as *Muhuong* and *Muhoai* (the days for taking care of spirits).

H'mong people have *Tongsenh* and *Thuti* ceremonies, which are associated with the forest spirits and their ancestral spirits. They believe that good spirits exist on big rocks and big trees, and people need to organize ceremonies to thank nature for its protection and blessings for people. Whenever they have a new sticky rice harvest or hold a wedding, they should worship big tree spirits. They neither do bad things nor cut trees in the *Tongsenh* area (the surrounding areas to the big tree or rock, which is the place for

organizing *Tongsenh* ceremony) so as to avoid offending the spirits. Violators are fined and have to hold a ceremony to redress their wrongdoings. The *Tongsenh* ceremony is often combined with a meeting of representatives of the whole community for a discussion to set up and revise community regulations on land and forest protection, community organization and traditional customs, particularly regarding weddings and funerals.

Research into these aspects of Khmu and H'mong cultures helped SPERI and CHESH Lao staff to understand that although the communities had been facing many difficulties, they had preserved their traditional beliefs, customary laws and institutions. Therefore, their cultural and spiritual values needed to be respected in order to promote community solidarity and confidence of the people in a new social context.

Resettlement of Longngau and Nhakhaluang villages

According to SPERI (2012), the land and forest conflict in Densavang and Phonsavat villages stemmed from the Lao Government's resettlement and village merging program since 1995. The H'mong people in the former Longngau village were required to merge into Phonsavat village, while H'mong people in the former Nhakhaluang village were required to merge into Densavang village. In both Densavang and Phonsavat villages, there had been Khmu people living a stable life since 1975. Resettlement and merger of villages followed a top-down approach, lacking participation, discussion, consensus, and decision of the resettled communities. The demand for arable land and access to forest resources was not calculated thoroughly for people to live a stable life in the new villages for either short and long terms. Furthermore, the village merger program did not incorporate solutions for satisfying the reasonable needs of worship for the spirits of the forest, land, and ancestors, nor the traditional festivals of the resettled communities.

Because the H'mong of the former villages of Nhakhaluang and Longngau did not like merging as required by the resettlement program, they moved to live in Nasamphan

village, which is located in Luang Prabang town , around 20 km away. They had to sell their cattle and change their occupations. The men became involved in transportation services, and the women did weaving and sold handicraft products. Because many people migrated into the town in the same period, there was no more work, and the new jobs could not guarantee their livelihood (SPERI, 2012).

Despite the migration to live in Nasamphan, some H'mong people maintained a strong memory of their former ancestral land and forest. So they kept coming back to worship ancestors in the forest and *Tongsenh* forest spirits in the Nhakhaluang and Longngau areas. In 2004 some H'mong households of Nasamphan village obtained the district authority's decision to allocate an area of 200 hectares of pasture land of Huoinok watershed which was within the administrative boundaries of Phonsavat, and 100 ha in the Nhakhaluang area which administratively belonged to Densavang village. Nevertheless they did not know where exactly the boundaries were, and they claimed that the district authority had offered and allocated all the land of the former villages of Nhakhaluang and Longngau. Because the Nasamphan villagers used the land in the way they wished, Phonsavat and Densavang villagers faced a shortage of land for cultivation, animal husbandry, and watershed protection forests. Conflicts occurred when the Nasamphan people claimed that they had the right to hold the entire ancestral forest and land of their former villages. The H'mong of Nasamphan prevented the Khmu people of Densavang and Phonsavat villages from clearing forests for farmland on land on which their ancestors had lived and had preserved. They made fences to define grazing areas beyond the Huoinok watershed, a major source of clean water for Phonsavat villagers. Simultaneously the villagers of Phonsavat and Densavang, based on the administrative decisions of village merger to confirm their village boundaries, requested the H'mong of Nasamphan to return

administratively assigned land to the local villages. The conflict culminated when the H'mong of Nasamphan clashed with villagers of Phonsavat and Densavang (SPERI, 2012).

