Shifting rights, resources and representations: agrarian transformation of highland swidden communities in Northern Laos

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September 2016

A thesis submitted to McGill University in partial fulfillment of the requirements for a PhD in Anthropology.

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List of acronyms

CGIAR	Consultative Group for International Agriculture Research
CIAT	International Centre for Tropical Agiculture
DAFO	District Agriculture and Forestry Office
FDI	Foreign Direct Investment
GDP	Gross Domestic Product
ha	Hectares
HYV	High Yielding Variety
IMF	International Monetary Fund
IRRI	International Rice Research Institute
IUARP	Integrated Upland Agriculture Research Project
IUCN	International Union for the Conservation of Nature
LFAP	Land and Forest Allocation Policy
LFNC	Lao Front for National Reconstruction
LPRP	Lao People's Revolutionary Party
LTP	Land Titling Program
MAF	Ministry of Agriculture and Forestry
masl	Meters Above Sea Level
MoNRE	Ministry of Natural Resources and Environment
NAFReC	Northern Agriculture and Forestry Research Centre
NAFRI	National Agriculture and Forestry Research Institute
NEM	New Economic Mechanism
NGO	Non-Governmental Organisation
NLMA	National Land Management Authority
NPA	Non-Profit Organisation (Lao term for NGO)
NTFP	Non Timber Forest Product
NTFPs	Non-Timber Forest Products
ODA	Overseas Development Aid
PAFO	Provincial Agriculture and Forestry Office
PPD	Participatory Problem Diagnosis
PRA	Participatory Rapid Appraisal
PVS	Participatory Varietal Selection
SDC	Swiss Development Corporation
SIDA	Swedish International Development Agency
TLUC	Temporary Land Use Certificate
TOT	Transfer of Technology

Glossary of Lao terms

Baci	Traditional soul-calling ceremony
Ban	Village
Bon	Swidden land parcel, field
Hai	Upland field, swidden field
Het hai	Work in swidden fields/ work in the uplands
Houay	Stream
Hrooy	Soul/life force (Khmu language)
Kalong	Measurement of volume equivalent to about 10-12 kilo of rice
Kha	Slave
Khao	Rice
Khao chao	Non-sticky (non-glutinous) rice
Khao daw	Early maturing rice
Khao khang	Medium maturing rice
Khao met nyai	Large seed rice
Khao niao	Sticky (glutinous) rice
Khao pi	Late maturing rice
Khwan	Soul/life force
Lao hai	Khmu rice beer
Lao lao	Rice whisky
Lao Loum	Lowland Lao
Lao Sung	Highland Lao
Lao Theung	Midland Lao
Mai chandai	Dragon Blood tree
Mai doo	Rosewood tree
Mai kha	Siam Rosewood tree
Mai sak	Teak
Mak douay	Job's tears
Mak nat	Pineapple
Mak nga	Sesame
Mak Pet	Chilli pepper
Na	Lowland paddy rice field
Naiban	Village headman
Nya	Weed
Nya kha	Imperata grass
Nyaohom	Traditional headman
Pa	Forest
Pa low	Fallow
Phi	Spirit/ghost
Posa	Paper mulberry
Sin	Lao woven skirt, made of silk or cotton

Suan	Garden
Taleao	Woven bamboo circle used for marking land claims and rituals
Tausseng	Head of several villages
Thua hae	Pigeon Pea
Yang pala	Rubber

Abstract

Swidden communities in Laos are undergoing rapid transformation as highland resources are used to fuel national development. Development in Laos is largely conceived as a modernising project involving rationalised planning, scientific management, and the imposition of new 'impersonal' legal frameworks. Mountainous forest-farm landscapes are being ecologically zoned into abstract categories, property rights are being clarified and privatised, remote villages are being resettled to roadsides, and new laws are being established to restructure the relationship between society and nature. These policies are intended to make Lao territory 'legible' for state management and to reshape the behaviours and desires of Lao citizens in support of market-oriented intensive agriculture. Such programs for development are reinterpreted, resisted and adapted by villagers and state officials alike according to specific socio-ecological conditions, cultural understandings and/or particular interests. Modernising projects articulate with customary and informal practices, social power dynamics and struggles over resources and provide new justifications to support competing claims to land at different socio-spatial scales. This thesis examines the process of agrarian transformation in highland Laos, the evolving struggles over land and resource rights, and the impacts on different ethnic groups. I explore how development projects and market opportunities articulate with the pre-existing agricultural practices, customary property institutions and knowledge systems of different ethnic groups by examining state land formalisation and titling programs, the introduction of commercial rubber trees from China in concession and contract farming arrangements, and a participatory agricultural research project intended to help swidden farmers intensify their agricultural systems. These projects are transformed and resisted by villagers and state officials within place-based informal practices, socio-ecologies and epistemologies, and contribute to processes of accumulation and dispossession that are influenced by pre-existing relations of socio-economic inequality that often overlap with ethnic identity.

Au Laos, l'utilisation des ressources naturelles provenant des régions montagneuses pour alimenter le développement national engendre de rapides transformations chez les communautés pratiquant l'agriculture sur brûlis. Le développement au Laos est principalement conçu comme un projet de modernisation impliquant une planification rationalisée, une gestion scientifique et l'imposition de nouveaux cadres juridiques «impersonnels». Le zonage des paysages forestiers et agricoles montagneux divise le territoire en catégories abstraites, les droits de proprp iété se clarifient et se privatisent, les villages reculés se font réinstaller le long des routes et de nouvelles lois sont mises en place pour restructurer la relation entre la société et la nature. Ces politiques visent à rendre le territoire laotien plus «lisible» pour la gestion étatique et à façonner les comportements et désirs des citoyens laotiens de façon à ce qu'ils soutiennent une agriculture intensive à visée commerciale. Les villageois, tout comme les fonctionnaires de l'État, réinterprètent, adaptent ou résistent à de tels programmes de développement et ce, en fonction de différentes conditions socio-environnementales, de conceptions culturelles et/ou d'intérêts particuliers. Les projets de modernisation s'articulent autour de pratiques coutumières et informelles, de rapports de pouvoir et de luttes par rapport aux ressources naturelles. Ils fournissent de nouvelles justifications pour soutenir des revendications territoriales qui divergent selon les groupes et contextes socio-spatiaux. Cette thèse examine le processus de transformation agraire dans les régions montagneuses du Laos, les transformations des luttes liées aux droits sur le territoire et les ressources naturelles ainsi que leurs effets sur différents groupes ethniques. J'analyse comment les projets de développement et les possibilités de débouchés commerciaux s'arriment aux pratiques agricoles préexistantes, aux institutions foncières coutumières et aux systèmes de savoirs de différents groupes ethniques. Pour ce faire, j'examine les programmes gouvernementaux de formalisation et d'attribution de titres de propriété, l'introduction de la culture d'hévéas par la Chine pour la production commerciale du caoutchouc par le biais de systèmes de concessions et d'agriculture sous contrat et, finalement, un projet de recherche participative sur l'agriculture destiné à aider les cultivateurs pratiquant l'agriculture sur brûlis à intensifier leurs systèmes agricoles. Ces projets sont soit transformés par les villageois et les fonctionnaires ou créent de la résistance. Ils sont marqués par des pratiques informelles localement ancrées, des environnements et des épistémologies et ils contribuent aux processus d'accumulation et de dépossession qui sont influencés par des inégalités socioéconomiques préexistantes.

Acknowledgements

First, I would like to thank the people of Houay Kha, Houay Lo and the other villagers in Pak Ou District, Luang Prabang province, for their friendships, immense hospitality and kindness in accepting me into their homes and villages. In particular, I am grateful to the families of Thong Keo (my adoptive Khmu father) and Ontha of Houay Kha, and Somboun, Noo, Bounleau and family who graciously welcomed myself and Chanpheng into their homes. In Houay Kha, I wish to extend particular thanks to Si Thon for his help in mapping the village, Bounmee for his friendship and explanations of Khmu agricultural rituals, Thong Bai for teaching me how to drink *lao hai*, Thong Sai for his explanation of hunting and for a wonderful dinner in his home, See for her friendship, and Pak Oen and Thong Dee for their explanations of Khmu medical and spiritual beliefs. In Houay Lo, I wish to thank Mae Nanpheng for her wisdom, kindness, mangoes and relaxing conversations in her roadside store. I extend gratitude to Pa Thao Don for his long conversations about the history of Houay Lo, Bounleau for his explanations of auspicious days, Somboun for teaching me how to plant upland rice and Noo for teaching me the *lamvong Lao*. I also wish to thank Nanpheng, Seesommai and family, Sumone, Sivon, Sansee and Bounmee for their friendships. I also wish to thank Titsomsouk for his insights into Khmu culture. In the body of my thesis, I have changed the names of all the villagers, researchers and officials I interviewed and worked with in order to protect their identities and maintain confidentiality of my sources. I've made an exception for a select few revered elders who taught me specifically about non-political aspects of culture and history. These people are local scholars and historians, and would wish to be acknowledged for their contributions and immense knowledge.

I am extremely grateful to my many Lao friends in Vientiane and Luang Prabang who made my stay in Laos extremely enjoyable. I am especially indebted to Chanpheng Sengmanyko, without whose assistance and friendship I could never have completed this research. In Luang Prabang, I would like to thank Pheth (Vilayvanh) for being a great friend and roommate, Bounthanh Keoboualapha for his insights into Lao swidden agriculture and his friendship, and Khampay (the IRRI driver), Ounheuane and Sommai of IRRI. I extend gratitude to the various government officials who provided me with permission to conduct this research and who agreed to be interviewed. I would also like to thank Joy of the Marigold café and the people of the JOMA café in Luang Prabang for allowing me spaces to write and relax, and the staff of Lao-IRRI and CIAT who provided me support and office space in Luang Prabang and Vientiane and helped me secure permits for this research. Particularly, I extend thanks to Gary Jahn, Bruce Linquist, Rod Lefroy, Peter Horne, Werner Sturr, Peter Kerridge, Douang, and the staff of IRRI and CIAT in Laos. Special thanks go to Gavin and Barbara Varney for their friendship and support; Gavin, the sincerity of your dedication to the farmers of Laos continues to inspire me. I thank my friends Linkham Douangsavanh, Pheng Sengxua, and other staff at NAFRI who contributed in various ways to my research. I am very grateful to my friends Nami Nelson and Keith Barney who hosted me during my visits to Vientiane, and to Bruce Knox, Charlotte McAllister and the 'Paddy's One Night Stand' band with whom a played flute for a memorable St. Patrick's Day show in Vientiane. Other friends I wish to thank include Jodi Kurpershoek, Karin and Daniel Talje, Caroline Gaylard and Joy of Tamarind restaurant, Karyn Joyce, and Nina Carter for the many dinners and discussions over Bia Lao, sticky rice and *jiao bong*.

In Montreal, I wish to thank my supervisor John Galaty for his patience, support and insights while I was preparing this thesis, and also my committee members Jérôme Rousseau and Colin Scott for their contributions and ideas. I am extremely grateful to the excellent administrative staff at McGill who are able to negotiate the obscure illogic of McGill's bureaucracy, particularly Rose-Marie Stano, Connie Di Giuseppe, and Olga Harmazy of the department of anthropology, and Joyce Whiting of the McLennan library. I also I am indebted to my many Montreal friends for making my time in the city enjoyable: Loes Knaapen and Andrew McCann for everything – Catan games, ski trips and general emotional support and friendship. Tak Uesugi for soccer, sushi and sarcasm. Joern Schmidt of Tres-Normale for interesting conversations and for giving me a job selling his T-shirts when I had no more funds. Mauge Brockmann for being a great roommate. Erica Lagalisse for introducing me to Gramsci. And the friendships of Paula Godoy, Dorothee Schrieber, Maresi Starzmann, Letha Victor, Vineet Rathee, Nadine Saad, April James, Wolfram Dressler, Eli Guiebb III, Doerte Bemme, Jennifer Cuffe, Pierre Minn, Josh Friesen and Sarah, Jessica Dolan, Noor Johnson, Emilio Dirlikov, Sean Desjardins, Carolina Pineda and Dave, Stephen Moiko, Noemi Tousignant, Ferran Pons-Raga, Fern Thompsett, Saman Tabasi Nejad, Alonso Gamarra, Haza Abu Bakar, Philippe Messier, Corey Wright, Marie-Pierre Gadoua, Adam Fleischmann, Federico de Musso, Rine Veith, Qiuyu Jiang, Justin Veuthey, Ian Kalman, Angela Kalyta and Jason, Claudia Masferrer and Renato, Hannah Gilbert and Jaime, Katie Sinclair and Asad, Caroline Seagel, Ivet Maturino and Richard, Jennie Glassco, Nick Barber, Iain Blair, Lisa Stanischewski and Peter Rudiak-Gould. I would also like to thank my current office-mates who have been encouraging over this past year: Anne-Elise Keen, Jacques Pollini, Kathleen Godfrey, Evans Kirigia, and Julia Bailey. A special thanks goes to my friend Catherine Larouche for translating my abstract into French. I also wish to thank and fondly remember Warren Allmand for his friendship, humour and support during and after the three years we taught international development studies together. Warren, your integrity, kindness, humility, immense energy and sharp intelligence will always be an inspiration for me.

I am extremely grateful to the the International Development Research Centre (IDRC), Social Science and Humanities Research Council of Canada(SSHRC), Vineberg McGill Majors Graduate Fellowship, and the Land Deals Politics Initiative (LDPI) for providing financial support for this research.

Finally, I would like to thank my sisters Lara and Kirsten McAllister for stopping asking me "are you done yet?" And most of all, I am indebted to my amazing parents Ian and Jeannette McAllister for their unwavering love and support throughout this long process. This thesis is dedicated them and in memory of my late grandmother Rita Hudson who made me promise never to forget that I am a Newfoundlander.

Chapter 1: Introduction

> They told the people that we would have a magic eye and a magic ear…when you listen, it will come true. This was a long time ago, before when they didn't know we would have a TV, telephone or CD. But people told us that in the future, we would have a magic eye and a magic ear and that we will see the water flood up. The TV is the 'magic eye'. The magic ear is the cell phone. Before we didn't have boat engines – when we went up and down the river, couldn't [illegible]. Now we can see the water flood upstream because we are going up river very fast in a boat with a motor… Now we have the magic eye – the old people said we would have everything. The TV is the magic eye.
>
> Q. What does the magic eye mean?
>
> A. Now we can watch TV, we can see all over the world. We can see many countries that we've never been to. (**Mae Nanpheng, Lue woman of about 70 years, Houay Lo, when asked about changes in her village during her lifetime).**

One morning in Houay Kha, a small ethnic minority Khmu community in Luang Prabang Province, Northern Laos, I watched a Chinese-manufactured satellite dish being precariously strapped to a wooden pole raised next to the woven bamboo hut of one of the wealthier households in the village. This was the first television in Houay Kha, and that evening the one-room hut was packed wall-to-wall with villagers sitting on the ground, each paying a small entrance fee to help cover the costs of the satellite dish and give some profit to the owner of this new commercial enterprise. The television was powered by a small Chinese-manufactured hydroelectric generator, locally referred to as 'pico-power', which transformed currents from the Houay Kha stream into currents of electricity. This was the first time many of the villagers had watched television, and all of the images seemed magical and unreal; from the skylines of Bangkok, to scantily clad runway models, to cartoons picturing singing frogs. All were absorbed with equal credibility and incredulity, challenging local understandings and experiences of reality and the possible. My research assistant with whom I had an ongoing debate about whether the earth is round like a ball, spinning in space and circling the sun – as I've been taught to believe – or a series of flat 'islands' held up by vapour in which nagas live – as he'd been taught during his temple education[1] – was taken as the authority on what was real and unreal. Enthralled villagers assailed him with questions such as *'Can frogs really sing?! It can't be so!'* The cityscapes of Bangkok and catwalk fashion shows portrayed on the television were as unbelievable and magical as the images of flying people

[1] Somphet's logical argument was that the earth cannot be round because the water would pour out. When we later asked the villagers in Houay Kha what they thought about this, they had heard that the earth is round. But after hearing Somphet's argument that the water would pour out, they decided it must be round like a plate.

Figure 1.1: Symbol of modernity. The first satellite dish in Houay Kha

and enchanted daggers in the popular Thai soap operas. The magical nature of modern technologies like televisions, cell phones, and boat motors stretch peoples' knowledge of the world and challenge their understandings of reality, as well as expose them to new global possibilities of lifestyle and fashion. Televisions and cellphones are coveted objects that locally symbolise being developed and modern, and are also technologies that communicate globalized messages of what being developed and modern means, feeding into emerging desires of Lao villagers to take part in the wider development project and to become 'up to date'.

The magical promise of modernity is also coveted by the Lao government and the quest to become a globally 'up to date' country is fueling programs promoting agrarian transformation intent on turning land into capital and people into labour. Local desires for better lives articulate with a national development narrative that vows to transform Laos from a Least Developed Country by 2020. State projects promise rural villagers better livelihoods if they adopt new commercial crops for sale in international markets, and are encouraging agricultural intensification and development by imposing private land holdings. The government is also encouraging foreign direct investment, and has been promoting long-term leases of village agricultural lands to foreign-owned plantation companies in the name of environmental improvement and national economic development, and to provide 'model' commercial agricultural systems, new labour opportunities and new markets for small-scale farmers. State and international agricultural development projects interact with ongoing agricultural practices and local and national struggles over rights to resources. The combination of state policies along with local desires for change are driving agrarian transformation in highland areas from both the 'top down' and the 'bottom up'. Modern technologies of government such as rationalised planning, scientific and 'expert' knowledge,

abstract classification of people and territory, and impersonal laws and institutions are being developed and deployed in order to change the relationship between people and the environment and achieve this agrarian transformation.

This thesis deals with agrarian transformation in the ethnically diverse mountainous areas of northern Laos, which are the target of various and competing projects of development by the Lao government, international development agencies, and foreign investors. The thesis explores how various projects for agricultural development and 'modernisation' are implicated in transforming the livelihoods of small-scale swidden farmers living in these mountainous areas, and how these projects are legitimated, transformed and/or resisted through the place-based practices of state officials tasked with their implementation and of villagers who are targets of these 'improvement' schemes. I am interested in the intimate processes through which such transformations take place. How do new knowledge(s), representations and regulations introduced through agricultural development projects and state policies to change natural resource management systems articulate with pre-existing agricultural practices, indigenous knowledge, customary property systems, and struggles over land and resources? Who wins and who loses from these transitions, and why? In order to address these questions, I have examined the agricultural practices of swidden farmers of different ethnic groups, with particular attention to their institutions for managing natural resources, their customary property rights systems, and their knowledge(s) and beliefs about the environment. I have explored how various state and development policies and projects intersect, are interpreted and implemented, their effects on local livelihoods, and how they articulate with on-going agricultural and resource management practices and struggles over resource rights within and between villages, different ethnic groups, and between villagers, state officials and entrepreneurs seeking land for development. For this purpose, I spent more than a year conducting fieldwork primarily in two villages in Luang Prabang Province – a Khmu village distant from the road, and a Lao/Lue village located along the road. I spent significant time living in each village, participating in agricultural activities. I interviewed farmers of different ethnic groups, traders of agricultural and forest products, government officials at different levels of hierarchy, and foreign expatriates working on agricultural development projects. The particular policies and projects I consider include land formalisation and titling programs, regulations restricting use and trade of forest resources, a participatory agicultural research project

focused on intensification and commodification of swidden agriculture, and the introduction of commercial rubber trees from China as contract farming agreements and plantation concessions.

In order to understand the various processes of agrarian transformation driven by villagers, the state, and the intersections between the two, I have drawn on theories related to land titling, property rights and natural resource management, environmental and agricultural knowledge, human-environment relations, state governance, development knowledge, and social resistance. The theoretical bases of these issues are explained in detail and integrated within the case studies and chapters. In this introduction, I am interested in presenting the broader theoretical streams that tie these various themes and processes together under the central question of the thesis – how are various state projects designed to transform 'traditional' agricultural systems applied, interpreted and resisted in particular contexts and what are the impacts of these projects on local livelihoods? The remaining sections of this chapter therefore focus on the intersections between modernising (rational) abstract knowledge and representations and 'local' place-based knowledge and practice that occur during the implementation of development policies and projects, and how these are affected by and help recreate socio-ecological space. This intersection is at the root of development interventions intent on transforming peoples' livelihood practices and relationships to the environment through the introduction of abstract laws for governing property rights and using natural resources, the land classifications underlying these laws, and new technologies introduced to encourage livelihood change. In this introduction, I outline visions of development in Laos, focusing on modernisation as a goal and narrative of development, and how this is driving agrarian transformation. I then provide a theoretical framework for understanding notions of social space and boundary construction and the intersection between formal state-supported systems (formal impersonal laws, institutions, abstract representations, knowledge) and local informal practices.

Visions of development in Laos

In Laos as elsewhere, competing notions of development exist concurrently, within and between individuals, various branches of the state, the many international aid, non-governmental and financial organisations working in the country and the multi-ethnic population itself. However, the predominant framing of development promoted by the Lao government is modernisation. Modernisation can be interpreted through a number of different and interacting lenses. It is a method of understanding, governing and engaging with the world through abstract classification,

Figure 1.2: Evolution of the Filipino home, Educational poster, Philippines (2001)

rationalised planning, scientific knowledge, and impersonal institutions. Modernisation is also an ideology and theory of evolutionary progress based on the model of European industrialisation, capitalist expansion and increased mass consumption, which is often deployed as a development narrative and a justification for state control, governance and intervention. In addition, modernity is an imagined and often desired state of being and a classification in itself, influenced by place-specific interpretations of homogenous globally circulating images, symbols and narratives. Notions of what makes a society 'modern' broadly include: a) the replacement of religion, 'traditional beliefs', and superstition with the application of scientific principles and abstract impersonal 'rationality' for understanding the world and the relationships between nature and people; b) faith in progress, with industrialisation as a key indicator; c) recognition of the political authority of the nation-state, along with the creation of rational impersonal institutions, rules, and democratic regimes of government; d) disembedding of land, labour and capital from personalised social relations; e) incorporation into a global market economy and a shift away from subsistence production towards the production of commodities; and f) recognition of abstract rights of the individual (Weber 1978, Herzfeld 1992, Latour 1993, Tanabe and Keyes 2002). These characteristics interact with subjective culturally-mediated perceptions of what makes a modern individual, community or country.

As a narrative of 'development', modernisation rests upon evolutionist principles that assume a uniform linear transition towards a specific (and western) model of 'economic prosperity', 'good governance' and 'social advancement', ignoring specific place-based histories (Ferguson 1999:16). As an end goal of development, modernisation incorporates concepts of economic

Figures 1.3 and 1.4: Imagined modernity: *'Glory of Laos'* and *'The crown of Vientiane: the spirit of the country'*. Large billboard in Vientiane illustrating plans for reconstructing the city. June 2012.

Figure 1.5: The reality: Actual view of downtown Vientiane taken from the middle of the Mekong river, which is a sandbar that reaches almost to the edge of the Thai river bank before being flooded during the heavy part of the rainy season. June 2012.

growth, high technology, commercialised agriculture, rationalised planning, and industrialisation (Appadurai 1997, Scott 1998). Ferguson (1999), argues that modernisation is a myth in two senses. It is a myth because it is factually incorrect and is bad social theory which leads to false expectations of 'positive' directional change. It is also a myth because it provides a story or narrative that helps people organise their social lives and understand the world by *'providing a set of categories and premises that continue to shape people's experiences and interpretations of their lives'* (Ferguson 1999:13-14). Although evolutionist modernisation theories such as Rostow's Stages of Growth'[2] (1960) have been widely debunked in academic circles, they nevertheless provide a powerful development narrative that continues to capture the imaginations of international agencies, governments and citizens alike (see also Li 2007b). Concurrently,

[2] Rostow's *'Stages of growth: a non-communist manifesto'* outlines a linear progression from 'traditional' to 'modern' (i.e. industrialised and consumer) society through a series of five stages modeled on the history of European industrialisation. The original intent of the theory was to oppose communist ideologies and to provide a model for improving living standards in order to prevent political upheaval and minimize move to communist governance during the cold war. The model positions Europe's history of capitalism, industrialisation and increased consumerism at the pinnacle of an imagined development hierarchy.

standardized globally circulating tropes influence and interact with locally specific imaginations of 'modernity' to educate desires, fuel development and shape the aspirations for future prosperity of both states and their citizens (see for example, Figure 1.2).

Images of 'modernity' are ubiquitous in Laos in the imaginations of citizens, in messages distributed through propaganda, popular press, billboards and signs, government declarations and development policies, and as justifications for displacing 'non-modern' peoples in the name of national economic growth. '*Modern Vientiane: ushering in modern thinking'* was the headline of the third (May-June 2012) edition of *Sabaidee,* a Lao lifestyle and travel magazine, which featured articles entitled 'Modern hotels', 'Modern infrastructure', 'Modern dining', 'Modern Shopping' and 'Modern nightlife' in between ads for cars, spas, a new shopping mall, golf resorts and various culturally-based tourist attractions in the country (Sabaidee May-June 2012). Coveted flip-flop sandals, made in Thailand and sold in Lao markets, are imprinted with the slogan 'up to date', while Lao newspaper articles highlight successful model modern farmers who have been awarded prizes by the state for growing cash crops for transnational markets and host opinion columns that advocate the need for a proper commercial mall in Vientiane. Images of the government's plan for a 'modern' capital city are advertised to the Lao population in the form of huge billboards along roads and construction sites in the city (see Figures 1.3 and 1.4) as well as in full page coloured ads in the Vientiane Times and other newspapers. These highlight plans to transform the charming ramshackle Lao capital into a small-scale imitation of large capital cities such as Bangkok and Kuala Lumpur, with a World Trade Centre, shopping mall and a skyline of standardised brightly lit skyscrapers perched along an unrealistically turquoise Mekong River. I asked my friend Lenou, a law student from Luang Prabang who had lived for several years in Australia, his opinion on the government's vision of a modern Vientiane. He responded that he felt this was an important goal because in order for the country to be respected by the world, Laos needs a capital city that has all the comforts to which foreigners are accustomed – it is important for people from other countries to experience and perceive Laos not as a place of farmers and mountains, but as a modern country that holds an equal position with other countries in the world. Such images and desires articulate with the dominant government development discourse that justifies social upheavals with the potential for future prosperity. Economic development holds the promise for becoming modern and prosperous, and desiring symbols of modernity such as a city of skyscrapers and shopping malls is inspired by one's *'imagined relation to modernity itself'* and by a '*desire to escape the*

world of the second-class' …. to participate on equal terms in a 'first-class' modernity' (Ferguson 1999:204-5).

Appadurai (1997:10) highlights the importance of the imagination as an *'organised field of social practice'* in today's globalised world. Imagination brings together internationally circulating images (particularly mechanically produced images such as brand symbols and other tropes of wealth or modernity), Anderson's notion of imagined community (as members of an imagined modern global citizenry), and *'the French idea of the imaginary (imaginaire) as a constructed landscape of collective aspirations'*. For example, the billboard depictions of an idealized modern Vientiane in Figures 1.3 and 1.4 combine the 'image, the imagined and the imaginary' with the combination of generic images of 'first class' modern cities, with their nationalizing mottoes – 'The crown of Vientiane: the spirit of the country' and 'Glory of Laos' which include Laos in the 'modern global community', and with their depictions of shiny new 'modern' fantastical urban landscapes for which Lao citizens such as my friend Lenou can aspire. Appadurai further elaborates on the interaction between *mediascapes*[3] – images and narratives produced and disseminated by global media which present mixtures of new commodities, news and politics – and *ideoscapes* – political images and narratives related to ideologies and counter-ideologies of states, social movements, and so on (for example narratives of freedoms, rights, social welfare). These work in creative friction with preexisting frameworks to produce new collective imaginaries. Local conceptions and classifications of what is modern (or not modern) are influenced by a combination of the *mediascapes* and *ideoscapes* representing modernity but are given unique meaning within the local socio-cultural and political context. Such understandings and images of a generic modernity influence state policies and development narratives in contemporary Laos, the acceptance of painful transitions for the eventual 'good of the nation', and also create classifications of people, practices and places as 'modern' or 'not modern'. They further generate a subjective sense of marginality that pervades villagers, middle class Lao and state officials alike who strive not only to become economically prosperous, but also to become 'up to date' like the rest of the world. The images and theories of modernity are also

[3] Appadurai (1997) provides a model for understanding global cultural flows through the interaction between five '*scapes*' - *mediascapes* and *ideoscapes* (as defined in the text) as well as *ethnoscapes ('landscape of persons who constitute the shifting world'*, including mobile populations such as tourists, immigrants, migrant workers and refugees who affect policies between countries), *financescapes* (increasingly unpredictable and non-transparent movement and flow of global capital) and *technoscapes* (global movement and configuration of technology which spans and facilitates crossing of state (and other) ideological and material boundaries).

deployed as a legitimising narrative to invoke development projects that displace large numbers of the 'non-modern' Lao population (often disproportionately affecting ethnic minorities), and to facilitate popular acceptance of projects while obscuring new and very real forms of political, cultural and economic marginality. The idea that social disruption is an unfortunate, but necessary cost for longer-term national development is widely accepted by state officials (Baird 2011).

> This unleashing of the imagination links the play of pastiche (in some settings) to the terror and coercion of states and their competitors. The imagination is now central to all forms of agency, is itself a social fact, and is the key component of the new global order. (Appadurai 1997:49).

In Laos, the imagined notion of modernity implies a state which governs a 'zoned' and mapped territory and population through rational, scientific planning and impersonal laws with the goals of putting natural resources to use to economically develop the country, while at the same time protecting the uniqueness of Lao culture. How is the classification of 'modern' or developed' imagined differently by different people in different places? How do these imaginings shape local desires, livelihood decisions, and acceptance of or resistance to state practices? How do the rhetorics of modernization/development interact with local desires and imaginings and how are they then deployed as legitimizing narratives for coercive state interventions that marginalise and dispossess certain groups for the collective 'good of the nation'?

Scholars of globalisation have challenged widely-held assumptions that generic ideas, objects and images representing modernity, for example international brand labels (McDonalds, Coca Cola, Nike, and so on), televisions and skyscrapers reduce cultural diversity by creating an increasingly homogenous (and American) global culture. Rather, they focus on how these are interpreted, re-embedded, resisted and/or appropriated differently by different peoples in different cultural settings, creating 'hybridised' cultural forms and taking on locally-specific meanings (Appadurai 1997, Sahlins 1999). The tension arising from the quest for modernity and the selective preservation of certain 'traditional' characteristics of 'Lao' cultural identity[4] are evident in the Vientiane Times, in articles expressing concern that teenage boys grow their hair long or that girls wear too-western clothing, ads for Beer Lao featuring traditionally dressed Lao women, articles promoting certain rituals such as the *baci* 'soul tying' ceremony and rocket festival (*Boun Bang*

[4] By 'Lao' identity, I refer here specifically to the politically dominant Lao Tai people (known as *Lao Loum* or 'Lowland Lao') and not the many ethnic minority groups who make up approximately half of the country's population. The relations between the different ethnic groups and how they related to each other and integrated into the 'nation-state' are discussed in more detail later in the thesis.

Figure 1.6: ***Lao Mass Media: Towards Higher Quality and Modernisation for International Integration*****. Billboard in Vientiane, June 2012.**

Fai) as quintessentially Lao (ignoring that these are also practiced in Thailand and disregarding the many different rituals practiced by ethnic minorities), and photos portraying female state officials and school children wearing the traditional Lao silk skirt (*sin*) as required by the government. These selective images of 'tradition' sit uncomfortably next to articles promoting modern farming methods to eliminate 'traditional' swidden cultivation and local peoples' desires for modern Chinese shopping malls.

Ferguson argues against understanding social change as a transition between simplistic dualisms such as 'traditional' to 'modern'; 'primitive' to 'civilised', 'precapitalist' to 'capitalist', etc. which consider current social forms as 'transitory hybrids' moving from one state to another (e.g. in transition from an assumed 'traditional' to an idealised 'modern'). Citing Terence Ranger (1987) , he writes

> …the idea that so called traditional cultural forms are in some way in 'contradiction' with modern industrial society belongs to a universe of inevitable transitions from one clear-cut type of society to another, a model which seemed convincing for a relatively brief moment of European industrialisation but which now seems more and more the exception than the rule (Ferguson 1999:91).

Ferguson's study of the Zambian copperbelt exposes how the assumed movement from 'traditional rural' to 'modern urban' is not unidirectional, but a 'back and forth'; a constant movement betwixt and between, borrowing and integrating from each 'idealised' type. He argues that, while these 'hybrid' social forms may be transitional, they do not move in a specific direction but rather find meaning in the specific context. Similarly, Sahlins (1999) criticises assumptions that Western models of 'modernity', 'development' and 'capitalism' dominate, homogenize and destroy indigenous cultures. He argues that people incorporate material and ideological elements of these into their own cultures, giving them meaning in local systems.

> The struggle of non-Western peoples to create their own cultural versions of modernity undoes the received western opposition of tradition vs. change, custom vs. rationality – and most notably its twentieth century version of tradition vs. development (Sahlins 1999:xi).

According to Sahlins, the persistence of cultural diversity in the face of the homogenising influences of capitalism and development does not necessarily reflect a culture of resistance, but rather the resistance of culture '*involving assimilating the foreign in the logics of the familiar – a change in the contexts of the foreign forms or forces, which also changes their values – cultural subversion is in the nature of intercultural relations'* (Sahlins 1999:xiv). Sahlins highlights how modern technologies which require linkages with the capitalist economy, such as snowmobiles and rifles in Inuit society, are integrated into local subsistence livelihoods and used to support a continuation of cultural and social values unique to different peoples. Similarly, he challenges prevailing assumptions that the introduction of money transforms social relations to impersonal and contractual, arguing instead that different 'world views give rise to particular ways of representing money'. Rather than being purely destructive, resisted or homogenising forces, development and capitalism and their associated rationalisation and institutions are appropriated, adapted and reembedded in local cultures and local practice – essentially 'indigenized'. Sivaramkrishnan and Agrawal (2003) propose moving beyond a spatial dichotomy of global and local and globalised, homogenous vision of modernity that development is supposed to inscribe (and local is assumed to resist) and instead to consider 'regional modernities' which illuminate patterns in the ways modernity is multi-locally produced. Furthermore, assumptions that generic symbols of modernity necessarily flow from the West (America and Europe) ignores the reverse flow of cultural material and ideas, as well as the flow of ideas, images, and styles between non-western countries (for example, Thailand and China both have an important influence on Lao conceptions of development and modernity). Concern about the impact of 'outside' influences on

culture has a long history in Laos, prompting restrictions on Lao access to 'capitalist' Thai media in the early years of the communist Pathet Lao rule.

Development narratives

Embedded in the concept of modernisation is the assertion that through instrumental reason and rational planning, governments and international agencies can manage the transformation of societies in a desired direction. Development planning relies on simplified representations of people and place and on policy narratives or 'stories' to make sense of complex and uncertain situations in order to enable policy makers make decisions and take action (Roe 1994). Such narratives present simplified theories of cause and effect to enable planning and intervention. In Laos, the main 'development' narrative is that natural resources should be put to use to generate capital surplus to support national and local economic growth and 'modernisation'. This narrative justifies state rule and legitimates agricultural policies and projects favouring market integration and commercial crops over subsistence livelihoods and supports large-scale agroindustrial plantations that wrest control of land from its long-term inhabitants. A counternarrative, advocated by NGOs and some Lao officials, concerns the welfare and culture of all Lao citizens, and argues that development should focus on environmental sustainability, wellbeing and happiness of the population, rather than primarily on material progress.

> What are we developing for? We develop because we want happiness, but we see happiness as material things. We develop to reach our material goals but actually that is not true happiness.
>
> We do not deny the economy is important but it has to be balanced. The economy, society, environment and the human spirit… these four factors have to be balanced, and then we will find happiness. (Sombath Somphone, interviewed in Happy Laos documentary, 2013)

Competing theories and ideologies of social change and values for what constitutes 'improvement' are used to promote one form of development over another, and often different approaches exist within a country or landscape. For complex issues such as environmental degradation, there are often a number of different and competing narratives and the choice of one 'story' over another as a basis of policy may be politically driven (Fairhead and Leach 1995, Fairhead and Leach 1996, Leach and Mearns 1996, Forsyth and Walker 2008). Theories are also powerful narratives that influence the production of knowledge, organizing and sometimes limiting the scope of vision of how situations are perceived, the types of questions asked, as well as the interpretation of events. For example, the tragedy of the commons theory, which assumes that people will inevitably

degrade land held as commons, supports private property and state management of natural resources (Hardin 1968), while a counter-narrative that 'indigenous' or 'local' peoples have environmental knowledge and ecologically sustainable collective resource management institutions supports community-based resource rights.. As pointed out by Forsyth and Walker (2008), depending on political motivations, mountain areas of Southeast Asia may be classified as forest or farm, and the people living in these areas may be represented as 'forest guardians' or 'forest destroyers' based on competing theories of human-environment interactions and goals for who should be granted rights to manage and use the land. These theories frame the production of scientific knowledge and dominant policy narratives and often persist even in the presence of contradictory evidence (Roe 1994), or if they are politically convenient (Fairhead and Leach 1996, Swift 1996, Forsyth and Walker 2008). For example, in Laos, the predominant representation of swidden cultivators as environmentally destructive, backwards and impoverished and the mountainous forest-farm landscapes in which they live as state-owned forests influences the kinds of policies and development projects to which they are subjected. Representations of people and place create selective visibilities and invisibilities that delimit the types of policy 'stories' imagined and considered. Narratives advocating the good of the nation, empowerment of people, protection of the environment, and so on, are also sometimes used to justify interventions that are actually based on state goals of governance and control and that may act to obliterate the resource rights of some people. Narratives not only influence how people respond to situations but should be seen '*as a medium through which events are produced'* (Fortmann 1995:1054).

Representations of people and place, and policy narratives or stories associated with these, are important because they provide scripts for action and are the basis for interventions, rules and laws that have real impact at the local level (Ferguson 1994). Stories and narratives representing social identities, landscapes, custom and events are employed to legitimize resource claims at different socio-political scales – within communities (between different interest groups), between communities, and between local people and other interests, such as the state, conservation agencies or foreign companies. They are equally applied to make invisible or dismiss existing claims or rights. Stories become accepted as truth through repetition (Fortmann 1995), or through privileging certain types of knowledge (e.g. scientific knowledge) (Fairhead and Leach 1996, Forsyth and Walker 2008). The perspective that prevails is often related more to the ability to exercise power in support of the claim or representation rather than its greater validity or justness. What is

important is not only what is included or spoken in the stories, but what is not included (the silences) that allow some rights to be made invisible.

Metanarratives such as economic neoliberalism, modernisation, development, conservation and so on may be used to reshape state-citizen and global relations and practices towards specific end goals and to justify state or international control of natural resources. Such narratives also justify state authority over people and territory and attempt to 'naturalise' interventions as inevitable and necessary, yet obscure how they generate dispossessions or hardship for some people. Anthropologists studying development have described how 'third world' countries are represented as 'underdeveloped' with 'target' populations in need of humanitarian intervention, how complex social issues are simplified and depoliticized in development narratives and how larger relations of inequality are obscured. 'Needs' and 'problems' are imagined in such a way that they can be technically and bureaucratically managed by trained experts within existing institutional frameworks (Ferguson 1994, Escobar 1995, Li 2007b). Blueprint technical interventions are represented as culturally, politically and socially neutral, and are assumed to be un-problematically transplanted from place to place (Roe 1991). Examples of such interventions include new property rights institutions and formal land titling projects, agricultural intensification projects, community-based natural resource management and conservation projects, and so on. These various interventions are supported by theories that make assumptions about their impacts on community and national development. Ethnographic accounts describe how these 'neutral' projects, while often well-intentioned, obscure underlying political interests and power relations that influence who they benefit or disadvantage. They are interpreted and appropriated differently and often politically according to varying ecological, political, cultural and social contexts and are implicated in on-going struggles over natural resources with unpredictable results (Ferguson 1994, Escobar 1995, Li 2007b). This theme is developed throughout this thesis in the examination of the goals and implementation of different development projects intended to transform highland swidden communities and landscapes.