From 2003 until 2009, local government district officers had tried many times to solve the forest land dispute between the Nasamphan households and the Densavang and Phonsavat villagers but failed because the parties could not reach a solution. Conflict between villages, between H'mong and Khmu, and conflict among H'mong people continued. Therefore, all the involved people could not attain peace of mind because the boundaries of productive land and forestland of their village and households was not clarified. Forest owners were not well defined, so forest clearance for cultivation continued. The Huoinok watershed was not protected well, leading to a reduction of water source, and the Phonsavat villagers suffered from water shortage, especially in the dry season. So if this dispute had not been adequately solved, the concerned people would not have been able to stabilize their life and production, their forest and environment would continuously be degraded, and ethnic conflicts may have resulted (SPERI, 2012).

The Conflict resolution approach

According to Ms. Tran Thi Lanh, founder of CHESH and SPERI, and advisory facilitator for the land and forest conflict resolution process, there are three turning points marking the process of conflict resolution (personal communication on Skype, 17 September 2013).

These were 1) Prioritized problem identification and actor-oriented approach; 2) strengthening prestigious and legal power relations in an ethnic identity and psychological approach; and 3) responding to the impacts of the free market by a networking approach.

The following sections will clarify these points.

Prioritizing problem identification and the actor-oriented approach

Land disputes were recognized and put into the first prioritized agenda of the CHESH support project as well as that of the concerned communities because H'mong and Khmu ethnic groups had both been suffering from village merging and resettlement programs and induced land conflict. At the end of 2009, CHESH Lao facilitated several discussions between representatives of the conflicting parties and the Luang Prabang district leaders. The participants agreed to establish an Advisory Board for forestland conflict resolution. The Board included elder Lypao Lau, the former chairperson of the H'mong Association in Luang Prabang district; Mr. Saysualy Her who was chairperson of the H'mong Association at that time; elder Somlit coming from Siengda village; elder Saykhu Yang from Longlan village; and representatives of the conflicting villages and district authorities. Because both Siengda and Longlan villages had been previous project sites of CHESH Laos (CHESH, 2012), the two involved elders had obtained a lot of experience in solving land conflicts and doing land allocations. CHESH Lao facilitated the Advisory Board to discuss with the district Agriculture and Forestry officials, and they came up with a conclusion that profound understanding of the causes of the conflict was necessary before finding out suitable solutions. The Advisory Board visited all related villages to get more insight into how those involved in the conflict thought and responded, and what suggestions they had. In December 2009, the H'mong Association and CHESH Lao staff facilitated an open discussion with villagers and leaders of Densavang and Phonsavat villages, and they all concluded that conflicting forest land was the worst difficulty, and resolution should be the first priority. Mr. Saysualy Her was involved in the process intensively because of his double roles: that of the H'mong Association leader and the head of Nasamphan village. On the basis of community customs, the H'mong Association leaders talked with the involved people, especially the H'mong, so as to reconcile the

inherent stressful constraint, enhance mutual understanding, and maintain solidarity (SPERI, 2012).

Upon the identification of the problems, solutions, prioritized activities and action plans, the different parties came together for an on-site survey of the disputable forest land and borderlines in January 2010. During the survey trip, the Advisory Board members found that both conflicting parties did not like to talk to each other; the Nasamphan people kept knives, while the Densavang security guards carried guns. An unsuitable question was raised at the inherent stressful disputed boundary area, making both sides feel more constrained. Then elder Somlit (a member of the advisory board) sang a folk song and tried a humorous role-play to help cool down the tension. H'mong leaders reminded the parties to remain calm and not to cause any more stress. The Advisory Board decided not to ask the involved parties any more sensitive questions about the boundaries and the disputes, and to stop the survey. Aiming at awareness raising and mutual understanding for the involved parties, the Advisory Board proposed and became involved in a study tour for some representatives of the conflicting communities to the three villages of Longlan (H'mong), Siengda (Lao) and Namkha (Khmu), all within the Luang Prabang province. The study tour focused on community management capacity and forest land management because all three host villages had been supported earlier by CHESH Lao on these issues (CHESH, 2012). The study tour helped participants to think of the need to work together for better sharing and sound use of land and forest.