Agrarian transformation

As both a theory and goal of development, the concept of modernisation is deployed in Laos as an ideological justification to support various state policies that are driving agarian transformation in highland areas. Both capitalist and communist modernising states seek to

develop policies that will enable surplus production in agriculture to invest in national and local economic growth. The varied and complex processes through which capitalist relations become the dominant mode of agricultural production, and the role this plays in national industrialization and economic development are commonly referred to as 'agrarian transition' or 'agrarian transformation' and form the crux of the agrarian question (Byres 1977, Bernstein 1996, Bernstein 2006, Akram-Lodhi and Kay 2009, Akram-Lodhi and Kay 2010). The transition fundamentally describes a shift in land and resource rights and in labour relations that facilitates the accumulation of surplus value from commodity production in agriculture by those owning or controlling the means of production. Agrarian transformations have historically followed multiple and interconnected trajectories, all of which lead to tied processes of accumulation and dispossession (Bernstein 1996, Akram-Lodhi and Kay 2010). A shift towards capitalist relations in agriculture can emerge from the increased production of market commodities, creating incentives for farmers and land owners to increase productivity through expansion of cultivated areas (involving enclosures and dispossessions) and/or intensification of agricultural production, often coupled with the exploitation of labour in order to accrue greater profits. This can occur 'from above' as powerful landlords or states illicitly enclose lands under customary claims, increase rents and/or taxes on the rural population, and exploit labour, or 'from below', as peasants growing commercial crops gradually become differentiated through the piecemeal enclosure and appropriation of land by those individuals better able to benefit from markets, cope with periodic livelihood crises, put in timely investments of capital and labour, and expand and intensify their farms while dispossessing their neighbours and kin (see for example Li 2014). State policies can support either process, choosing to favour large-scale enclosures of 'state lands' and providing tax incentives for capital-rich entrepreneurs or companies in the name of 'improvement' or national economic growth, or supporting agricultural intensification and petty commodity production by smallholder farmers (such as access to credit, new technologies, market linkages, and so on, as occurred during the green revolution in the 1960s). Often, as is the case in Laos, states support both processes concurrently through a combination of land and legal reforms, tax incentives, agricultural extention, and the promotion of new technologies and commercial crops. These interventions alter and articulate with pre-existing agricultural practices and customary property systems, creating new struggles over land and labour.

Agrarian transformations from above or from below generate processes of accumulation, dispossession and class differentiation at different socio-political scales within countries and transnationally. Primitive accumulation, which Marx (1977 [1867]) pronounced to be the 'original sin' that enabled the rise of capitalism, is characteristic of such transitions. Modelled on the particular case of the enclosure movement in England in the 18th century, primitive accumulation describes how the initial expropriation of common lands and small farms by feudal landlords for the purpose of producing market commodities resulted in the mass dispossession of the agrarian population from their land. The process overrode the legitimate customary rights of the resident agarian population, and the private property rights appropriated by the landlords were subsequently encoded in law by Parliament resulting in permanent legal (albeit illegitimate) dispossession. This process of enclosure and dispossession produced a population of 'freed' labourers who were forced to work for wages for land owners and urban industrialists in order to meet their subsistence needs. Capitalist relations – the establishment of a class of owners of production and a class of wage-dependent proletariat compelled to engage with the market, coupled with the dismantling of social contracts between landlords and serfs – were forged through this initial act of enclosure. The crux of the shift to capitalist relations is not simply the production of goods or labour for the market (something that even the most isolated communities have engaged in for generations), but the *compulsion* to produce goods or labour for the market (Li 2014).

Contemporary 'primitive accumulation', which David Harvey (2006) refers to as 'accumulation by dispossession', is accomplished through a constellation of interrelated processes; 1. the enclosure of the commons and expulsion of peasants, 2. the privatization and commodification of land, 3. the commodification of labour, 4. the suppression of indigenous forms of production, 5. the capture of surplus value by maintaining low wages and preventing unions, and 6. the cutting back on social benefits. The first five of these processes are currently shaping the agrarian transition in Laos, and will be discussed in case studies in subsequent chapters. Harvey (2006:145) argues that the contemporary globalized system of economic neoliberalism is facilitating transnational processes of accumulation and dispossession, enabling foreign and multinational companies gain access to and control of national national resources in poorer countries. Although this process is global, '*the state, with its monopoly on violence and definitions of legality, plays a crucial role in both backing and promoting these processes'* (Harvey 2006:43). This form of state-supported 'structural violence' acts in favour of or against certain sectors in

society. 'Primitive accumulation' or 'accumulation by dispossession' is aided by the imposition of specific abstract classifications of peoples and territories, legitimated through narratives of improvement, development and conservation, and enforced through rules, laws and policies that favour giving property rights and benefits to some people at the expense of others.

> Primitive accumulation is a violent process. The laws that support private property, enforce exclusion, and produce 'free' labour are violence by other means. In metropoles and colonies alike, the profits that accrue to capital have been subsidized by investments in infrastructure supplied by ruling regimes from the public purse. It takes intervention to keep capitalist economies growing. Experts justify intervention as a measure to optimize the general good. Even though they do not stand to profit directly from capitalist enterprise, they promote growth because they are convinced it is beneficial to the population at large. Yet interventions that set the conditions for growth simultaneously set the conditions for some sections of the population to be dispossessed. *Winners and losers do no emerge naturally through the market, they are selected* (Li 2007b:20). (Emphasis added).

Polanyi's (2001 [1944]) description of the rise of 19th century industrial capitalism in England and Europe remains relevant to contemporary processes of agrarian change within globalised economic neo-liberalism that seeks to extend the power of unrestrained capital by removing restrictions on global movement of goods, capital and access to labour markets in the name of economic development and progress. Polanyi argues that the move towards unregulated markets encouraged the basis of production – labour, land and money – to be treated as pure commodities and attempted to disembed these from their social and political meanings. However, these are 'fictitious commodities'[5] because they are not primarily produced for sale but are critical to the functioning of society and to life itself.

> What we call land is an element of nature inextricably interwoven with man's institutions. To isolate it and form a market for it was perhaps the weirdest of all undertakings of our ancestors.
>
> Traditionally, land and labour are not separated; labour forms part of life, land remains part of nature, life and nature form an articulate whole. Land is thus tied up with the organisations of kinship, neighbourhood, craft and creed – with tribe and temple, village, guild, and church. One Big Market, on the other hand, is an arrangement of economic life which includes markets for the factors of production. Since these factors happen to be indistinguishable from the elements of human institutions, man and nature, it can readily be seen that market

[5] *'Labour is only another name for a human activity which goes with life itself, which in its turn is not produced for sale but for entirely different reasons, nor can that activity be detached from the rest of life, be stored or mobilised; land is only another name for nature, which is not produced by man; actual money, finally, is merely a token of purchasing power which, as a rule, is not produced at all, but comes into being through the mechanism of banking or state finance. None of them is produced for sale. The commodity description of labour, land and money is entirely fictitious'*. (Polanyi 2001[1944]:75-6)

> economy involves a society the institutions of which are subordinated to the requirements of the market system.
>
> The proposition is utopian in respect to land as in respect to labour. The economic function is but one of many vital functions of land. It invests man's life with stability; it is the site of his habitation; it is a condition of his physical safety; it is the landscape and the seasons. We might as well imagine his being born without hands and feet as carrying on his life without land. And yet to separate land from man and to organise society in such a way to satisfy the requirements of a real-estate market was a vital part of the utopian concept of a market economy (Polanyi 2001 [1944]:187).

Polanyi argues that disembedding land, labour and money from their social and ecological values by treating them as pure commodities will ultimately result in their destruction and degradation. Thus, moves towards economic liberalism and market deregulation are always accompanied by a 'double' or 'counter-movement', in which society seeks to protect itself and nature through regulation, legislation and resistance[6]. Market societies are therefore always constituted by two opposing movements; the *laissez-faire* movement to expand the scope of the market, and a protective counter-movement that emerges to resist the disembedding of the economy and slow down the rate of change to enable society to adapt and nature to be protected. Ultimately, Polanyi argues that the idea of a completely unregulated market remains a utopian myth, state intervention is necessary and the economy remains embedded in society and politics.

Increased capitalisation of agriculture is occurring across Southeast Asia in response to international markets, economic liberalisation, and state and local desires for modernisation and development. This is generating closer links between the agricultural sector and the market economy resulting in increased commodification of labour, natural resources and the social relations of production (Nevins and Peluso 2008). New market ideologies introduce new ways of thinking about people (labour) and nature (land) that interact with local epistemologies and struggles over resources, both at the level of the village and level of the state. This is not a homogenous process, but is mediated through specific local, national and regional histories and geographies, and is backed by the force of the state, in some cases by violence or the threat of violence (Nevins and Peluso 2008). As noted by Polanyi, states are complicit in creating

[6] Polanyi provides examples from England, during the period of enclosures, which he describes as a 'revolution of the rich against the poor', during which the wealthy 'robbed' the poor of their share of the commons by enclosing farm land for sheep pastures to fuel the wool industry. At this time, the ruling royal families instituted 'anti-enclosure' legislation. Although this did not stop the displacement of commoners from their lands, did slow down the process giving them time to adapt. Polanyi argues that the rate of economic transformations is as important as the direction of change. Similarly, the government instituted laws during the Industrial Revolution, in order to protect society from exploitative and unsafe working conditions in factories, taking the management of society out of the hands of unregulated market capitalism.

contradictory laws and policies, which act to both dispossess and protect territory and citizens. Laws are constructed to create 'winners and losers' by granting rights to those deemed to use resources more 'appropriately', 'conservatively' or 'productively'. As displacement and poverty are coproduced with economic growth, 'trustees' (NGOs, government organisations concerned with social services, development organisations and so on) are assigned to manage the negative social and environmental impacts (Li 2007b). Processes of displacement are often justified through metanarratives of development, modernisation, economic growth, and the good of the nation. They provoke resistances and struggles over property rights through which villagers seek to maintain hold of their lands. Such resistances are described in detail in chapter nine.

In Laos, agarian transition is occurring through the promotion of small-scale intensive commercial agriculture as well as through encouraging foreign investment in large-scale, capital-intensive plantation agriculture, processes which are often in conflict. The transition is being encouraged by the government through the implementation of land zoning and new laws governing property and natural resource use, which are attempting to redefine how villagers perceive and use their territories, free up land for foreign investment, and bring people and nature under greater control and management of the government. Scientifically-based agricultural development projects are being implemented to assist small-scale subsistence-oriented swidden farmers in highland areas to change to commercially-oriented sedentary agriculture and to comply with land-use restrictions imposed by new formalised private property regimes. Concurrently, national economic development policies are encouraging foreign direct investments that enclose territories occupied by these swidden farmers, resulting in mass dispossessions to make way for commercial cash crop plantations, hydropower projects, Special Economic Zones, mining concessions, and so on. These dispossessions are justified with narratives advocating poverty alleviation, environmental conservation, modernisation and national economic development. The agrarian transformation in Laos is facilitating tied processes of accumulation and dispossession at different scales resulting in the co-production of wealth and poverty that benefit certain elite groups at the expense of others and that often takes on an ethnic dimension. It is being carried out through the implementation of new rules and laws and the imposition of new land classifications and property systems that are compelling a shift in local use of natural resources and practices of agriculture – a restructuring of the human practices and meanings that compose socio-ecological space.

Agriculture and development projects introduce new modernising rational knowledge, impersonal rules and understandings into pre-existing place-specific world views, customary property systems and resource use practices. Abstract representations of people and land underlie the laws and policies which govern citizens and territory. Such standardised classifications simplify complex realities and are an important aspect of modern statecraft because they make territories and populations 'legible' (Scott 1998, see also de Certeau [1984]2013), that is they organize and represent social and physical space in specific and simplified ways through narratives, legal institutions and processes of documentation such as mapping and statistical representation that allow people, land and resources to be governed. State 'modernising' representations and laws are intended to dominate, but in fact articulate with, are interpreted through, and thwarted by pre-existing customary practices, both by state actors charged with their implementation and the villagers targeted by the interventions. This thesis deals fundamentally with this intersection and the hybridization between on-going practices rooted in place-based histories and cultures, and new allegedly neutral laws, representations and agricultural projects imposed to encourage agrarian transformation. Theories that are relevant to understand how state development programs interact with local place-based practices include ideas about the construction of socio-ecological space through practices, representations and symbolic meanings (including the construction of boundaries), the relationship between formal and informal rules, institutions and practices, and notions of hegemony, compliance and resistance. It is to these theoretical themes I turn in the following sections of this chapter.

Abstract knowledge and local practice

The notions of disembedding and abstraction lie at the basis of modernist rationalised planning and scientific management. Titles represent land parcels and disembed land from its social and ecological meaning to enable it to be exchanged on the market. Zoning of territory divides complex nature into abstract categories, while the classification of populations creates boundaries around abstract categories of people. Blueprint development plans are assumed to be similarly applicable across diverse social contexts. Modern laws and rules are intended to apply equally to a 'universal' individual regardless of their position and the particular social, cultural and ecological context in which they are deployed.

Disembedding is defined by Giddens (1990:21) as the *'lifting of social relations from local contexts of interaction and their restructuring across infinite spans of time-space'*. The separation of time and space from place, custom and practice through their standardisation in calendars, clocks and maps is fundamental to the shift to modern governance, allowing the rationalised organisation of social life and facilitating allegedly impersonal connections between local and global (Giddens 1990:20). Abstract notions are necessary for exchangeability, for example abstraction of goods allows comparison with other goods and their exchangeability as commodities, while abstraction of space creates an illusion of homogeneity and enables it to be valued for commercial transactions (Lefebvre 2000 [1991]). Giddens argues that modern social institutions depend on two types of disembedding mechanisms: symbolic tokens and expert systems. 'Symbolic tokens' allow for impersonal exchange and valuation. For example, money enables transactions across time and space and between diverse goods and services, and is fundamental for disembedding economic relations. Licences provide evidence of standardized driving training, while titles disembed land from its social and ecological meanings and enable it to be exchangeable through theoretically impersonal market networks. Symbolic tokens are backed by state or international laws and institutional structures and are credited with allowing impersonal exchange outside local place-based systems of trust and accountability (such as village or kinship networks). According to Giddens, 'expert systems' are '*systems of technical accomplishment or expertise that organise the material and social environment'*, such as scientific knowledge which is assumed to be based on impersonal systems of accreditation and evaluation, rather than embodied in the context and individuals themselves. Disembedding mechanisms are based on impersonal trust in the 'abstract capacities' of symbolic tokens and expert systems and on an assurance that the value of these will be recognised by a generic society and unknown individual[7]. For example, trust that the value of money, driver licences, land titles and laws are impersonal and guaranteed across time and space. In theory, this expands networks of 'trust' or 'accountable reciprocity' (Rousseau 2006) beyond geographical and social spaces limited by face-to-face interactions.

However, attempts to disembed social interactions through creation of formal 'impersonal' legal institutions, expert systems or 'symbolic tokens' are an illusion since these are transformed

[7] This trust is fundamental to processes of globalisation and the expansion of neo-liberal economic systems, where flows of capital, labour and knowledge move between distinct places yet retain their abstract value, even if their meaning may change within each different context.

and given new meaning in place-based practices that are negotiated through relations of power and custom. Symbolic tokens and expert systems are socially reembedded in practice through face-to-face encounters or 'access points' which are represented by actual individuals (Giddens 1990). For example, the government officials who issue land titles, the geographical surveyors responsible for mapping and classifying land and resources, the policemen responsible for enforcing the law, and so on, influence how these are interpreted and negotiated in place. '…*[A]ll disembedding mechanisms interact with reembedded contexts of action, which may act either to support or to undermine them*…' (Giddens 1990:80). Furthermore, symbolic tokens such as driver licences may also be 'cultural items' which hold local meanings distinct from their intended purpose. It is through messy face-to-face and place-based encounters where abstracted and impersonal formal laws or knowledge systems become reinterpreted and reembedded within particular socio-political, cultural and ecological contexts and within customary practices, power relations and understandings. 'Rational' development projects intended to transform traditional agricultural systems are reembedded in local practices in ways that have unpredictable results.

One goal of projects promoting agrarian transformation is to change the way people interact with the socio-ecological spaces within which they live and help create through their livelihood practices. It is useful to draw on Lefebvre's (2000 [1991]) conception of space in order to understand how state policies intended to restructure rural people's engagement with the environment interact with pre-existing practices and environmental meanings. Lefebvre presents space as an interacting and overlapping triad, which consists of

1. **Spatial practice** (perceived space), which is related to the production of social and physical space in particular localities through human activity (production and reproduction), essentially the 'spatial practice of society' which creates society's space.
2. **Representation of space** (conceived space), which is the abstract, conceptual space of scientists, bureaucrats, planners, and which is tied to control of relations of production, order, and ideology. Representations of space do not need to be consistent with the actual 'prior' use of the space, but are intended to dominate its use, and
3. **Representational spaces** (lived space) which is the 'space as lived through associated images and symbols', the space related also to the imagination which overlays 'physical space'.

Writing about the construction of socio-ecological space and human-environment interactions, environmental anthropologists have emphasized that the separation of nature and culture/society is untenable. Societies and cultures are embedded within and help constitute their environment through their livelihood practices and knowledge of/beliefs about the world. Socio-ecological space is thus created through dwelling and acting within the environment which also help constitute that environment (Fairhead 1993, van der Ploeg 1993, Salas 1994, Descola 1996, Hviding 1996, Ingold 1996, Scott 1996, Escobar 2001). Patterns of practice and social norms or rules emerge from active engagement within the environments that they also help shape, and are products of ecology, knowledge and adaptive imagination (see for example Geertz 1972, Lansing 1995). These ongoing practices and belief systems interact with state abstract representations of space. For example, the socio-ecological space of swidden farmers is shaped by their practices within the environment that also help shape that environment, the meanings they give to their lands and territories (including their beliefs in nature spirits) that influences their decisions and understandings of causality, and the imposition of state categories and laws that administratively defines the spaces in which they live.

Representation of space (conceived space) referred to by Lefevbre is the 'abstract space' (space as a mental abstraction) that is the dominating instrument of state administration and authority. Social and physical space is 'administratively carved up', often according to 'criteria quite alien to the initial characteristics of either the land or its inhabitants' (Lefebvre 2000 [1991]:280). It is often alienated or disembedded from actual spatial practices and the meanings created from 'dwelling within', and is the 'modernising' space of maps, legible laws, formal property rights systems, and surveys used for state governance. It is 'fetishized' because it conceals the ideologies, purposes and processes through which it is imagined and constructed. Reimaginings of space by the state are central to state policies such as land zoning, titling programs, and formal laws for resource use intended to encourage agrarian transformation in in support of economic development, but these articulate with ongoing spatial practice. Lefevbre asserts that violence is inherent in the abstraction of space because it

> subordinates and totalises the various aspects of social practice – legislation, culture, knowledge, education – within a determinate space; namely the space of the ruling class's hegemony over its people and over the nationhood that it has arrogated (Lefebvre 2000 [1991]:281).

Marxist scholars such as Henri Lefebvre (2000 [1991]) and David Harvey (Harvey 2001) argue that spatial representations support the ultimate goal of state and elite capital appropriation and control. Violence often occurs in attempts to transform the 'abstract' state representations of space into the reality.

> What forms of visibilities are needed to activate a particular regime is to ask the question how is it possible to picture who and what is to be governed as well as how relations of authority and obedience are to be constituted in space (Bryant 2002:275).

At the same time, spatial representations of territory can also make village agricultural and territorial lands visible to the state, and may help support local rights (albeit within the context of state authority). Furthermore, abstract instrumental space provides only an 'illusion of transparency' and homogeneity, because the space remains an arena of practical action and symbolism which can challenge these representations. Socio-ecological space is thus constructed materially and conceptually through a combination of zoning and legislation (which influence conceptions), practical activities such as agriculture, conservation, capital enterprises, and so on, and systems of meaning (Harvey 2006).

Simplified representations of society and nature help to construct people and places by influencing how they are perceived and imagined by themselves and by others, and therefore contribute to the production of specific localities, acting at multiple spatial and political scales to produce certain images of 'household', 'community', and 'nation' (Anderson 1991, Li 1996b), as well as constructing bounded landscapes zoned as 'rural', 'wild', 'waste', 'forest', 'countryside' and so on (DuPuis and Vandergeest 1996, Li 1996b). Benedict Anderson (1991) elucidates how certain representations, constructed through maps of territory, censuses which classify people into specific groups, and museums which represent specific histories of place, influence how people and place are imagined collectively as part of a 'nation'. In his description of the history of the mapping of Thailand (then Siam) as a territorially enclosed nation, Thongchai Winichakul (1994) points out that a map is often a *model for* rather than a *model of* what it claims to represent.

> In terms of most communication theories and common sense, a map is a scientific abstraction of reality. A map merely represents something which already exists objectively 'there'. In the history I have described, this relationship was reversed. A map anticipated spatial reality, not vice versa. In other words, a map was a model for, rather than a model of, what it purported to represent.... It had become a real instrument to concretize projections on the earth's surface. A map was now necessary for the new administrative mechanisms and for the troops to back up their claims.... The discourse of mapping was the paradigm which both administrative and military operations worked within and served (Winichakul 1994:130).

In a similar way, state territories are imagined and constructed through processes of internal zoning and mapping that divide landscapes into bounded abstract categories according to various criteria, such as commercial forest, wilderness, or wasteland, to be subjected to different types of 'scientific' management for conservation or exploitation (Vandergeest 1996, Sato 2000, Doolittle 2001, Sundar 2001). Such classifications disembed land from its social meaning and ecological characteristics, but have significant consequences for people living within these areas because they are subject to different rules and laws allowing different kinds of resource use and property rights depending on how land has been zoned. Appadurai (1997) argues that state classification of marginal peoples creates a sense of a 'controllable indigenous reality' which is important for allowing discursive support for certain government policies. These new abstract ways of understanding and classifying people and nature provide additional justifications for claims in on-going struggles over control and access to resources. However, these approaches focus on the state's attempts to reshape how people perceive themselves and the world, but are missing the perspective of the subjects themselves (see also Agrawal 2005).

The selective visibility of state governance through census, statistics, standardization and classification can be seen negatively, as a means by which states increase control of and demands upon citizens (for example, through taxes), as well as positively, as the only way states can organize to provide services. For example, the standardization of weights for bartering goods enables better state control and taxation of trade, but also potentially limits exploitation of farmers by the merchants who buy their goods (Scott 1998). The classification, zoning and mapping of the nature enables the establishment of rules and laws for managing these abstract spaces, which may undermine local rights, or may create opportunities by which citizens can assert their claims to resources through a legitimized, uniform and allegedly 'neutral' formal system (de Soto 2000). State laws, policies and processes of documentation are therefore 'sites of contradiction', being both the creators of hegemony as well as the means of resistance and of asserting rights (Sundar 2001, O'Brien and Li 2006). Rural communities in developing countries often attempt to maintain a balance of visibility and invisibility with respect to the state in their attempts to increase claims and access to state services while maintaining control over their livelihood activities and resources. What people are seeking is not necessarily an abolishment of state control or intervention, but an improvement of this – a better state that takes their interests into consideration (Li 1996a:522).

Boundaries

The construction of conceptual boundaries is central to state processes for rational management of territory and citizens. State representations construct social and spatial boundaries and discrete categories where none previously existed and which do not necessarily reflect actual social and spatial practice. The creation of 'bounded' abstract categories is one of the 'disembedding' features said to separate 'modern' from 'pre-modern' or 'traditional', and is associated with an assumed ability to clearly separate nature, culture, science, politics, religion, interests and so on into clearly distinct pure categories. Bruno Latour (1993) challenges this assumption and argues that reality is comprised of hybrid phenomena. 'Moderns' simply divide and construct the world differently than 'pre-moderns' by 'translating' and 'purifying' hybrid events through particular discursive and practical efforts. Local practices also construct boundaries around territory and people which may be different from (although can also be influenced by) the categories created by the state.

Influenced by mathematical set theory, Needham (1975) in his article on polythetic classifications argues that the classification of different things/objects/ideas as members of a specific category or group is based not on each member having one particular characteristic in common. Rather, membership in a category requires having a number of shared features that overlap with others in the group, but not all members of the group will have any one feature in common. Similarly, Wittgenstein points out that a concept (such as the concept of a game) includes entities that share similarities and relationships similar to 'family resemblances' rather than precise characteristics. A concept (or classification) may be inexact and have no clear boundaries, yet still be usable and understandable (Wittgenstein 1968[1953]). Concise categories are difficult to determine, arbitrary, have fuzzy boundaries and are contextual and often overlap with other groups or categories. Different boundaries resulting in different groups or categories can be imagined based on different framings or criteria for inclusion and exclusion, and thus represented categories or bounded entities can be created, contested or transformed through practice. Although abstract classifications seek to construct idealised boundaries around ethnic groups, territory, property, and so on, these simplications influence but also obscure messy practice and reality. Redefining boundaries, rejecting state-defined categories and articulating alternative groupings or classifications can therefore be a form of resistance and is often deployed in struggles over natural resources.

Examples of attempts to construct abstract categories abound in the zoning of nature, in the labelling of groups of people, in the division of territories between nation-states and so on. Decisions about classifications may be politically motivated (supporting capitalist growth and elite interests) and have significant social, political and environmental consequences. For example, the classification of forest-farm swidden cultivation landscapes as either 'forest' or 'farmland' constructs boundaries around 'socio-nature' that can be contested and imagined differently. Defining these areas as 'state forests' creates an abstract category which vests ownership rights and responsibilities in the state and influences the types of formal rights for which inhabitants are deemed eligible with enormous consequences for swidden farmers who find their cropping and hunting activities subsequently represented as illegal squatting or poaching on state-owned lands. Similarly, providing individual or household titles to particular land parcels constructs spatial boundaries that coincide with particular social groupings and may obscure competing claims and uses that are socially (but not spatially) defined. Alternative classifications of and boundaries around people and nature may be used as the basis of counter-narratives for land claims, often reembedding abstract land categories back into place-based socio-political practice and connecting these to classifications of identity to negotiate stronger local claims (e.g. indigenous territory, sacred land, village land or kinship-based claims).

Boundaries are also created through practices, for example, the clearing of forest for farmland created a boundary around a land parcel and often endows the person who invested the labour with property rights. Conceptual boundaries are also created around different groups of people through practices, representations and within particular contexts in which such groupings make sense. For example, highland Southeast Asia is 'polyethnic', with many different ethnic 'groups'[8] or 'cultural categories' living in close proximity as neighbours or even within the same village. Anthropologists working in the region describe how ethnic groupings and cultural identities are defined based on interaction rather than on isolation, and are relational, porous, and malleable. Group formations may evolve over time through communication and transactions (such as market interactions or occupations of different economic or ecological niches) (Barth 1964, Izikowitz 1969, Barth 1981 [1969]), emergence of different socio-political systems, or struggles

[8] The notion of ethnic group is problematic because it is very difficult to define discrete boundaries around peoples based on ethnicity as is explained in detail in this section. However, while recognising the limitations, because it is widely accepted I will use the term 'ethnic group' throughout this book.

over resources. Most argue for a constructivist understanding of ethnic identity and highlight how shifts in symbols and ethnic markers enable individuals to move from one group to another. At the same time, it is impossible to classify discrete groups according to distinct markers such as customs, language, beliefs, or livelihood strategies since these form a continuum – overlapping and blending into each other across the different groups as they incorporate each others' symbols, knowledges and ideologies (Moerman 1965, Kunstadter 1967, Izikowitz 1969, King and Wilder 1982, Tooker 1996, King and Wilder 2003, Laungaramsri 2003, Sprenger 2008, Scott 2009, Sprenger 2011). Ethnic categories are therefore defined more by their centre rather than by a bounded periphery (Jérôme Rousseau, personal communication).

In spite of studies that indicate ethnic group affiliation is malleable over time and boundaries are porous, accounts of different peoples from mainland Southeast Asia indicate that ethnic identity is experienced subjectively as bounded and exclusive (see for example Sprenger 2008). In his work with the Lue, Moerman (1965) points to the difference between subjective notions of ethnic identity versus the groupings constructed by outsiders. People sharing the same characteristics and markers may self-identify as different ethnic groups, while others who have very different 'ethnic' markers may identify themselves as the same group, highlighting the importance of understanding locally meaningful categories rather than assuming criteria for sameness or difference. Structural-functionalist assumptions about culture support the idea that an ethnic group shares a 'closed' interacting system of rules, norms and meanings that can be contrasted with the systems of other 'discrete' groups and that also act to create boundaries between insiders and outsiders. It has been argued that shared norms, rules, rituals and institutions are the basis for group formation and also that ethnic markers may evolve from these 'different' collectivities (McElreath, Boyd et al. 2003). Sprenger (2008, 2011, 2013), working with the Rmeet (Lamet) – a Mon-Khmer ethnic minority in Laos – argues that while ethnic groups presume boundaries according to shared socio-cosmologies and meaning systems by which they define themselves as separate and distinct from other groups, they actively incorporate ideas, technologies and cultural practices from their neighbouring ethnic groups, the state and the rest of the world world. Ideas from 'outside' the group are recognised as originating from elsewhere but are incorporated, adapted, re-contextualised and given new meaning within the group's own cultural understandings. Thus, 'modernising' knowledge of states and development agencies is but another kind of knowledge that people incorporate into their own socio-cultural system. Anthropologists

in Southeast Asia and elsewhere have debunked the myth of isolated communities and closed 'systems' or 'cultures', instead focusing on how differences are constructed from a 'continuum' of hybrids, created and recreated through ongoing interaction in space and time. Edmund Leach (1997 [1954]) famously illustrated how the Shan and Kachin people of Burma defined themselves in relation to each other, yet at the same time individuals could move between ethnic groups by shifting specific cultural symbols and institutions which were locally perceived as markers of ethnic difference. Although ethnically diverse, highland peoples in the Asian massif share a common political relationship with lowland states, yet their ethnic identities are 'amphibious' (Scott 2009), allowing them to shift between ethnic groups simply by moving to the lowlands and choosing to perform their identity differently by switching language, religion, clothing or ritual (Rousseau 1990, Scott 2009). Scott perceives this ability to move between identities, as well as the choice to live in difficult-to-access mountains, as intentional strategies to thwart state control and to resist incorporation into state structures.

How people decide to define boundaries and represent themselves as an ethnic category often depends on specific social and political contexts, and requires 'articulation' – meaning both the forging a collective identity or position that is explicit and articulate and the *'conjoining (articulating) that position to definite political subjects'* (Li 2000a, referring to Stuart Hall 1996). Identity categories can be redrawn through human agency, and refusal to be easily classified or the articulation of an alternate identity can be a form of resistance against state control. Struggles over meanings and different representations of people, custom, and landscape, and different interpretations of the basis of rights (labour, custom, or inheritance) are all important aspects of negotiation over property rights in natural resources. The ways in which group identity is articulated and land is represented are not inevitable but contingent on specific historical trajectories, and may be politically motivated, strategic and constitute a *'positioning which draws upon historically sedimented practices, landscapes, and repertoires of meaning, and emerges though particular patterns of engagement and struggle'* (Li 2000a:151). Sometimes specific political agendas lie concealed behind the choice of representations.

In summary, simplifications and categorizations create boundaries around types of land and categories of people based on certain common characteristics in time and space, while at the same time ignoring differences or alternative commonalities that might create different groupings, as well as the dynamics of change that might shift group allegiance. Such representations are often

politically motivated – they may be a product of statecraft and an attempt to govern people and territory, or alternatively may be forged in resistance against the state. Boundaries may also arise organically from ongoing patterns of practice and transactions through which people define themselves and their territories as separate and distinct from others. Representations of bounded groups or territories make certain characteristics of peoples and places visible while obscuring others, constructing boundaries around a 'continuum' of arbitrary features and practiced and that can be imagined, enacted and defined differently and therefore can be contested or renegotiated. The construction of boundaries through classifications and representation can also act to enhance and solidify differences through influencing how differences and similarities are perceived and imagined and by influencing action. Fundamental questions arise concerning how, why and under what conditions specific boundaries are constructed from hybrid phenomenon. How and under what circumstances do these bounded categories become naturalised as distinct entities (or do they)? Whose interests (or powers) influence the construction of certain categories over others? How do people struggling for resource rights or resisting dispossession deploy existing categories or create alternative groupings to support their claims? Boundary construction is relevant to agrarian change in multi-ethnic Laos, since some groups are represented as backwards and lazy while others are represented as more entrepreneurial, and the economic and political marginalisation of certain ethnic groups makes them more vulnerable to land dispossession as land and agriculture become increasingly commodified and subject to market forces.

Rules, institutions and practices

Another aspect of state attempts to promote agrarian transformation concerns the imposition of new 'impersonal' laws and regulations governing rights to and use of land and natural resources, bringing these under the authority of the government. To understand how laws and regulations are implemented in actual situations, it is useful to distinguish between rules, regulations and institutions – which can be articulated by observers and agents – and everyday practices – which encompass the adaptive performances within context of and sometimes constitutive of these 'structures' through which they are interpreted and enforced in place. The notion of a rule may refer to regularities of practice, a 'model' accounting for these regularities, or a norm consciously recognised by those following these practices (Bourdieu 2006 [1990]:37-8). For the purposes of clarity, I will use the notion of a 'rule' to mean the socially recognized 'correct'

manner of conduct that is apparently well-bounded, definitive and that can be articulated, and a 'norm' to be mean the set of patterned practices and habits that influence how rules are interpreted and applied in particular situations and that may or may not be conscious. Institutions are variously described as the set rules and social norms, regularised patterns of behaviour, and codes of conduct which influence individual and collective behaviour in a given society (Ostrom 1990, Leach, Mearns et al. 1997). Rules and laws may be formal – encoded and backed by the state or a central authority – or informal – a notion which denotes both the flexible practices of interpretation and application of rules that are 'outside' of the formal state-backed system, as well as 'rules' and institutions that are backed by localised authority and place-based systems of accountability, which are not encoded in the state system. In some places, customary rules and laws are encoded and backed by the state, in which case they have entered into the formal system. Practices can borrow from formal and informal rules and norms, and reflect intentionality.

Wittgenstein (1968[1953]) points out that one's understanding of how to follow a rule (or an order) is determined by how one is 'trained' to react to the rule according to custom and use (practice). Even very detailed rules can be interpreted in various ways and one cannot predict their application by all people in all circumstances because the rules themselves cannot embody all understandings and practices, just as languages are not defined only by grammatical structures. Rules always need to be interpreted in context, and interpretations are continually challenged and renegotiated through shifting relations of power. This can be visualised as defining a two-dimensional 'area' (say a box) of behaviours and practices, with those activities within the box allowable (or legal) and those outside the box not allowed (or illegal) (Stumpff 2013). However, the boundaries of the 'area/box' between 'allowed/not-allowed' are fractal and shifting because there are infinite possibilities for exceptions to and refinements of each rule since its interpretation is contextually contingent. Therefore, the border between what is allowed or not allowed (illegal or illegal) is 'infinitely intricate' (Stumpff 2013:654). Stumpff gives the example of a rule stating that it's illegal to drive through a park, yet one could think of multiple scenarios in which this would be acceptable. For example, if it was a police car it would be legal, although not if the police car was driven by a thief. Thus, all rules (formal and informal) are subject to interpretation through practice.

Bourdieu (2006 [1990]:12) differentiates between the *opus operatum* (essentially the objectified and expressed formal or informal rules or institutions) and the *modus operandi* –

'practices' which are contextual, inherently uncertain and fuzzy, and '*have as their principle not a set of conscious, constant rules, but practical schemes, opaque to their possessors, varying according to the logic of the situation, the almost invariably partial viewpoint which it imposes, etc.'* (Bourdieu 2006 [1990]:12). Individual and collective actions are generated not only by abstract rules and explicit norms but by *habitus*, the embodied histories of past experiences which influence dispositions, perceptions, behaviours and thoughts, and which support the 'correctness' and continuity of certain behaviours over time. Bourdieu describes *habitus* as unconscious dispositions, values and expectations embodied within individuals and groups arising from past and on-going embeddedness and interaction within a particular social environment. *Habitus* generates common-sense behaviours that arise from '*conditionings associated with a particular class of conditions'* (Bourdieu 2006 [1990]:53) and unconsciously influences interpretation and practice of rules and norms. Shared histories and experiences (for example, based on social class, world view and/or socio-cultural identity (gender, ethnicity, occupation) may generate a level of homogeneity or harmonization of *habitus* within specific groups (Bourdieu 2006 [1990]:59), may influence interactions between and within subaltern and dominant parties, and may be both constitutive and characteristic of group formation (for example, groups expressing difference according to ethnicity). Shared social institutions, cultural understandings and practices that influence 'the rules of the game' and how rules are interpreted are sometimes used as markers of difference between groups of people which may be represented as ethnic difference, as described earlier.

'Modern' states attempt to create legal institutions, rules and laws that are abstract, impersonal and decontextualized, which can be applied in the same manner across space and time regardless of cultural, political or ecological context. However, often the formulation, interpretation and deployment of rules and laws are influenced by relations of power.

> Regulatory rules, even when they are seemingly equitable, can produce outcomes that are systematically biased against those who are marginal and less powerful. To understand the effects of regulation, therefore, it is important to focus not just on their formal-literal meaning but also on the sociocultural and the political economic context in which they are (selectively) enforced (Agrawal 2005:153).

Political, class, and power interests may also lay beneath the establishment of certain laws and rules designed to benefit certain social groups. For example, the English enclosures which resulted in overriding the land rights of peasants in favour of those of large landlords have been described as *'a plain enough case of class robbery, played according to fair rules of property and law laid*

down by a Parliament of property-owners and lawyers' (Thompson 1964:218). Practices of primitive accumulation are often supported by the formal legal institutions of the state that facilitate expropriation of land by certain people, or this may occur through the interpretation and application of state laws within certain contexts, to benefit those with more power. At the same time, formal laws and rules can also provide a means for subaltern groups to assert their rights and argue for social justice in the face of corruption, illicit dispossession, or other illegitimate activities by more powerful individuals (Sundar 2001, O'Brien and Li 2006).

Corruption has been described as the continuation of competing social institutions, intentional practices and norms that run along lines of power, networks of social capital and conceptions of moral economy, existing in tandem and articulating with the formal legal system (Robbins 2000, Blundo and de Sardan 2006). Corruption in this sense is not the result of a weak state (i.e. a state that is unable to enforce rational and impersonal rules and laws throughout its territory), but of parallel alternative systems of practice and intentionality that are to some degree sanctioned by a different set of informal institutional norms. Stuart-Fox (2004, 2006) argues that in Laos, practical adherence to law is negotiable based on power and patronage relations, and the disregard of certain 'illegal' activities of some individuals by state authories leads to the perception that these activities are 'formally' deemed legitimate and that rules and laws can be traversed through building relationships with people in power. This does not imply that corruption is culturally accepted, but that the state is willing to overlook certain trespasses. Indeed, surreptitious complaints about government corruption are common and act to delegitimize state authority (see also High and Petit 2013).