After the field survey at the disputed area and the study tour in Luang Prabang, the Advisory Board worked with the Luang Prabang district Department of Agriculture and Forestry to propose five guiding points for the conflict resolution dated 2 February 2010:

- 1) To respect and allocate *Tongsenh* forest areas for H'mong people from Nasamphan; to create favourable conditions to maintain their identity and simultaneously protect

watershed according to their customary law; 2) To allow Nasamphan people together with Phonsavat and Densavang villagers to promote livestock under the authorized planning and licensing; 3) To propose to facilitate Phonsavat and Densavang villagers to manage and protect land and forest areas according to the provisions of the state and the identified official boundaries; 4) To facilitate the three relevant villages to work together to set up regulations on management and development of the Nhakhaluang and Longngau areas, to do land zoning and convert these areas into protected watershed forests, and to prohibit cutting trees, cultivating, or grazing in the watershed forests; and 5) To create opportunities and favorable conditions for people of the three villages to strengthen solidarity with each other, and to keep unity during and after the conflict resolution process (SPERI, 2012). However, the conflicting parties did not agree with the above mentioned five-point guiding solutions suggested by the Advisory Board. On the other hand, while the participants may have learnt experiences of community forest management, they could not yet see the difficulties and solutions for the shortage of forest resources. So the Advisory Board recommended organizing a study tour to Vietnam for the representatives of the three villages to see the burning issues of soil erosion, deforestation, and solutions for that in that country. The goal of the tour was not just to learn and share the experiences of Vietnam, but also to enhance solidarity and to reduce constraints amongst participants. The H'mong leaders and the Advisory Board facilitated sharing among the participants during the study tour, and helped them to understand the need to compromise and share, as well as stop keeping the conflict in mind, if the conflict was to be solved completely. Going to Vietnam and sharing together was a good chance to reconcile the conflict parties to each other and to strengthen mutual trust and solidarity (SPERI, 2012).

Ethnic identity and the psychological approach

Another conflict, between the needs for forest preservation for the H'mong and Khmu spiritual forests and the needs for cultivating land, appeared even when traditional leaders and local authorities had become actively involved in the process and come up with their own suggested solutions. In other words, the initial conflict transferred to a new form, if not to say the conflict was not completely solved. In front of a chaotic argument between different actors on how and who uses the conflicted forest area, the CHESH founder, Ms. Tran Thi Lanh asked those present to, "Please, deeply imagine and feel the sorrow of our sacred forests if we are here continuing argument over them. Please think of our responsibility for taking care of the forests and the non-monetary benefits we gain in return". The CHESH advisor reminded conflicting parties of their sacred forests, their spiritual values and their non-monetary value. This intervention, reminding the people to be concerned about and stimulating community spiritual values was an important catalyst for moving the conflict resolution process forward and reflecting the ethnic identity psychological approach of CHESH/SPERI to conflict resolution.

On the basis of understanding both the practical and spiritual aspects of the conflict, the Advisory Board and the H'mong Association leaders gave advice and encouragement to leaders and people of Densavang, Phonsavat villages and the related Nasamphan households to keep solidarity and peaceful dialogue with each other. After facilitating formal and informal discussions with related parties to find common ground, the Advisory board held a meeting on 12 July 2010 to review and specify the following solutions: 1) To allocate 300 ha of land to the group of Nasamphan households (100 ha in Nakhhaluang area and 200 ha in Longngau area) as decided by the old decision of the Luang Prabang district authority dated 10 February 2004. The Nasamphan households are allowed to raise animals, but are not allowed to cultivate, cut trees, or build permanent houses in this area. 2) To recommend to allocate about 250 ha of *Tongsenh* sacred forests

to Nasamphan villagers. 3) That the remaining 400 hectares of forest land belonging to the Phuphakhoi, Huoinok watershed become protected watershed forests managed by the district authority. Villagers are not allowed to cultivate or cut down trees there (SPERI, 2012).

The H'mong Association leaders and the Advisory Board held meeting to inform and discuss the proposed solutions with the representatives and leaders of Nasamphan, Densavang and Phonsavat villages. Densavang and Phonsavat representatives agreed with the solutions of the Advisory Board. Only Nasamphan representatives suggested that the Longlan village allow them to use a cattle breeding area on the Phaso mountain. Elder Saykhu Yang and other representatives of the Longlan village agreed with that suggestion on the condition that the Nasamphan households must abide by the regulations of Longlan village on grazing land. Thus the conflicting parties gradually came to reduce their differences, terminated the conflicts, and come to a common agreement. The representatives of the involved villages wrote down and certified the agreement and commitment to the conflict resolution (SPERI, 2012).