In all situations, rules or laws (both formal and backed by the state, and customary) are reworked in the context of local practices and meanings. De Certeau (2013 [1984]:xiii) points out that rules are modified, subverted or resisted at their point of 'consumption'. This is true of the practices of state representatives enforcing and interpreting the rules, and citizens who are subject to them. Subaltern groups may reinterpret the rules imposed by dominant groups, imbue them with new meanings within their own frame of reference and apply them for different ends[9]. This is

[9] In describing how the native peoples of South America adapted to the rules of the Spanish colonisers, de Certeau writes *'Submissive, and even consenting to their subjugation, the Indians nevertheless often made of the rituals, representations, and laws imposed on them something quite different from what their conquerors had in mind; they subverted them not by rejecting or altering them, but by using them with respect to ends and references foreign to the system they had no choice to accept'* (de Certeau [1984]2013:xiii).

sometimes a form of resistance – of tricking, playing with or cheating imposed rules and institutions through daily practice - and may reflect self-interest or be unconsciously related to *habitus* and reflect simply what is done.

> Innumerable ways of playing and of foiling the other's game (*jouer/dejouer le jeu de l'autre*), that is, the space instituted by others, characterize the subtle, stubborn, resistance activity of groups which, since they lack their own space, have to get along in a network of already established forces and representations. There is ... a certain pleasure in getting round the rules of a constraining space (de Certeau 2013 [1984]:18).

De Certeau is interested in the plural, creative and 'in-between' practices that exist alongside the visible, dominant systems of articulated rules and norms, which sometimes disrupt them and yet are excluded from and thus rendered invisible in 'western' forms of rationality. He highlights how even in overtly organised spheres of life characterised as 'modern' (such as factories, cities, offices, and so on), 'operational models' of popular culture and practice subvert legible order.

> …beneath the 'monotheistic' privilege that panoptic apparatuses have won for themselves, a '*polytheism' of scattered practices* survives, dominated but not erased by the triumphal success of one of their number (de Certeau 2013 [1984]:48).

The creation of new 'modern' abstract regulations, rules and institutions for governing people (citizens) and their relationship with nature in its various guises (territory, land, natural resources) is a fundamental goal of government, development and modernisation projects, and is an aspect of modern state-making. These impose new 'structures' upon pre-existing institutions, and while they are intended to be dominant, they articulate with and are interpreted through ongoing and pre-existing practices and through local customary rules and informal institutions.

Modern forms of government rely not only on the introduction of new institutions and rules, but also attempt to reshape practices and subjectivities so that people voluntarily comply in the absence of coercion, constant surveillance or force. Foucault (1991), in his work on governmentality, outlines how modern states seek to create 'responsibilized citizens' who essentially govern themselves. Declared motives of providing goods and services and of improving welfare of subjects or 'citizens' coexist with increased surveillance and control of populations and territories, through the gathering of information, through processes that represent and differentiate people and places into normalised categories, and through the promotion of ideologies and values that encourage or discipline citizens to conform to certain norms. Foucault argues that the goal of improving the well-being of the population becomes secondary to making the population easy to manage, control and govern, and the primary role of the state becomes the 'conduct of conduct' –

that citizens will voluntarily follow state-designed rules and institutions without the need for coercion. Although, as Li points out, '*…law as a tactic to govern conduct is effective only because it is backed by the threat of punishment'* (Li 2007b:16), Foucault moves beyond the Weberian notion of state power as the legitimate control of violence by highlighting how states execute dispersed power in such a way as to render it invisible to their citizens. They do this through constructing abstract classifications of people and territory that become accepted as 'natural' as well as through the education and shaping of peoples' desires, values, expectations and norms. This form of government attempts to harmonize diverse local practices and customary institutions with state-endorsed formal laws and regulations without resorting to coercion, with the end goal of making people and nature easier to control.

Foucault's ideas overlap with Gramsci's notion of hegemony (Gramsci 2008 [1971]), which explains how class power operates through the promotion of ideologies that support the interests of politically dominant and elite groups. Gramsci argues that ideologies of the elite class are embedded in all social organisations in society – the state, church, schools, media, and so on. This 'invisible' and ubiquitous power obscures class interests and acts to persuade subordinate groups (divided by various interests yet positioned similarly within the broader system of domination) to unconsciously support and comply with the goals and systems of the dominant elite. While for Foucault the goal of 'governmentality' is state control and power over citizens and territory, for Gramsci the goal of 'ideological hegemony' is to obscure and support the class interests of the elite. The application of state force and violence highlights ruptures in state power, sites and spaces where it is recognized and resisted and where 'governmentality' or the desired hegemony of state ideology fails (for example, see Tanabe 1984, Turton 1984, Malseed 2009). Resistance by subaltern groups challenges the notion of ideological hegemony and governmentality.

A number of scholars have applied Foucault's notion of governmentality to explain how states create 'responsibilised subjects' who 'willingly' accept and enact state goals. In his work on 'environmentality', Agrawal (2005) describes the creation of environmental subjects through examining the evolution of state forest management in India. State classification of forests and coercive enforcement of forest protection generated resistance by local forest users against the new regulations. Through the subsequent decentralisation of forest management authority and involvement of villagers in the creation of forest management plans, Agrawal asserts that the

government succeeded in 'educating' villagers to protect the environment and integrated them into formal state institutions. Villagers were moulded into responsibilised environmental subjects and regulatory communities that 'voluntarily' acted for rather than against the interests of the state. Agrawal's main argument is that these new strategies for forest management did not simply introduce new formal rules and institutions but acted to '*shape subjects, their interests and their agency'*, transforming villagers from resisters to advocates of forest protection. Governmentality essentially explains the processes by which social practices become harmonized with new state rules, regulations and institutions for governing territory and people through the local internalization of the ideologies which underlie these institutions.

Both Foucault and Gramsci are concerned with the population's unconscious acceptance of state regulations and institutions, categories and ideologies, and thus complicate the distinction between compliance to and resistance against state power. However, others argue that subaltern groups retain self-consciousness outside of supposedly hegemonic structures and ideologies (Scott 1990) or may develop counter-ideologies distinct from the dominant group (Tanabe 1984, Turton 1984, Turton 1989), but because of power differentials and consequences, their true perspectives remain hidden from those in power. Scott (1990) asserts that 'public transcripts' of subordinate groups and their outward acceptance of the dominant rules, ideologies and institutions are performances in the face of power when the consequences of outright opposition may be severe. This challenges the notion of ideological hegemony. 'Hidden transcripts' – what subalterns 'really think' – emerge outside of situations of power, in disguised forms such as folktales, songs, gossip, and codes recognised by others within their group but not by the elite, or in anonymous forms of everyday resistance (such as foot dragging, theft, evasion of taxes and so on) which undermine power but avoid direct confrontation. Scott argues that compliance with 'hegemonic' rules and institutions doesn't mean that the ideologies have been internalised – actions and outward expressions of beliefs may be constrained, but thoughts themselves are not. For Scott, practices that veer from dominant rules and institutions without confronting these outright are a form of resistance. However, de Certeau (2013 [1984]) argues that everyday practices which thwart dominant systems may be resistance, or may simply be alternative ways of interpreting and enacting these in daily life. The systems of discipline (scientific rationality, management, penitentiary) proposed by Foucault may be obstructed by alternative everyday practices even within 'disciplined fields or spaces' where a '*polytheism' of scattered practices* escapes visibility

and operates within and alongside the dominant system (de Certeau 2013 [1984]:48). These practices have

> developed and insinuated themselves into the networks of surveillance, and combined in accord with unreadable but stable tactics to the point of constituting everyday regulations and surreptitious creativities that are merely concealed by the frantic mechanisms and discourses of the observational organisation (de Certeau 2013 [1984]:96).

The hybridization and disruption of legal institutions and state laws through their reinterpretation challenges notions of governmentality and hegemony and requires greater understanding of how power lies not only in state authority and daily and outright resistance, but also in daily practices and encounters that reshape and reform how instruments of governance are applied in context. Dominant institutions, laws and rules are thus reshaped in place through ordinary practices of 'consumption' (how the dominant discourses and systems are interpreted and applied in place) and by various tactics that are obscured by western forms of rationality and excluded from representation and discourse. This practice is not only enacted as a form of resistance by subaltern peoples to oppose rules imposed by dominant groups, but also enacted though reinterpretations by those state actors who enforce the rules themselves. This may be a form of resistance to these rules and regulations, or may simply constitute their 'reembedding' and 'reinterpretation' in local practice by both the enforcers and the subjects. '*It took a long development of certain institutions and practices, of the rule of law….to produce the modern individual'* (Taylor 1955:200, cited in Agrawal 2005:18).

Chapter outlines

Each chapter of this thesis deals with the changing livelihoods of swidden cultivators in northern Laos in response to ecological constraints, state policies and development projects, and new market opportunities. I particularly focus on changing agricultural practices and knowledge and the renegotiation of property rights and customary institutions for natural resource management in villages, and how the informal practices and particular interests of villagers and state officials reshape state policies, laws and development projects intended to promote agrarian transformation in highland areas. In chapter two, I present the policies and abstract representations deployed by the Lao state to govern people and the environment from pre-colonialism to post-socialism. Since 1975, the Pathet Lao government has been on a mission to create a cohesive nation-state from an ethnically diverse population of which only about half are the dominant Lao

ethnic group. This process of nationalisation has also included territorialisation of the peripheral areas, where many of the minority ethnic groups live. As one of the most indebted countries in Southeast Asia, a central goal of the Laotian government and the multi-national agencies supporting the state is to develop and modernise. Thus, a national program of modernisation is underway to reduce poverty, increase foreign exchange through market integration, privatise land, resettle people and enclose peripheral lands for conservation or for uses deemed more ecologically sustainable or economically productive. This process is being legitimised through specific understandings of development and ecological sustainability, which rely on certain classifications of people, practices and place.

The research for this thesis was conducted in Pak Ou District, Luang Prabang Province Northern Laos. Chapter three presents a description of the methods used in the research, and a history and description of the present situation of this area, with focus on Houay Kha and Houay Lo, the villages in which I conducted most of the research. Pak Ou District was chosen in part because it represents an area where the various policies and projects of modernisation and development – land allocation, resettlement, and the move to commercial and sedentary agriculture – are being promoted concurrently. It is also a site where a number of agricultural projects are being implemented, including the Integrated Upland Agriculture Research Project (IUARP) which was designed specifically to help farmers adapt to state policies, and the introduction of rubber plantations and contract farming arrangements by a Chinese company. These projects are interacting with on-going local negotiations over property rights between ethnically distinct villages and the state. Pak Ou District is ethnically diverse, and in chapter three, I also provide a background on the relationships between the different ethnic groups living in the area.

The livelihood practices of swidden cultivation, which incorporates dynamically changing forest, fallow and farm landscapes, and the intersection between ecology, labour, and property is the main focus of chapter four. In this chapter, I provide a background for understanding local livelihoods and the dynamic nature of swidden systems, and describe how farmers' decisions are embedded in and constitutive of their social and ecological environment. In contradiction to popular notions of private property, decisions about management of individual plots must be made collectively because of the shifting nature of land use and spaces where collective and individual interests are juxtaposed. This is illustrated using examples of rice biodiversity, and the conflicts between burning land for cultivation, livestock management, and commercial tree crops. I examine

how local rules and regulations for managing conflict and cooperation emerge within the socio-ecological environment and in response to new agricultural crops.

Chapter five deals with the spiritual understanding of the environment and illustrates how farmers' decisions about land management are not only influenced by their socio-ecological context but also by their local cosmology and the meaning imbued in the landscape. This chapter describes the syncretism of beliefs held by the different ethnic groups, as well as hybridization between 'empirical' and spiritual understandings of causality.

Chapters six and seven deal specifically with the practice of property rights and with informal/customary and formal/state land tenure systems and examine how these are being transformed by state modernising policies. I illustrate the fallacy of the assumption that 'modern' or 'formal' legal systems and titling programs create territorial and social spaces of legibility in the areas where they are implemented, while allowing peripheral areas to maintain customary systems that are unaffected by these programs. The central argument is that the 'patchy' nature of spatial enforcement of land allocation and other state policies, as well as how these have been interpreted and transformed through local informal and customary practices, means that neither space is really as 'legible' as it seems. Patterns of customary practice create boundaries and spaces that are shifting and contingent, and that articulate with 'legible, rationalised' institutions and spaces to create 'hybrid' or 'syncretic' frontiers. Chapter six describes the customary property systems in Houay Kha, a remote Khmu community where official land formalisation policies have not yet been fully implemented. The chapter discusses the various forms of territoriality and customary tenure practiced by the people in Houay Kha, illustrating how spatial, social and conceptual boundaries are blurred or reinforced through practices of hunting and 'illegal' logging, and trade, creating new forms of legibility and illegibility. I then describe customary property rights to land in Khmu swidden systems and how these are being renegotiated in the face of state policies imposed *outside* of the borders of Houay Kha. Chapter seven examines Houay Lo, a predominantly Lao village where the government land allocation policy had been implemented three years prior to my research. This chapter examines the rationale for land titling and describes the different land formalisation programs being implemented in rural Laos. I then illustrate how the practice of making local land rights and transactions transparent through formalisation and titling is undermined through the manner of enforcement and through on-going land transactions outside of the formal system. Indeed, a mere three years after the land allocation program was

implemented, the official records were outdated or lost. In both these chapters, I've illustrated how property rights supported by land formalisation programs are interpreted, integrated and resisted in local practice and custom. Furthermore, boundaries between 'titled' and 'non-titled' (state versus non-state) villages are blurred, as state narratives for privatisation are appropriated in non-titled villages by local actors to legitimise more exclusive land claims, and as villagers in 'titled' villages informally purchase land in 'non-titled' areas to compensate for land restrictions imposed by the policy. In fact, non-titled areas act homeostatically as a buffer against some of the negative livelihood impacts of resettlement and land privatisation in surrounding villages where land allocation had been completed. The chapter challenges the dichotomies between spaces of legibility and illegibility by describing the interfaces between 'allocated and non-allocated' villages, legal and illegal forestry, and customary and legal narratives for securing land rights. What was considered to have been made legible by 'modern' state legal systems and processes of territorialisation was quickly made illegible by the practices of local people and district state actors.

The final two chapters focus on development interventions being deployed in the villages studied, and how state and local negotiations over property and territorial rights interact with projects. Chapter eight presents the Integrated Upland Agricultural Research Project (IUARP), a participatory research project designed to develop and introduce technical interventions to help farmers adapt to and comply with broader state policies of modernising, sedentarizing and commercialising upland agricultural systems. In this chapter, I illustrate how the process of 'rendering development technical' (Li 2007b) is highly political, and how the technologies identified for extension to farmers are chosen largely for political reasons rather than scientific or livelihood merit. Thus, the lines between political and technical become blurred. Although much has been written about the politics between development practitioners and villagers in constructing knowledge from participatory processes, in this case it was primarily the power relations among the researchers themselves, who needed to produce something to support state policy, which influenced the outcome. The construction of scientific knowledge from the participatory project remained embedded within the social and political context of the scientists and development workers. In the final part of Chapter eight, I examine the interaction of some of the key technologies introduced by the project with local property systems, and then illustrate, through the example of one farmer's struggle to cope with ecological degradation resulting from land allocation, the influence of the project on one farming houshold. Far from being dominating

knowledge that transforms local indigenous practice, IUARP interventions were but one of many sources of knowledge that farmers were applying to adapt to their changing ecological environment. I argue that the 'ideology' of modernisation that is transmitted through such projects and embodied in the types of technologies they promote plays a greater role in local struggles over property rights than the technologies themselves.

The 'ideology' of the 'model farmer' (or 'modern' farmer) is transmitted through the technical interventions introduced in projects, as well as in the state rationale for land allocation, resettlement, and national development. It is this modernist ideology that becomes appropriated and mirrored in local struggles for resisting dispossession from land in the name of economic development interventions. This is discussed in chapter nine, in which I describe a process of state expropriation of village land in Houay Kha for a Chinese-owned rubber plantation, done through the application of the land allocation process, and the various forms of resistance in which the Khmu engage to try to reduce their vulnerability in the face of capriciously enforced state policies.

Chapter 2: Conjuring up the countryside: Legible landscapes, imagined inhabitants and magical modernities

Laos is a small[10], mountainous, land-locked country nestled between Vietnam, China, Thailand, Burma and Cambodia, with a total population of about 6.8 million in 2013 and a relatively low population density of twenty-nine people per square kilometer[11]. The majority of Lao citizens live in rural areas and approximately seventy percent of the population relies on agriculture as their primary economic activity. Agriculture is also important for national economic development, and accounted for more than thirty-one percent of the GDP in 2011[12] (World Bank 2013). Laos is both ecologically and ethnically diverse and the government officially recognizes forty-nine different ethnic groups. The Lao-Tai, who make up just below fifty percent of the total population, are the most numerous group, are politically dominant, and are stereotypically portrayed as inhabiting the lowland valleys and as cultivating wet rice fields (paddy rice). The majority of ethnic minorities live in the forested mountains, which cover about eighty percent of Lao territory, and practice traditional shifting cultivation for upland rice. Lao population and territory are often represented through the dichotomies of uplands versus lowlands, forest versus farm, ethnic minorities versus ethnic majority and traditional versus modern, and these representations have political consequences. Culture and ethnicity are simplistically linked with landscape, topography and specific livelihood practices. Notions of the Lao nation encompass these multiple ethnicities and representations of landscape while maintaining the Lao-Tai as the standard.

This chapter provides a history of the evolving relationship between the state and rural peoples in Laos, from pre-colonial kingdoms, to French colonialism, communism, and finally post-socialism. The chapter focuses on how the state in its various incarnations has legitimized its right

[10] Laos has a territorial area of 236,800 square kilometers, of which 230,800 is land and 6000 is water.

[11] For comparison, the 2011 population densities of other countries in the region are Cambodia: 83 inhabitants/km^2, Thailand: 130 inhabitants/km^2, Vietnam: 283 inhabitants/km^2 and China: 144 inhabitants/km^2 (World Bank 2013).

[12] WDI for agriculture includes income from fisheries, forestry, crop cultivation, hunting and livestock within this sector. These numbers are based on 'value added', or the '*net output of a sector after adding up all outputs and subtracting intermediate inputs. It is calculated without making deductions for depreciation of fabricated assets or depletion and degradation of natural resources'* (World Bank 2013).

to rule through specific representations of and relationship with people and territory, with particular attention to the evolving relationships between the governing group and highland ethnic minorities, especially the Khmu who are the most populous minority group in the Luang Prabang area where this research was conducted. The final section of the chapter examines contemporary policies in highland Laos and the role of international actors and foreign direct investment in reshaping the relationship between 'peripheral' highland peoples and lands and the central state. The central theoretical themes of this chapter include the enactment by the state of processes of governmentality and territorialisation through the pursuit of policies that create both spatial and conceptual boundaries – by defining, representing and ultimately attempting to assert control over both people and place. The Lao state along with international actors, through laws, policies and processes of representation, conjures the countryside and imagines the inhabitants, and through such rhetorical tricks creates I llusions of justness when people are displaced from resources in the name of national development and the magic of modernization.

Pre-colonial Laos

> Kingship organizes everything around a high centre. Its legitimacy derives from divinity, not from populations, who, after all, are subjects, not citizens. In the modern conception, state sovereignty is fully, flatly and evenly operated over each square centimeter of a legally demarcated territory. But in the older imagining, where states were defined by centres, borders were porous and indistinct, and sovereignties faded imperceptibly into one another. Hence, paradoxically enough, the ease with which pre-modern empires and kingdoms were able to sustain their rule over immensely heterogeneous, and often not even contiguous, populations for long periods of time. (Anderson 1991:19).

Prior to the creation of the modern Lao state, the geographical area that is now Lao PDR was comprised of a number of overlapping Buddhist kingdoms, referred to as 'mandala'[13] states (Evans 2002) or 'galactic polities' (Tambiah 1985) in which sovereignty was based on power and control over people rather than over territory (Stuart-Fox 1997, Walker 1999, Evans 2002). Rather than perceived as a bounded and defined area, '*the conception of territory* [was] *as a variable space, control over which radiated from a centre'* (Tambiah 1985:260). These mandala states developed in valleys across mainland Southeast Asia, on fertile lands that were accessible,

[13] The concept of 'mandala' state arises from the Hindu influence on Theravada Buddhism. Mandalas are circular representations of the cosmos which include the human body and the state. The centre is considered sacred, to be ruled by Kings believed to have divine spiritual powers with which they created social order. Mandalas are used to represent the fluctuation of the spatial reach of particular kingdoms in relation with other friendly and enemy kingdoms, with the focus on sacred centres from which the power of the kingdom waxed and waned (Evans 2002:6-7).

relatively ecologically uniform, and could support large populations with paddy rice production, who could be taxed and relied upon for corvée labour and military support (Burling 1965, Scott 2009). Buddhism was (and continues to be)[14] the main religion in these valley areas, and royal leaders legitimized their rule by devising geneaologies of divine ancestry. Mandala states overlapped, and larger and more powerful overlords extracted tribute from similarly organized smaller states on their peripheries (Stuart-Fox 1997, Laungaramsri 2003, Scott 2009). The control that these ancient kingdoms held over their subject populations diminished with greater distance from the centre and territorial boundaries often fluctuated as villagers on the periphery switched allegiance between different royal centres or paid tribute to more than one overlord in order to balance power and maintain some political autonomy.

Ethnically diverse mountain villages on the edges of mandala states were connected to lowland kingdoms primarily through multi-ethnic trade and tributary relations. Highland villagers practiced different forms of swidden agriculture and followed a variety of local religions rather than adhering to Buddhism. State authority over these areas was limited or absent, hindered by the difficult terrain, and it has been argued that these areas provided an escape for state subjects if the demands of the kingdoms became too great (Scott 2009). Although ethnically and culturally diverse, highland peoples across mainland Southeast Asia shared a similar relationship with lowland states, motivating some scholars to classify the transnational 'mainland Southeast Asian' massif as 'Zomia' and identifying it as a geographic region in its own right (Scott 2009, Jonsson 2010, Michaud 2010). It is impossible to understand lowland states and kingdoms without considering their economic, political and symbolic relationships to highland peoples, and vice versa (Burling 1965, Leach 1997 [1954], Scott 2009, Michaud 2010)

The historical royal centres comprising the territory that is now Laos included Luang Prabang in the north, Vientiane in the centre and Champassak in the south (Osborne 2000). In the 18th century these were vassals of Bangkok – tributary kingdoms founded on asymmetrical symbiotic relations involving the extraction of resources in the form of tribute, taxes and labour from peasants and 'hill tribes' in the surrounding areas in exchange for military protection (Evans 1990, Evans 2002). Political power was held by the Lao-Tai nobility and royalty in the towns in

[14] In many cases, these mandala states began as Hindu states and later changed to Hindu-Buddhism or abandoned Hinduism completely. Rulers deployed Hindu and Buddhist concepts of divinity and devised an ancestry linked to various gods in order to justify their power (Keyes 1995:73).

the lowlands, whose influence 'radiated' outwards into rural and mountainous areas, diminishing with distance from the centre. In Laos and northern Thailand, the *muang* was the main component of these socio-spatial political structures, a concept incorporating both personal and spatial relations. *Muang* was used to describe the centre town in a network of connected villages and/or the town and villages under the rule of one specific lord (*chao*) who protected villagers in exchange for their tribute in labour and products (Evans 1990:30). *Muang* encompassed villages in both lowland river plains and in remote areas of the river valley and surrounding mountains, and generally included several ethnic groups (Walker 1999:6). Society in the *muang* was extremely hierarchical, with defined classes of nobility, peasants, and slaves (*kha*). The category of *kha*[15] was generally applied to 'hill tribes'living in forested mountain areas, such as the Khmu, Karen, Lahu, Hmong, and so on, ethnic groups who were often described as the 'original inhabitants' of the territory or who came as more recent migrants (Laungaramsri 2003). The relationship between *muang* (settlement) and *pa* (forest) was perceived in Tai cosmology as hierarchical, with *muang* culture, livelihoods and religion (Buddhism) considered to be superior and associated with civilization and order, while *pa* and the ethnic minorities living on the periphery of the *muang* were associated with wilderness, disorder, dangerous spirits (*phi*) and lack of civilization (Laungaramsri 2003, Singh 2012). Singh (2012) argues that the ability of Tai lords to transform and 'domesticate' unruly peripheral forested areas into settlements represented political and economic power, and the clearing of forests was perceived as a 'civilising' action that conferred legitimate authority. She asserts that this perception continues to influence the contemporary relationship between the Lao government and forests, with clearing forest for development as a 'civilising' act and a way of legitimizing political power.

Far from being isolated, highland ethnic minority communities in Laos have long been involved in elaborate multiethnic commercial trade networks, often dominated by Chinese middlemen (Lebar, Hickey et al. 1964, Walker 1999, Évrard 2006, Fujita 2006, Scott 2009). Highland villagers provided lowland kingdoms with valuable items such as opium, resins, honey, wild animals, sticklac, benzoin, gold, deerskins, wax, rhinoceros horn, ivory, and a variety of other forest products (Lebar, Hickey et al. 1964, Walker 1999, Rigg 2005:47), and relied on trade to

[15] The derogatory term *kha* continues to be used, although not in formal documents or state discourse. Laungaramsri (2003) points out that in Thailand, *kha* (with a falling tone) means subject or slave, while *kha* (with a low tone) was used by the Thai to apply to all 'hill people' in the north of Thailand. The meaning is not the same.

cope with fluctuating rice yields and occasional food shortages, to earn income needed for bride price, and to invest in local items of prestige, such as brass drums, gongs, water buffalo and sabres. Contrary to contemporary representations of swidden communities as isolated and subsistence-oriented, commercial production, occasional wage labour migration and market linkages have long played crucial and complementary roles in highland swidden livelihoods (Lebar, Hickey et al. 1964, Izikowitz 1979 [1951], Dove 1993, Évrard 2006).

Royal leaders of the Buddhist valley kingdoms justified their right to rule and to extract tribute, taxes and labour from their subjects through religious ideology by devising genealogies of divine ancestry. Lao-Tai kings legitimized their power over Lao peasants and other ethnic groups by claiming merit from past and current lives as well as by constructing royal ancestry traced back to *Khun Borom* (Lord of Borom), the mythical first ancestor of all Tai people (Stuart-Fox 1997:1). Myth and ritual were used to explain relations of domination and subordination between different ethnic groups, and also as justifications for the rule of the Lao-Tai over other ethnic groups.

Myths and ethnic relations: legitimating the right to rule

> Once upon a time, there lived a king who told his people to walk as far as they could, and then return to him at daybreak. The Hmong people were very hard working, and they walked until they reached the very top of the mountains, and then they took a rest. The Khmu were lazier, and walked only until they found a stream, and rested there. The Lue (*Lao Loum*) were the only people who remembered to return back to the king by daybreak. So, the king decided that the Hmong had to stay in the high mountains where they had stopped. The Khmu had to stay by the streams, but the Lue stayed in the kingdom with the king… They say that we all come from China and traveled to Laos. Even the Khmu came from China…This is what we learn in the school texts.
>
> **Somphet, my research assistant (ethnic Lue), recounting the myth about ethnic relations he'd heard as a child. Nambak District, Luang Prabang Province**

> The Khmu came first out of the gourd and got dark. The Lao and Lue came after, and got lighter. The Hmong, they threw leaves from the Tamarind tree and these became the Hmong. This is why the Hmong are not tired to live in the mountains. Because the leaves became the Hmong and they are not tired. If we try to walk after them, we can't catch them. They are faster than us.
>
> The Hmong didn't come out of the gourd. Then they forgot - they will have the Hmong, the people who live in the forest. They threw the leaves and the leaves became the Hmong – tamarind leaves. They used magic on the leaves, and these leaves became the Hmong. That is why they climb up the mountains very fast and are not heavy.
>
> The Khmu came first, and the Lao and Lue came afterwards. 'The stone is light, and the gold is heavy'. This means that the Khmu are the bosses and the *Lao Loum* are the servants. I

think this is true, because a lot of Khmu are bosses. A lot of Khmu are bosses now; governor, head of police, head of the soldiers, etc.

Mae Nanpheng, Lue woman, Houay Lo, Pak Ou District, Luang Prabang.

The first myth was recounted by my Lue research assistant, who had been told the story as a child in an effort to explain the differences between the ethnic groups living in his area. The second myth was told to me by Mae Nanpheng, an older Lue woman from Ban Houay Lo and is her version of the widely known myth of the origin of the Lao people. This myth posits that the different ethnic groups came out of one or more gourds (in Mae Nanpheng's unusual version, the Hmong come from tamarind leaves) and seeks to explain ethnic differences in Laos and how the Lao-Tai came to rule over the Khmu who were the 'original people of the land'. A Khmu version of this myth tells of a great flood that wipes out the entire human population except for a brother and sister, who are warned by either a rat or a bird to build a boat (or to hide in a big drum). After the flood, they are the only people left on earth, and an incestuous relationship between brother and sister results in the birth of a gourd, which grows until one day voices can be heard inside. The brother uses a hot iron rod to poke a hole in the gourd and people begin to come out. The skin of the first people to emerge (the 'original' people, the Khmu) is charred black by the hole. They were followed by the Thai/Lao, the Chinese and Hmong, and in some versions, the Europeans arrive last[16]. The order does not only explain the gradient from dark to pale skin colour, but also follows the order of waves of immigration to Southeast Asia[17] (Lebar, Hickey et al. 1964, Izikowitz 1979 [1951], Tayanin and Vang 1992, Proschan 2001, Évrard 2006:54). The Hmong have a similar myth which explains the origin of their different clans (Geddes 1976).

The Lao Chronicles of *Nithan Khun Borom* also describe how people originally emerged from a gourd. However, this version elaborates how the Tai peoples came to rule over the Khmu (*kha*) who were the original inhabitants of the land. In the myth, Khun Lo, the eldest son of Khun

[16] Titsomsouk, a Khmu man locally considered to be an 'expert' in Khmu culture, recounted an almost identical version of this myth when I interviewed him. He added his own twist of Lao history to the story, basically describing the sequence of people coming from the gourd as first the Khmu, then Lao, then Chinese, then Vietnamese (who went and found other places to live) and finally the Americans. This roughly coincides with the sequences of invasions of different peoples into Laos (the Vietnamese were heavily involved in administration during the French colonial era, and also in supporting the communist movement against the royal government). According to Titsomsouk, the Americans came out of the gourd when people hit it, and '*they didn't know how to eat yet, were still babies*'. Other groups gave them non-sticky rice to eat, and they sent them away to live 'out of the continent' in America. From the gourd, humans spread out across the world.

[17] In some versions there are two holes made, one with a charred poker and the other with a knife, still explaining the differences in skin tone and the story is essentially the same (Évrard 2006:54).

Borom seizes control of Luang Prabang, organizes the world, introduces agriculture, and becomes the first Tai ruler of Laos (Aijmer 1979, Stuart-Fox 1997:7). One version of the myth claims that the original King, presumably Khmu, did not 'bring order' to the world because he drank too much alcohol. The myth clearly establishes the legitimacy of Lao-Tai rule over the Khmu through processes of 'state-making' – bringing 'order' or 'legibility' and introducing agriculture – while the Khmu lost their rights to rule because they were 'drunk' and 'disorderly'. Some versions further justify Lao rule by establishing divine connections – describing Khun Borom as being sent to rule over the earth by the king of *thaen* (celestial deities). In this version, during the reign of Khun Borom, life on earth was threatened by the growth of a gigantic vine, which bore one, two or three giant gourds (depending on the version of the myth). An elderly *kha* (Khmu) couple, Thao Nyoeu and Thaon Ya, volunteered to chop the vine down. Cries could be heard from inside the gourd, so they made holes, first with a red-hot poker, then with a knife. The darker '*kha'* came from the first holes made with the poker, while the lighter skinned Lao-Tai emerged from the holes made with the knife. In this myth, the Royal family of Luang Prabang is descended from Khun Borom and set to rule above the people who came from the gourds[18] (Aijmer 1979). Thao Nyoeu and Thaon Ya were crushed and killed when the vine fell, and after their deaths become the guardian spirits of Luang Prabang.

The position of the Khmu as the original people and representatives of the ancestor spirits of Laos continues to be acknowledged in yearly rituals held during the Lao New Year (*Pi Mai Lao*) celebrations in the royal capital Luang Prabang, which reenact the symbolic transfer of the right to rule from the Khmu and the guardian spirits to the Lao-Tai royalty. Rather than a reenactment of conquer and displacement, in this ritual, the Khmu and the ancestor spirits

> …act as masters of the land and representatives of the locality-the pumpkin people as it were–in dealing with divine forces; in doing so they express their ultimate and exclusive rights to land as well as their continuing right to allocate these terrestrial rights to the Luang Prabang king (Aijmer 1979:741).

Through such rituals, Lao-Tai continue to legitimize authority and governance of territorial space and people in and around Luang Prabang, while at the same time recognizing the authority of the

[18] There are a number of different versions of the gourd myth. In another version, Thao Nyoeu and Thaon Ya are expelled from heaven because they are ugly, and when they arrive on earth, it is covered with water and they stamp the water away with their feet. They become lonely on earth and travel back to heaven to ask for company, and are given three gourds, and each different ethnic group comes out of a different gourd. Later the couple travels abroad and adopts a small golden lion, which they bring back to Luang Prabang.

Khmu over territorial spirits. Lao-Tai legitimacy of rule was reinforced when the Tai founder of Luang Prabang renamed his eldest son with the name of the *kha* chief who was dispossessed, making him 'chief of the *Kha'*. This established 'kinship' links between the royal family and the *kha*, further legitimizing their rights to land and political authority (Aijmer 1979).

> The foundation myth vests the royal line with supreme power by reference to divine plans, divine origin and a divinely sanctioned transfer of land rights; it expresses an original differentiation followed by a contractual fusion of Lao royal institutions and Kha chieftainship (Aijmer 1979:739).

Figure 2.1: The ancestor spirits (Thao Nyoeu and Thaon Ya) and their adopted pet lion in the Lao New Year Parade, Luang Prabang.

The Khmu are still recognized as the original owners of the land and are often referred to as 'older brothers' of the Lao who believe that they have control over the spirits in the land (Lebar, Hickey et al. 1964, Aijmer 1979). Khmu myths often contest the legitimacy of Lao domination or provide rationale for why they lost their authority over their territory, variously explaining their subordination to the Lao-Tai through stories of 'sin' (incestuous relationships), punishment, laziness or being tricked and deprived of their rights (Lebar, Hickey et al. 1964:113). In a story about a mythical boat race, the Lao built their boat out of wood while the Khmu built theirs out of hides. When the Khmu's boat sank, the Lao agreed to save them if they would be their servants (Tayanin and Vang 1992, Proschan 2001, Évrard 2006:54). In another version of this myth, an ancestor of the Kasak[19] people (a subgroup of Khmu), is described as the older brother of the King of Luang Prabang. The brothers

[19] The Kasak are a subgroup of the Khmu who live mainly in Xieng Ngeun District in Luang Prabang Province who play a role in yearly spirit ceremonies in Luang Prabang town. The Kasak have abandoned the Khmu language (a Mon-Khmer language spoken with slight variations by all other Khmu), preferring to speak Lao (a Tai language).

set out to found the city of Luang Prabang, the Kasak in a brass canoe and the King in a leather canoe. The Kasak arrived first and planted his marker to claim the location of the city, but when the King arrived, he put his marker on the top of a tree. They argued about who got there first, and the King won because he claimed his marker was higher. The Kasak was forced to go to live in the mountains while the King took the city (Lebar, Hickey et al. 1964:113, Évrard 2006:54). Another Khmu legend tells of a meeting in which all the different ethnic groups gathered together to gain knowledge, but the Khmu were busy eating crunchy melons. Because they could not hear, the Khmu did not acquire knowledge or literacy, placing them below the other ethnic groups (Proschan 2001). These myths contrast with historical accounts that suggest that Tai and Lao immigrants learned to write from the Mon-Khmer whose Hindu-Buddhist kingdoms they usurped (Keyes 1995).

Évrard (2006:57) argues that there is a structural opposition between the Lao and the Khmu in defining their ethnicity. For the Khmu, ethnic difference and reasons for Lao dominance are explained in myths that depict a history of spoliation, while Lao myths represent the Lao as being superior. Similarly, the Khmu emphasize that they all came from the same gourd (emphasizing their kinship), while the Lao version sometimes recounts different ethnic groups coming from different gourds (Évrard 2006:57), and the royal family coming from deities, assuming a supernatural superiority over the people they rule (Aijmer 1979).

These myths illustrate a theme that is of central importance to this thesis; how the authority to govern and control land and people is represented, legitimized and contested. The myths can be seen as narratives that helped justify the sovereign claims of the pre-colonial Lao-Tai state over territory and multi-ethnic subjects[20]. Rituals in the royal court in Luang Prabang continue to play a symbolic role in marking Lao territorial claims against the Khmu. Rights to rule were asserted through supernatural ancestry, and also, in Buddhist states, through profession of merit from past lives. These myths continue to be told in villages to help explain contemporary ethnic differences and unequal power relations.

From colonial to communist Laos

[20] Malinowski (1948) similarly argued that one important role of myth is to legitimate unequal distributions of power.

The arrival of the Europeans in mainland Southeast Asia transformed centre-periphery relations and notions of statehood by the demarcation of territorial boundaries consistent with administration systems and the imposition of a European conception of 'order' – that of bounded property and territorial sovereignty[21]. The French governed Laos in various capacities between 1893 and 1953,[22] integrating Laos into French Indochina as a province, rather than a nation in its own right, primarily in order to maintain a territorial buffer between Vietnam and powerful Siam (now Thailand). They legitimized their control by portraying Lao people as under threat from Thailand and in need of the protection of France in order to survive. French political control was backed by the Lao elite and the royal family, who were given financial benefits and educational support from France.

The French formalised political structures in Laos based on abstract spatial rather than personal principles, creating bounded provinces (*khoueng*) which encompassed districts (*muang*), cantons (*tasseng)* and villages (*ban*), with formal leadership at each level (Evans 1990). This had the effect of strengthening central state control over territory and people. The French also formalised an ethnic hierarchy, giving certain ethnic groups administrative roles (particularly posting Vietnamese functionaries into the higher ranking government positions), and maintaining the '*montagnards'* or 'hill tribes' at the bottom of the hierarchy (Evans 1990, Stuart-Fox 1997). Hill areas were governed through a system of indirect rule, recognizing local leaders as loosely governing on behalf of the French. The French initiated a system of tax and corvée work to replace the tributary system, and established opium monopolies in Indochina, accepting opium in lieu of taxes, which had the effect of increasing opium production among the Hmong and other highland groups[23]. The primary goals of the French colonial government in Laos were to improve transportation, to extract natural resources, to control the Mekong, and to maintain a buffer against

[21] Thailand was never colonized, but the king hired Europeans to map the boundaries in order to protect Thai territories from being taken under European control. This changed the relationship between the state and peripheral border areas and peoples (Winichakul 1994).

[22] The French integrated Laos into French Indochine in 1893. The invasion of the Japanese in March 1945 forced the King to declare independence from France. Japanese occupation was brief, ending in August 1945. The French occupied Vientiane again in April 1946, and, because of growing and militarised Lao nationalist movements, endorsed territorial control of Laos to a 'constitutional monarchy' within the French Union, in which only a limited amount of power was devolved to the Lao (agriculture, education, health and public works) while France continued to control foreign relations, defence, and oversaw formal administrative structures and ministeries (Stuart-Fox 1997).

[23] Opium production in the country was later monopolized by the French secret service, and then the American CIA (Evans 1990). However, current pressure from the United States has supported coercive tactics to eradicate poppy production.

Siam (Thailand). Very little was invested in development, education, agricultural improvement or the development of plantation agriculture, as was done elsewhere in French Indochina. The prohibition of trade in slaves, struggles over control of trade in opium and other highland crops, and demands for taxes and corvée labour sparked a number of rebellions led by ethnic minorities against French authority (Stuart-Fox 1997, Evans 2002). However, most highland areas remained relatively unaffected by the French.