Notably, throughout this process, experience in tradition-based conflict resolution of the H'mong Association was combined with technical advice of the district officials. The district officials had jointly organized training on land law and law on forest protection for villagers to help them to better understand their responsibilities and rights in management, protection and use of forest land. The Advisory Board members and the H'mong Association leaders made use of their experiences and reputation in facilitating village discussions and organizing field trips for acceptable sharing and clarifying the boundaries on site. Based on the community consensus, the district agriculture and forestry officers conducted a field survey to confirm the boundaries of each village and to classify forest, breeding, and farming areas to set up the maps of forest land zoning. On the basis of

the mapping, the minutes of meetings and commitment documents by the representatives of the involved villages, the Advisory Board revised the proposed solutions and collective commitment of the parties to request the district chairman to certify and enact the final official decision on the conflict, which had already been solved in practice. On 7 December 2010, the Luang Prabang district chairman issued Decision No. 556 with the main contents as follows: 1) Agree to allow the Nasamphan animal raising group to raise animals at Nhakhaluang – Longngau areas in accordance with the agricultural regulations; 2) Agree to the Nasamphan animal raising group to manage and protect forests at the Nhakhaluang - Longngau areas according to their customary practices, and the provisions of the district agriculture and forestry department (not to cut down trees, cultivate, build houses, or set fire); 3) The district Agriculture and Forestry Department cooperate with the villagers of Densavang, Phonsavat, and Nasamphan, with the expert advice of CHESH Lao to conduct land planning for the land areas beyond the animal raising areas in accordance with the provisions of Lao forestry Law; and 4) Agree with the land planning, in which Phakhoi - Nhakhaluang, Thamuot - Longngau become protected watershed forests. Because the government authority's decision comes from the actual consensus and genuine commitment of the conflict parties, all of them should respect the above and implement those (SPERI, 2012).

To make sure the conflict resolution is effective, this process should not merely involve the directly conflicting parties, but also other people who are related to the issue. Therefore the Advisory Board and representatives of the two villages of Densavang, Phonsavat, and CHESH Lao informed all surrounding villages to discuss and identify the boundaries together. In determining the boundaries between Densavang, Phonsavat and the surrounding villages, the Advisory Board found no conflicts or disputes. There was only a question as to where the taxes paid by outsiders who had bought and were using the land

of Densavang and Phonsavat villages should go. It is reasonable that the land users should pay taxes to the head of the village containing the used land, not to the head of their own village of formally registered residence. The Advisory board explained land use obligations, including tax payment to all participants, and they accepted those ideas (SPERI, 2012).

In order to confirm and maintain the results of the conflict resolution process, it is necessary to set up and enforce community regulations on forest land management. After settling the disputes with the Nasamphan households and outsiders who purchased and used Densavang and Phonsavat land, the Advisory Board facilitated the two villages to set up community regulations on natural resource management. Firstly, elders and village leaders set up draft regulations; then held village meetings to get consultation and contributions from all household representatives during February 2011. Then, the draft regulations were sent to district leaders and other professional departments for their review and comments to revise the draft from March to October 2011. Finally the Luang Prabang district chairman certified regulations on community management and use of natural resources for the two villages of Phonsavat and Densavang on 15 November, 2011. Simultaneously with the building up of the regulations, the zoning maps of land, together with a summary of the regulations on forest and natural resource use and management were completed and placed in each village, so as to help villagers to easily identify and implement them. Multiple copies of the negotiations were made and disseminated to all Densavang and Phonsavat households, the related land users and surrounding villages for their acknowledgement and implementation of the regulations (SPERI, 2012).