Laos was governed by the Royal Lao Government between 1945 and 1975, first as a 'constitutional monarchy' under the French Indochina Union (from 1946-1953) and then as an independent country battling civil war between 1953 to 1975, ending when the communist Pathet Lao took power (Stuart-Fox 1997). During the period of the constitutional monarchy, growing nationalism and the conceptualization of Laos as a territorially-defined nation-state, with borders that had been drawn by France, was based primarily on the dominant Lao-Tai history of the Kingdom of *Lan Xang Hom Khao* (Land of a Million Elephants and One White Parasol), the ancient royal Lao kingdom with its capital in Luang Prabang. Ethnic minorities, who made up approximately half of the population within the territory, were neither included in this history nor involved in state building activities. Government members were drawn from the ethnic Lao urban elite so did not represent the interests of Lao-Tai peasants nor ethnic minorities. The Lao elite assumed ethnic superiority over the '*kha*' (mainly the Khmu) and '*meo*' (Hmong), and were often discriminatory or at best indifferent to minority ethnic groups living in the mountains. Royal Lao Government officials rarely visited rural villages, and when they did, often demanded lodging, food and porterage to the next village (Stuart-Fox 1997:101). State services were focused on towns, while rural areas remained basically untouched.

In an effort to slow the spread of communism in Southeast Asia during the cold war, the United States poured a huge amount of 'aid' money into newly independent Laos to support the Royal Lao Government[24]. Corruption and financial mismanagement were rampant, and Royal Lao government staff and members of the urban elite took advantage of US aid projects to skim off

[24] *'Over the period from 1955 to 1963, US foreign assistance to an estimated two and a half million Lao amounted to US $192.30 per capita, the highest for any country in Southeast Asia, including South Vietnam. By contrast, Thais received US $31 per capita over the period from 1946-1963, while Indonesians received $8.80. Far from this amount being fairly spread throughout the population, however, between 1953 and 1959 only 7 percent of project aid to Laos, a mere US $1.3 million, was spent on agriculture, as against US $184 million on military support – this in a country where over 90 percent of the population were peasant farmers.'* (Stuart-Fox 1999:91)

money for their own purposes. Wealth from aid projects was appropriated by a few urban elite Lao families, effectively reinforcing the clan patronage structure in Lao politics, maintaining the socio-political standing of certain elite families who focused on accumulating wealth from aid projects rather than exercising their political power for the national good (Stuart-Fox 1997:91,101). Very few of these funds found their way into rural communities. Stuart-Fox (1997) asserts that the real political power at this time lay with the US embassy and USAID mission which held the country's purse-strings. USAID created a parallel administration and had significant influence over political thinking within the Royalist camp while concurrently fostering a dependent mentality among the Lao political elite (Stuart-Fox 1997:92). The flow of US money and the corruption of the Royal Lao government and its supporters enhanced popular support for the growing communist movement, whose leaders highlighted this as evidence of foreign interference[25] (Stuart-Fox 1997:102-103).

The formation of the nationalist *Lao Issara*[26] (Free Lao) movement and the *Pathet Lao* communist movement, both set in opposition to the Royal Lao Government, inspired a growing sense of national identity distinct from the history of the ancient Lao monarchies. While the Royal Lao government had largely ignored non-Lao ethnic groups, the Pathet Lao focused on including rural people and ethnic minorities as 'equal' citizens in the state, attempting to foster a Lao national identity inclusive of all groups, ethnicities and social classes in collective resistance against foreign domination by the French and Americans (Stuart-Fox 1997, Evans 2002, Pholsena 2006). Pathet Lao cadres conducted development work in rural areas, staying in villages to help build schools and teach literacy. Ethnic minorities were also appointed as ministers in the Pathet Lao bureaucracy, and minorities found themselves courted rather than exploited for the first time (Stuart-Fox 1997:101). Through these activities, the Pathet Lao gained support from many (but not all) of the highland ethnic minority groups.

[25] Interventions by the United States prevented several attempts to form a coalition government between Royal Lao party and Pathet Lao, and also prevented Laos from remaining neutral (Stuart-Fox 1997).

[26] *Lao Issara* (Free Lao) was an independence movement that started in the mid-1940s with the goal of creating an independent nation-state and ending French colonial rule as well as the rule of the Royal Family. Under Prince Pethsarath, in 1946 *Lao Issara* declared itself the Lao government after the brief Japanese occupation and before the French returned. *Lao Issara* eventually fell apart. The Pathet Lao is the communist movement in Laos, which took control of the country in 1975 and became the Lao Peoples Revolutionary Party (LPRP) and the government of the Lao People's Democratic Republic (Lao PDR).

Between 1963 and 1975, during the period of the second Indochina war, America supported a 'secret war' in Laos in an attempt to contain the spread of communism in Southeast Asia. In addition to funneling development aid to support the Royal Lao Government, the United States supported the establishment of a CIA-trained 'secret army' composed primarily of ethnic Hmong, a fiercely independent people who were concerned that a communist government would interfere too much in their lives and who were allegedly promised self-government and their own homeland by the Americans. Although clan conflicts within the Hmong community influenced some Hmong to align with the Pathet Lao, the legacy of predominant support of the Hmong for the Royal Lao Government has had lasting implications. When the Pathet Lao took control of the country in 1975, many Hmong were evacuated to the United States or fled to Thailand where they continue to live in refugee camps near the border. This has created an international Hmong diaspora, with financial capital, media and people moving back and forth between Laos and the United States today (Schein 2007). The Hmong remaining in Laos have been persecuted and continue to be suspected as a security risk. Incidents and areas of Hmong insurgency (sometimes financed by co-ethnic transnationals) and violent oppression by the state (although now less common) continue to occur, and Hmong villages continue to be resettled in the interests of national security. In contrast, the Khmu are represented as both 'backwards' and 'heroes of the revolution' for their support of the Pathet Lao, and continue to be heavily represented in the Lao military[27] (Evans 2002, Évrard 2006). Khmu men I interviewed in Luang Prabang province often emphasized their fame as soldiers and their role in supporting the Pathet Lao during the war, some proudly showing battle scars and old gunshot wounds. Khmu continue to join the Lao military, sometimes gaining high positions, and the military actively recruits young men from households with many sons in Khmu villages across the province[28].

[27] Although Khmu are known for their support for the Pathet Lao, some Khmu also fought for the Royal Lao Government. There is a long history of the Khmu and other upland ethnic groups providing military service as well as labour to Lao-Tai monarchs. Izikowitz (1969) writes that highland minorities, including the Khmu, often left home to work on teak plantations or as soldiers for Thai princes as a way to earn income in order to pay for bride price and prestige items. It was customary for young Khmu men of the Kheun clan in Luang Namtha to leave their village and work as soldiers for the Prince of Nan.

[28] According to my interviews in Luang Prabang Province, recruitment is not always completely voluntary, and a lot of pressure is put on households to release sons to the military. One Khmu man I interviewed who was recruited in 1980 when he was 17, described his experience in the Lao Military. *'I didn't want to go, but I had no choice. This is how people become soldiers. People become soldiers because they are forced by the government, not because they want to. When I was a soldier, I was paid but I didn't save any money, because I used it to buy food and drink. Because I was afraid I was going to die. In Sayabouri, I fought in 1986 against Thailand* [there was a border dispute between Laos and Thailand at this time]. *Thailand was trying to take Lao land because they wanted the logs. They used trucks*

During the war, Laos was subjected to some of the heaviest bombing in the world. This resulted in mass displacement of people in rural and mountainous areas, as whole villages from the eastern part of the country moved westwards in search of safety, setting up temporary villages and swiddens *en route*, and often attempting to flee across the Mekong to refugee camps in Thailand (Fujita 2006). Upon returning home after the war, many found their old villages occupied by new people who had also been displaced by conflict. Thus, there has been a recent history of large-scale resettlement and disruption of rural livelihoods, particularly in the north of the country. In every village in Luang Prabang Province, people I interviewed recounted stories of war and displacement, and reminders of war are physically present in the old bombshells now used for planters, temple posts or bells (see figure 2.2), and in the posters decorating the schools identifying different types of unexploded ordinance warning children not to touch them. Unexploded ordinances continue to maim children and farmers working in the fields, particularly in the agricultural lands surrounding the Ho Chi Minh trail.

Figure 2.2: Bombshell temple bell, Ban Pak Check, Pak Ou District, Luang Prabang Province

Although the war officially ended in 1975 with the victory of the Pathet Lao, armed conflict continued in some parts of the country throughout the 1980s, and in some remote areas into the 1990s and even 2000s (Baird and Le Billon 2012). There were also border disputes between Thailand and Laos in the mid-1980s, primarily motivated by desire to control valuable timber

to come into Laos and take the logs – Thai soldiers came to take the logs. For six months, Thai truckers and soldiers came to take Lao logs and Lao land in Sayabouri. There was a battle. My friend was killed and I was shot by the Thai. The Thai took almost half of Sayabouri, but the Lao tricked the Thai. They told the Thai they could have the land, and then the Lao attacked the soldiers after they had celebrated and become drunk. 1000 Thai soldiers died. Lao soldiers killed the Thai like animals - they cut their throats. Thailand also had to pay money to Laos because they lost the war. After this, Thailand didn't come again'.

resources. War is thus an important part of the recent history of Laos and remains present in the consciousness of today's adults. Recent experiences with violence provide an important context for understanding contemporary ethnic relations and village responses to conflict, dispossession and compliance to state development policies (see also Baird and Le Billon 2012). 'Political histories' are invoked today by villagers who had historical links to the Pathet Lao when they seek to maintain hold of their lands in the face of land concessions, or are deemphasized by those who found themselves on the wrong side during the war (Baird and Le Billon 2012). Wartime histories also influence government resettlement plans enacted in the name of national security (Baird and Shoemaker 2007, Baird and Le Billon 2012).

When the Pathet Lao took power in 1975 and created the Lao People's Revolutionary Party (LPRP) to govern the newly created Lao People's Democratic Republic (Lao PDR), they instituted a centrally planned command-driven economy and attempted to reform the country along modernist, scientific and socialist ideals, aspiring to create a 'new socialist man'(Evans 1990). This 'new socialist man' was essentially a 'rational' and 'industrial' man with socialist values, who eschewed superstition and the 'decadence' of capitalism, including western music, fashion and 'lax' morality (Evans 1990, Evans 2002). The new government promoted agricultural collectivization in valley areas, intended as a way to modernize 'backward' agriculture, increase production and attain self-sufficiency in food, with the political goal of integrating rural areas into

Figure 2.3: Official Lao government insignia

Modernisation and development ideologies of the Lao government are represented visually on the official insignia, which is stamped on the front of all official government documents and legal decrees as well as on Lao currency. The insignia depicts an asphalt road, the Nam Ngum hydropower dam, and a wheel as symbols of development and industrialization, alongside lowland agricultural fields and forests. The logo is encircled by ripe sheaths of rice, the main subsistence crop in the country. *Wat That Luang* stupa of central Vientiane – a common symbol of Lao Buddhism and important to the ethnically Lao-Tai, is depicted in the background, and replaced the star and sickle symbol of communism in 1991 to reflect the shift to a market economy. Symbolic representation of ethnic minority groups and the swidden-cultivated mountain landscapes so prominent in the Lao countryside are conspicuously absent from such representations of modernity.

the state and transforming a largely subsistence peasantry into 'good socialist' men (and women) who worked for the collective good of the nation (Evans 1988, Evans 1990). About 4000 collective farms were established between 1976-1986, primarily in the eastern provinces (Ducourtieux, Laffort et al. 2005). There was widespread passive resistance to cooperative farming, and difficulties in coordinating collective work and redistributing the harvest led to declining rice yields. The collective farm movement in Laos was much less extreme than that in China under Mao, and many were collective farms in name only, or merely groups extending traditional labour exchange relations beyond the immediate family (Evans 1990, Ducourtieux, Laffort et al. 2005). Scott (1990:60) writes that local officials, under pressure to create successful collective farms, produced 'phantom' cooperatives to please superiors through the creative manipulation of account books and creating representations of 'cooperative' agricultural activities which essentially had not been changed. Basically, low-level state cadres and villagers collaborated in a performance of adherence to state mandates while intentionally obscuring actual practices. Whether or not senior officials actually believed this deception or simply accepted it in order to maintain the façade of state power is not clear. In addition to cooperative farming, the government also established state logging enterprises to earn foreign exchange, and timber became a major export commodity, leading to widespread degradation of forests throughout the country (Fujita 2006).

The new communist government also tried to impose modern 'scientific socialism' and repress 'superstitions' of Lao and minority groups by regulating Buddhist and animist rituals, even reframing some of Buddha's actions and words to reflect communist ideologies (Evans 1998). In 1975, the then Deputy Premier and Minister of Education, Sports and Religious Affairs attempted to coopt Buddha as an example of a good 'socialist man' by applying Buddhist philosophies in support of socialist ideals of collective property and the abandonment of personal interests for the well-being of society.

> The Lord Buddha gave up all his worldly possessions and became an ordinary person with only an alms bowl to beg for food from other people. That meant that he tried to abolish the classes in his country and to create only one class – a class of morally conscious people who were respected by other people… We can see now that the revolutionary politics and the politics practiced by the Lord Buddha have the same goals (Evans 1990:5, quoting Phoumi Vongvichit).

This illustrates how 'old' and 'new' (religious and political) ideologies were strategically combined for political ends. Various attempts were made to eliminate religious belief in the interests of promoting socialist 'scientific rationality'. One example was the 1977 ban of the

traditional rocket festival (*Boun Ban Phai*), a ritual considered important for fertility, rains and successful crops. This led to wide-spread peasant resentment and the government was blamed for poor rains and failed rice crops that year (Evans 1998). Khmu I interviewed in Luang Prabang province remembered official attempts to ban animal sacrifices to the spirits in order to 'save money' (rather than based on the Marxist notion that religion is the opium of the people), yet animal sacrifice continues to be important for securing human health and crop productivity as will be described in chapter five. The Marxist-inspired separation between 'science' and 'superstition' was also not very clear among state cadres themselves and many created 'localized compromises' with mediums and spirits across the country. Evans (1998:73-4) documents a case in 1977, in which a state cadre declared the spirits attached to the temples in Luang Prabang to be 'feudal'. The official informed the spirits that the King had been sent for reeducation in the north and that they also needed to change, giving them a choice to go to the King to the north, to become monks in the temples, or to leave the country. Ceremonies were then conducted to welcome some spirits into the *Sangha*[29] and send others to be with the King in the north. Spirits who chose neither option became 'refugees'. The official gained some fame, and was subsequently asked to help conduct similar purification ceremonies elsewhere.

Given these few anecdotes, it is not surprising that government attempts to secularize Lao society were largely unsuccessful. In practice, political and religious 'ideologies' were mixed together and by the mid-1980s, there was increased tolerance for spirits and mediums. Although the local religious practices of ethnic minorities are still perceived as superstitious, Buddhism has become a nationalizing symbol, and in 1991, the image of That Luang (the Grand Stupa of Vientiane) officially replaced the communist hammer and sickle on the official government insignia (see figure 2.3), illustrating the shift from communism to 'culture' as a state-legitimizing and nationalizing force (Evans 1998). The *baci* or *sou khwan* (soul calling) ceremony, an 'animistic' ritual practiced widely across the country by Lao Buddhists and ethnic minorities alike that was discouraged during early socialism (Singh 2014), is currently held up as a national symbol by the Lao government, integrated into official diplomatic visits, advocated as a tourist attraction, and practiced widely as part of ritual life in villages and towns across the country (Ngaosyvathn 1990, Evans 1998, Singh 2014). This ritual is described in more detail in chapter five. Performances of religion and ritual combined with images, ideologies and goals of modernization

[29] The *Sangha* is the Buddhist monastic order.

and development combine as part of a 'theater state' (Geertz 1980) to justify authority and power (see also Singh 2014).

This last section has outlined the evolution of various ideologies legitimizing rule from precolonial to communism. Pre-colonial Lao-Tai rulers justified their political authority over peasants, ethnic minorities and territory through narratives and myths that emphasized their divine ancestry in Buddhist cosmology and their 'ordering' and bringing agriculture' to society, while representing ethnic minorities as lazy and having lost the right to rule. In Luang Prabang, authority of rule was legitimated through rituals that transferred territorial rights from the Khmu to the Lao. Colonial French leaders justified their rule by emphasizing the need to protect Laos from Thailand, yet paid little attention to developing rural areas. The Royal Lao government emphasized a collective Lao history and identity as a nation-state within the borders created by France by highlighting the historical Lao Kingdom of *Lang Xang*, which excluded ethnic minorities within these borders. The Pathet Lao focused on taking control of the country as resistance against 'foreign imperialists', and integrated ethnic minorities as equal citizens within the state. Once in power, the authority of the communist government was justified as bringing 'socialist' style development and introducing modern 'scientific' rationalism and management. However, this 'rationalism' was eventually integrated with Lao religious ideologies to help boost state authority. The following section outlines contemporary justifications and policies of governance in Laos, from the mid-1980s when the state opened up to the international market, to the country's current position in a globalized neo-liberal economic system.

Imagined inhabitants: Constructing national unity

> The Lao PDR is a country which is constituted by many ethnic groups which live their livelihood in between each other from the north to the south, no one ethnic groups has ever exploited or conquered another ever since: they have lived together in peace, no one ethnic group has lived its livelihood separately in a large territory. Each ethnic group has a common character of being a part of a unified nation and has its own particularities. [sic]
>
> …all nations are constituted by many different ethnic groups which are endowed with national characteristics of different dialects, custom, tradition, belief and culture. Through each period of history, through the communication, generosity, unity and helping each other among the ethnic groups there has been some change, but of course, it still encompass diversified traces inheriting from the span of centuries like their dialect, customs, traditions, beliefs and other. Ethnic group is a matter of complexity for our world today. However, it is significant and meaningful for the strength and firm monolith of a nation. [sic]
>
> **(Lao Front for National Construction (LFNC) 2005:a)**

Figure 2.4: ***Culture is an invaluable heritage from our ancestors. It is one fundamental factor of nationhood, the spiritual foundation of society. It is the guarantee of the perennity of our Nation. It is the strength and objective of national development*****. Large billboard in central Vientiane, June 2012.**

The photograph of the billboard taken in downtown Vientiane in 2012 (figure 2.4) and the quote from a 2005 government educational document entitled 'The ethnic groups in Laos' illustrate the preoccupation of the Lao government with asserting a cohesive national identity among an ethnically diverse population. The 'Lao Front for National Construction' is a government body devoted to fostering national inclusiveness among the many culturally distinct ethnic groups as part of a 'monolith' united nation, emphasizing the historical harmony between the different peoples while obscuring the historical divisions, conflict and ethnic inequalities that still exist in Laos. Such nation-building exercises involve representations of people as 'subjects' or 'citizens', representations of 'territory' as coterminous with state administrative authority, and historical narratives and images that highlight a shared past and a collective future, linking these under national development narratives and ideologies. Benedict Anderson defines a nation as '*an imagined political community…imagined as both inherently limited and sovereign'* (Anderson 1991:6). A nation is socially imagined because the feeling of community is constructed through

specific representations, narratives, and histories rather than through actual personal relationships. It is territorially imagined through maps, stories and images of landscapes that become central to the national consciousness (e.g. Canada's 'great white north', Germany's Black Forest, Brazil's Amazon jungle, and so on). Nations, subjects/citizens and territories, Anderson argues, are constructed both structurally and psychologically. Nation-states construct boundaries around territories and around people, defining what and who is included or excluded under the authority of a central state. Nationalism can be seen as a form of 'governmentality' or a 'hegemonic ideology' – a way for states to produce citizen-subjects who will recognize state sovereignty as natural. This is slightly different from governance, which describes the institutions and practices through which states assert political authority over people and resources.

The Lao state officially recognizes 49 different ethnic groups of which 48 are classified as ethnic minorities. This is condensed from an estimated 230 different ethnic groups (Rigg 2005:31). The majority ethnic group – the politically dominant 'Lao-Tai' – is included in the category *'Lao Loum'* (lowland Lao), and together with other 'lowland' ethnic groups comprises just over half (52.55%) of the total population (GoL 2005). The combination of the other 'lowland groups' together with the Lao-Tai is partially intentional since it allows the '*Lao Loum*' to slightly outnumber the highland ethnic minorities. This ethnic diversity has posed a challenge in creating a unified sense of Lao nationality and a cohesive 'Lao' nation-state that includes the diverse ethnic groups, and with the distinction maintained between the 'Lao' state and the 'Lao' as an ethnic group (Jerndal and Rigg 1998, Stuart-Fox 1998, Jerndal and Rigg 1999, Evans 1999a). In the 1970s, the new communist regime attempted to foster a sense of national inclusiveness by collapsing the many different ethnic groups into three ethnic categories that emphasized their 'Lao' identity. These classifications are loosely based on related language, culture, religion, and on ethnic stereotypes about livelihood practices and the topographical 'elevation' at which certain groups are presumed to live – the *Lao Loum* (lowland Lao), *Lao Theung* (mid-land Lao) and *Lao Sung* (highland Lao). The preface 'Lao' intentionally emphasizes the inclusion of these different peoples as 'Lao' citizens within the Lao PDR as a nation-state (Lao National Front for Construction 2005). The *Lao Loum* include the ethnic Lao and other Lao-Tai speakers (Tai-Kadai), and are depicted as wet rice farmers living between altitudes of 200-400 masl, and as followers of Theravada Buddhism. The *Lao Theung* include Austro-Asiatic/Mon-Khmer speakers such as the Khmu, Lamet, and Lahu, and are officially represented as animists who practice swidden

cultivation for glutinous rice and hunting-gathering in the forested areas of middle mountain ranges (altitudes over 700 masl). The *Lao Sung* includes Tibeto-Burman and Hmong-Yao groups, such as the Hmong, Akha, Lisu, and Iu-Mien. These groups are generally considered to be more recent immigrants to Laos, and are described as animists living in the higher mountain ranges (over 1000 masl), as highly migratory and as practicing pioneer shifting cultivation in which rice, opium and corn are grown continuously until the soils are depleted after which the village moves to clear new primary forest (Evans 1999b, Freeman 2001). This classification system has been heavily criticized for its ethnic stereotypes and simplistic assumptions about discretely bounded ethnic groups that overlap with specific livelihood practices and places of residence, and was officially abandoned by the government in 1981[30] (Lao Front for National Construction (LFNC) 2005:e). However, the three ethnic categories continue to be widely used both formally and informally in state and development discourse, and are commonly represented on posters and in state functions and parades, and are depicted on the 10,000 kip note (see Figure 2.5). Furthermore, villagers often use these categories in local discussions about ethnicity and ethnic difference.

Figure 2.5: 1000 kip bill, with representation of the three ethnic categories, *Lao Sung*, *Lao Loum* and *Lao Theung* (from left to right), the That Luang Stupa, and the Lao government insignia.

The different ethnic groups are theoretically integrated into the nation as equal citizens. This provides a stark contrast to 'hill tribes' in Thailand, where many ethnic minorities are denied Thai citizenship regardless of their historical habitation within Thai territorial borders (see Laungaramsri 2003, Vandergeest 2003). Equality of all Lao ethnic groups is legally established in Article 8 of the 1991 Lao Constitution, which states that *'The state will carry out a policy of unity and equality between the various ethnic groups… Discrimination between ethnic groups is forbidden.'* Although Laos voted in favour of the United Nations

[30] Today, the Lao government officially classifies the various ethnic groups into 5 ethno-linguistic families: Lao-Tai (66.2%, 3.3 million) – this includes Lao (2.4 million) as well as 5 other groups (.9 million) of which half are Phoutai (0.7 million); the Mon-Khmer (22.7%, 1.2 million) with 30 groups, dominated by the Khmu (0.5 million); the Hmong-Yao (7.4%, 0.34 million) in which the Hmong are predominant (0.32 million); the Tibeto-Burman (2.9%, 0.14 million) with 9 groups; the Hani (0.09 million) being the largest; and finally the small Ho Chinese group, with only 8,900 (Michaud 2006:135).

International Declaration on the Rights of Indigenous Peoples in 2007, the country does not recognise any one group as being more indigenous than another, and discourses concerning

Figure 2.6: Buddhist novices (*Lao Loum*)

Figure 2.7: Miss Luang Prabang 2006 wearing traditional silk skirt (*sin) (Lao Loum)*

Figure 2.8: Khmu musicians with bamboo instruments *(Lao Theung)*

Figure 2.9: Hmong in traditional dress, playing the *qeej* (*Lao Sung)*

Figures 2.6-2.9: Ethnic representation in the Lao New Year (*Pi Mai Lao*) Parade, Luang Prabang, April 2006.

'indigenous peoples' are absent in the country. However, the historical waves of migration of different ethnic groups are recognized in official reports as well as in local mythologies explaining ethnic difference, as described earlier in this chapter. For example, the Khmu (classified as *Lao*

Theung) are widely recognized as being the original inhabitants of Laos, and are referred to by the Lao as their 'older brothers' in recognition of their indigenous status. However, this does not confer on them special status as indigenous people.

Although legally equal, ethnic minorities are politically and economically marginal in relation to the *Lao Loum*, and discrimination against certain groups is common. Ethnic minorities are not well represented in government (although this is improving for the Hmong), and their socio-economic development indicators are well below those of the Lao (Rigg 2005:67). Their marginality is largely related to their identity as 'shifting cultivators' living in landscapes classified as 'state forests', rather than to their ethnicity. State laws that zone highland areas as public forest land, and policies to eliminate shifting cultivation have a disproportionately negative impact on ethnic minorities. Furthermore, development goals are based largely on lowland Lao ideals and priorities, resulting in *de facto* discrimination.

Post-socialist Laos

Since the mid-1980s, following the dissolution of the Soviet Union and cessation of its financial assistance to the country, Laos has undergone a process of trade and market liberalization, encouraging private enterprises and decentralizing state control of the economy (MAF 1999). The 'New Economic Mechanism' (NEM) (*Chin Thanakaan Mai* or 'New Thinking') was introduced in 1986 and has been a central framework for transforming Laos from a command-driven to a market economy (Rigg 2005). The NEM incorporates a number of neo-liberal economic policies, including a) market determination of prices and resource allocation; b) a shift from central to guidance planning; c) encouragement of the private sector and private investment, including increasing foreign direct investment (FDI) in the country; d) decentralization of state control of industries and lower levels of government; e) an elimination of subsidies and introduction of monetary controls; and f) alignment of the domestic currency with the market rate (Rigg 2005:21). For most of the country, the command driven economy was ideological rather than a lived experience, and this economic transition represents more of a livelihood transition, from subsistence to market orientation (Rigg 2005). From the perspective of meeting its stated goals, the NEM can be seen as relatively successful. GDP in Laos has increased rapidly in the past ten years, moving from 2,023 billion in 2003 to 3,456 billion in 2006 to 9,299 billion in 2013 (World Bank 2013). Between 2003 and 2012 the economic growth rate averaged 7.7% per year (World

Bank 2013), increasing in more recent years primarily because of revenue earned from hydropower and mining (VT 2013, July 15).

Although Laos has shifted its economic policy from socialism to market liberalization, political power remains in the hands of the Lao People's Revolutionary Party (LPRP) and the state remains authoritarian and command-driven. Laos is described as 'post-socialist', characterized by economic liberalism within a one-party state that is resistant to the formation of a multi-party democracy and that exerts considerable control over media and information (Evans 1998, Stuart-Fox 2006, Baird and Le Billon 2012). The Party (or 'Politburo), from which most wealthy Lao elite are drawn, overlaps with the military and the government bureaucracy (which basically acts as the administrative arm of the Party), and wields significant power (Stuart-Fox 2006). Governance continues to be highly personalised and the dictates of authority figures and patronage politics often hold greater weight than written policies and laws (Stuart-Fox 2006, Singh 2012). Laws tend to be enforced more strictly on poor and less powerful citizens (Stuart-Fox 2004, Stuart-Fox 2006, Singh 2012). Socialist ideologies and programs for economic, social and cultural transformation – the creation of a responsibilized 'socialist man' – have been replaced by ideologies and programs to fashion a responsibilized 'modern market-oriented (but still politically socialist) man'. Lao territory is being refashioned into abstract zones to be better controlled by the state in the interests of legibility and capital accumulation (as per Scott 1998, Lefebvre 2000 [1991], Harvey 2006).

Figures 2.10 and 2.11: Smoke free Vientiane Capital

In contemporary Laos, the desire to become a 'modern' country drives development policy and is framed within the cultural understanding and administrative framework of the politically dominant Lao-Tai in collaboration with international development agencies and foreign investors. A 'modern' Laos is imagined and portrayed as rationally planned and governed, as moving towards

commercialized production, industrialization and integration into global markets, and as fitting in with global symbolic tropes of modernity. As described in the introduction, images and narratives of what a modern Laos should look like are spread throughout official documents, on billboards along highways and in the city, through local media and by state cadres at all levels. They are communicated to villagers through specific types of projects, and through the tropes of the market-oriented 'model farmer' and 'model village' which reflect state goals for development. These influence local desires for modernity as well as discipline the actions of Lao citizens to support specific development goals sought after by the state. Other messages intended to 'discipline' Lao bodies are presented in the form of signs outside of temples and parks advocating non-smoking policies, exercise equipment and public aerobic classes in Vientiane, representations of modern buildings and consumer spaces (as described in the introduction), requirements for Lao women government officials to wear traditional silk skirts (*sin*) in the workplace, and so on. Foucault (1977, [1978]1980) argues that states exert subtle disciplinary power over human bodies to make them both more obedient and more economically productive, and that this 'biopower' is associated with and necessary for the rise of capitalism. 'Docile bodies' are constructed through diffuse power that works both at the individual and population level, with the goal of generating a subjected, transformed and improved social body. This is accomplished through the ordering and structuring people's movements and activities within time and space (such as in schools, armies, workshops) and the transformation of human 'bodies' to increase their economic utility/productivity (through improved health, fitness, hygiene, skills) as well as their political obedience. One aspect of state power is

> …centered on the body as a machine; its disciplining, the optimization of it capabilities, the extortion of its forces, the parallel increase of its usefulness and its docility, its integration into systems of efficient and economic controls. (Foucault [1978]1980:139).

This form of domination is achieved not through repression or coercion, but through 'productive power' that operates by educating people's desires and that motivates the adoption of self-disciplinary practices driven by aspirations to conform to a norm set by the state. Thus, people are implicated in their own subjugation. In Laos, messages of what it means to be a developed and 'modern market-oriented man' (and woman) emanate from images and messages produced by the state, and these interact with similar or conflicting global images acting to increase local desires for the perks of development that are arising with greater market information and exposure to

traders, television, radio, and so. The inability to participate in this new modernity creates a sense of deficiency and relative poverty among rural villagers.

Figure 2.12: Daily aerobics along the Mekong River, Vientiane

Like most states, the Lao government is fragmented and does not operate as a 'hegemonic monolith' regardless of symbolic representations and performances of central authority and power. It is constituted by the bureaucratic and mundane practices of state representatives at different levels of hierarchy who interpret and implement national laws, policies and programs. The politburo, the highest body of the Lao People's Revolutionary Party (LPRP), permeates the government bureaucracy and military and wields significant influence over how policies and laws are enforced in the country. Most officials in high positions are also members of the party (Stuart-Fox 2006). However, political authority within the government bureaucracy is decentralised, and parallel departments for different government sectors exist at the national, provincial and district levels. Provincial offices answer to the provincial governor as well as to the central government in Vientiane. Provincial governors, who are appointed directly by the Lao president, hold significant power. They are sent regularly to Vientiane to attend meetings about national policy issues and to politburo meetings to remind them of socialist ideology. Provincial governors are responsible for enforcement of national policies at the provincial level. However, in practice district officials often interpret and enforce policies and laws in their own manner without much higher-level surveillance. Furthermore, officials (even senior officials) are sometimes unaware of what is actually written in policy and law and how laws should be applied. Competing motives to please senior officials and to honour traditional personal and patronage relationships may also lead state actors to enforce policy opportunistically[31] (Stuart-Fox 2006, Singh 2014). Because the provincial and district

[31] Stuart-Fox (2006) argues that corruption in the current Pathet Lao government is a continuation of traditional Lao values of personal and patronage relations that have historical roots in the operation of the *muang*.

governments have a relatively high degree of autonomy, there is a great deal of variation in how international and national policies and laws are interpreted and applied in different places. This is even true for the regulation and negotiation of transnational business investments. The gap between policy and practice and the influence of power and patronage relations on how laws and policies are enforced has been remarked upon by other academics studying the Lao state (Stuart-Fox 2004, Stuart-Fox 2006, Singh 2012, High and Petit 2013, Singh 2014).

Lao citizens experience the state in the abstract as a set of contradictory practices, symbols and ideologies that express power, and in person through particular encounters with individual state cadres and bureaucratic processes. The state and its representatives are perceived both as instruments of possible oppression and social disruption and as channels of potential development benefits and protection (see also Singh 2012, High and Petit 2013). Ferguson and Gupta (2002) argue that States are often imagined and experienced as 'vertical enclosures', as having power and authority 'above' and separate from civil society and as encompassing society and territory at different spatial scales (family, community, district, state). This illusion is manifested to citizens through 'a host of mundane rituals' and daily practices, not only coercive or repressive actions (such as border controls and policing) but also through 'neutral' practices of bureaucracy (filling forms, projects and so on). The mundane practices of state power facilitate an incomplete 'governmentality' as state officials and citizens alike negotiate the authority of government institutions and laws. O'Brien and Li (2006:52), in their study of peasant resistance in China, highlight how a *'multilayered state structure disorganises the powerful and can provide opportunity for the disaffected to make authority work for them rather than against them.'* For citizens trying to resist negative impacts of development policies, taking advantage of divisions within the state and identifying state representatives who are likely to support their interests are crucial.

There is little organised civil society in Laos, and the government only recently authorised the establishment of Lao NGOs, which they label 'Non Profit Associations' (NPAs)[32] to

[32] The Participatory Development Training Centre (PADTEC), a training organisation, which was established in the mid-1990s and associated with the Ministry of Education, is treated by many foreign agencies as an NGO (Phraxayavong 2009), and is now recognised as an NPA by the Lao government. The constraints these organisations face in their ability to contest government policies are illustrated by the tragic case of Sombath Somphone, the founder of PADTEC, who was abducted from the streets of Vientiane in December 2012. It is suspected that he was abducted because his views on development, which focused on village land rights and livelihood security, challenged powerful state actors and business elite interested in granting transnational concessions which are dispossessing villagers across

emphasize that these do not act against state interests. Organised protest in Laos is forbidden, media is controlled, and debate against the government is repressed. The 'voices of people' are considered to be adequately represented through various state organisations that operate within villages, such as the Lao Women's Union, youth union, or Buddhist fellowship (Phraxayavong 2009).

Legible landscapes: 'Turning land into capital'

> A top priority for the Government of the Lao PDR is to modernize the agriculture and forestry sector in a manner that fully meets sustainable practices and that achieves food security and better livelihoods for all Lao people. The goal of poverty eradication and graduation from LDC status by 2020 depends on a more productive agriculture and forestry sector….In addition to strengthening the quantity and quality of agricultural output, this requires management of the Lao PDR' forests in a manner that both conserves this resource and encourages sustainable forestry practices (GoL 2004:53).

A major goal of the current Lao government is to utilize natural resources to fund national development and to graduate from Least Developed Country (LDC) status by the year 2020. Policies for natural resource management and agricultural development are deployed in order to meet a number of overlapping and sometime contradictory objectives: to promote food security, to increase agricultural productivity, to promote commodity production (especially for export), to 'stabilize' (i.e. eliminate) shifting cultivation, to eradicate opium poppy cultivation, to diversify and 'modernize' agricultural and forestry practices, to conserve the natural environment, to protect threatened species and habitats, to increase forest cover and promote sustainable forest production, to alleviate poverty and to improve rural livelihoods (GoL 2004:53, MAF 2010). Agriculture, forestry and conservation fall under the Ministry of Agriculture and Forestry (MAF) and its provincial and district line agencies, the Provincial Agriculture and Forestry Office (PAFO) and District Agriculture and Forestry Office (DAFO). Other sectors with interests in land control (such as hydroelectric power and mining) fall under the Ministry of Natural Resources and Environment (MoNRE) which was established in 2011 and incorporated the National Land Management Authority (NLMA), the Water Resources and Environment Administration (WREA) and the Geology Department under one ministry (see Wellmann 2012).

In order to put Lao's land and labour (nature and people) to the service of capital production and national economic development, the Lao government has engaged in a process of

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the country. Sombath's abduction effectively silenced the nascent freedom of critique and media that has been emerging in Laos in recent years.

'territorialisation'. Territorialisation has been defined as the '*attempt by an individual or group to affect, influence, or control people, phenomena, and relationships by delimiting and asserting control over a geographical area'* (Sack 1986:19, cited in Vandergeest and Peluso 1995). In Laos, this has involved the representation of geographical 'space' and the peoples within this space in ways that enable increased state control of natural resources in order to allow these to be allocated to support national development (Anderson 1991, Vandergeest and Peluso 1995). State territorialisation involves abstract scientific and administrative classification, mapping and zoning of landscapes and subsequent establishment of regulations, laws and formal institutional arrangements to govern access rights and activities within these spatially bounded zones (Vandergeest and Peluso 1995, Vandergeest 1996, Lefebvre 2000 [1991], Harvey 2001). These classifications are not 'natural' but support specific interests and often obscure alternative conceptions of space and pre-existing claims to and uses of land. Territorialized 'space' is administered by different state agencies with jurisdictions that are both functionally and territorially defined. The regulations and policies associated with territorialized zones are legitimized through environmental and development narratives that represent certain activities as 'backward', 'non-productive', 'ecologically damaging' and 'wasteful' and others as 'productive', 'modern', 'sustainable' and 'economically advantageous'. Such representations privilege certain land uses and claims over others. State territorialisation is often accompanied by 'deterritorialisation'– the emptying of people previously living in the space (Rigg 2005:109).

The politically important territorial classifications in Laos are the distinctions made between uplands/ lowlands and forest/farmland. The uplands/lowlands dichotomy is a common trope across Southeast Asia, with politically dominant ethnic groups cultivating paddy rice in the valleys within 'state space', while politically marginal ethnic minorities practice swidden cultivation in the 'forested' hillsides that are less controlled by the state (Scott 2009, Michaud 2010). 80% of Laos is classified as mountainous 'uplands' (200-2820 masl)(MAF 1999:13). Lao policy documents further divide the country into two main agriculture 'zones', the lowland flat lands of the Mekong valley (less than 12% slope), and the uplands (greater than 12% slope) (MAF 1999, GoL 2004). According to MAF (1999), 56% of the land in Laos is too steep for agriculture and should be reserved for forestry purposes. MAF further stipulates that land with slope greater than 5% should not be used for cultivation unless appropriate soil and water conservation practices are instituted, and that lands between 15-30% degree slope are considered suitable only for

perennial crops. Overall, taking into consideration the combination of slope, soil-type, structure and depth, MAF estimates that about 68% of Laos is unsuitable for agriculture (MAF 1999:20). This is a concern since 70% of the population is identified as relying on agriculture for their livelihood.

The distinction between uplands and lowlands corresponds to a legal classification of land as either 'forest' or 'agricultural' land, with mountainous areas legally defined as 'state forests'.

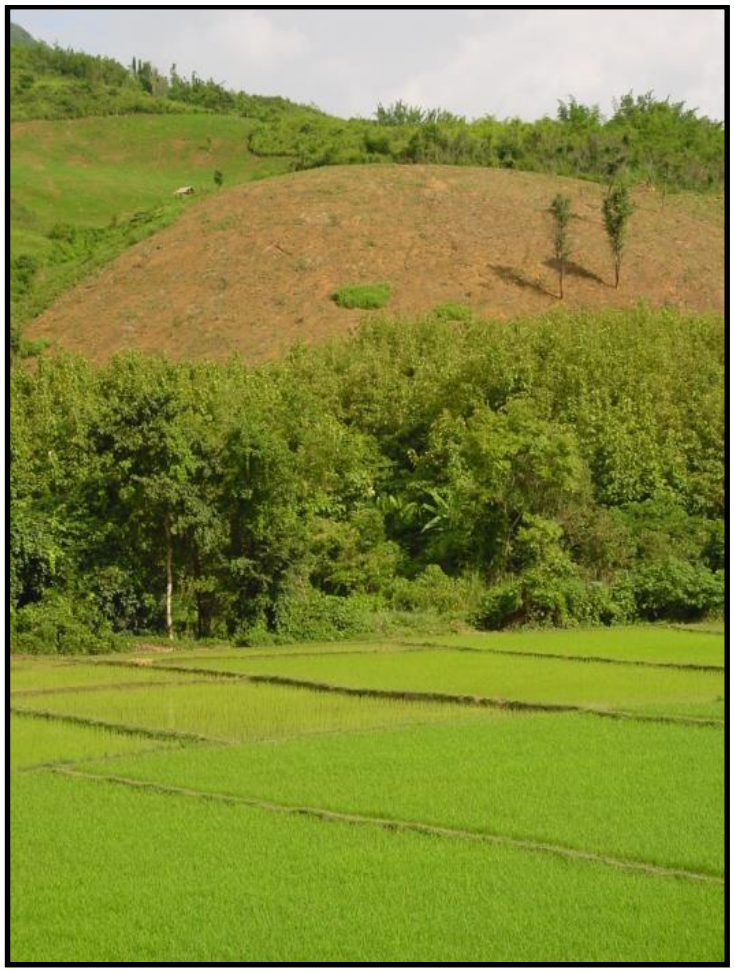

Figure 2.13: Swidden upland rice field (legally defined as state forest land) above lowland rice paddies (legally defined as private agricultural land). Houay Lo, Pak Ou District.

This is an administrative classification made primarily on the basis of slope, regardless of quantity or quality of tree cover or actual land use (Lao Forestry Law 2007). According to the Lao Forest Law[33] (2007),

> FORESTLANDS are all land plots with or without forest cover, which are determined by the State as Forestlands. **(Article 3, Lao Forest Law 2007).**

Far from being an ecological entity, a forest is a 'political forest' that is legally defined according to where the State decides 'forestland' should exist. These 'political forests' are inhabited by villagers practicing shifting cultivation (often ethnic minorities) and are under various forms of customary and formally recognised tenure. However, because forest-farm swidden landscapes legally belong to the state highland farmers have little recourse to negotiate for their

[33] The forest law that was in place at the time of my field work was the 1996 version, which has a similar definition of forest. '*the area of all land parcels which are covered by forest or the land which is not covered by forest but is determined by the State to be forest land as prescribed by the Law on Forestry'* (Article 4, Lao Forest Law 1996).

territorial rights in the face of more powerful commercial interests. The expropriation of village lands is widespread, and is further legitimised because the government equates shifting cultivation, with 'backwardness', wasteful use of resources, and forest destruction, and assumes a causal relationship between swidden cultivation and poverty (MAF 1999, GoL 2005, Rigg 2005). Furthermore, the Forest Law sub-classifies swidden landscapes as 'degraded forests' which further legitimizes their appropriation for other uses. Shifting cultivation and remoteness are represented as indicators of poverty by the state, making highland farmers into targets of development projects intent on improving their well-being, but which sometimes act to their disadvantage.

Classification of swidden landscapes as State forestland has serious implications for livelihood security for farmers living in these zones. While lowland areas are generally classified as agricultural lands and are potentially eligible for formal ownership titles, farms in forest lands are considered to be the property of the State and fall under the Land and Forest Allocation Policy (LFAP). The LFAP has been deployed to demarcate community boundaries, zone forest lands, and transform customary tenure systems into more clearly defined private property rights, providing households with Temporary Land Use Certificates (TLUC) to a limited number of 'private' land parcels (Vandergeest 2003, Hall, Hirsch et al. 2011, Hirsch 2011). These land formalisation programs and their impacts on village livelihoods are described in detail in chapters six and seven.

Government policies for rural development have focused on increasing production of irrigated paddy rice in the 'lowlands' through extension of green revolution technologies, and on forest conservation and cash crop cultivation in the 'uplands'. For about two decades, a major goal of the state has been to 'stabilise' (essentially eradicate) shifting (or swidden) cultivation, encourage more sedentary forms of agriculture, and to utilise upland resources to fund national development, essentially turning 'land into capital' (Dwyer 2007). A number of policies have been enforced to support these goals. The LFAP acts to limit the amount of land available to farmers and makes swidden rice cultivation unsustainable, forcing agricultural intensification. Upland farmers are being encouraged to grow cash crops and the cultivation of swidden rice, the main subsistence crop in the uplands, is being actively discouraged and even prohibited in some districts. In 1994, the Lao government set a goal of eliminating shifting cultivation completely by 2000. This deadline was postpont until 2020, but in 2003, reset again to 2010 (GoL 2004, Ducourtieux, Laffort et al. 2005). The most recent Agriculture Development Strategy for 2020 lists the 'stabilization' (i.e. elimination) of shifting cultivation as a goal for 2015 (MAF 2010).

The main justifications for eliminating shifting cultivation include forest conservation and the conversion of 'forestlands' to uses that are deemed more productive or ecologically sustainable. Forest conservation has been a key concern of the Pathet Lao government since 1988, when trepidations about the rapid deforestation of the country led to the closure of state forest enterprises and the institution of a moratorium on logging activities throughout the country (Fujita 2006). Although a national logging ban was implemented in 1991, State enterprises continued to be allowed to extract logs from development sites such as dams and roads (Singh 2012). These enterprises are owned primarily by the Department of Defense, and the involvement of the military in the logging industry means that PAFO and DAFO (formally tasked with forest management and conservation) have little effective power to control the timber industry. Logging activites by state enterprises continued throughout the 1990s, sometimes under the guise of rural development and production forestry initiatives, and sometimes supported by cooperation between the Lao and Vietnamese militaries (Singh 2012). Forest cover in Laos is estimated to have declined from 70 percent in 1940 (GoL 2005) to about 50 percent in 2013[34] (VT 2013, February 14). This latter estimate includes reforested areas and plantations, in addition to 'natural' and 'swidden' forest lands. The involvement of state enterprises in deforestation is obscured by continued focus on swidden cultivators as the primary culprits.

The Lao government has targeted to increase forest cover (defined according to density of trees rather than the legal designation of forest land) to 65 percent by 2015 and to 70 percent by 2020 (GoL 2005, GoL 2006, VT 2012, May 28). This is to be accomplished through: a) accelerating the classification and agro-ecological zoning process[35] to demarcate forests for protection, conservation and production, b) strengthening the legal framework governing forest use, c) phasing out shifting cultivation, d) promoting commercial tree plantations, e) establishing National Conservation Forests, and f) reducing logging (GoL 2004:63, GoL 2005). The

[34] Values for the percentage of forest cover in Laos are different in different sources. The National Growth and Poverty Alleviation Strategy (GoL 2004) estimates that forest covered 70% of Laos in the mid-1960s, and had declined to 47% by 1998. According to the World Bank Development Indicators, 70% of Laos was forest area in 2005, and this declined to 65% in 2010/2011 (World Bank 2013). However, the World Bank defines forest as *'land under natural or planted stands of trees of at least 5 meters in situ, whether productive or not, and excludes tree stands in agricultural production systems (for example, in fruit plantations and agroforestry systems) and trees in urban park'*. Therefore, this area (in theory) does not represent only natural forest, but includes plantations while excluding swidden agricultural systems, which are considered legal forest in Lao reckonings.

[35] According to the NGPES, this classification is based on the establishment of agro-ecological zones (lowland/flatland and sloping land agriculture, biodiversity conservation, watershed and sloping land suitability classification).

establishment of commercial tree plantations is considered to be a key component of forest conservation and management, and the state is promoting this '*with the aim of rehabilitating and reforesting approximately 1.5 million hectares'* (GoL 2004:63). The promotion of FDI combined with the mandate to increase forest cover by encouraging agroindustrial tree plantations has motivated a transnational land rush by foreign companies seeking 'empty' public lands for concessions in Laos. These transnational land grabs are facilitated by state land laws and development policies in the uplands and have resulted in mass dispossession of highland villagers. This will be discussed in detail in chapter nine.

Resettlement is another policy targeted at highland communities living in 'state forests'. Remote villages and those with less than fifty households are being forcibly consolidated with other villages and/or resettled[36] to roadsides where they can theoretically cultivate lowland rice and cash crops, with the rationale of improving access to state services and markets and also enhancing national security by promoting cultural integration and nation building[37] (Rigg 2005, Baird and Shoemaker 2007). State resettlement policies are sometimes partially motivated by the desire to keep a closer eye on certain ethnic groups that have a history of rebellion against the government, particularly the Hmong. Several Khmu villagers I interviewed in Luang Prabang province held the opinion that the government preferred to resettle Hmong villagers adjacent to (or into) Khmu villages so that the Khmu could keep an eye on them, citing security concerns.

> If the government lets the Hmong stay on their own there will be fighting. I have heard the news that things happened because Hmong have relatives in the USA – and this is why the government wants the Hmong to live with the Khmu.

The Khmu are expected to domesticate the Hmong and assert a controlling influence to prevent violent rebellions. The Khmu's role as 'peacekeepers for the State' is part of their self - representation as supporters of the Pathet Lao.

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[36]Internal resettlement and movement of people and villages in Lao is not a new phenomenon, and has been an important part of Lao history. Villages moved during the war, and even after their victory in 1975, the Pathet Lao began forced resettlement of ethnic minorities from mountain regions for reasons of security and in order to quell armed rebel resistance (Baird and Shoemaker 2007).

[37] The focal site strategy was endorsed Feb 1998 as part of Lao government's integrated rural development program. The premise was to focus integrated development activities in specific geographical areas, creating 'development centres' that focused on eradicating poverty and on sustainable development within the governments overall vision for modernization in Laos. The goal was to reduce the widening economic gap between urban and rural areas as well as within rural areas. Within this strategy, villages were to be resettled to 'focal sites' near roads, where services could be provided and where people would have improved access to markets. These would be areas where people could, in theory, cultivate lowland rice, reducing shifting cultivation and supporting the state agenda for conservation and improved production in forest areas. Villages that were small (under 50 households) would be consolidated with other villages (regardless of ethnic group) or resettled (Rigg 2005).

Resettlement has facilitated the emptying of 'forest' areas for conservation or other 'economically lucrative' uses. In spite of being implemented ostensibly to improve local livelihoods, it is widely recognized that the policy has often had seriously negative consequences for local people who rely on forests for their livelihoods (Goudineau 1997, Évrard and Goudineau 2004). The program has increased population pressure on land along roads and villages were often moved into areas where land was already claimed, creating new conflicts over resources (Vandergeest 2003, Baird and Shoemaker 2007). Services promised were often not provided, and highland people were brought into contact with new diseases. Goudineau (1997) reports that in some cases, up to thirty percent of villagers died of malaria within the first few years after resettlement. My anecdotal interviews with resettled Hmong villagers in Pak Ou district support this claim. However, my interviews with Khmu villagers in Luang Namtha who had been given sufficient land after resettlement indicated that most preferred living along the road because of better access to the town, markets and hospitals. The expansion of hydropower development on rivers across Laos within the past six years has led to a new rush of resettlement, as villages (often of different ethnic groups) are flooded and relocated into standardised resettlement villages, sometimes with no access to agricultural land where the only livelihood option is to work as wage labourers for plantation projects (Tania Lee, International Rivers Bangkok, and Philip Hirsch, University of Sydney Australia, personal communication; see also (Delang and Toro 2011)).

In addition to state-directed resettlement, there has been a significant amount of 'informal' resettlement, as households move 'voluntarily' in response to land shortages created by the LFAP and other state policies, because of loss of livelihood from opium eradication programs, and with hopes of finding better economic and livelihood opportunities elsewhere. Secondary movement of state-resettled communities is also occurring when households find themselves short of land and resources in their new locations. The difference between voluntary and involuntary resettlement is often vague as people are often relocating 'voluntarily' in response to livelihood hardships created by other government policies. These combined factors are contributing to widespread movement of people across the highland areas (Goudineau 1997, Évrard and Goudineau 2004, Baird and Shoemaker 2005, Baird and Shoemaker 2007).

The new *Sam Sang* (Three Builds) policy, introduced in 2012 by the Politburo of the Central Party (rather than by the Prime Minister's Office), is the most recent government attempt to redesign rural villages and livelihoods. This policy promotes broad reform to enforce greater

central control over the implementation of national policies at provincial, district and village level, with the goal to

> develop a province to be a strategic unit; develop a district to be a strong unit in all aspects and make a village to be a development unit in the natural resource and environmental sector. (MONRE 2012)

Sam Sang prescribes an ideological model of village development in a self-conscious attempt to create 'standardized' villages governed by central policy and law, and incorporates a number of other national policies: finalising and recording land titling and land allocation, arranging permanent employment, forest protection and zoning, commercializing agricultural production and eradicating shifting cultivation. It is unique because it involves villagers in enforcing and monitoring compliance, such as patrolling to prevent illegal logging, hunting and trade in forest products, and some documents advocate for construction of watchtowers to help villagers monitor illegal activities within their territories (Tammavong 15 June 2012, MONRE 2012, Lao People's Revolutionary Party Central Party Politburo GoL February 15 2012). An important component of the policy is the promotion of state ideologies at all scales of government, including training of village headmen in ideological and legal knowledge, and a focus on security and solidarity among different ethnic groups, with the warning to '*be aware of tricks by enemy forces trying to divide people of all ethnic groups'* (Tammavong 15 June 2012). The policy is an overt, proclaimed and conscious attempt at remolding social consciousness and practice by the ideological faction of the state.

The various policies implemented in the highlands of Laos can be seen as forms of *'governmentality'* (Foucault 1991) through which the state intervenes to improve the 'wellbeing' of the population, to shape social consciousness in order to restructure how people perceive and interact with their environment, and to influence the 'appropriate' use of resources within its territories. Such policies also act to increase 'legibility', state bureaucratic knowledge about people's activities, populations and environments, in order to improve state planning and increase control over peoples and territories (Scott 1998). Representations of swidden cultivators as 'underproductive' and destructive combined with legal classifications of swidden landscapes as degraded state forests help legitimize expropriation of village lands for national development and modernisation. Such representations intersect with the current push to increase FDI to support concession agriculture, hydroelectric power, and mining, which are considered economically more lucrative (and which may also provide possibilities for personal gain by those granting permits

(see for example Stuart-Fox 2009). Highland villages are constantly threatened with displacement in the name of their own development or for the 'good of the nation'. The combination of the various state policies in the highlands has restricted village territorial resources and increased livelihood hardship for highland farmers by making swidden systems less viable (Lestrelin and Giordano 2007, Lestrelin 2010). International agriculture and development projects, such as described in chapter eight, are then brought in to help villagers develop technological fixes to these broader political problems. The tied processes of accumulation and dispossession that are supported by these policies benefit some groups in society at the expense of others, and can be seen as part of a class project that supports urban, elite ethnic Lao interests at the expense of Lao peasants and ethnic minorities.

Mapping development ideologies: Development actors, aid and investments

Like most developing countries, national development policies in Laos are influenced by a wide range of international actors. Vientiane bustles with foreign 'experts', and their presence and influence on the capital are obvious. The dusty streets are clogged with four-wheel drive vehicles marked with various institutional logos. Fine French restaurants, air-conditioned offices and night time martini bars share space with ornate Buddhist temples and stupas, noodle stalls, and the imposing statues and government buildings of the communist State. It is in airconditioned offices hidden within this cosmopolitan *bricolage* – a far cry from the forest villages and peoples who are the 'subjects' of development – where laws, policies and projects for development, conservation and natural resource management are designed.

In spite of rapid economic growth, Laos remains one of the most indebted countries in the world and is heavily dependent on aid from multilateral and bilateral agencies. In 1994, foreign grants accounted for a full half of Lao's domestic revenue, and foreign aid provided 80 % of the funds for the government's public investment programs (Goldman 2005:175). Although dependency on foreign aid has decreased it nevertheless remains an important source of government revenue, and during the 2011/12 fiscal year, Laos received US$608 million in aid, comprising about 6.5% of the country's GDP (for comparison, only 15% of the GDP came from taxes) (VT 2013, July 15). Most of Laos' debt is owed to the World Bank and the Asian Development Bank (Goldman 2005:154). Overseas Development Aid (ODA) accounts for a large

percentage of public investment, and the Lao government has a goal to reduce the dependency on ODA through increasing revenues from foreign and private sector investment and from improved tax collection processes (GoL 2004:15). Almost every public works project and every state agency related to large capital investments is financed by foreign money, and a large part of this money goes to foreign consultants and firms hired to reform state institutions and to train a Lao professional class[38].

Foreign 'experts' play a significant role in defining the nature and terms of contemporary 'development' in Laos. Development experts, lawyers, and scientists from agencies such as the World Bank, bilateral agencies such as the Swedish International Development Agency (SIDA), and NGOs such as CARE and IUCN, have been instrumental in rewriting national legislation, particularly concerning natural resource management and property rights, such as the forest zoning described above. They have helped redesign state institutions and retrained government staff in core agencies such as the Ministry of Agriculture and Forestry. Foreign experts have also contributed to reforming international trade relations, reconfiguring local agricultural production systems, mapping the country into 'scientific eco-zones', and introducing projects for conservation, for 'stabilizing' upland swidden cultivation (i.e. supporting sedentary agriculture), and for increasing the integration of remote populations into the market system. Popular development trends such as 'participatory research and development', 'decentralisation', 'capacity building', and 'empowerment' are highlighted in state and project documents and practice. The prominent role of foreign development workers in contemporary policies and governance in Laos is emphasized by Goldman;

> Laos's new environmental protection law was written by consultants for UNDP; a U.S. lawyer for IUCN wrote key forestry legislation; and Northern lawyers wrote the rules and regulations that will establish twenty National Biodiversity and Conservation Areas (NBCAs). Although these acts have been mediated and delayed by Lao state officials unhappy with such foreign interventions into the internal workings of the state, these 'new regimes of rule' clearly reflect the 'new truth regimes' on Lao nature and society generated by Northern experts (Goldman 2005:176).

Financed largely by multilateral and bilateral donor agencies, foreign 'experts' have taken on many of the traditional roles of the Lao government (Goldman 2001). Because of international involvement in writing laws and zoning landscapes in Laos, the forms of 'legibility, rationalization

[38] Net capital outflow from countries is often more than what is going in from the multilateral banks and bilateral aid agencies.

and simplification' invoked to govern the country are not solely, nor even mostly, determined by the Lao government. Traditional notions of nation-state sovereignty and governance are challenged by the power of these donors, who largely direct policies and programs according to their own ideological agendas. For example, the World Bank land titling program (described in detail in chapter seven), intended to provide clearer property and land laws to enable secure international and local investment is driven by an ideology of broader neoliberal economic reform and promotion of market valuation of land[39]. This new form of *'trans-national governmentality'* (Ferguson and Gupta 2002) emerges not only through projects designed to help repay debt, programs of structural adjustment, and ideologies promoting a free market system, but also through the imagination of specific types development possibilities and the constructing of specific 'truths', which become 'hegemonic' and entrenched as 'common sense'. This not only creates a specific type of 'development' subject, but also a specific type of responsibilized Lao 'state' actor, as certain ideologies, knowledge(s) and approaches to development become linked to power and credibility.

Many Lao government offices, particularly those dealing with natural resources, have become hubs of international project activities which their national, provincial and district staff have been funded and tasked to implement. State officials thus become 'hybrid actors' with dual accountability (Goldman 2005:39), responsible for national governance of natural resources and accountable to senior government officials and the Party, yet also accountable to the international agencies who employ them, fund, and often define their project activities. The lines between the

[39] Goldman (2005) illustrates how policies and projects for neoliberal economic reform are sometimes linked with programs for conservation and ecologically sustainable development, which he terms 'green neoliberalism', and describes Laos as an 'Environmental State'. He describes how the World Bank-funded Nam Theun 2 Dam project has been represented as the best option to obtain financial support for conservation and social development programs, disarming critiques of large scale dam development by NGOs such as the IUCN by linking their interests with the development of Lao hydropower. The Terms of Reference provided to the scientists and NGOs conducting the Environmental and Social Impact Assessments restrict the results by defining the kinds of information that they collect and restricting time lines so that in-depth study and an account of impacts according to seasonal variations are impossible. Scientific findings that would potentially delay or even prevent dam construction are silenced, and he provides the example of a fisheries consultant who had his visa revoked by the Lao government when he discovered endemic species that would be endangered by the dam, since publicising their presence would endanger the dam project in which Lao Hydropower had a powerful interest. Anthropologist consultants attempting to classify people living within the area to be flooded by the dam as 'indigenous' rather than as 'ethnic minorities' were prevented from doing so by the IUCN, which was concerned that this would require further assessment under the World Bank's Operational Directive on Indigenous People and would delay the dam project. This would delay the establishment of the National Biodiversity and Conservation Areas in which the IUCN had a specific interest. In the end, the initial social assessment report was abandoned and a new consultant was hired who argued instead that the people living in the dam area would benefit from resettlement, and did not cite the original social impact study.

organising activities, knowledge and ideologies of national and trans-national actors have become increasingly blurred through these interfaces.

> These hybrid state actors are incorporating a set of green neoliberal practices that circulate through transnational professional-class networks and help produce ways of valuing nature as well as valuing rights of access to environments and natural resources. They also staff newly formed agencies within national boundaries and in the world system (Goldman 2005:39).

Ferguson and Gupta (2002) argue that the increasing role of transnational actors in governance implies that we need to reconceptualise our understanding of States as 'vertical enclosures' – as administrative hierarchies tasked with governing and organising activities within a discretely bounded spatial and social territory. Transnational actors need to be considered as 'integral parts of a transnational apparatus of governmentality' which coexist and interact with the structure of the nation-state.

> The implication is not simply that it is important to study NGOs and other transnational nonstate organizations, or even to trace their interrelations and zones of contact with the state. Rather, the implication is that it is necessary to treat state and nonstate governmentality within a common frame, without making unwarranted assumptions about their spatial reach, vertical height, or relation to the local. Taking the verticality and encompassment of states not as a taken-for-granted fact, but as a precarious achievement, it becomes possible to pose the question of the spatiality of contemporary practices of government as an ethnographic problem (Ferguson and Gupta 2002:14).

Processes of 'trans-national governmentality' operate through the spread of development 'ideologies' and rationalising epistomologies from international development agencies through cadres in state bureaucracies by professionally rewarding certain development approaches. However, to assume that 'transnational' development ideologies are hegemonic would obscure how they are reinterpreted, covertly resisted or manipulated by Lao government cadres at different scales of hierarchy in order to meet their own agendas or competing obligations from political patronage, personal relations, or Politburo directives (see also Singh 2014). State officials sometimes consciously manipulate international development narratives and projects to accomplish different goals, such as asserting greater state power over highland ethnic minorities through resettlement policies that the development agencies themselves oppose (Baird and Shoemaker 2005, 2007). The ideas brought by the international agencies sometimes provide new legitimating frameworks for state cadres at different political scales to lay claim to village lands and to dispossess villagers *en masse* in ways unanticipated by the international community (see for example Baird and Shoemaker 2005, 2007).

A number of scholars working in Laos note that while state actors may overtly agree to reforms and ideas promoted by international and multinational agencies in order to access funds, in practice they negotiate changes in the focus of projects and resist unwanted international demands by delaying activities (Singh 2012). The central Lao government has attempted to maintain control of national policy, sometimes manoeuvering international projects to work in support of specific nationalising and economic goals (Baird and Shoemaker 2005). Furthermore, international agencies working in Laos must structure their projects and programs to support national policies (albeit shaped by multinational forces). Foreign experts who challenge state policies risk having their visas revoked and being thrown out of the country. International projects based on abstract technical and planning knowledge become 'reembedded' and restructured according to different goals as these are reinterpreted and deployed state actors, while international funding is sometimes used to support development activities not outlined in project documents or is pocketed by district and provincial authorities for personal uses (Stuart-Fox 2006, Singh 2012, Singh 2014). For example, policies such as resettlement have been surreptitiously supported by international funds even as these have been widely renounced by international agencies (Baird and Shoemaker 2007). Villagers also resist and reform interventions. Essentially, development interventions designed according to abstract principles and 'non-political' technologies become relocalised and reembedded by the practices, politics, interpretations and resistances of a multitude of different actors at different scales. This will be explored in the context of specific project and policy interventions in chapters six to nine.

Foreign Direct Investment

In addition to the influence of the international development community, development in Laos is driven by the interests of wealthier and more powerful neighbouring countries, particularly China, Vietnam and Thailand. Increasing foreign direct investment (FDI) is a priority of the Lao government, which passed a foreign investment promotion law in 1989 in order to attract FDI to boost economic growth. Foreign investors are offered incentives such as tax breaks, particularly to encourage companies to begin enterprises in 'underdeveloped' rural areas. Companies are often expected to provide infrastructure (roads, schools, health clinics) and employment opportunities as a condition of access to Lao land and resources.

Laos has experienced a steady increase in FDI since the mid-2000s (see Table 2.1). Between 2000 and 2011, the main foreign investors in Laos included China (with 721 projects worth about US$3.4 billion), followed by Thailand (519 projects worth about US$2.9 billion) and Vietnam (410 projects worth US$4.8 billion) (GoL 2013). Other major investors in Laos include Japan, Korea, Malaysia and Singapore (Stuart-Fox 2009). Many of these investments involve long term concessions or leases of Lao land to foreign companies for projects such as mining, hydropower and commercial tree plantations, and the Lao government can be seen as ceding sovereignty over large tracts of territory in exchange for economic gain. As will be described in detail in chapter nine the legal definition of village lands as state forest, the implementation of the LFAP, and the various policy goals for upland development combine to facilitate the expropriation of village land for investors.

Table 2.1: Foreign Direct Investment in Laos from 2001-2011 (Source: World Bank Development Indicators 2013)

Year	Total GDP ($US billion)	% GDP growth per year	FDI ($US millions)	ODA and aid ($US millions)
2001	1.8	6	23.9	244.8
2002	1.8	6	4.5	278.4
2003	2.0	6	1.9	301.1
2004	2.4	6	16.9	270
2005	2.7	7	27.7	301.9
2006	3.45	9	187.3	363.7
2007	4.2	8	323.5	396.1
2008	5.4	8	227.8	495.6
2009	5.8	8	318.6	419
2010	7.2	9	278.8	413.8
2011	8.2	8	300.7	396.7
2012	9.3	8	-	-

Chinese influence in Laos has been expanding exponentially since the mid-1990s, with increased Chinese immigration and investment in the form of small-scale entrepreneurs crossing the borders to seek commercial opportunities in Laos, large-scale FDI and development aid (Stuart-Fox 2009). According to the Asia Times (28 July 2008), China increased its investment in Laos from about US$3 million in 1996 to US$876 million in 2006, and again to US 1.1 billion in 2007, sponsering approximately 236 projects through grants, interest free loans, and special loans. Currently, China invests more in Laos than any other country, with 721 projects worth about US$3.4 billion (GoL 2013). Chinese funds support projects such as hydropower, agro-industrial plantations for crops such as rubber, sugar cane, watermelon and corn, and mining concessions (LSUAFRP 2003, Lyttleton, Cohen et

al. 2004, Stuart-Fox 2009). China has also made investments in Lao telecommunications, aircrafts, factories, and in prominent structures in Vientiane, such as the ostentatious Culture Hall, the elaborate victory park around the landmark *Patu Xai* ('Victory Door', the Lao version of Paris' *Arc de Triomphe*), the first shopping mall in Vientiane, and the stadium for the 2009 Southeast Asian Games (Stuart-Fox 2009). A politically contentious massive new Chinatown (ambiguously named the 'New City Development Project'), rumoured to provide future homes for thousands of Chinese citizens is being built in Vientiane in the marshlands behind the culturally important That Luang temple (McCartan 2008, July 26, Stuart-Fox 2009). Plans to build a highspeed railway through Laos connecting Northern China to Vientiane have been approved (VT 2013 July 15), while Chinese 'Special Economic Zones' have been developed in border areas as enclaves for manufacturing, entertainment resorts (including for gambling and prostitution), and agricultural industries. These employ exclusively Chinese workers and are governed by China, but are created on land within Lao territorial borders that has been leased long term (GoL 2013).

The influence of China is a concern to many Lao, particularly in the Northern provinces where Chinese presence is ubiquitous. In these areas, swidden landscapes are being radically transformed to produce food and industrial crops for export to China, and often minority ethnic groups are providing both land and inexpensive labour (LSUAFRP 2003, Lyttleton, Cohen et al. 2004, Shi 2008). A growing number of hotels, resorts and even brothels cater specifically to Chinese business men, while cheap Chinese consumer goods are being sold in ever-expanding Chinese marketplaces that in some areas are pushing Lao traders to the sidelines[40]. Tales of exploitation of local Lao communities, particularly minority ethnic groups, at the hands of Chinese enterprises have been documented[41] (LSUAFRP 2003, Lyttleton, Cohen et al. 2004). The Chinese

[40] One example of Chinese expansion into Laos is the construction of the new Chinese market in Oudomxay in the North. The Chinese government agreed to finance and construct a new market building in the centre of the provincial capital with the stipulation that the old marketplace would be destroyed. The Provincial governor gave permission for the project, but demanded that half the stalls were to be reserved for Lao businesses. However, once the market was built, the rents charged by the Chinese were unaffordable for the Lao traders – many of whom were minority ethnic groups from surrounding mountains. Effectively, the market became predominantly Chinese, with vegetables coming from China. Since the old market had been destroyed, Lao traders were forced to relocate to markets on the outskirts of the town. Similarly, Stuart-Fox (2009) reports that the new Chinese-funded shopping mall in Vientiane all but excludes Lao entrepreneurs because of the dependence on Chinese business networks to gain access to inexpensive products for resale.

[41] In 1997-1998, Chinese traders failed to buy many tonnes of sugar cane that the farmers in Luang Namtha were expecting to sell to them. Some Chinese traders bought cane on 'credit ', taking it to China to be weighed while leaving the Lao farmers with no written receipts and never returning to pay the money. In 2000, the district government made an agreement with a large Chinese company, and the cane is now weighed in Sing District (Laos) to prevent this from happening (LSUAFRP 2003). My own recent research in Luang Namtha in June/July 2015 provided similar accounts

companies operating in Laos have been described by some as a 'bunch of thugs' (Gray 2008, 5 May) and as having little respect for local populations. The process of social and ecological transformation in the north is being facilitated by district governments, who may benefit financially or because Chinese projects enable them to comply with national policies to modernise highland agriculture and eliminate swidden cultivation. In spite of these tensions, diplomatic expressions of the relationship between China and Laos that are depicted in articles and photos in the Vientiane Times, show images of brotherly collaboration between two 'post-socialist' countries. Furthermore, because investment and aid from China focuses on economic possibilities and is not as tied with environmental and human rights concerns, it is sometimes preferred by the Lao government, which is cautious of western interests in political reform (Stuart-Fox 2009).

Similar post-socialist comradery is emphasized in the current political and economic relationship between Vietnam and Laos, based on the historical wartime alliance between the Pathet Lao and North Vietnamese, and on the friendship treaty signed between Vietnam and Laos in 1977. Although also interested in economic and trade relations with Laos, Vietnam is closely linked politically with the Lao government and military, and junior politburo members continue to attend ideological training sessions in Vietnam (Stuart-Fox 2009). This history of cooperation is invoked by Vietnamese companies seeking land concessions in Laos, and Lao officials are '*made to feel as if a refusal for land is akin to betraying the revolution and those who sacrificed for it.'* (Baird and Le Billon 2012:296). This history has provided the Vietnamese companies with 'political capital' and their investment proposals are given preferential treatment (Baird and Le Billon 2012:296).

Investment from Vietnam and China, Lao's 'post-socialist' brothers, balances a tense relationship between Laos and 'capitalist' Thailand. While the cultural and language similarities between Thailand and Laos are often emphasized, the Lao are treated like slightly 'backward' cousins by the Thai and are sensitive to this representation. At the same time, Thailand is an important trading partner and seen as a model of development by many Lao, who watch Thai

of Chinese entrepreneurs not honouring contracts with Lao farmers (also not paying for sugar cane grown on lands owned by an Akha village), along with the misuse of land and pesticides, adversely affecting the soil fertility and drinking water of the villages and the health of the people. State officials had difficulties in enforcing laws and regulations since many contract farming arrangements were made informally directly between Lao farmers and small Chinese entrepreneurs who did not necessarily have permits to work in the country, and also because once the Chinese traders crossed the borders, the Lao were no longer able to catch them.

television, aspire for Thai fashion and listen to Thai pop music. Many Lao voluntarily cross the border to work or shop in Thailand, while at the same time human trafficking and smuggling across the Thai-Lao border remains a serious problem (Stuart-Fox 2009). Since its establishment, the Pathet Lao government has attempted to limit the influence of Thai 'capitalist' society on the Lao people[42] (Stuart-Fox 1997, Evans 2002).

Although there is growing concern about foreign influence in Laos, particularly the increased influence of the Chinese and Vietnamese, this is overshadowed by the desire to increase FDI to drive economic development. This drive for increasing FDI has corresponded with growing state interest in the governance of rural and forest spaces in order to manage lands and peoples to meet goals of national economic development, rural poverty alleviation and environmental conservation.

Conclusion

This chapter has focused on the evolution of different state justifications and ideologies for governing the people and territory of Laos. Pre-colonial states legitimized control over people through religion and mythology which positioned the Lao-Tai 'royalty' as authorities over minority ethnic groups and peasants because of a 'divine Buddhist ancestry' and as the providers of agriculture and order. French colonial authorities legitimized power over spatially bounded territory through a discourse of 'protecting' Laos from Thailand, and maintained ethnic hierarchies. The Royal Lao Government attempted to assert a nationalized identity over the territorial space demarcated by the French by focusing on the ancient Buddhist Kingdom of *Lan Xang* centred in Luang Prabang, but in doing so excluded non-Buddhist highland minorities from state-building ideologies. The Pathet Lao courted highland minority groups and promoted a

[42] Tensions between Thailand and Laos are expressed in incidents such as the Lao government ban of a Thai comedy film (*Mak Tae* or 'Lucky Loser') about a Thai soccer coach leading a Lao team to an unlikely victory, because it represented the Lao as unsophisticated and their success coming from Thai intervention (The Nation 2006, May 16). The film had to be remade, representing an 'unnamed' country. The recently built statue in Vientiane of Chao Anouvong, the Prince of Laos famous for his historical successful invasion of Siam, has sponsored new rumours about the relationship between Thailand and Laos. A story circulating among local people in 2012 asserted that the Thai considered the statue to be insulting because of the history of the Chao Anouvong invasion and because his arm points across the Mekong towards Thailand, which is considered rude. The rumour claimed that the Thai believe that the statue had magic powers and was the cause of the terrible flooding in Bangkok in 2010, and the Thai government a sent a delegation to secretly cut off the arm of the statue during the night in order to prevent flooding in the future, and that these people had been caught and jailed or perhaps executed by the Lao government.

nationalizing agenda based on resistance against imperialism and promotion of socialist values of greater equality. Once in power, the Pathet Lao government promoted a political and economic ideology of socialism, emphasized restructuring people-environment relationships according to principles of collectivization and scientific rationalism, and constructed new nationalizing identities that framed all ethnic groups as 'equal citizens'. With the fall of the Soviet Union and the opening up of Laos to international market forces, the 'post-socialist' government reframed economic ideology to facilitate neo-liberal capitalist growth, zoning landscapes and restructuring property relations to turn 'land into capital ' and 'modernise' the country. This was influenced by transnational relations with the international donor community and wealthier neighbouring countries interested in gaining access to Lao natural resources. These different 'eras' of governance constructed Laos' territory and highland peoples in specific ways that enabled control of and access to land and labour. Contemporary processes of abstract social and spatial representation and the implementation of subsequent laws and policies can be seen as a form of structural violence against 'citizens' that is being implemented allegedly for their own benefit, but that support state and elite claim on their resources. Such representations create new risks and vulnerabilities which rural people consider in their livelihood strategies and daily decisions about resource management, and in their representations of themselves and their land use choices. From the perspective of this thesis, my main interest is to understand how state policies, projects and ideologies are transmitted, reinterpreted, converted or resisted in practice at different scales, by state actors and by rural villagers. How do these modernising projects and the ideologies that underlie them become incorporated into on-going struggles over rights to land and resources in northern Laos?

Chapter 3: Pak Ou District: People, place and past

This chapter provides an introduction to the research site and the methods used to conduct this study. The first part of the chapter describes Pak Ou District, Luang Prabang Province, to give a sense of the place and people, and summarises the various projects and policy interventions that have been deployed in recent years. I then discuss the objectives, methods and approach used for conducting the research, and the rationale for choosing Pak Ou District as a research site. This is followed by the specific histories of the two villages in which I conducted the bulk of the research, constructed from local narratives. In line with the objectives of the thesis, I focus on shifting territories and boundaries over time, in the face of war, waves of immigration and resettlement, and state policies and projects. These various events have reshuffled the spatial and social landscape, bringing different ethnic groups into closer contact, and providing a space that is sometimes conflictual, sometimes creative and always a negotiation. The final part of the chapter deals with contemporary ethnic relations, practices and narratives that maintain ethnic boundaries.

Pak Ou District

Pak Ou District, located in the northern Lao province of Luang Prabang and named for the settlement where the mouth (*pak*) of the Nam Ou River meets the Mekong, is about 40 km along National Route 13 from Luang Prabang town. The Pak Ou river valley provides very little flat riverbed plain, and the land rises quickly into mountainous hillsides. Some villages are perched along the highway, while others are only accessible by foot or horse, located several hours or even days walk into the mountains along steep, narrow and sometimes slippery footpaths that wind through agricultural and forest land, crossing streams that become deep and fast-flowing during the rainy season, cutting villages off from the road for days at a time. The mountainous landscape is a highly diverse mosaic of different types of primary and secondary forest, fallow, cropped areas and small-scale tree plantations. As in most districts in northern Laos, villagers follow diverse forest and farm-based livelihoods, with shifting cultivation for upland rice being the primary subsistence activity. A detailed description of livelihoods in the district is presented in chapter four.

National Route 13 was improved after the war and paved in 1997, and has become one of the main transportation and trade route connecting China and the northern Lao provinces to Luang

Prabang town and the capital Vientiane. The road is the centre of commercial and social activity, and often runs through the middle of the villages. A few houses have small shops facing the road that cater to local residents, travelers and to farmers from villages farther in the mountains who come to trade for kerosene, medicines and manufactured items. These shops provide important social spaces where people of different ethnic groups and different villages congregate, gossip, exchange news and information about agricultural markets or employment opportunities in the towns, as well as trade and purchase goods. The highway is sparsely but regularly trafficked by a motley assortment of vehicles, animals and people that provide insight into activities in the district and beyond. At dusk and dawn, it is the route of laughing school children on foot or bicycle, farmers going to or returning from working in the hillside fields, an occasional small tractor, and a regular flow of boys and men with small herds of water buffalo and cattle being moved between fallow pastures in the hills and the village where they are often tied for the night. Commuter buses and *songthaeo* (local small passenger buses), heavily laden with people and goods for trade between the town and villages, are interspersed with the ubiquitous white pickup trucks and 4-wheel drives sporting logos of different international development and government agencies providing a constant reminder of the various development activities in the region. Occasionally, large commercial trucks speed past, blaring horns to clear the road of wandering children and animals. Many of these trucks are from China and laden with cheap Chinese products for sale in markets in Luang Prabang, returning to China with Lao natural resources. The improved highway has paved the way for a growing influx of Chinese-owned agricultural and forest-product industries and traders into Pak Ou district and northern Laos in general, and in many areas Chinese influence is changing the agricultural and social landscape along the roads.