The Networking approach

While the previous conflicts have been solved, new form of conflict occurred under the changing context. The latest conflict happened in 2012 due to the free market influence,

Although the sacred forests, protected forests and other types of land and forests were recognized and reflected in the legalized community regulation and maps, because the borderlines were not signified on-site by the fixed landmarks, some individuals thought that they could take advantage to encroach and sell land to outsiders (even to hidden Chinese investors). This wrongdoing threatened community solidarity, common property and sacred spaces. Once again, advisory support from CHESH was necessary for the ongoing movement. CHESH facilitated a discussion on livelihood sovereignty involving representatives from Densavang, Phonsavat and 12 other surrounding villages, H'mong association leaders and local authorities. The participants focused on the value of land and forest for long-term livelihoods, and how to cooperate to cope with negative impacts to keep their resources intact. Participants set up a sharing and supporting network, which maintains monthly meetings on forest protection at the village level and a meeting for sharing experiences, monitoring and planning every three months as part of the inter-village network. Longlan village, which had been supported by CHESH for 14 years, was introduced as a pilot model and a practical site for youths and people from within the network to share. The H'mong Association leader was trusted to become coordinator for the networking activities. There appeared the need for spreading the network and sharing experiences on sustainable cultivation and forest protection to the regions of Central and Southern Laos. This networking movement helped to turn community constraints, interests and concerns to become those shared by the local authorities too. So, community initiative and proposed networking activities open chances for cooperation, mutual trust and understanding amongst different communities and between communities and authorities.

DISCUSSION

Regarding development policy and resettlement programs, extensive criticism has been made, as analyzed in the Literature Review. The mentioned criticisms of industrialization

projects are reasonable, however constructive and feasible recommendations are essential to policy makers and planners. Scholars have sent several clear messages and suggestions to policy makers and law enforcers who deal with resettlement and ‘development’ projects. At the macro level, it is recommended that development or resettlement programs minimize relocation, so as to maintain the peaceful life of the community and to prevent forest land disputes. However, this recommendation is an ideal expectation, because in reality the government of Laos has uninterruptedly pursued economic growth which encourages industrialization and exploitation of natural resources for the promotion of market and revenue. Also policy makers insist that resettlement and concentration of population are effective ways to quickly increase the percentage of the population with access to markets, formal education and healthcare services. So, practically, in the case of unavoidable resettlement, it is essential to ensure that sufficient arable land and forest land are made available for the resettlement community. It is necessary to study thoroughly and respect feelings, aspirations, lifestyles, traditional farming experiences, and appropriate local resource management. On the other hand, adequate space for cultural activities and spiritual ritual practices of the impacted communities should also be ensured.

Practically, it seems that it is beyond the capacity of the policy makers, policy enforcers and project officers to meet reasonable demands from the affected communities. Therefore conflicts have occurred and will unavoidably occur because of this state-led compulsory process. In this situation, it is highly necessary to initiate and share analysis of the causes of these conflicts and experiences of land conflict resolution. Sharing awareness and experience in dealing with land conflicts has a great practical significance for communities with a similar social existence. And the case of the forestland conflict resolution at the Nhakhaluang – Longngau areas between the villagers of Densavang and

Phonsavat and some Nasamphan villagers is not just an extraordinary case; its lessons should be able to be adapted to numerous similar cases.

Village resettlements, merging of villages, land allocation implementation and other intervention programs have been implemented in the areas of the recent Densavang and Phonsavat villages since 1975. Ironically those development schemes have not taken into account thorough study and analysis of the communities concerned in terms of their psychology, beliefs, livelihoods, healthcare and education. Resettlement and merging of villages particularly resulted in overlapping of land ownership claims and conflict between the resettled villagers who come back to continue their belief practices and customary laws, and the new land owners who are formally certified by the government. The overlap between the traditional and the official land boundaries and differences in the perception of the value of land have been a typical cause of land disputes. Such conflicts become more intense as population density increases, a shortage of land is intensified, and especially as the monetary value of the land is promoted along with the ability to use land certificates for mortgages and loan guarantees. The gap between customary practices and government policies has continued, and has even become greater in the later development programs, such as resettlement programs and opium poppy elimination (starting 1995), or programs of village resettlement and merging into large development villages (since 2004), and most recently, investment promotion and land marketization. State objectives often put economic growth first, with the appreciation of the monetary value of land and its tools such as land price, tax, and legalized land certificates. The state-led development programs may achieve specific goals for increasing revenues and changes in production to ensure political security in a certain period, but they could not soundly assure the objectives and needs of communities and individual citizens relating to their survival space, and space to practice religious values and cultural identity.