Small-scale traders and middlemen buy and sell an assortment of goods in villages along the roads. Middlemen who own small trucks buy agricultural goods for resale in Luang Prabang. Small-scale Vietnamese or Chinese traders with cheap factory-made goods tied in huge bundles attached to their motorbikes temporarily spread these out for sale on the ground before moving on to the next village. Chinese traders also purchase gold from villagers who pan along the Pak Ou River and human hair for making wigs and dolls. Local small-scale traders and farmers of all ages, on foot or motorcycle, sell meat, fish, wild game, forest products, fruit and banana flowers to villagers living along the roads.

According to government statistics (Luang Prabang Ministry of Planning and Investment, 2005), in 2005 Pak Ou District had a population of 23,997 people, 58 villages and 1 town. Fewer than half of the villages had a permanent primary school or electricity, and 17 of the villages were not accessible by road. Like most areas of northern Laos, Pak Ou district is ethnically diverse, and different ethnic groups live side by side, often in the same village. According to government statistics (2005), Pak Ou District has 29 villages of mixed ethnic groups, 11 *Lao Loum* villages (Lao and/or Lue), 13 *Lao Theung* (Khmu) villages, and 6 *Lao Sung* (Hmong) villages. Roadside and recently resettled Khmu and Hmong communities are visibly poorer than Lao and Lue villages. Even in villages classified as mixed, one ethnic group is often predominant, and households of the same ethnic group tend to be clustered together rather than intermingled. In most cases, different ethnic groups are distinguishable from each other by their language, dress, facial features, beliefs, and agricultural and livelihood strategies, and ethnically different villages or housing clusters are distinguishable by style of houses. Different ethnic groups interact on a daily basis through trade, agricultural labour relations, and occasional social events, and in spite of historically porous ethnic boundaries, local reiterations of stereotypes, language differences and tendencies to avoid marriage between certain groups reinforce local perceptions of ethnic differences.

The population of Pak Ou has historically been very mobile. Although some of the Lao and Lue villages along the river bank have been there for hundreds of years, a survey conducted in Pak Ou District in 2002 indicated that half of the households sampled had migrated within the past 20 years, mostly since 1997 (Phouyyavong, Pandey et al. 2002), mainly to access better transportation or to live with relatives. Most villages were evacuated at some point during the second Indochina war. *Lao Loum* communities have been spreading along the road in search of land suitable for lowland rice cultivation, often buying up land from Khmu villages. Khmu communities further in the mountains sometimes resettle voluntarily in response to illness in the village, crop failure, bad omens, or simply to be closer to the road. Sometimes these communities move their houses to a new location within their territory, and continue to use the same land and resources. Hmong settlers displaced during the war have moved into Pak Ou from other provinces, sometimes settling in villages that had been abandoned during the war, resulting in conflict once the original residents returned. Contemporary state resettlement programs are also exacerbating movement of people and villages in the district, and widespread mobility of people has increased over the past ten years.

Figure 3.1: Map showing location of field research (map taken from McAllister 2015)

Policies and projects in Pak Ou District

Pak Ou District provides a microcosm in which various state policies, development interventions, and private foreign interests intersect in their efforts to govern people and the environment, transform agricultural systems, alleviate poverty and 'turn land into capital'. According to the 'Pak Ou District Development, Social and Economic Plan for the first 6 months of 2006', the District government's main objectives for the area follow national goals to reduce poverty primarily by stopping shifting cultivation for upland rice, encouraging farmers to plant cash crops and increase livestock husbandry on sloping lands, and expanding the area of paddy rice production where this is possible. Government cadres from the District Agriculture Forestry Office (DAFO) are mandated to provide extension to farmers, to provide technical support for agriculture and to enforce national policies. DAFO has asked farmers to sign contracts to stop planting rice in the uplands before a specific year, and the district demands more tax from land planted with upland rice and or left fallow than for land used for commercial crops. These reflect specific District-level adaptations to force farmers to comply with national policy and are not specific instructions given by the central government.

In 2005, villages in Pak Ou District were sorted into eight 'development groups' (*khet)*, each with specific development plans and goals and an administrative staff to organize implementation. The Land and Forest Allocation Policy (LFAP) was initiated in 2000 and its implementation was ongoing at the time of my research. Technical interventions for 'improving' upland agriculture were being supported by a number of international research and development agencies working in different villages in collaboration with district officials (but not necessarily in collaboration with each other). The most prominent of these projects, the Integrated Upland Agricultural Research Project (IUARP)[43], will be discussed in detail in chapter eight. In addition, a Chinese-Lao joint venture company was introducing commercial rubber trees into the district, as will be described in detail in chapters four and nine.

In addition to the various agricultural projects, the district was promoting tourism to support village development. Because of the proximity of Pak Ou District to Luang Prabang town – a UNESCO world heritage site and popular tourist destination – villages in Pak Ou were increasingly visited by international tourists as part of organized cultural and ecotourism trekking expeditions. District officials intended villagers to benefit financially when visitors paid to stay in local homes, spent money in the small stores, and paid for traditional *baci* ceremonies. However, in the villages where I conducted the research, this tourism was more of a burden than a benefit even for the few households that were paid to host visiting tourists and the guides, and most of the benefits were going to the trekking companies based in Luang Prabang[44].

As part of the national focal site strategy to improve services to rural areas, the district government in Pak Ou was enforcing resettlement of remote villages, primarily Hmong and Khmu communities, to areas along the road, and smaller villages were being consolidated to form larger villages. This had resulted in a reduction in the number of villages in the district, from 64 in 2003,

[43] Other projects active at the time included LEAP (2002-2006, a general agricultural improvement project working in 10 villages to train farmers in livestock and forestry, and to help farmers with new techniques for planting lowland rice), 'Bantin' (beginning in 2004, working in 2 villages to breed and improve fruit trees), and two European Union Projects (one for livestock management and one for general development).

[44] Many villagers complained about the foreign tourists coming through the villages. The payment for staying in the houses was very low, and the guides did not pay to stay. Sometimes what was earned was not enough often to cover costs of keeping the electricity on in the evenings when the tourists were socializing and drinking *lao-lao* (rice whisky) or beer. Households sometimes did not have enough blankets, and would give these to the visiting tourists and not have enough for themselves on cold evenings. Although the tourist company often brought food with them to cook in the local homes, they did not always bring rice, and relied on local household rice stocks which was not paid for. Furthermore, many people complained about the behaviour of young international tourists because they wore revealing clothes and were physically amorous in public, and wondered *'why so many foreigners walked around in their underwear'.*

to 61 in 2004, 59 in 2005 to 58 in 2006 – a loss of six villages within a three-year period. The reduced number of villages was considered a measure of success by District officials, who reported the numbers to higher levels of government as evidence of compliance to national policies. However, these numbers represent a bureaucratically manufactured reality since concurrently a number new hamlets composed of resettled villagers had popped up informally along the road, officially identified as part of established villages, but in reality spatially and socially separated and often using different territorial resources. The resettlement program was increasing pressure on the ribbon of land within walking distance of the road and had increased competition over limited land resources and forced a readjustment of local property systems. Many of the resettled communities had not been provided with agricultural lands in their new location, and were forced to either rent land from established villages, or, if their original territory was within 2-3 hours walking distance, they continued to cultivate their old agricultural lands, traveling between their old fields and their new hamlet. Although multi-ethnic villages are common in Laos and different ethnic groups have long lived side-by-side, resettlement policies have spatially redistributed ethnic groups coming from different places, and people with different resource management and farming practices have been brought into closer proximity. In some places this has created tensions over land and resource rights that were articulated along ethnic lines.

The various state policies and international development interventions were having a huge effect on farmers' livelihoods in Pak Ou district and reshaping human and ecological landscapes. At the same time, because these interventions were implemented in different villages at different times, they were 'spatially patchy', and the impact of the enforcement of a policy or project intervention in one place was mediated by and had an impact on neighbouring villages. In such a way, boundaries between villages where projects and policies were implemented and those where they were not implemented were porous, and the impact of policies and projects cannot be considered without understanding how these were mediated by neighbouring 'non-project' areas.

Site selection and introduction to the research

The initial objectives of my research were to understand the interactions between state policies, agricultural development projects and farmer decisions about land and resource use and to examine how technical agricultural projects were implicated in struggles over property and resource rights at different scales. After conducting some preliminary interviews in several districts

around Luang Prabang town, where I was based in the shared office of the International Centre for Tropical Agriculture (CIAT) and International Rice Research Institute (IRRI), I decided on Pak Ou District as my research site. There were a number of reasons for this choice. Pak Ou District is the site of the Integrated Upland Agricultural Research Project (IUARP), which was being implemented concurrently with state policies for land allocation, resettlement and introduction of cash crops. Before beginning my PhD at McGill, I had been employed at IRRI in Los Banos, Philippines, and in this role, I had been recruited as the IRRI social science advisor for initiating the IUARP project in Laos. I was actively involved with the initial Participatory Problem Diagnosis and with training Lao agricultural scientists in social science and participatory research methods at the beginning of the project in 2001 (McAllister, Gabunada et al. 2001) and was brought back into the project to conduct the final evaluation for IRRI in 2006 (McAllister 2006). My involvement at the beginning and the end of the project gave me unique insight into its evolution, first hand understanding of changes occurring in the villages in the district, and was important for developing personal connections with Lao and international researchers. These connections gave me access to documents and people which otherwise would have proved elusive, and also helped me secure research visas and permits to work and stay in villages. The constraints faced by researchers working in post-socialist Southeast Asia have been documented by a number of researchers (Bonnin , Scott, Miller et al. 2006, Daviau 2010, Turner 2010, McAllister 2013, Turner 2013), and Laos is notoriously difficult for getting visas and permits in order to access the field. This would have been even more problematic if I had done research in an area without these prior connections. I have written elsewhere about the challenges I faced in conducting research in a remote Khmu community in post-socialist Laos (McAllister 2013).

As my main study site, I selected two villages involved in the IUARP project where I had not previously worked in order to limit my association with the project because I was concerned this would bias my research. My association with the project could lead to local expectations for me to provide technical inputs and resources from the project, which I could not do. I also feared that this could potentially lead to positive reporting about project activities since farmers would not want to complain for fear of losing connections and inputs. This concern was largely unwarranted, and farmers were quite critical of the project and state policies in general as long as no state officials were present. Of greater concern was that IUARP relied on the very same DAFO state cadres who were involved in policing forest misuse and implementing unpopular state

policies and my association with them through the project potentially would inhibit farmers from being open about their activities and concerns. Indeed, when DAFO members were present during interviews I conducted for IRRI, this was clearly a problem. However, without state presence, farmers spoke openly.

I conducted a brief survey, using focus groups along with a few individual interviews, in ten 'IUARP villages' in Pak Ou District[45] before choosing Ban Houay Lo and Ban Houay Kha as my primary research sites. Because I was interested in examining the interaction between agricultural project interventions and local property rights systems, I decided to work in one village where land allocation had been completed and one where it had not. I selected Houay Kha, a Khmu village with a few Hmong households, located about 1.5 to 2 hours walk from the highway, to represent a village far from the road, in which land allocation to individual households had yet to be completed. Houay Kha was also the pilot site for a new rubber plantation being introduced by a Chinese company, and this added an important dimension to the research. Houay Lo, a predominantly Lao-Tai and Lue (*Lao Loum*) village that was connected to a Khmu hamlet, was chosen to represent a village near the road, in which allocation of land parcels to individual households had been completed in 2003. My initial plan was to work in two villages of the same ethnic group. However, there were no *Lao Loum* villages remote from the road, and Houay Leuang, the only Khmu village next to road in which IUARP had been very active, had already experienced a stream of researchers from the project coming to ask questions and many people were tired of being research subjects. Working in ethnically different villages gave me insights into ethnic stereotypes held in the area. Furthermore, given the highly diverse ecological, livelihood and social histories of the villages in Pak Ou District and in Laos in general, it is naïve to assume that comparing any two villages based on the simple criteria of land allocation versus non-land allocation, remoteness versus non-remoteness, or based on different ethnic groups would lead to generalizable comparisons. Both villages were similar in that local livelihoods were based largely upon upland shifting cultivation and forest products and very few households owned lowland rice fields. The villages were also not too far from each other. Although there were not many social interactions between these two villages, some families knew each other. Houay Lo was by far the wealthier village with a higher level of education and with some young people working and

[45] These villages included Pak Check, Lattahae, Hatxua, Houay Lat (Hmong) and Houay Lat (Khmu), Mok Chong, Houay Leuang, Houay Lo,

studying in Luang Prabang, while Houay Kha was ranked as having the lowest cash income of eight IUARP villages surveyed by the project in 2002 (Phouyyavong, Pandey et al. 2002). The people in both Houay Lo and Houay Kha were welcoming of a foreign researcher coming into the village, which also played a role in my choices.

Although I had taken some Lao language classes, when I first began my field research, my language skills were not initially sufficient to conduct detailed interviews, although I progressed rapidly when working in the villages. Throughout my field work, I worked together with an excellent research assistant, who played the role of translator and also helped clarify confusing issues. The importance of research assistants is often neglected in discussions of anthropological methods, yet they play a central role in the research process (Turner 2010, McAllister 2013, Turner 2013). After spreading word in local cafés and businesses in Luang Prabang, I hired Somphet, a young Lue man who had grown up in a mixed-ethnic farming village in Nambak District and had been educated in the temple schools in Luang Prabang. He spoke Lao, Lue and English and also understood and spoke some Khmu, and as a young man, he was able to access social spaces that were off limits to me. In Houay Kha, he used to hang out with the young Khmu men in the evenings when they went to *'lin sao'* (literally 'play with the girls', but basically meaning hanging out), which was something I could not do easily as a foreign woman. Because I did not have a Khmu assistant, the interviews were conducted in Lao. The Khmu and Hmong in the villages where I worked all spoke Lao fluently, although often they would switch to their own languages when speaking among themselves. The use of Lao as the main language of communication was a disadvantage in understanding local terminology and classifications since mostly these were recorded in Lao. At the same time, having a Khmu assistant (which was my initial goal but which proved impossible) would have made it more difficult to work in non-Khmu villages. Having a Lue assistant provided insight into some of the prejudices and attitudes other ethnic groups held towards the Khmu, and proved very useful for understanding ethnic relations. For certain issues when it is relevant, I have included some of Somphet's own narratives and observations in the thesis.

The scope of my research quickly evolved from examining only the IUARP project to include the activities of Chinese companies and the introduction of rubber trees into the district, as this was rapidly eclipsing other development initiatives. In some villages, the establishment of rubber plantations and contract farming arrangements by Chinese companies were displacing prior

successful project interventions as well as increasing local conflicts over land. This will be discussed in detail in chapter nine.

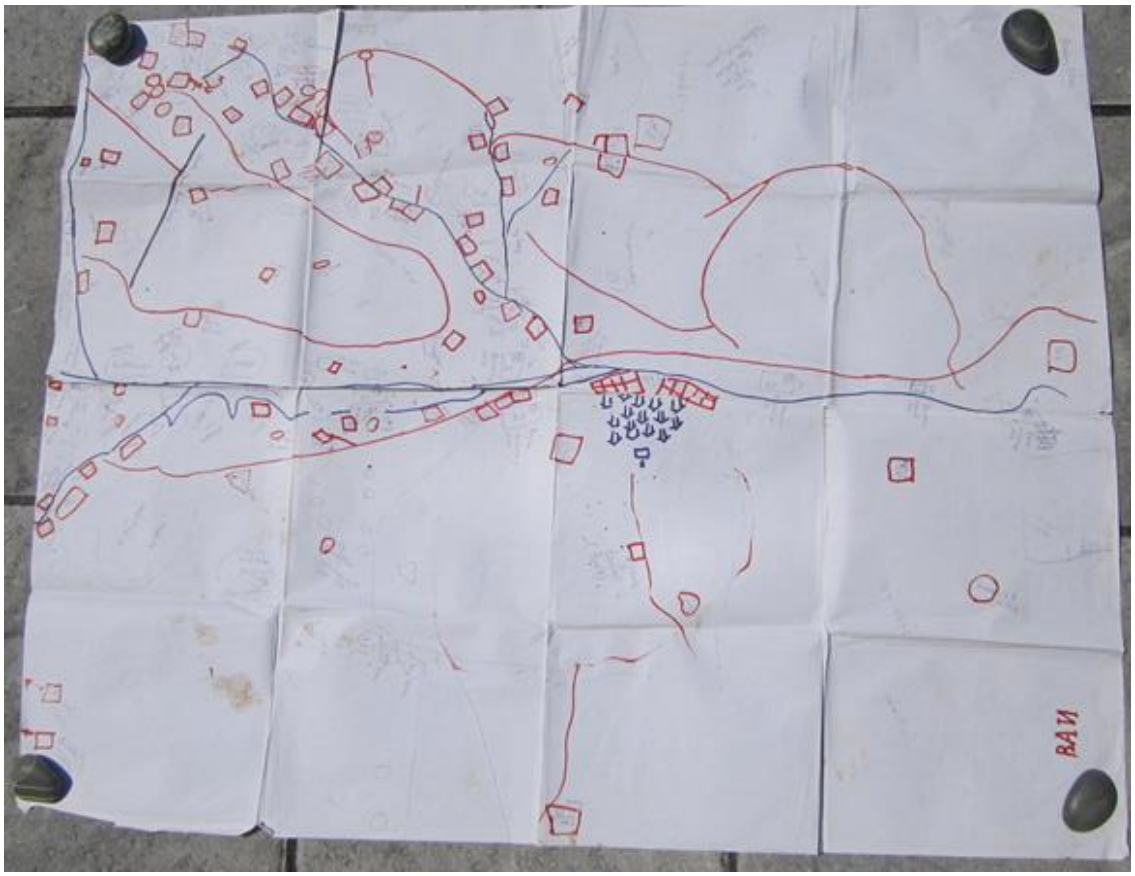

Figure 3.2: Photo of 'participatory' territorial map of Houay Kha. Locations of individual swidden fields are indicated by squares. Each of these squares/fields is linked to interview data which provides a history of the changes in biophysical features of the field and its uses and shifting property and tenurial rights. A similar map was created for Houay Lo.

This research builds upon four periods of time spent in Laos. Because it deals partially with the IUARP project, I use the results from the Participatory Problem Diagnosis I contributed to in 2001 to provide a historical context for the evolving situation in the district and for the history of the project itself. For ecological changes in the uplands, I also build upon insights gained from research I conducted on the ecological and social impacts of continuous cropping in villages experiencing severe land use pressure. This research was conducted in collaboration with a Pheng Sengxua, a Hmong soil scientist, in four villages in Xieng Ngeun and Luang Prabang Districts over a three-month period in 2003. The bulk of the research was conducted in Pak Ou District between December 2005 and December 2006. During this time, I also conducted the final evaluation of the IUARP project, which involved group and household interviews in four villages

which had been involved in the project, interviews with researchers and state officials, and attendance of the final project impact assessment meeting run by NAFRI. I lived for some time in Houay Lo and Houay Kha, spending about two weeks at a time in the villages, with short breaks in Luang Prabang town to analyse and reflect upon results, deal with emails, give my research assistant time off, and interview government officials and international researchers. In summer 2012 I made a brief follow-up visit to Houay Lo and Houay Kha to assess the progression of rubber cultivation in the area.

Methods used for this research include a combination of participant observation, informal semi-structured household and individual interviews, life history interviews, participation in agricultural activities such as planting and weeding rice, focus group meetings, and 'participatory' research methods such as village and resource mapping, wealth ranking, and seasonal calendars. The resource mapping was particularly useful for understanding spatial and temporal use of the landscape as well as understanding customary and formal tenure arrangements by chronicling the 'swidden histories' for each land parcel, and this was used in collaboration with semi-structured interviews when discussing household land use and tenure (see figure 3.2). Informal interviews while participating in agricultural work were important in order to see what people were really doing in the fields, ask questions based on observation and gain a better understanding of local resource use, local environmental knowledge within context, and social networks for labour exchange.

People of the gourd: Ethnic boundaries and relations in Pak Ou District

While it is not the purpose of this thesis to delve deeply into ethnicity as a theoretical theme, it is important to provide some introduction to the different ethnic groups in the area and to explain how ethnic difference is lived, practiced and perceived locally because it is invoked in negotiations over land rights and also influences government policies towards different villages. The four main ethnic groups living in Pak Ou District are the Lao-Tai and Lue (*Lao Loum*), Hmong (*Lao Sung*) and Khmu (*Lao Theung*)[46]. The different ethnic groups live side by side, sometimes in the same village, and their territorial lands are adjacent and sometimes overlapping. The Lue and

[46] Although there are clan distinctions within the Khmu and the Hmong groups themselves, it was the ethnic differences that were constantly emphasized by villagers in Pak Ou District.

Lao have lived in the area for a long time, and were historically incorporated into the royal precolonial mandala state as peasant subjects. Both groups are Theravadda Buddhists. The Khmu are considered to be the original inhabitants of the area, and were historically incorporated into the royal kingdom as slaves or vassals of the Lao. The Hmong are relatively recent migrants into the district – originating in China but now dispersed across the highlands of mainland Southeast Asia, particularly northern Laos, Vietnam, northern Thailand and Yunnan province, China. The different ethnic groups interact on a daily basis through trade, through agricultural activities and buying and selling of labour, and through simple proximity. In spite of historical evidence that ethnic groups are 'constructed', ethnicity is locally perceived as a concrete and primordial difference, made visible and explained through differences in language, styles of dress, religious beliefs and rituals, agricultural practices, housing types, gender relations, styles of community leadership and other cultural practices. Ethnic stereotypes were a common topic of discussion, especially in the roadside shops where people gathered to gossip and exchange local news from the surrounding area. Most often villagers in Pak Ou referred to other ethnic groups using the official state terminology *Lao Loum*, *Lao Theung*, and *Lao Sung*, but self-identified with specific ethnic labels (Lue or Lao, Khmu and Hmong).

The Khmu are a Mon-Khmer speaking people, and are divided into a number of different subgroups and clans[47] *(tmɔɔy* or *tmoï),* often distinguished according to region, style of dress (e.g. long or short blouses, colour of clothing), hairstyles, or dialect (Proschan 1997, Évrard 2006:89-94). The term 'Khmu' simply means 'people' or is applied to groups of people speaking the Khmu language and considered to be ethnically Khmu (Lebar, Hickey et al. 1964, Proschan 1997). The Khmu along the Pak Ou River are a subgroup known as 'Khmu Ou' (*tmɔɔy uu)* (Proschan 1997:98), but refer to themselves simply as Khmu and during my research they never specified their subgroup, implying this classification was not relevant in their current social context[48]. They distinguished themselves from the other ethnic groups in the area (mainly Lao, Lue and Hmong) by mother tongue (although they all spoke Lao as well as Khmu) and by certain beliefs and ritual

[47] For a detailed description of Khmu ethnonyms and the identification of Khmu subgroups, see Proschan (1997).
[48] This contrasted with my research with Khmu people in Luang Namtha, where a number of different subgroups live side-by-side and always identify themselves according to their subgroup. While they shared the same language, clothing and livelihood practices and self-identified as part of the larger Khmu family, they differentiating themselves based on slight differences in beliefs and rituals. When I showed them photos of Khmu agricultural rituals taken during my research in Pak Ou District, they were curious and recognized immediately that these were Khmu Ou, but noted that they themselves practiced different rituals.

practices. The Lao identify the Khmu in Luang Namtha as *kha kao*, (*anciens* (ancient) *kha*) and according to Évrard, these Khmu are originally from Luang Prabang but fled when the area was conquered by the Lao-Tai (Évrard 2006:94). As described in chapter two, the Khmu are recognized as the original owners of the land and considered to be lords of the territorial guardian spirits. Some scholars believe that they used to cultivate lowland rice paddies around Luang Prabang until they were driven into the hills by the more powerful Lao-Tai (Taillard 1989, cited by Ireson 1996:89). An alternative explanation is that they moved into the hills to resist being encompassed within a state structure (Scott 2009). As with many highland ethnic groups (Durrenberger and Tannenbaum 1992, Leach 1997 [1954], Scott 2009), the Khmu are relatively egalitarian and have no political organization beyond the village level and no independent military presence. The Khmu around Luang Prabang have long been incorporated into subordinate tributary relations with the Luang Prabang royalty as 'slaves' or 'vassals' (*kha*) (Ireson 1996:88). Like other highland groups, they cultivated rice, cotton, tobacco, vegetables, fruits and betel nut trees, and often provided tribute of valuable forest products which was crucial for maintaining the power and wealth of their Lao overlords. Trade between the Khmu (*kha*) and royal centre mainly took place as barter within villages with travelling Chinese (Ho) traders who then transported the goods to the town. This trade was often negotiated through a Lao interpreter (*lam*) who would arrange transactions between upland people and merchants or act as a middleman himself (Lebar, Hickey et al. 1964:115, Walker 1999:39, citing Halpern 1959:121). As slave subjects to lowland overlords, the Khmu were often responsible for maintaining the caravan roads, building bridges across streams and providing rest houses along the sparsely populated trails (Walker 1999:33). The importance of the Khmu to the economy and food security of Luang Prabang was highlighted by French explorers in the late 1800s, who commented on the dependency of the Lao on Khmu agricultural production;

> Without the *Khas*, the lazy, pleasure loving, opium-smoking masters would have to work, or die of hunger. (Hallett 1890 [1988]:22, cited in Grabowsky and Wichasin 2008:30).
>
> Without the agriculture of the *khas* (hill dwellers), the Lao would not have a grain of rice to put between their teeth. (Lefèvre-Pontalis 1902:140 cited in Walker 1999:37).

Paradoxically, today the Khmu in the Luang Prabang area are often represented as lazy by other ethnic groups (although the same is not true of the Khmu in Luang Namtha).

Lue settlements in Pak Ou, often mixed with Lao villages, are scattered along the Pak Ou River and National Highway 13, a historically important caravan trade route from Sipsongpanna[49] (Southern China) and Muang Sing (Northern Laos) to the Luang Prabang royal centre. The Lue have long been involved in regional and local trade (Lefèvre-Pontalis 1902 [2000], Walker 1999:36), and historically controlled the salt trade in the Northwest of Laos. According to local oral history the Lue came to visit the King of Luang Prabang and were asked to settle and cultivate rice along the Pak Ou River;

> I don't know where the Lue are from [originally]. But the Khmu and the Lao are brothers. And the Lue and the Lao are brothers. The Lue came as a caravan procession of men and women along these villages [in Pak Ou District]. And then the Luang Prabang King wouldn't let them stay in the town, so they started to live around here. The king didn't want them to go back to Muang Sing, because there were not many people here. The procession of Lue men and women came from Muang Sing. They came to offer something to the king, and when they arrived, the king didn't want them to go back, so they settled along the Nam Ou River, because there were not a lot of people here. Someone told me this. The Lue along the Nam Ou are all from Muang Sing, near China.
>
> They tried to go to Luang Prabang to live, and the king didn't want them to go back to Muang Sing, so they stopped here. This was because the king wanted more population – because at that time, there were not many people. And he wanted more people. There were a lot of people in Muang Sing. This was a long time ago – before I was born. I heard people saying this. The King asked them to stay and grow rice along the Pak Ou River.
>
> **Mae Nanpheng, elderly Lue woman originally from Lattahae but settled in Houay Lo.**

The Lue living in Pak Ou District continue to play a major role in local trade, often acting as middlemen (and middle-women), buying and selling agricultural and forest products from remote Khmu communities and reselling these to buyers in the town or along the road. Historical ethnic relations continue to be reinforced in practice through trade.

The majority of scholars of Southeast Asia adopt a 'radically constructivist' view of ethnic difference, and convincingly demonstrate that ethnic boundaries are symbolically constructed, arbitrary and permeable and identities are fluid rather than fixed and primordial (Moerman 1965, Rousseau 1990, Leach 1997 [1954], King and Wilder 2003, Scott 2009). The highland peoples of Southeast Asia have been described as 'ethnic amphibians' (Scott 2009), shifting ethnic identity by inter-marriage, adoption, and/or changing religion, language, dress, agricultural practices, and place of habitation. Of highland ethnic groups, Scott writes that

[49] Sipsongpanna is a Lao name, meaning '12 village rice fields'. Xishuangbanna is the Sinocized version of the Lao name.

> Such populations do not so much change identities as emphasize one aspect of a cultural and linguistic portfolio that encompasses several potential identities. The vagueness, plurality, and fungibility of identities and social units have certain political advantages; they represent a repertoire of engagement and disengagement with states and with other peoples (Scott 2009:211).

Asserting or 'performing ' one's ethnic identity from a portfolio of different characteristics considered as markers of identity is itself seen as the *'defining cultural characteristic'* of ethnicity (Keyes 1979:6,4 cited in Scott 2009:241). Ethnic boundaries are not inherent but have to be actively 'maintained', are relative, and may emerge and/or be reinforced between groups when people occupy different ecological or social niches or interact symbiotically through trade (Barth 1981 [1969]). Leach, writing about the ethnic difference between the Shan and Kachin of highland Burma, argues that the ethnic boundaries were largely associated with a specific socio-political model (non-hierarchical and egalitarian *gumlao* versus hierarchical *gumsa*) and fluid oscillation between political structures corresponded to shifts in ethnic allegiance (Leach 1997 [1954]). Drawing on Leach, Izikowitz (1969) presents a similar argument for the construction of ethnic boundaries between the Khmu and other Mon-Khmer groups and the lowland Lao-Tai – that these cannot be explained by habitation in different ecological niches since they live side by side in similar environments, nor by language distinctions, since most Mon-Khmer groups speak some form of Thai or Lao in addition to their own language, but rather by contrasting socio-political organisations. The Lao were part of a hierarchical aristocracy with clear royal leadership, while the Khmu and Lamet (another Mon-Khmer group) had weak leadership and lacked political coherence beyond the village level (Izikowitz 1969). Interaction between the Khmu and the Lao was mainly through trade, although in areas around town centres like Luang Prabang the Khmu were clearly subjugated by the Lao. Although the Lao and Thai assumed cultural dominance, hill people were able to maintain independence by their ability to retreat farther into the mountains if the relations were not to their liking or if the state demanded too much from them (Izikowitz 1969, Scott 2009). It has also been argued that ethnic boundaries have been constructed as part of nation-state building activities and have emerged relatively recently (Proschan 1997).

Belief in Buddhism is also used as a marker of ethnic difference, and is often considered 'superior' to other indigenous religious beliefs, setting lowland people apart (at least in their own eyes) as 'civilized' in comparison with the upland 'animists' (Lyttleton, Cohen et al. 2004:16). However, many Khmu have converted to Buddhism or Christianity, while the majority of Lao and

Lue also believe in spirits (*phi*), ghosts and the soul of rice (*khwan*), beliefs that pre-date Buddhism and that overlap with Khmu beliefs in spirits (*hrooy*) as will be described in chapter five. These 'animist' beliefs unproblematically coexist with and influence Lao understandings of Theravada Buddhism in spite of contradicting some of its main tenets.

Paradoxically, the lived experience of ethnicity in Pak Ou District is one of firm 'bounded-ness', and ethnic differences are a constant topic of discussion, and are reinforced and explained through repetitions of the origin myths described in chapter two, commonly held stereotypes about ethnic characteristics and livelihoods, state representations of ethnicity (*Lao Loum, Lao Theung and Lao Sung*), and practical daily interactions. Hmong are stereotyped as hard-working, rebellious, stubborn, entrepreneurial, fierce, and as living in the high mountains, keeping many livestock, eating non-sticky rice and sometimes growing opium. Khmu are described as lazy, as thieves, and as practicing swidden but only working hard enough to squeek by, never saving money to invest in the future. The Hmong and Khmu are both considered animists and the Lao believe they have strong magical powers, particularly the Khmu who are thought to have strong and dangerous spirits in their territories. The Lao and Lue in Pak Ou are recognized as ethnically different because of place of origin, linguistic differences, some slight differences in clothing, and because many older Lue have ornate tattoos. However, both groups were described as 'good state subjects' who follow the law of the government, cultivate paddy rice when possible, and practice Theravada Buddhism. These representations are repeated locally and used as explanations for who (and who does not) follow government rules, and are also inherent in the various myths accounting for ethnic difference.

Simple behavioural differences, such as the Khmu carrying their bags strapped across their foreheads, while Lao carry them across their shoulder, preference for different agricultural tools, or different treatment of the deceased (the Khmu bury their dead in cemetaries while the Lao cremate the dead) were pointed out as signs of ethnic difference. The Lue and Lao joked about Hmong women who carry umbrellas while they are planting to prevent the sun from darkening their skin. At the same time, there was considerable respect for the Hmong because they were perceived as hard-working, skilled and knowledgeable about upland agriculture, and sometimes Lao and Lue farmers tried to learn and copy their techniques. The Lao and Lue were afraid of the Hmong and the Khmu, believing them have strong magical abilities and powerful spirits. They are the 'primitive' other, to be both feared and respected for their spiritual knowledge. The Hmong

were also admired and slightly feared for their ferocity in the face of conflict and for their history of combat against the Pathet Lao during the second Indochina war. Lao and Lue tried to avoid land use conflicts with the Hmong because they feared retribution and revenge, both magical and physical.

The Khmu, as the original inhabitants of the land were popularly described as the 'older brothers' of the Lao. Although they were feared for their magical abilities, they were also perceived as untrustworthy, lazy, dirty, and somewhat less civilized. I was warned by some Lao and Lue in Houay Lo to watch my possessions when I went to Khmu villages[50], because '*the Lao Theung are thieves'*, to be careful of lice because the Khmu are dirty, and that it would be better if I stayed in the Lao villages near the road where I would be well cared for. The *Lao Theung* were often blamed when fruits or animals went missing. Perceptions by other ethnic groups (*Lao Loum* and Hmong) that the Khmu are 'backwards' and 'stupid' have also been documented by other researchers (Izikowitz 1969, Ireson 1996). Furthermore, the relative poverty of the Khmu is blamed on laziness;

> The Khmu have good soil, but only cultivate a small area because they are lazy. Their soil is good. So they sell their labour. The Khmu collect forest products, but only for food. (Mae Nanpheng, elderly Lue woman from Houay Lo).

I was warned to watch where I walked in the Khmu forests, and not to touch insects that came into the house at night, because the Khmu knew dangerous magic and could enchant insects to make people ill or die if they touched them. It took me some time before I realised that my Lue research assistant was terrified of going to the wrong area of the forest in Houay Kha because of the dangerous Khmu spirits. He had been warned by his parents as a child to stay far away from Khmu rituals, ceremonies and magic, and he refused to accompany me to certain Khmu rituals.

Ethnic boundaries in Pak Ou District were also maintained through disapproval (although not complete prohibition) of marriage between different ethnic groups. In the area I was working, I did not encounter any Hmong who had married into other ethnic groups, and while Hmong have certain clan restrictions on choice of marriage partners (Geddes 1976), intermarriage with other groups has been documented (Tapp 1989). While others have documented that many Khmu and Lao intermarry (Lebar, Hickey et al. 1964, Ireson 1996, Proschan 1997, Proschan 2001), this was

[50] '*If you don't want to stay with the Khmu, you can come back here and stay in Houay Lo. You can stay in this village if you don't want to stay with the Khmu. Watch for people stealing. After Pak Check, something that is valuable will get stolen if it's not left in a safe place'*. (elderly Lao woman, Houay Lo)

Table 3.1: Ethnic composition of married couples in Ban Houay Lo, highlighting marriages between '*Lao Loum*' and '*Lao Theu*ng' ethnic categories.		
Husband	**Wife**	**Total**
Lao Tai (*Lao Loum*)	Lao Tai (*Lao Loum*)	19
Lue (*Lao Loum*)	Lue (*Lao Loum*)	5
Khmu (*Lao Theung*)	Khmu (*Lao Theung*)	3
Lao Tai (*Lao Loum*)	Lue (*Lao Loum*)	4
Lao Tai (*Lao Loum*)	Thai	1
Lao Tai (*Lao Loum*)	Tai Dam (*Lao Loum*)	1
Lao Tai (*Lao Loum*)	Khmu (*Lao Theung*)	1
Lue (*Lao Loum*)	Lao Tai (*Lao Loum*)	4
Khmu (*Lao Theung*)	Lue (*Lao Loum*)	1
Khmu (*Lao Theung*)	Lao Tai (*Lao Loum*)	1
Yuan (*Lao Loum*)	Lue (*Lao Loum*)	1
Puan (*Lao Loum)*	Lue (*Lao Loum*)	1
TOTAL		42
Number *Lao Loum* and *Lao Theung* mixed marriages		3 (7%)

very unusual where I worked (there was only one mixed Lao-Khmu couple in Houay Kha. For the mixed marriages in Houay Lo, refer to table 3.1). Izikowitz found a similar situation, asserting that intermarriage between the different hill tribes and between that Tai and *Kha* was uncommon, although sometimes men took Lamet wives, in which case the children became Tai (Izikowitz 1969:139). The blurring of ethnic boundaries over time through adoption and intermarriage, which has been documented throughout Southeast Asia, was not something that I specifically examined in this research, and while this may happen over time, it was not obvious and local practices and prejudices discouraged such unions. My Lue research assistant, who had many friends who were Khmu, emphasized that his parents would be very upset if he chose to marry a Khmu girl;

> Most *Lao Loum* don't like to marry Khmu. They like the people, but they don't like to marry them because the Khmu are dirty. A lot of people say this. Sometimes they call the Khmu *'Jé'*. This means dirty people. They [the Khmu] don't like being called this'. (Somphet, Lue man from Nambak district).

Other beliefs also discouraged marriage between Khmu and Lao or Lue.

> Sometimes *Lao Loum* boys or girls get married with Khmu. If the Lao girl marries with a Khmu boy, everything will grow well. Rice, animals, and everything will all be productive. This is because the Khmu is the older brother. But if a Lao boy marries a Khmu girl, it doesn't work well – nothing will grow well. This is because the Khmu are the older brothers/older sisters. If the *Lao Loum* younger brother marries with a Khmu girl, he is marrying an older sister. This is not good, and they will be poor'. (Mae Nanpheng, elderly Lue woman, Houay Lo)

Somphet explained this differently;

> If the Khmu boy marries a Lao girl, the Khmu boy will work hard because he likes the Lao girl. But if a Lao boy marries with a Khmu girl, then he will be lazy.

Proschan (1997:95) writes that in the past, when Khmu men married Lao women, they essentially became Lao and abandoned their Khmu ethnicity. Marriage with Lao was one way of escaping the stigma associated with being 'Khmu'. One could be either Khmu or Lao, but not both.

Proschan argues that the Khmu hold two conflicting models of ethnic identity, one that supports mutually exclusive identities and another that supports 'additive' or 'hierachical' identities, allowing for ethnic identities to be held concurrently. Essentially ethnicity was both genealogical and situational, and while ethnic boundaries were permeable, ethnic difference was maintained through daily practices of inclusion and exclusion (Proschan 1997:95).

> For the Kmhmu people, ethnic groups are simultaneously primordial and imagined, ethnic boundaries exist but are permeable, and ethnic identities are both stable and flexible (Proschan 1997:93).

In Pak Ou, ethnic boundaries were often maintained in labour exchange activities, and even when people were living in the same village and had adjacent fields, they tended to exchange labour primarily within their own ethnic group (not necessarily their kin – the composition of these labour exchange groups was fairly fluid as will be described in chapter four). For example, in Houay Kha, the Hmong and Khmu only exchanged labour within their own ethnic group even if they were cultivating adjacent plots that year. However, they cooperated sometimes for hunting. In Houay Lo, I was told that *'the Khmu and Lao Loum in Houay Lo do not work together in the fields because the Khmu are shy of the Lao people, so they don't want to work together'*. However, all the different Khmu villages (and some newly resettled Hmong villages) were involved in agricultural wage labour arrangements with the Lao and Lue villages near the road, and sold labour to the *Lao Loum* on a daily basis for weeding, cutting the forest, clearing, planting lowland rice, building paddy fields, and so on. The reverse was not true – I did not come across a single instance in which Lao or Lue worked for wages on Khmu or Hmong fields. The position of the Khmu as semi-proletarianized impoverished wage labourers has an important impact on how they are integrated into commercial rubber enterprises as will be discussed in chapter nine.

> The *Lao Loum* do not sell labour to the Khmu. The Khmu sell labour because they don't have enough money to buy food, so they sell their labour in order to get money to buy rice. Sometimes for rice, sometimes for money. But always the Khmu don't have enough food, because they always sell their labour and don't spend time on their own fields. The Khmu always sell labour to other fields. (Mae Nanpheng, elderly Lue woman, Houay Lo).

Perceptions that the Khmu are lazy were also prominent among District state officials, and attitudes of superiority of *Lao Loum* staff towards Khmu farmers may well have influenced local receptions and perceptions of development interventions. One District Officer involved with the IUARP project described the differences in working with different ethnic groups as follows,

> The project is working with the *Lao Loum* and the Khmu. It is different working with the *Lao Loum* and the Khmu. *Lao Theung* just do very little work before going home, but the Lao and Lue work hard, get up very early to go to the field and come back very late – because the *Lao Theung* make the upland rice only 1 ha at the most, but the *Lao Loum* make 2-3 ha at the most. This is because the Khmu are lazy and the Lue are hard working. The Lue have more rice from their upland fields. Also, because the *Lao Theung* will cut the weeds in the fields only 3 times, but the Lue will do this 4-5 times. (District Official, Pak Ou).

Although this attitude was widely held, this statement makes a number of assumptions. It recognizes only the cultivation of upland fields as work, and doesn't include forest-based activities such as hunting and gathering as equally legitimate livelihood activities. Furthermore, it fails to recognize that many Khmu are busy selling labour and working on other people's fields (particularly for weeding) and therefore are often forced to neglect their own. Foreign staff working on agricultural projects in Khmu communities often also expressed frustration. Although they did not judge the Khmu as being lazy, they were baffled at the seeming indifference the Khmu held towards project activities that had been successful in other communities, that the Khmu would not follow up, that project interventions were less successful or proceeded more slowly in Khmu communities than in other villages. Concerned that the Khmu were being left behind, foreign development workers were interested to understand if there were certain cultural features that could explain why the Khmu were not engaged in development projects. The frustration was expressed by one foreign researcher who had lived for a long time in Laos, who commented that Khmu would say 'yes' to projects when really what they meant was 'go away'. Indeed, my research assistant explained that a 'Khmu yes' is a local expression for a 'hidden no' – that it does not really mean yes. The relative 'apathy' of the Khmu in Luang Prabang province has been described by other researchers working in the area since the 1960s, who attribute this to their long history of political subordination to the Lao-Tai who often perceive them as 'backwards and stupid' (Ireson 1996:123), the breakdown of their culture, their extreme poverty, and their inability to access traditional items of prestige, such as bronze drums, gongs, jars, and water buffalos (Lebar, Hickey et al. 1964, Ireson 1996).

> The Khmu of the Luang Prabang area feel and act inferior to all other groups. In northern Thailand, this is also true, except that the T'in and Yumbri are even lower in the social order. The Khmu of this area show apathy and cultural disintegration, and very little zest for life. The ancient symbols of prestige – gongs, jars, and buffalo – are gone, or nearly gone in the case of the buffalo, for few Khmu can afford them… Part of the reason for Khmu apathy is economic. They are desperately poor. They have also been the traditional slaves of the Lao, with little political recourse (Lebar, Hickey et al. 1964:113-4).

THaofieldwork with Khmu in Luang Namtha in 2015, as well as a recent ethnography about the Khmu (Évrard 2006), this sense of inferiority and apathy is not prevalent further north in Luang Namtha, where the Khmu have maintained greater autonomy from the Lao-Tai and where many traditional practices have been maintained. Furthermore, it could be argued that the apparent 'apathy' and 'footdragging' of the Khmu in response to development projects and policies is an act of resistance – that they would prefer not to be integrated into state development schemes and policies which often have not worked to their benefit.

Ethnic difference and stereotypes are often articulated through criticisms and comments about gender roles, particularly the role and behaviour of women. In her work with Lao Women's Union officials in 1985, Ireson writes that ethnic Lao officials report that *'Khmu women work harder and have a more difficult life than women in highland or lowland groups'* (1996:93). Tayanin (an ethnographer who is ethnically Khmu) cites a Khmu saying that translates as *'daughters bring rice, sons bring money'* in recognition that Khmu women work in the fields while men sell labour outside of the community (Tayanin 1994:85-6). However, gendered labour migration has shifted, and currently in Pak Ou District it is mainly young Khmu women who leave the village to make income as prostitutes in the town. The heavier work load of women in the field was supported by my observations and by comments made by the different ethnic groups about women's work, and played a role in young Khmu women leaving the village. Even though the gendered division of labour was similar among the different ethnic groups, Khmu women did a greater share of maintaining crops (primarily weeding), while in other ethnic groups, they apparently had more help from the men. The Lue and Lao sometimes explained the relative poverty of the Khmu by emphasizing unequal gender relations and the perceived lack of cooperation between men and women in the household[51]. Thao Num, the Lue teacher living in Houay Kha, alleged that, with a few exceptions, the Khmu women in Houay Kha do almost all of the work.

> In the heat and in the rain, the women go to the fields to work. And the men just hang around and do nothing. This is why the people here are so poor. Even when they are short of rice, it is the women who have to find the rice.

He further explained this is the opposite for the *Lao Loum*.

> If a man is ready to support a family and his wife, then he is ready to get married. For the Khmu, if a woman is ready to support her husband and a family, then she is ready to get married…If the

[51] Some of this section on gender relations among the Khmu has been published as part of a book chapter about challenges in working with 'doubly marginalised' Khmu women in Pak Ou District (McAllister 2013).

> women here say that the men work also and that the men sell labour, this is why the women are stupid. The women here really are stupid if they say this.

The work required to maintain the field after it has been planted seems to fall more heavily on the shoulders of Khmu women than on women of other ethnic groups. The Hmong living in Houay Kha also commented on the nature of Khmu gendered work.

> On this field there are many weeds because it is young fallow. My wife and I both weed. In Hmong families, women and men both weed. Because we are men, and men are the leaders of the family, so we have to weed…. I don't know why Khmu men don't weed… But they say that when they cut and clear, the field is for the men, and weeding is done by the women. Hmong and Khmu are different, because with the Khmu, always the men are just going around (hanging around). If Hmong, and you [the men] don't go to the field, then the women will not know how to do things, so the man needs to go to lead. With the Hmong, the men make the decisions, but the women have to agree first. If the women don't agree, then we won't do it.
>
> **(Hmong man from Oudomxay who had recently immigranted to Houay Kha)**

Khmu women often complained about Khmu men being lazy, identifying this as a problem in making a livelihood.

> The men only help to clear the land, to cut the trees, to burn and with planting. After this, the women do everything until the harvest – but they carry the rice together after it is harvested. The women do all the work in the uplands – the men are lazy and just hang around… Most men are lazy – but some are OK. Some work after burning and clearing. But most men are lazy in this village.
>
> Q. What about the Hmong men?
>
> A. It is not the same with the Hmong. For the Hmong, the men and women work together.
>
> Q. What about the Lao Loum?
>
> A. For the Lao Loum the men work harder than the women. But most of the Khmu are like this [women working hard, men not working].
>
> Q. Don't the women get angry?
>
> A. Yes, but when the women get angry, the men will hit them. This happens a lot. The men don't work, just hang around, but they eat a lot of rice.
>
> Q. Who owns the rice?
>
> A. We both own the rice – we both eat the rice. The men will help carry it back to the village.... This is a woman's field, because only women worked on it. However, I am married and my husband will help eat the rice.

Similar discussions arose spontaneously in response to observations about gender and labour. Watching one woman crossing a stream with a huge sack of rice strapped across her head, while her husband followed behind her carrying a small bag of field vegetables and a hunting knife, a young Khmu man commented to me that '*Lao people are very strong'*. When I responded by pointing out that *'Khmu women are very strong'*, he countered that *'Khmu men are stronger than Khmu women. But Khmu women carry the rice because Khmu men are lazy'. 'Don't the women*

get angry?' I asked. *'Yes, sometimes. If they are angry then they don't let the men eat'* he replied, laughing. Listening in on our conversation, an older woman sitting with her back to me, started to speak quietly without turning to face us:

> If the men carry things, they carry only a little. Yes, the women get angry. Women carry the sacks. The men carry things, but not as much as the women do. We get angry, and tell them, but the men don't listen. Some men help, some men don't.... Some are lazy and stay home. Even if they do the exchange labour, the women go to the exchange labour and the men just hang around in the home… When we clear the field, the men will help then. After getting the wood, the men help with planting. But after planting the rice, they just don't go to the field. For weeding, they let the women do it alone… Some men are lazy, some are not. It's difficult because they don't help each other and don't work together. Not like the other families [of other ethnicities] where people work together and help each other. The women just work alone, just get a little yield and then the family is short of rice. If you tell the men to work, they don't listen. Even if you killed them, they would just die.

The lower status of Khmu women in Houay Kha was also reflected in discussions with some men in the village, who often jokingly admitted that Khmu men were lazy, and further explained that because the men and their parents have to pay a relatively expensive bride price for girls when they get married, it is *'like we buy them'* – if the women do something wrong, then the family has to pay back the bride price. Their perception of women was also reflected in casual discussions about rituals and the spirit world – that the spirits did not like women. Although both men and women could make spirit predictions and could be fortune tellers, rituals considered more important for healing illness and for agriculture were lead by men (although women did play a role in appeasing the rice soul and nature spirits by providing and presenting food and alcohol).

This gendered division of labour is particularly relevant since state policies that restrict local access to land and promoting fixed tenure are resulting in shortened fallow periods and greater problems with weeds. Because weeding is perceived as a woman's job, this is having a greater impact on Khmu women than on Khmu men, as will be discussed in chapter four.

Histories of disruption and mobility: shifting territorial boundaries and ethnic conflict

The following sections provide a description and history of Houay Lo, Houay Kha, and some neighbouring villages in order to provide context for the analytical chapters of the thesis. This history was pieced together from a number of historical narratives from interviews with village elders. The purpose of these descriptions is to emphasize the continually shifting territorial boundaries and composition of these villages, the mobility of people, the relationship between

different ethnic groups as they are brought together and driven apart through resettlement provoked by war and government policy, and the fluidity and insecurity of land rights. The history of these villages has implications for current property rights systems and management of natural resources, as well as contemporary tensions between the different ethnic groups over land rights. Rather than being unique, this mobility of populations is representative of most parts of northern Laos.

Ban Houay Lo

> This is the story of where the name of this village came from. One day, two boys were walking past the place where the village is now. They were carrying money with them because they were going to get married, and the money was to pay for the party. When they got to the stream, they stumbled and fell down. The boys died and their money floated away. The place became named Houay Lo – the 'pouring down'. When the boys died, their bodies floated along the river, and then became the two stones where we now take a bath – on the other side of the river where there is a small stupa named '*Hiin Song Aai-Nong*'[52] (Stones of two brothers), which is the name of the stones. The stupa was built to respect the stones. This is the story that the old people told me, that I heard about the past. When the old people told me this, after I heard it, I began telling people again.
>
> We still respect the stones, but now we don't go to the stones, but we go to the temple, and in the temple we tell the spirits in the stones that we will build a house, have a wedding party, etc.... And then we offer food.... If we don't do this and get married, the couple will argue with each other. The stones still have a spirit – it is the 'snake' spirit.
>
> **Pa Thao Don, First headman and respected village elder of Houay Lo, telling the story of the village.**

In 2006, Houay Lo was a small village of 42 households. Village houses were clustered together on a narrow strip of land bounded on one side by the Nam Ou River, and on the other side by National Route 13. The fields were located in the mountains on the opposite side of the highway from the hamlet. The village population was predominantly Lao Tai (*Lao Loum*), with a small population of Lue (*Lao Loum*) and Khmu (*Lao Theung*). The 'myth' of village origin, as recounted above by the first headman of the village, highlights the spiritual meaning of the landscape and the story of the village 'guardian spirits'; the two brothers who became stones. The anecdote emphasizes how the spiritual aspects of the landscape have been incorporated in contemporary village life and Buddhism through activities in the village temple. As in all Lao villages, the activities and stories of various spirits (good and bad) are woven into the social and ecological histories of place and play important roles in daily life. The story provides an illusion of long standing habitation of *Lao Loum* people in Houay Lo, although according to Pa Thao Don's own

[52] *Hiin* means stone, *song* means two, *aai* is older brother/sibling, *Noong* is younger brother/sibling (my translation).

historical narratives, he was one of the very first Lao to build a home and clear land in the area and the land had previously belonged to the Khmu. In 2006 when I interviewed him, at 69 years old, Pa Thao Don was one of the revered village elders. He had been Houay Lo's first headman (*Naiban*), and had later held the position of traditional headman[53] (*Nyao Hom*). He had also worked for the government as the *Tau Seng* (head of several villages).

Conflict, migration, changes in population and state policies have led to a fluidity of the population and the territorial and administrative boundaries of Ban Houay Lo over time. The area was originally owned by the Khmu, and prior to the war, the Khmu and *Lao Loum* were part of one large village and shared the same territorial space, working together on the same land. The village was evacuated during the war when the area was bombed. The Khmu, who had sided with the communists, were instructed by the Pathet Lao to move to Xieng Ngeun District, while the *Lao Loum* moved to Luang Prabang town and supported the Royalist government. After the end of the war in 1975, the Khmu and some *Lao Loum* returned to the site, although most of the Lao settlers were newcomers since many of the original inhabitants had either died during the war or stayed in Luang Prabang town.

Serious conflicts developed between the Khmu and *Lao Loum*, in part because of the legacy of their different allegiances during the war, but primarily because of disputes over land resources and religious differences which influenced resource use. The situation was very tense and apparently some people were shot and killed over land disputes. The *Lao Loum* explained that the Khmu wanted to move away from the Lao because of different belief systems – that the *Lao Loum* are Theravada Buddhists while the Khmu believe in spirits (*phi*)[54]. Furthermore, they claimed that the Khmu were afraid that the *Lao Loum* would buy up their land. The Khmu also highlighted disputes over land rights as a primary reason for the conflict, but blamed the *Lao Loum* for claiming (rather than purchasing) Khmu fields. They also emphasized that they were enemies because they had fought on opposite sides during the war and could not get along once the war had ended. The

[53] Both villages in which I worked had an official village headman and a traditional headman. The 'official' village headman was elected by the village and acted as a local government representative, in charge of enforcing government laws and mandates, but more often, representing village interests and needs to the state and resolving local conflicts. I was told that the 'traditional' headman was in charge of the older people and, in the case of Houay Lo, the spiritual side of village life. In both cases, the traditional headman was a village elder while the elected headman was younger. According to Pa Thao Don, the *Nyao Hom* (traditional headman) was also responsible for building new roads in the village, keeping the village clear, and resolving inter-village conflicts.

[54] In fact, while it is true that the majority of Khmu in Houay Kha are not Buddhist and believe in spirits (*phi*), the Lao and Lue also believe strongly in spirits. Nevertheless, this distinction is often made to explain the difference between themselves and the Khmu.

Khmu specifically complained about an incident during which some of the Lao cut trees in the Khmu cemetery – a sacred site – and felt that this was done intentionally *'because the Lao wanted to do something bad to the Khmu'*, not because they needed the land. For these reasons, the Khmu became very angry, and in 1984, they began to move their houses into the mountains and away from the road where the *Lao Loum* were living.

The severity of the conflict provoked the Khmu to request that the government formally divide the village into two and finally into three separate villages. These are now referred to as 'inner' Houay Lo (the *Lao Loum* part of the village – from now on identified simply as Houay Lo or Ban Houay Lo), 'outer' or 'distant' Houay Lo ('Houay Lo Nai') (the Khmu part of the village), and Houay Lat (a newer separate village which had formed at the edge of 'inner' Houay Lo territory, comprised of some Khmu who had migrated earlier from the original Houay Lo settlement, as well as migrants from several remote Khmu and Hmong villages that had been resettled by the government[55]). Each village elects its own *Naiban* (village headman) and village administration. In 1987-1988 the government formally divided the cropping land between the Khmu and *Lao Loum*. The Khmu were given more land than the *Lao Loum* simply because they were more numerous. However, it is also possible that the Khmu were favoured by the Pathet Lao government since they had supported them during the war. Once the village was divided, the area that the *Lao Loum* were given for upland cropping was significantly smaller than their original land holdings.

The land resources of Ban Houay Lo were also reduced when these were traded in exchange for labour. Pa Thao Don explained that in the past, some of the land on the other side of the Nam Ou River also used to belong to the village. However, when he was headman and before National Route 13 was paved, villagers were responsible for clearing the road every month of bush and shrubs. Because Houay Lo was a very small village at that time and didn't have much labour, the village decided to trade the land on the other side of the river to the people of the neighbouring village of Ban Khon Kham in exchange for their help to clear the road. This land now belongs to Ban Khon Kham. The younger generation in Houay Lo is now upset with Pa Thao Don because now land is in short supply. '*What could I do?'* responds Pa Thao Don. *'We had no labour so we*

[55] As will be descibed in chapter four, the 'budding off' and recombining of villages has long been part of the formation of swidden communities in Laos, and therefore the situation of Houay Lo and its various hamlets is likely to be common.

needed to give the land away in exchange for help to build and maintain the road. There were not many people in Houay Lo then, but now this wouldn't be a problem because there are many people'.

Along with increasing population pressure, state resettlement and land allocation policies were putting further strain on the land resources of Houay Lo. In 2003/2004, the government informed the Khmu in Houay Lo Nai that they needed to resettle their village again so that they would be near the road. Government officials went three times to the village to tell them to move, so although the Khmu did not want to move again they felt that had no choice. Initially the government wanted the Khmu to rejoin the *Lao Loum* settlement in Houay Lo, likely as part of the village consolidation program, but wary of past conflicts, the Khmu refused. The Khmu village divided and some households created a hamlet on the opposite side of the road to 'inner' Houay Lo while others moved to Houay Lat.

The resettlement of the Khmu village created new conflicts over land between the Lao and the Khmu. To rebuild the village hamlet, in 2004 the government allocated the resettled Khmu households with roadside land owned by a Lao farmer from Houay Lo on which he had planted teak trees. The Khmu were required to purchase the land for between 100,000 and 500,000 Kip (US$10-$50) per area of land for each house, which is a significant amount of money by local standards. The Khmu complained that they were given no help from the government and had to shoulder these costs themselves. From the perspective of the Khmu their resettlement was a lose-lose scenario.

> We were told by the government that we had to move many times. Most people didn't want to move, but we had to – we had no choice. We were given land in the teak plantation of someone from Houay Lo, but we were supposed to buy the land. The price of land depended on whether it was good land or bad land. If it's close to the road, it's about 200,000 Kip (US$20), but if it's farther from the road, then it's about 100,000 Kip ($10). [In a different interview, I was told 50,000 kip per house, so the amount they were to pay was unclear. The latter value may have included the value of the land combined with the value of the teak]. We are supposed to pay for the teak as well, but we haven't paid for it yet. We cut the teak, but it was very small – not large enough to sell. We are waiting for the government to tell us whether we need to pay or not. We have to pay 100,000-200,000 for the teak because the owner used labour to plant the teak, so we need to compensate for the labour. But we don't know yet if we need to pay for the land. We are waiting for the government to tell us. When we talked with the government, they said only pay for the teak. But if the government asks us to pay for the land and the teak, then we will have to pay.

The farmer in Houay Lo had not wanted to sell his land and teak because these were intended for future household security and the land was in a prime location near the road. Importantly, the

existence of a tree plantation – a land use promoted by the state – did not help secure the farmer's land rights, although it did entitle him to compensation. Tensions between the owner and the newly resettled Khmu villagers were exacerbated since the Khmu could not afford to compensate the owner for the trees he had lost. Other than the sale of the teak plantation, the resettlement of Houay Lo Nai did not involve a reallocation of cropping land but only a movement of the houses, as the Khmu continue to farm their old fields but now needed to walk farther to reach them. Some resettled Khmu villagers in Houay Lat did not own upland fields and were forced to rent land from other Khmu in the village and area, at a cost of 200,000-300,000 kip ($20-30) per field per year.

Resettlement was bringing the different ethnic groups into closer contact. Houay Lat had become a site of resettlement of several remote Hmong and Khmu villages and had subsequently morphed into two spatially separate and distinguishable Hmong and Khmu settlements that were officially considered to be one village. The Hmong settlement was quite small – only 17 households – many of which had been resettled less than 2 years prior to my fieldwork. The Hmong had been forced to resettle, and most went to Houay Lat because they already had relatives living there (the earliest Hmong migrants had arrived in Houay Lat about 10 years earlier). They explained that the government had promised them land for cultivation and housing, but when they arrived in Houay Lat there was no land for them and they even had to buy land on which to build their homes from Khmu who had arrived earlier. Only three of the Hmong households owned agricultural fields, which they had bought from the Khmu when they first arrived. Other households were renting land from the Khmu for 500,000 kip ($50) per year for an upland field which is more than what the Khmu charge other Khmu to rent land. The Hmong explained that although the Khmu owned lots of land, they didn't want to sell it, and in any case, the Hmong didn't have money to buy land[56]. The Khmu confirmed that only a few households had agreed to sell land to the Hmong.

[56] Typical of other accounts from recently resettled communities in Laos (Goudineau 1997; Baird and Shoemaker 2005; Baird and Shoemaker 2007), the Hmong in Houay Lat suffered great hardship during the first few years of their initial resettlement. During the first two years, many young and healthy villagers became ill and died. An elderly man explained that this was because they had been used to living in the mountains, and they were not accustomed to the climate at lower altitudes. Resettlement had also increased their level of poverty; *'we used to be rich, but now we are poor'*. As is common in Hmong communities, they had owned many animals in their old village which they had to sell when they moved to Houay Lat in order to get money to rent land and because there was no land for grazing in their new location. Although some of their original villages are within a two hour walk from the road, they are no longer allowed to crop their old lands. In order to meet basic subsistence needs, many Hmong were selling labour for weeding to other communities. A few households had relatives in the United States who sent them remittances, and some of the women were making a small amount of income by making embroidery and appliqué on a contract basis.

Currently, Houay Lo village owns a relatively limited land area, and most of this is hilly and quite steep in places. There was very little land suitable for lowland rice paddy, and only nine households owned lowland rice fields, which are considered an indicator of wealth in the area. All people in the village were farmers and owned upland fields. Some wealthier households acted as traders and middlemen, buying forest and farm products from remote highland communities to resell in Luang Prabang. Fishing, livestock husbandry, and gold panning in Nam Ou River were also important economic activities, and some households had relatives working in Luang Prabang or Vientiane.

Houay Lo is a relatively well-off village, typical of *Lao Loum* villages along the road in this district. I was told that only one household was short of rice (the main indicator of poverty). The village had community water pumps and all houses had access to electricity. Many young people from the village left in order to study in towns, staying with relatives in Vientiane or Luang Prabang. Many villagers travelled to Luang Prabang or even Vientiane to sell things. Children who studied in towns returned to the village to visit or to help during busy times of the year, such as planting and harvesting. Many households owned motorcycles, televisions, and concrete or wooden houses (although one farmer claimed that these were built with money borrowed from the bank, and therefore were not necessarily an indicator of wealth). However, in order to borrow money from the bank a household already needs to be fairly well off, since they need to deposit papers of ownership of teak or lowland rice or house as collateral.

Ban Houay Kha

Houay Kha is a predominantly Khmu village located about a 1.5-2-hour hike into the mountains from National Route 13. There has since been a road built to connect the village to the highway, the impact of which will be discussed in chapter nine. However, this research was conducted before the road was built. Houay Kha had only 54 households at the time of my research. The village territory borders that of the roadside Lue village of Lattahae, as well as the remote villages of Mok Chong (a mixed Khmu and Hmong village), Nasavanh (a large Khmu village),

Because of the difficulties living in the new resettled site, some of the resettled families had left Houay Lat, resettling again further north in Nambak District because they heard that there was land available for cropping and because Nambak is a centre for trade. This secondary movement of resettled households has also been described in other parts of northern Laos.

and Mok Muang (a Hmong village which was resettled in 2005-2006). At the time of my research, there were only a few families remaining in Mok Muang.

Some of the older Khmu men in the village had fought for the Pathet Lao during the war, and young men continued to be recruited into the Lao military, which occasionally sent representatives to the village in search of recruits. Houay Kha was evacuated during the war when the area was bombed. Although the Lao National Unexploded Ordnance Program (UXO Lao) has mostly cleared the area, villagers very occasionally still found bombs in the fields and forests. After returning to the site once the war was over, the Khmu moved the village hamlet three times within the same territory. In 2000, the villagers decided to move their houses from a site about 5-10 minutes walk from the current location because many of the old people were dying in the village even through there was no apparent illness and doctors could not diagnose the problem. Villagers decided that the deaths were caused by spirits who were upset that the village and had been built below the cemetery. *'If the village is lower than the cemetery then the old people cannot stay for a long time'*. Movement of entire villages by the Khmu as well as other upland ethnic groups in response to disease epidemics, conflicts or other tragedies has been documented by others (Izikowitz 1979 [1951], Ireson 1996:89, Scott 2009).

The village hamlet was roughly circular in shape, built on a slight slope, the land cleared of most vegetation apart from a few trees for shade or fruit, with a rarely-used community meeting house roughly in the centre and the rudimentary one-roomed schoolhouse built at the top of the hill. At the time of my research, most of the houses were small one room huts made of woven bamboo walls and floors, an imperata grass roof, and were built above the ground on stilts, most with their front doors facing the village centre. Some wealthier households had wooden houses and tin roofs, and the wealthiest family owned a larger wooden plank house with a tin roof, built on strong wood piles high enough to create two enclosed rooms and an open area underneath the main house where people congregated to socialise. Most families stored firewood and tools under the house. Granaries were built behind the houses and on the perimeters of the village. The village was surrounded by upland rice fields and forest lands, with the Houay Kha stream circling the lower part of the village and irrigating some lowland rice fields which were owned by Lue villagers from neighbouring Lattahae. The stream was very important for fishing, for a few wading water buffalo belonging to Lattahae villagers, for drinking and cooking water and for bathing. A small Chinese-made hydropower generator (picopower), the only source of electricity in the village,

provided power from the stream for one or two households to run the only television in the village, a few light bulbs or for the village stereo system during festivals. At the time of my research, Houay Kha was one of the poorest villages in the district, and most households were short of rice for part of the year and sold labour to neighbouring communities to make up the shortfall. Only one household owned lowland rice fields. All large livestock owned by the Khmu had died of epidemic disease several years before my fieldwork. A few households had very small shops selling basic items like small packages of shampoo, noodles, beer, soap, coca cola, eggs, spices, rubber sandals, matches, batteries, and a variety of snacks. One household owned a television, which was installed while I was there in 2006, the new Chinese-made satellite precariously attached to the tin roof of one of the woven bamboo huts. This was used as a small business, with villagers paying a few thousand kip to watch TV in the evenings. (See figure 1.1 in introduction).

Évrard (2006:122), in his ethnography of a Khmu community in Luang Namtha, describes a similar village architecture and layout, portraying the Khmu village and territory as being a series of concentric circles, with the village in the centre, surrounded by a circle of *hai* (swidden) forest-fallow and an outer circle of primary forest. However, he describes each Khmu household in the village as having two house structures; a 'sacred house' (*kang sri*), which is round and built directly on the ground, in which the spirits of the ancestors of both the husband and wife are believed to live, where rituals are conducted, and which is generally off limits to people not from the household in case the spirits become offended, and a 'reception house' (*kang sala* or *kang teng*), which is built on poles and is rectangular, which faces the sacred house, and in which guests are hosted. The ancestor spirits are believed to protect household members' health and wellbeing, and crop productivity. According to Évrard, these two houses represent a symbolic dualism, with the sacred house as a site of ancestor spirits and the soul of rice, which is protected (and protective), a site for the household only, and is associated with rice and plants, while the 'reception house' is open to anyone (visitors and other members of the clan or lineage will sleep here), a place where teenagers will hang out and socialize while their parents are away, and a place where animal sacrifices will be made (Évrard 2006:125). This architectural arrangement was present among the Khmu Ou people of Houay Kha, where most people had only one hut (although a very few households had a separate wet kitchen), and alters for honoring ancestor spirits were built in the same house where people slept. Since little research has been done with the Khmu around Luang Prabang, it's difficult to know whether this is a tradition that has been lost by the Khmu in Pak Ou District who

have long been subordinated and influenced by the Lao-Tai culture (in Luang Namtha, the Khmu have remained more independent), or whether this is a difference based on different groups of Khmu. However, it is widely recognized that in Southeast Asia people who self-identify as the same ethnic group do not necessarily share the same cultural characteristics, religion, social structure or even language (Moerman 1965, King and Wilder 1982, Scott 2009). The various Khmu groups in different parts of Laos do not share all the same cultural characteristics and rituals, perhaps influenced by their different historical trajectories and contacts with other ethnic groups.

The population of Houay Kha is continually shifting because of migration of households in and out of the village, but predominantly into the village because there is a perception that the LFAP has not yet been implemented and the village is therefore presumed to have land available for new households. This will be discussed in more detail in chapter six. As mentioned previously, at the time of my research, Houay Kha consisted of 54 separate households[57], some of which were multiple families living in the same house (this would count as one household in a state census). 14 of the 54 households (about 26%) had immigrated into Houay Kha within the past 3-10 years, mostly since 2001(within five years of the study). Immigrants consisted of Khmu from the neighbouring villages of Mok Chong and Houay Leuang, who had loose kinship linkages in Houay Kha or had married Houay Kha villagers, and also Hmong families (who were all related to each other) who had been resettled from other places (the details are presented in Table 3.2). Immigrants tended to arrive in waves, following other family members once they had become established in the village. Once a household was accepted as a new member of the village, it was entitled to use land for cultivation, although not necessarily the best land, as will be discussed in chapter six.

Resettlement had brought Hmong households into a predominately Khmu village. These new Hmong households were counted in official census as part of Houay Kha, however the Hmong and Khmu did not form a socially cohesive community. Hmong houses were part of the same 'circle' as the Khmu houses, but were clustered together at the top of the village just below the schoolhouse, and two Hmong families had chosen to build their houses slightly away from the hamlet on the other side of the stream. Hmong houses are different than Khmu houses, and are built of wooden slats, directly on the ground with a mud floor, with their front door facing the

Table 3.2: Recent immigrant households to Houay Kha (data collected in 2006)

[57] This does not include two Lue households living in Houay Kha hamlet, that are officially considered to be part of Lattahae and pay land taxes to Lattahae.

Ethnic group	Village of origin	# Households	Details
Khmu	Mok Chong	6	All were relatives and migrated to H. Kha within 3-10 years, moving in waves and now linked through marriage to established Houay Kha villagers.
Khmu	Houay Leuang	2	Past 5 years. Had loose kinship relations (cousins) in Houay Kha.
Hmong	Various resettled villages	6	Most of the Hmong families were related to each other.
Total # immigrant households		14 (26% of village)	8 Khmu, 6 Hmong
Total # households		54	

largest mountain. The difference between households of different ethnic groups in the village was therefore obvious in the architecture. The Hmong and Khmu spoke different languages but communicated with each other in Lao, had obviously distinct dress, cultivated and ate different types of rice, practiced different rituals and festivals, and believed in different spirits. Apart from hunting expeditions (described in chapter six), the Hmong and the Khmu rarely exchanged labour or rice varieties and thus were not socially linked through sharing livelihood activities. Although there was no obvious tension between the two ethnic groups and they did interact socially, particularly during the Khmu village festivals, ethnic difference was a common point of discussion. The Khmu occasionally expressed concern that the Hmong were harder working and might eventually take over Khmu lands if they were not careful. This was happening in neighbouring Ban Mok Chong, which had been a Khmu community before a large group of Hmong were resettled there by the government in 1991. According to one Khmu originally from Mok Chong, the village had become more Hmong over time, and loss of land combined with water shortages had prompted him to immigrate to Houay Kha. As he explained;

> Khmu are lazy and we can't live with the Hmong…after the Hmong came, land for cropping became less and less…
>
> The Hmong have a lot of livestock, but the Khmu don't have livestock. In Mok Chong, the Hmong live with many animals. When the Hmong came to the village with their animals, everyone had to start fencing their fields. They fence together and exchange labour (Hmong and Khmu – I understood).
>
> Our agricultural practices are the same, except that they use different seeds (rice varieties). This depends on what people like. Because the Hmong eat non-sticky rice, and the Khmu eat sticky rice. Also, non-sticky rice is difficult to harvest. The Hmong rice, when you beat it, it doesn't come off the straw (it is difficult to thresh). Khmu rice is easy to thresh. **(Khmu man originally from Mok Chong who had immigrated to Houay Kha in 1996)**

The displacement of Khmu by piecemeal land sales to resettled Hmong communities has had been mentioned to me by Khmu farmers during my work on IRRI projects in other parts of the province.

Conclusion

The main goal of this chapter has been to provide a description of the people and place of this research, in order to provide a background context for the main body of the thesis. This chapter has illustrated the on-going flux of territorial boundaries between villages, as well as the extreme mobility of the populations over time. I have also presented the relationships between different ethnic groups in the area, and how ethnic boundaries are reinforced through local practices and stereotypes, in contrast to scholarly understandings of ethnicity as being fluid. The background of territorial boundaries and ethnic relations is important for providing a context for negotiations over property and territorial rights, since these are sometimes articulated along ethnic lines. The following chapters provide the bulk of the thesis and outline various processes of agrarian transformation, how these bring together diverse representations, practices and institutions for controlling and using land and natural resources, and how these representations and institutions variously construct boundaries, blend together or are resisted.

Chapter 4: The wild and the cultivated: swidden landscapes and shifting livelihoods

Shifting cultivation (swidden) landscapes are complex mosaics, with cultivated fields intermixed with areas of fallow and forest at various stages of succession. The complexity of these systems encompasses social and cultural practices and the various institutions and rules of use and access that have emerged over time according to changing ecological and social considerations, imaginings and desires. This chapter provides an introduction to the diversity of livelihood activities in Pak Ou District, with emphasis on swidden cultivation, drawing on theories from environmental anthropology and 'common property' in order to understand how people perceive, engage with and create their environment. While chapter two focused on the construction of 'state space' through abstract representations and impersonal laws, this chapter illustrates how socio-ecological space is created through place-based practices that interact with and sometimes subvert these representations.

Western scientific knowledge and modernist rationalism are heavily influenced by Cartesian dualism and tend to make distinctions between society/culture and nature. However, non-western peoples often do not make such a separation, and instead perceive people as being part of and embedded within their environment (Fairhead 1993, van der Ploeg 1993, Salas 1994, Descola 1996, Hviding 1996, Ingold 1996, Scott 1996, Escobar 2001). People's relationship with and understanding of the world/nature can be seen as a position of immersion or 'dwelling' within rather than from a view outside and process of mental representation (Ingold 1996). Bruno Latour (2004) argues that humans and non-humans are associated as a collectivity of actors in the construction of place (or 'nature'). People and other organisms are subjective entities that respond and behave according to how they perceive and experience the environment while concurrently influencing and creating their environments (Bateson 1979, Hornborg 1996). Jakob von Uexkull (1982, cited in Hornborg 1996:52-3 and Willis 1990:11) refers to this as '*umwelt*' theory, and argues that each organism lives within its own subjective world (*umwelt*), defined by its species-specific mode of perceiving the environment. Ecological systems are therefore interpreted as being composed of a 'plurality of subjective worlds' (including humans, different species, the environment, and often also the supernatural) that communicate, interpret and interact with each other through perceiving, giving meaning and responding to 'signs' (Hornborg 1996:53). People,

as one member of an assembly of different species and entities, physically shape landscapes through long-term co-evolutionary interactions within ecosystems (Norgaard and Sikor 1995). Individual and collective decisions about land management are made within this holistic ecological context, influenced by 'indigenous knowledge' about the social and natural environment, by local cosmologies and notions of causality, by the materiality of the physical environment, by the actions of nonhumans (plants and animals), and by social concerns such as risk management and the balance between conflict and cooperation. Institutions and social rules for managing the environment emerge from and also shape the environment in ways that may seem self-evident, but which are products of culture and the human imagination that are influenced but not determined by local ecologies (see for example Geertz 1972, Lansing 1995).

In this chapter, I seek to explore how the emergence of social institutions (customary rules and regulations) for natural resource management in swidden systems in Pak Ou District are influenced by and help construct the socio-ecological environment. I illustrate how collective and individual decisions about land use are both embedded within and constitutive of the environment in such a way that nature and culture cannot be easily separated. The first section provides a general description of the diversity of livelihood activities undertaken by swidden farmers in Pak Ou District, with a focus on shifting /swidden cultivation and how this is practiced across the year. The second section examines the complex and dynamic socio-ecological environments in which swidden farmers in Pak Ou make decisions about agricultural practice and the emergence of rules and institutions for managing conflict and cooperation. Although integrated within livelihood decisions, for the sake of clarity, cosmologies and religious belief systems which influence risk management and understandings of causality and environmental change are addressed in chapter five, while property relations and customary tenure are addressed in chapters six and seven.

Livelihood diversity

Villagers in Pak Ou District engage in diverse forest and farm-based livelihoods and cultivate a mixture of commercial and subsistence crops in order to take advantage of ecological diversity and economic opportunities and to manage livelihood risk - keeping 'one foot in subsistence and one foot in the market' in order to manage periodic crop losses and fluctuations in market prices (Scott 1976, Ellis 1988, Ellis 2000). The primary agricultural activity is rotational shifting cultivation for upland rice (*het hai* – 'work uplands'). Yields of upland rice and other

upland crops are unreliable and losses from drought or pest attack are common. In Khmu communities such as Houay Kha, most households suffered from seasonal rice shortages of often several months, relying on forest and fallow products, wage labour, and loans from traders to make up the shortfall. In addition to rice, farmers grew a number of commercial crops in their highland fields. In Houay Lo and Houay Kha, relatively few households owned wet rice paddy fields because of limited suitable land, and ownership of lowland paddy fields was locally correlated with relative household wealth in the district (McAllister, Gabunada et al. 2001). In some remote upland villages opium had been an important cash crop. However, in 2005 increased enforcement of state policy to eliminate opium production provoked district officials to cut down and burn the poppy fields. Many households also grew a small amount of crops like onions, garlic, chillies, vegetables or spices in parts of their upland fields, in very small plots near the house, or in planting boxes created from old tires, bomb shells or wooden boxes. These planters were often fenced or built on stilts in order to keep out wandering animals. During the dry season, villagers along the Nam Ou River planted riverside subsistence vegetable gardens of lettuce, chillies, onion, garlic, eggplant, cucumbers and tomatoes. These privately owned plots are submerged by the river during the rainy season.

State officials and farmers in Laos differentiate between four broad types of land uses in highland areas, three of which are actively cropped;

- *Pa* (forest) which is a general category that encompasses land that has never been cleared (primary forest) as well as fallow land (*pa low*) that is not being cropped in a given year. As described in chapter two, the government further classifies forestland into different administrative subcategories. Fallow is classified by local communities and by the state as a type of forest, but the state further classifies it as either ‘degraded forest’ or ‘regeneration forest’ while local people consider it as simply as forest land that has been cultivated and which at some point in the future will be cleared and cropped again (see also Barney 2008). According to the government, all forest land belongs to the state. According to villagers, fallow lands are under customary tenure which provides individual household rights to use or allow others to use specific parcels of land. These tenure relations will be described in chapters six and seven.
- *Na* (bunded lowland paddy rice fields, including both irrigated and rain fed paddy). These paddy fields are owned privately by individual households and are classified as private

agricultural lands by the government and are eligible for formal title in villages along the road. In remote villages they are located within state forestlands and not eligible for formal title.