Lessons learnt from SPERI and CHESH shows that a specific supported target group should be profoundly understood by an analysis of wider social, cultural and political context. The first step in the approach to land conflict resolution was the learning process via the Needs Assessment Study (NAS). Simultaneously, this study included research on the cultural identities of the local Khmu and H'mong communities. Resolving an intractable conflict needed a lot of new and supplementary supporting activities (such as raising awareness and capacity building for traditional leaders through various negotiations and study tours) though the NAS and its ensuing project were thoroughly carried out and set up. To fulfill these tasks, CHESH had to revise the project initiated after the NAS. The revised project activities emphasized the 'actor-oriented approach', which encourages intensive involvement of traditional leaders, elders, H'mong Association leaders and local authority officers in solving problems. To ensure a smooth run for the necessary project activities, CHESH (as an intermediate facilitator) proactively proposed a revised plan, so as to obtain a flexible and appropriate funding approval from Bread for the World (the funder).

Beyond awareness and respect for community values, an encouragement of traditional organizations and institutions was essential for approaching communities. Additionally, prestigious and legal power relations could be strengthened by the involvement of the Luang Prabang district and provincial authorities and their support to legalize community regulations on forest and land management. However legal recognition should not be seen as final objective, but as a supporting assurance for the already realistic resolutions which have been done by the community themselves.

To enhance capacity and decisive rights of the community, outside supporters and advisors should persistently and flexibly offer various alternative solutions for the community to choose. The conflict resolution process witnessed a standstill at a certain

period of time, which was seemingly unsolvable, especially when the five recommendations by the Advisory Board was disagreed by the Nasamphan households. The Advisory Board and CHESH Laos persistently attempted numerous approaches and various interventions, such as the study tour to Vietnam to strengthen mutual understanding and solidarity between different disputing parties, or the training on state law to explain the necessity of compromise to achieve consent. Furthermore, follow-up monitoring and support after the conflict resolution was necessary for solving the new types of conflict that occurred in the new context after the first conflict was solved.

CONCLUSION

The case study of Densavang and Phonsavat villages illustrates specific causes and consequences of land conflict, some of which were also seen in the literature review. Obviously, each community has its own cultural traits, traditional institutions and customary laws. Therefore, every outside intervention or support should recognize, respect and encourage community internal values and strengths. However, a large number of the Lao state-led resettlement programs, industrialized and commercialized development schemes disregarded community cultural values, customary laws and institutions, so they became the main causes of land conflict. Whenever conflict remains, people face shortages of land, and soil and forest degradation, a threat to their livelihood security and cultural values, and potential social unrest. So it is essential to proactively prevent conflict, or to consider any existing conflict as a top priority to be solved.

Despite obtaining intellectuals' rational advocacy, the Lao governors are likely to keep their own point of view and further promote displacement and market-oriented commodity. Rather than listening and responding to academic critiques, authorities are seemingly more persuaded by practical demonstration pilot models. In this specific case study, local government officers got involved in land conflict resolution together with the

community and NGO facilitators. The involved actors had opportunities to share critical ideas, analysis and constructive initiatives. The local authority got chances to hear, consider, recognize, and even adopt success and lessons learnt from the case. The role of traditional organizations (H'mong Association and charismatic village elders) was recognized, encouraged and promoted via their participation in conflict resolution processes. The local authorities recognized village regulations which were set up on the basis of community customary laws; and the legalized regulations should be enforced by communities. While communities are active and decisive actors, outsiders (including government officials and NGO staff) should be facilitators supporting what communities cannot do by themselves. Outside facilitators need to find appropriate approaches to suit to each specific situation, because conflicts are not resolved at once, but new problems can arise as a result of changing contexts.

Nevertheless, land conflicts exist elsewhere in Laos. People and local authorities in the conflicting areas expect suitable and practical approaches, critical analysis, and constructive solutions. The achievement and lessons learnt in this case study can be shared and appropriately applied to communities in a similar situation. Each community, which has its own unique feature needs a specific and suitable approach. More practical support, research and recommendation from the field are necessary throughout the country. If there are more successful conflict resolutions in the future, then local voices may be heard to persuade the highest policy makers and practitioners to change their mind and to improve the quality of support available to communities.

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