- *Hai* (upland swidden fields). This term is used loosely to describe the 'space' where swidden agriculture takes place in 'uplands', encompassing both cultivated fields and various ages of fallow which are subject to customary property rights (therefore *hai* encompasses an area that is patchy with cultivated and fallow land). *Hai* also refers more specifically to the upland fields that are actively cultivated that year. This type of land generally lies within sloping areas legally defined as state forestland. *Het hai* (to 'do uplands' or 'work in the uplands') refers to the act of cultivating and managing upland crops and usually implies swidden rice cultivation. Crops planted in '*hai*' include primarily aerobic hill rice as well as other annual crops such as Job's tears, sesame, chillies, and 'cucumber-melons' which are integrated into the swidden system.
- *Suan*[58] (gardens). Villagers' use of this term is ambiguous and contextual, and *suan* may be defined either by 'size' of land used for a crop, or the type of crop planted. '*It is not that posa (paper mulberry trees) are always a garden (suan), and rice is always hai'*. The term is generally used to refer to permanent non-annual crops or tree crops planted in upland areas, such as fruit trees, paper mulberry, pineapples, and teak, regardless of the size of the field, as well as to annual crops like chillies, eggplants, and 'cucumber-melons' planted in parts of swidden fields. It also refers to vegetable gardens in the uplands or planted along river beds. However, villagers sometimes use the term *suan* to refer to crops that are usually associated with *hai*, such as upland rice, Job's tears and sesame, if these are planted on a small piece of land. Similarly cotton and corn can be classified as *hai* or *suan* depending on the size of the field. Furthermore, a plot of *posa* (paper mulberry) trees which have commercial value but grow up naturally, may be referred to either as *suan* or *pa low*, regardless of whether the trees have been planted or have grown up naturally in the fallow. Local use of the term is different than the government's interpretation that *suan* (garden)

[58] Ireson (1996:163) provides a slightly different definition of the difference between *suan* and *hai*, and uses *suan* to apply only to vegetables and fruit gardens on flat lands, and *hai* to apply to all crops cultivated in the uplands, including pineapples and fruit trees in addition to upland crops such as rice, Job's tears and sesame. This is different than how these terms were being used and interpreted by the state officials and local people in the areas I was working, where there was much discussion about converting *hai* into *suan*.

implies crops that are cultivated continuously on a piece of land and primarily refers to commercial crops. This distinction is potentially important since the government is promoting *suan*, while *hai* (land cultivated as swidden) is essentially becoming criminalised, regardless of size of plot.

Although lowland rice fields (*na)* remain relatively stable across time, the distinction between forest (*pa*), fallow (*pa low*) and upland farm (*hai* or *suan*) is dynamic as land use changes each year, and the classifications and the property rights to these types/uses of lands overlap and shift across time and space, depending on whether or not the land is cropped that particular year, what type of crop has been planted, and how long the land has been left fallow. Property rights to land in swidden systems are discussed in detail in chapters six and seven.

Forest and fallow lands are crucial sources of wild foods, such as bamboo shoots, tubers, wild vegetables, honey, mushrooms, and hunted game, as well as of products for sale such as certain grasses, resins and tree bark (see Tables A.1 and A.2 in the appendix). In mountain communities, streams provide a source of small fish, frogs and crabs for subsistence use. Along the Pak Ou River, many households own small boats and participate in subsistence and small-scale commercial fisheries using a variety of lines, nets and traps (see Table A.3 in the appendix for fish species caught). In addition, villagers along the Pak Ou River pan for gold during the dry season when the river is low. Commercial crops and valuable forest products are sold through multi-ethnic networks of traders and middlemen based locally or in Luang Prabang town, and some products are shipped to neighbouring countries (primarily Thailand and China).

Households combine agriculture with livestock husbandry for chickens, ducks, turkey, pigs, and for wealthier households, also cattle and water buffalo. Water buffalo are particularly important as draught animals for households who own lowland rice fields, although in many areas, they are being replaced by small tractors. In Khmu villages, buffalo have traditionally been a prestige item and important for sacrifice (Lebar, Hickey et al. 1964, Évrard 2006), and pigs and chickens continue to be used for smaller rituals as will be discussed in more detail in chapter five. Livestock are usually allowed to roam freely to graze in the surrounding fallow and forests, and are prevented from destroying crops by fences constructed around the cultivated areas and gardens to keep the animals ‘out’ rather than by fencing the animals ‘in’. Sometimes pigs are kept in pens in the villages, and are fed boiled paper mulberry leaves, rice bran and scraps, and those foraging in the forest usually return to their owners in the evening to be fed. Some households own rice

mills and are paid to mill rice either in cash, rice or in rice bran for pig feed. Water buffalo and cattle are usually brought back from the fields and tethered near the village in the evenings – generally this herding is the work of young boys. Hmong are particularly noted for their livestock husbandry, and farmers of ethnic groups often buy animals from Hmong villages.

Livestock are seen as 'mobile banks', in which households store capital and which generate 'interest' through reproduction. However, animals in Laos are a very risky investment. Disease epidemics are widespread, often wiping out entire village livestock populations. In many places, animals are not vaccinated or vaccines are no longer viable by the time the animals receive them. Diseases are more prevalent early in the rainy season, and farmers often plan to sell their animals before the 'disease season' begins, particularly pigs. In Houay Kha, farmers complained that their chickens regularly died *en masse*, and all the large animals (cows and buffalo) had died of disease a few years prior to my research. Most Khmu households had given up livestock husbandry because of the risk of disease. Because they no longer owned buffalo for ploughing lowland rice fields and most could not afford tractors, they either cultivated their paddy fields as swidden, or sold them to more affluent neighbouring Lue and Lao villages.

As well as agricultural and forest activities, some ethnic groups in Pak Ou District produce textiles from weaving and embroidery that are sold to middlemen for resale to tourists in Luang Prabang. Hmong women are famous for their layered appliqué, embroidery, cross-stitch and indigo dye batik, while the Lue and Lao are known for weaving cotton and silk. The Khmu are not known for production of textiles, however several older Khmu men in Houay Kha made and sold the small woven bamboo baskets used for cooking and serving sticky rice. Although many Hmong women continue needlework for their own use and on a piecemeal basis for sale to middlemen for resale in Luang Prabang, the Lao and Lue villages in which I was working were no longer involved in weaving since it was less expensive to purchase ready made clothes. Cotton was still grown in small amounts and spun into a rough thread, but this was used for strings to tie around people's wrists during village *baci* ceremonies. Sale of handicrafts was not a major component of local incomes in any of the villages in which I worked.

The growing 'ecotourism' industry in Luang Prabang has encouraged the burgeoning of small-scale trekking companies which bring mainly western tourists into even the remotest villages across Laos. Houay Kha and Houay Lo both lodged foreign tourists on overnight homestays. Although ecotourism is promoted as an income-generating activity for remote villages, in fact very

few villagers benefited from this. Even those families who were 'paid' to provide shelter for tourists barely broke even and sometimes even suffered financially.

In addition to livelihood activities within the villages, there was increasing labour migration into larger towns (Luang Prabang and further abroad). The mobility of rural people to urban centres is a growing economic reality of rural life in Laos and other parts of Southeast Asia, and the boundaries between urban and rural are becoming increasingly blurred. Remittances sent from household members working in urban areas and from overseas are rapidly reshaping rural landscapes, property relations and resource use as this income is reinvested in agriculture in their home villages (Rigg 1997, Rigg 2005). The Hmong especially have access to international remittances from relatives in the United States who were evacuated in 1975 after the war, and in some areas have been reinvesting this money to buy land and expand or capitalize their agricultural activities (Shi 2008). Furthermore, migration of all ethnic groups from Laos to work (legally or illegally) in low skilled jobs in Thailand is increasingly common (Rigg 2005, ADB 2009, Phraxayavong 2009).

In Pak Ou District, signs were posted in the small shops in roadside villages, advertising employment possibilities in Thailand for construction work, for auto-mechanics, for electricians, and so on, and many young men were particularly keen to take advantage of these new opportunities. Young men and women from the Lao and Lue villages were also moving to Luang Prabang for higher education, to work in the burgeoning tourism industry, or to begin small businesses. Migrant labour has long been important for young Khmu and other highland ethnic minority men, who often left their villages to work elsewhere for a few years in order to earn money to pay for bride price and to purchase prestige items such as bronze drums, gongs, water buffalos, and sabres (Lebar, Hickey et al. 1964, Izikowitz 1969, Évrard 2006). In the mid-1980s, it was common for young Khmu men to leave the village to work for other ethnic groups in neighbouring villages and as far as Thailand, while women, children and elderly rarely left the village (Lindell, Lundström et al. 1982, Ireson 1996:92). However, there has been a recent shift in gender migration patterns. In Khmu villages in Pak Ou District, it is primarily young women (often young teenagers) who migrate to towns to work in the local sex industry. Girls from Houay Kha sometimes ran away from home against their parents' wishes in order to seek work washing dishes or cleaning houses, but most ended up working in small 'beer shop' brothels hidden along forested roads on the outskirts of Luang Prabang town. Some moved farther afield to larger cities in other

areas, even to Thailand. The disproportionate number of ethnic Khmu involved in prostitution has been noted by other researchers working in the region, who recognise that young women often see this as a way to gain capital and access the perks of a modern lifestyle (ADB 2009, Lyttleton and Vorabouth 2011). Most earn money to send back home, and help their families construct better houses and use the capital earned to start small businesses in their villages. The boundary between human trafficking and agency of women involving themselves in the sex industry is blurry, as networks are created between village girls working in specific beer shops and their home villages (see also ADB 2009). The most important source of remittances in Houay Kha came from young Khmu female prostitutes.

Shifting cultivation: an introduction

Shifting cultivation of rice and other crops on steep hillsides is a defining feature of social organization and labour in upland communities in Laos and elsewhere in Southeast Asia. Shifting cultivation, also known as swidden or slash and burn, describes a diversity of agricultural systems in which primary or secondary forest growth is cleared by burning, and the burnt biomass provides nutrients to fertilize the soil (Conklin 1957, Conklin 1961, Brush 1975, Condominas 1977, Kunstadter, Chapman et al. 1978, Izikowitz 1979 [1951], Dove 1985, Chazée 1993, Friedman 1998 [1979], Évrard 2006, Cairns 2007, Mertz, Padoch et al. 2009). It is considered an 'extensive' rather than an 'intensive' system because it requires a large area of land in relation to the population, is considered less labour intensive (although this assumption is debatable, and farmers attest that it is more labour intensive, particularly under conditions of land scarcity), and does not involve much capital investment[59] (Roder, Keoboulapha et al. 1996, Roder 2001). Swidden systems across Southeast Asia are under increasing pressure in response to population pressure, local desires for change, and the various and interacting state policies promoting forest conservation, industrial and commercial agriculture, resettlement, land privatisation, and sedentary intensive cropping systems (Fox, Fujita et al. 2009). Depending on their particular social, ecological and political contexts and histories, swidden farmers in different areas have taken different approaches to intensifying their

[59] Boserup (1965) argues that, because of the extra labour required, farmers will only intensify their cultivation systems and develop and adopt new technologies if the pressures on land are such that they have no choice. However, she does not take into consideration different ecological constraints between upland and lowland systems that make intensification of upland agriculture more difficult than in the lowlands. Unfortunately, her thesis has been interpreted in practice to support the idea that all shifting cultivators are backward, lazy and evolutionarily inferior.

swidden systems, often through incorporating commercial tree crops and relying on alternative labour opportunities outside of the community (Cramb, Colfer et al. 2009).

In swidden systems for upland rice in Laos, fields are generally planted for 1-2 years consecutively before soil fertility declines, yields drop significantly, and weeds become a problem, after which the land is left fallow for many years (often 10-20 years, although the length of fallow periods are declining) in order to allow soil to regenerate and weeds to be shaded out by trees (Roder, Keoboulapha et al. 1996, Roder 2001). For some other crops, such as opium, fields can be cultivated continuously for up to about 10 years before productivity drops, after which the soil is completely eroded (Geddes 1976). Without other inputs (fertilizers, pesticides and herbicides) or special management (agroforestry or terracing in places where water is available), continuous cropping on hillside plots leads to rapid soil degradation, encroachment of invasive weeds, and rapidly declining yields – decreasing productivity to labour and motivating farmers to relocate and clear new fields. Even if more labour is invested to control weeds, erosion and loss of soil fertility from continuous cultivation will result in significant declines in rice yields, and the best option for intensification is to switch to alternative crops or invest in pesticides, herbicides and fertilisers.

Although lumped together under one generic term, shifting cultivation livelihoods encompass a wide diversity of agricultural practices and also incorporate other uses of forest and fallow lands, such as animal husbandry, agroforestry and hunting and gathering. Some have argued that including all of these different systems under one classification is misleadingly simplistic (Conklin 1957, Conklin 1961, Brush 1975, Rerkasem and Rerkasem 1995, Mertz, Padoch et al. 2009). The Lao government recognizes two main forms of shifting cultivation, and often associates these with different ethnic groups. Rotational shifting cultivation[60] (*hai moun vien*), involves cyclical use of land plots, cultivating a piece of land for one or two years, then leaving it fallow (generally between 10-20 years, although this has declined significantly to between 2-5 years) to allow it to succeed to forest before returning to clear and cultivate the same piece of land again. Farmers practicing rotational cultivation systems tend to be fairly sedentary, rotating cropping between different plots within a relatively defined territory, and clearing secondary rather than primary forest. Under

[60]Conklin (1957) further distinguishes between partial shifting cultivation systems – those which are supplementary, in which a farmer with permanent fields cultivates swidden to subsidize livelihoods, or in which farmers with no prior knowledge adopt swidden systems because they've been crowded out of lowland areas (new settlers), and 'integral' swidden systems, such as those described above, in which farmers have had long traditions of upland cultivation.

conditions of low population density with enough land to allow sufficient length of fallow, such rotational systems are considered to be ecologically and socially sustainable (Dove 1985). There is also a political aspect to sustainability, since villagers and villager leaders need to control access to their fallow lands in order to maintain ecological integrity by preventing other groups from incursion into their territory (Jérôme Rousseau, personal communication). Scholars have praised how rotational swidden farmers take advantage of landscape diversity to plant different varieties of rice and other crops suited to specific ecological niches, minimising subsistence risk and staggering labour for harvest by cultivating varieties that mature at different times (Conklin 1957, Freeman 1970, Dove 1985, Rerkasem and Rerkasem 1995, McAllister 2015). Farmers engaged in rotational swidden cultivation are often considered to have special ecological knowledge about specific weed, bush and tree species that help maintain soil structure and fertility (Cairns 2007, Forsyth and Walker 2008, Cairns 2015). In contrast, pioneer shifting cultivation (*hai kheuan nai*) describes the practice of clearing old forest, then cultivating the same piece of land continuously with a series of different crops until the soil is completely degraded and weeds take over, at which point new forest is cleared to open new fields. Eventually, all land in the village vicinity becomes eroded and the entire community migrates to clear primary forest in a new location. Pioneer swidden farmers generally grow crops such as opium in addition to rice because this can be grown productively on poorer soils. This type of shifting cultivation is considered to be ecologically destructive[61], and groups practicing it have been described negatively as 'eaters of the forests' (Geertz 1963, Condominas 1977, Rerkasem and Rerkasem 1995, Forsyth and Walker 2008). In general, the Lao government associates pioneer shifting cultivation with the *Lao Sung*, particularly the Hmong and Akha who have historically grown opium and stereotypically live in the higher mountain tops. Rotational shifting cultivation is associated with the *Lao Theung* and also with some *Lao Loum* and is considered to be less damaging. However, most swidden cultivation in Laos today is rotational (MAF 1999). Furthermore, most swidden systems in Laos are already under considerable pressure from demographic change, state policies for forest conservation, land privatisation, and forced resettlement, and the expansion of industrial tree plantations, which combined limit the land available to swidden farmers. As mentioned in chapter two, state policy

[61] Both rotational and pioneer shifting cultivation practices may be seen as ecologically sustainable or unsustainable, depending on the context. Pioneer systems are considered to be long cultivation and very long fallow, while rotational systems are short cultivation, medium fallow (Rerkasem and Rerkasem 1995; Delang 2002).

intends to eradicate all forms of shifting cultivation and represents the system as a 'backwards', 'primitive' and 'ecologically destructive' form of agriculture. Such policies and assumptions are common across Southeast Asia, and are often narratives to legitimize increased government control over these landscapes and peoples and appropriation of these lands for other 'more ecologically sustainable' or 'economically productive' uses.

The swidden calendar

Social and ritual life in all swidden communities in Laos, regardless of ethnic group, is largely determined by the yearly cycle of cultivating upland rice. In addition to a diversity of rice varieties (described later in this chapter), highland farmers plant a number of other commercial and subsistence crops in their upland fields, including as chili (*mak phet*), sesame (*mak ngaa*), Job's tears (*mak douai*), pineapples (*mak nut*), peanuts (*tua din*) and a variety of vegetables. In Pak Ou District, the most common commercial swidden crops are Job's tears and sesame, which are sold to traders from Luang Prabang and eventually exported to Thailand. Job's tears do not need to be weeded as often as rice and grow on poorer soils, and therefore farmers plant this on parts of the field that are most degraded. As fallow lengths become shorter, farmers are increasingly forced to plant Job's tears even though prices are volatile and often low, and they would prefer to plant rice. Tree crops, such as teak (*mai sack*), paper mulberry (*posa*), some fruit trees, and most recently rubber (*yang pala*), are also grown on the hillsides under various tenure systems described in chapters six and seven. Small amounts of subsistence crops such as cucumber-melons, corn, squash and wild sugar cane are planted around the field huts in the *hai* to use as food during field work and to bring home for dinner in the evening. These are rarely sold, and anyone is allowed to take these fruit and vegetables so long as they take only 1-2 pieces for eating, so essentially although they are cultivated by households, they are treated as common property.

The end of the dry season and coming of rains determines when farmers burn the fields and plant crops, and this timing differs slightly between regions and years, depending on altitude and fluctuations in weather patterns. In Pak Ou District, men and women work together to cut and clear upland fields of the trees and fallow growth in about February, after which they leave the cut wood and shrubs to dry in the fields for about 3-4 weeks before burning in late March-early April. Burning is mainly done by men, either in groups but often individually because it is not considered to be difficult work. At this time, the air over northern Laos is grey and particulate, and visibility is poor in some areas. The mountain landscape becomes lunaresque, with hillsides patched with

smoking blackened fields and dead tree stumps. After the fields are burnt, the men build field huts from split bamboo and imperata grass (*nya kha*), to provide shelter from the sun and rain when they are working in the fields. Planting rice and other crops begins in mid-April, with the beginning of the rainy season – generally after the Buddhist Lao New Year *(Pi Mai Lao)*. As will be described in chapter five, before choosing the day on which to plant, many Lao, Lue and Khmu farmers will first consult with the local fortune teller to determine which day is auspicious for their own household.

Planting of upland rice and other annual crops is done in cooperation with groups of farmers, sometimes using only family labour but most often through labour exchange, in which friends and family take turns helping each other on the different fields, exchanging one person-day of labour for another. Although some researchers have documented that labour exchange groups are based primarily on kinship networks, in the villages where I worked, the composition of these groups was *ad hoc* and flexible, and depended on friendship and who was available to help at that time.

Figure 4.1: Khmu farmers planting upland rice between weeds.

Labour exchange was based on balanced reciprocity between households rather than between individuals, sometimes leading to disgruntlement if a child was sent *in lieu* of a stronger and more efficient adult worker. When planting rice in the uplands, men use dibble sticks to pierce holes in the soil, while women and children (and also some men) follow behind, dropping rice seeds into the holes (about 15-20 seeds/hole) from small baskets tied to their wastes (see figure 4.1). The slopes are often quite steep, and keeping balance on the dry crumbling or wet slippery soil takes skill. Weeds and plants have often already begun to grow between burning and planting, and as they are planting rice, women harvest 'fallow vegetables' (*pak*), herbs, medicinal plants and roots, which they carry with them in a large sack slung over their shoulders.

This gleaning of wild vegetables from rice fields is also done during weeding. Planting, weeding and gathering are therefore part of one activity. These wild foods, whether growing on private cultivated fields or common fallow lands, are considered to be common property and can be collected by anyone who finds them while walking through the fields or during labour exchange. Wild ginger and galangal are uprooted to be replanted near the home, where they are easily accessible for cooking and become the property of the woman who collected and planted them. For a list of wild foods gathered in the forest and fallow, please refer to Table A.1 in the appendix.

Figure 4.2: Khmu farmers building a spirit house and *taleao* next to field hut, when rice is one foot tall. Houay Kha, June 2012.

Although hard work, planting rice is a social, almost festive activity, with lots of joking and banter, and the women compete to plant rice quickly in order to catch up with the men making the holes. Lunch is provided to the workers by the household who owns the field, and one member of the household (generally the woman), stays in the field hut and cook lunch for everyone. In Pak Ou District, different ethnic groups had different customs for providing lunch to the workers. The Khmu provided workers with sticky rice as well as 'food' ('*ahan*', such as bamboo soup, green papaya salad, and *jao bong* (chilli paste)). However, the Lao and Lue expected farmers to bring

their own rice but provided the other food. I was told that Hmong don't feed each other when they plant together, and each individual labourer is expected to bring their own lunch. The headman of Houay Lo explained that this was because the Hmong don't want to lose their time taking a group lunch when they are working in the uplands, and so that people can stop to eat when they are hungry and work independently. This explanation fits with local ethnic stereotypes that portray the Hmong as particularly hard-working. He explained that

> For the Lao and Lue, people must wait for everyone before they eat. Sometimes people don't eat breakfast and get very hungry and want to eat and drink, but they have to wait for everyone else.

Before rice is planted, the male head of the household builds a 'spirit hut' next to the field hut. Spirit huts are about the size of a birdhouse and made out of woven strips of bamboo perched on a bamboo pole, often decorated with strings of woven bamboo fish, plants, birds and stars. Early in the morning on the day rice is planted, the head of the household provides offerings to honour the souls of the rice and the spirits of the field, often some sticky rice, a candle, some tobacco, sometimes some dried fish and some rice whisky. The Khmu also sacrifice a chicken. These spirit huts and the rituals associated with rice planting are discussed in more detail in chapter five, and were similar and important for the Khmu, Lao and Lue. The Khmu make offerings to the spirits and rice souls at different stages of rice growth – before planting, when the rice is about a foot tall, and before harvest. This is described in more detail in chapter five.

Table 4.1: Labour requirements for upland rice production. Adapted from (Roder, Phengchanh et al. 1997:114).

Activity	Person days/ha (average and range)	% of total labour
Slashing	33 (12-61)	11
Burning	2 (1-3)	<1
Fencing	2 (0-10)	<1
Second burning	14 (5-30)	5
Weeding before planting	13 (0-40)	4
Planting	29 (16-44)	10
Weeding	146 (45-455)	50
Harvesting/threshing	33 (20-71)	11
Transport	22 (7-47)	7
Total	294 (147-643)	-

The main task while the crops are growing is weeding. This is arduous work that is widely disliked, and is repeated throughout the rainy season until the crops are harvested. Depending on how long the field has been left fallow before planting, rice needs to be weeded 3-4 times during the growing season (Job's tears only needs to be weeded 2-3 times) suggesting that the swidden system is already under ecological pressure. Fields with shorter fallow periods have much greater problems with weeds because the larger shrubs and trees have not grown enough to shade out the weedy species. Because

of land pressure, the amount of time farmers in Laos spend weeding has increased significantly and comprised about 50% of the total labour requirements for upland rice cultivation, ranging from between 45-455 person days/ha/year (with an average of 146 person days/ha/year) (see Table 4.1) (Roder, Phengchanh et al. 1997:114).

Although in Lao and Lue households, men, women and children help with the weeding, in Khmu households, this was almost exclusively the responsibility of women, although older children of both sexes often helped. At this time, men were variously involved in hunting, caring for children in the village, selling labour for construction or logging, or just hanging out (and sometimes drinking). Therefore, the declining ecological conditions are having disproportionate effects on women's agricultural labour. As for planting and harvesting, women usually exchange labour for weeding, taking turns to work on the different fields. Farmers who could afford this also hired labour for weeding upland fields. The Khmu have long sold labour to other ethnic groups when they run short of rice or need money. This labour is often for weeding, and while Khmu women mainly weed their own fields, both men and women sell labour for weeding to earn money. Often, Khmu households are forced to neglect their own fields to meet immediate subsistence needs and consequently suffer lower yields, creating a vicious cycle. This was also true in Khmu villages in other parts of Luang Prabang Province where I have done research.

The biodiversity of weedy species is considerable, and different types of weeds are managed differently and are indicative of different soil qualities. Table A.4 in the appendix provides an overview of the different weed species farmers identified in different villages in Pak Ou and Xieng Ngeun Districts. Although all weeds are disliked, some have uses. For example, the leaves of *Nya Kiloh* (*Chromolaena odorata* or Siam weed)[62] are widely used for medicinal purposes, to stop bleeding, to heal burns, and, when steeped as a tea, to cure or alleviate stomach ailments. *Nya Kiloh* is also considered a good fertiliser, so when it is pulled out of the ground, it is left lying in the field. *Nya Kapbee* (*Chommelina benghalensis L.* or Tropical spiderwort) prefers and is an indicator of moist black soils, but will re-establish itself after uprooting, and therefore needs to be carried away from the field before being burnt. *Nya Amerika* (American weed) and *Nya Falang* ('French weed' – *Conyza sumatrensis*) have thorns and are painful to remove. However, the most problematic weed is *Nya kha (Imperata cylindrica),* an invasive grass with deep roots which

[62] Scientific names were matched with local terms and descriptions in consultation with IRRI scientists and also using Galinato et al. (1999).

spreads rapidly and is very difficult to get rid of. *Nya kha* becomes a major problem when fallow periods are too short or when hill fields are cropped continuously and is prevalent across heavily cultivated landscapes of Southeast Asia. This weed poses a significant challenge for farmers trying to comply with state policies restricting land use and promoting continuously cropped cash crops such as pineapples (see chapter eight). Although the grass is often used for roofing and can also be seen as a resource (see for example Potter and Lee 2007), from the perspective of farmers in Pak Ou District, an *imperata* landscape is truly a degraded landscape. Because it is so difficult and labour intensive to weed, farmers sometimes don't cultivate parts of the field infested with *imperata*. Alternatively, farmers plant crops like teak which will eventually shade out the *imperata* because they are afraid that if they continue to grow rice the land will no longer be useful. Some farmers had begun to use herbicides to treat the parts of their fields infested with the grass.

Figures 4.3 and 4.4: Drying fermented rice patties for making *lao hai* in Khmu villages in Pak Ou District (Houay Kha and Nasavanh)

Upland crops are harvested between August and October. Farmers usually plant different rice varieties and crops that mature at different times in order to stagger labour during the busy harvesting season. In Lao and Lue communities, harvesting, threshing and carrying the rice back to the village is an activity shared by men and women. However, in some Khmu households in Houay Kha, women do a larger portion of the work in the upland fields even during harvest. Rice

is cut and allowed to dry for several days in the sun (still on its stalk) before threshing in the field, after which the rice is carried back to granaries in the village.

Farmers exchange labour for carrying rice and other crops back from the fields. In Houay Kha, once the rice is brought back to the village, the Khmu household that owns the rice provides the labourers with *lao hai* (rice beer) or *lao lao* (distilled rice whisky) as compensation, and there is a lot of heavy drinking during harvest time. Houay Kha women make *lao hai* from fermenting the early harvested rice, rice bran, water and 'fermenting powder patties' (as depicted in figures 4.3 and 4.4) which they make themselves from finely ground rice, keeping some of the fermenting agent from year to year to create more in the future (much like sour dough). They mix the ingredients in a large pottery jar and let it sit for at least 10 days to allow it to ferment (apparently it's best after 1-3 months, but it rarely is kept that long). Traditionally, *lao hai* is drunk collectively from the large pottery jar using long bamboo straws, and the liquid is regularly topped up with unboiled water. In Houay Kha, they had replaced the bamboo straws with intravenous tubing brought up to the village by a doctor who makes regular visits and gives tired or ill Khmu intravenous drips of glucose or electrolyte solution. For cooperative labour like building a granary or a house, or carrying rice, Khmu families also provide food and alcohol. During harvest time in Houay Kha, many people (men and women) were getting drunk on *lao hai* and *lao lao* almost every night. *Lao lao* and *lao hai* are also important during rituals, since spirits (*phi*) also like to drink, and, according to Houay Kha villagers, the spirits sometimes get drunk like people. The importance of *lao hai* in Khmu rituals across the country has also been described by Simana and Preisig (1997).

Figure 4.5: Drinking *lao hai* in field hut, Houay Kha, June 2012

Forest and fallow products

Forest and fallow resources are critical to swidden livelihoods in Laos to maintain the ecological sustainability of the agricultural system, to provide grazing pasture for livestock when the land is not being actively cropped, and to provide a wide variety of non-timber forest products (NTFPs) for subsistence and cash income (see also Tayanin 1994, Ireson 1996:185-188, Foppes, Keonakone et al. 2011). Farm and forest livelihood activities need to be considered as part of one holistic livelihood system. In villages in Pak Ou District, during the rainy season while the fields are being weeded and the rice is growing, wild bamboo shoots are a main staple food, collected from bamboo groves along the paths and in the forest. Different types of mushrooms are available during different times of the year and are mainly collected for food. Wild banana flowers are collected (often by older women) as a vegetable for food and for sale to villages along the road, and root crops (such as taro or cassava) are occasionally eaten if a household is short of rice. Men, women and children catch small freshwater fish and crabs in the streams, and hunt frogs at night in the streams and lowland rice paddies. Certain insects, worms and larvae are collected for food and for sale. Forests and fallow areas also provide habitat for a wide variety of birds and small and large animals which are hunted for subsistence and sale using different traps, spears, bows and arrows and guns. The various traps used by the Khmu are described in great detail in a study by Tayanin and Lindell (1991). Hunting is particularly important in Khmu and Hmong communities, and is described in more detail in chapter six. Products such as *khem* (Broom grass – *Thysanolaema maxima*), a type of grass used for making brooms, and *Mai chandai* (Dragon's Blood tree – *Dracaena loureiri gagnepain*) a type of scented wood, are collected for sale to middlemen who come to the village in search of forest products. Tables A.1 in the appendix provides a list of the various forest products gathered in the different villages in which I worked. With the exception of paper mulberry trees (which I will discuss below), large trees (which are considered to be the property of the State), and large game (which are locally considered to be the 'property' of the hunters who catch them, with shares given to the headman of the village in whose territory they are caught), most 'wild' forest-fallow products are treated as 'common property' and anyone can collect them for food or sale. This is true also for 'wild' foods such as field vegetables and herbs that grow up between rice and other crops on privately held fields, as anyone working on or passing through these fields has rights to gather these foods. Although there are customary claims that determine who can cultivate specific fields, as will be described in chapters six and seven, when

the fields are left fallow, these areas are used as common property for hunting and gathering and as grazing land for livestock.

The distinction between 'wild' and 'cultivated', 'forest' and 'fallow' becomes blurred as certain species are encouraged to re-grow in fallow and are held as the property of the fallow owner or of the person who had last cultivated the field. An example of this is *posa* (paper mulberry – *Broussonetia papyrifera*), a tree species with commercial value that grows up naturally in some fallow fields after crops are harvested. Because of their economic value, farmers encourage paper mulberry trees to grow in their fallow plots and sometimes intentionally spread them by planting. The leaves of *posa* are boiled and used for pig feed, and once the trees are 1-2 years old, the bark can be stripped, dried, and sold in dried bundles to merchants from Luang Prabang where it is converted to pulp in small cottage industries. The pulp is used to make artisanal paper, sometimes embedded with dried flowers and leaves, and refashioned into lanterns, gift bags, notebooks, and so on, which are sold to tourists in small stores and in the night craft market in Luang Prabang[63]. Because the bark can be harvested after 1-2 years, *posa* fits perfectly into the rice swidden cycle and is generally cleared when the owner returns to the site to plant rice. However, the encouragement of *posa* growth in fallow fields can also be interpreted as a demonstration of control or ownership of the fallow, since while it doesn't usually permanently enclose the land, it does prevent other villagers from asserting their customary rights to cultivate the fields if the owner is not using them for annual crops that year (as will be discussed in more detail in chapter six). In Houay Kha, *posa* was identified as one of the most valuable 'forest' products and was a major source of income. All villagers collected this, including children.

> The main thing we collect from the forest is *posa* – there is a lot of *posa* around the village…Not anyone can collect *posa.* You can only collect *sa* from your own fallow. The owner of the fallow can collect the *posa*. The money earned from *posa* in the first year is about 200,000 kip (about US$20), the second year about 300,000 kip (US$30), and I would have earned about 500,000 kip (US$50) this year if the *posa* had not been cut for the rubber plantation. **(Khmu farmer in Houay Kha)**

Posa is considered to be a sustainable swidden product because it doesn't damage the soil (it is thought to be beneficial), and the Integrated Upland Agriculture Research Project (discussed in

[63] Unprocessed paper mulberry pulp is also exported to Chiang Mai, Northern Thailand, where it used to make traditional Thai products for export and for sale to tourists in Thailand, or made into a higher quality paper for export from Thailand to Japan. According to the ethnic Lao paper mulberry tycoon of Luang Prabang and the sole middleman in the province with connections to the Thai *posa* market, in order to protect their own cottage industries, the Thai will not import paper from Laos, but only the pulp or the dried bark, and most of the paper mulberry used in products made and exported by Thailand comes from Laos.

chapter eight) has been promoting and teaching farmers to plant it as a suitable crop to intensify swidden agriculture, improve sustainability, and increase local incomes. Fallow on which paper mulberry is growing in large quantities (whether or not it was intentionally planted) is often referred to as a garden (*suan*) rather than as forest or fallow and the trees belong to the household with customary rights to the fallow plot. Thus the local concept of 'garden' (*suan*) encompasses not only areas that are intentionally cultivated, but also wild areas with commercial plants.

Decisions about land use: ecological and social concerns

Shifting cultivation landscapes are complex mosaics, with cultivated fields intermixed with areas of forest-fallow at various stages of succession. Land management decisions are influenced by interconnected and overlapping social, cultural and ecological considerations that have emerged according to specific historical trajectories and are diverse and dynamic across space and time. Formal (state-designed) and informal (customary) land tenure systems determine which land parcels households have rights to cultivate. However, when these areas are left fallow they can be used as commons when not actively cropped, or in Houay Kha, can be cultivated by other households if they are not being used by the owner that particular year (as will be discussed in chapters six and seven). In Laos, one important feature of property arrangements in swidden systems is that each household generally has rights to three or more different land parcels which are not contiguous, but scattered across the landscape and which each have different physical characteristics (slope, soil type, foliage, etc.). These plots are almost always adjacent to fields cultivated by other households, creating a particular 'socio-ecological' context with important implications for collaboration and conflict in land management. Households usually cultivate one or two parcels each year, cultivating fields contiguous with those of other households and collectively fencing the area to protect against wild and domestic animals. Fields that are not cultivated in a given year are left fallow during which time the land is used as common property for livestock grazing, hunting and gathering.

This section deals with the entanglements of ecology and culture as swidden farmers in Pak Ou make decisions about land management and construct their socio-ecological space through a combination of practice, production and imagination. Land management decisions and customary institutions are embedded within and emerge from dynamic socio-ecologies and also shape the natural and social environment, challenging western conceptual boundaries between

'culture/society' and nature. The first part of this section examines the complexity of swidden systems. This is followed by three case studies which illustrate the blurred boundaries between individual and collective decisions and between nature and culture, and which describe how local institutions, rules and regulations for natural resource management emerge in specific historically contingent ecological and social contexts. The first case examines the evolution and maintenance of rice varietal diversity, describing how farmers' choice of varieties is influenced by complex and dynamic field ecologies and landscapes, by the actions and choices of humans and nonhumans, and by social concerns such as risk and pest management and preferences for certain rice characteristics. Farmers create agrobiodiversity through selections made within particular social and ecological settings. The next two cases examine conflicts and collaborations resulting from burning and animal management, the blurred boundaries between collective and individual decisions, and the customary institutions, rules and regulations that have emerged to manage conflict. The final case examines the introduction of commercial rubber trees into swidden systems that are already under considerable stress. Planting trees encloses land that is traditionally used as commons while it is fallow. Such enclosures not only act to 'privatise' the land parcels on which the trees are planted, but also exacerbate pre-existing conflicts over burning and land management, and therefore require the development of new institutions, rules and regulations to cope with conflict and motivate cooperation. This case describes village-level discussions about the pros and cons of incorporating rubber trees into their swidden systems, and their conscious establishment of new rules and 'institutions' to deal with the potential conflicts that would arise. The forms that these institutions took were not 'inevitable', but were shaped by particular ecological endowments and social histories that led to different solutions, even in neighbouring villages.

Ecological and socio-spatial concerns

Because of the variability of highland ecology in Pak Ou District, each land parcel and even different parts of each swidden field have different physical characteristics based on length of fallow, type of vegetation, base soil type, slope and surrounding environment. This provides unique micro-ecologies to which farmers must continually adapt and refine their activities – activities which in turn help shape the future ecological characteristics of the field and influence farmers' future activities on that land. For example, soil fertility of each land parcel depends on the base soil type, as well as the type and age of the previous vegetation (old forest, different types

of weeds or grasses, young forest fallow) and how successfully it burned that season, how often the field has been cultivated and when it was last cultivated. Some types of vegetation and young fallow burn less well and contribute fewer nutrients to the soil. Successful burning also depends on the length of time cut trees and shrubs have been left to dry after cutting, if it has rained recently, and the skill and luck of the farmer. Physical features, such as soil fertility and soil type, weed infestation and the type of successional re-growth partially depend on this history of cropping/fallow and the type of vegetation which has re-grown and been burned, and also influence possible future uses for the land. In addition to ecological concerns, villagers of different ethnic groups consider spiritual matters in their decisions about land management, and the boundaries between what is natural, spiritual and social are blurred. Although the spiritual concerns are integrated with social and ecological concerns within local cosmologies, in the interests of clarity, I've described these in greater detail in chapter five.

In addition to its specific micro-ecology, each land parcel is influenced by its position within the broader socio-natural landscape. Whether a field is located high or low on a hillside, next to a stream or ravine, in the middle of other cultivated fields, far or near the road or village, etc. combine to influence farmers' decisions about land use. Fields located near the tops of the hillsides get more sunlight at different times of the day and are also exposed to more wind, so tall crops (for example, taller rice varieties) get blown down. Because flames reach upwards when fields are burned for clearing, tree crops planted on fields near the tops of hillsides are more susceptible to being burned if the fire is not controlled well or if there is wind. Fields near streams or ravines sometimes have more rats and moister soils, while those in the shadow of the forest are more susceptible to predation by animals, particularly wild pigs. Crops planted on fields that are located near paths used by cattle or surrounded by land left fallow and used collectively for grazing are more susceptible to destruction by livestock.

Socio-spatial factors, such as the distance of the plot from the village or the road, how steep or difficult it is to reach (for example, how many streams need to be crossed), or how far away the land is from the households' other cultivated plots also influence how farmers choose or are able to manage the land. Certain crops are heavy or awkward to carry along the steep narrow footpaths (for example, pineapples), or get damaged in transport (such as certain fruits), and therefore farmers will not plant these in fields located far from the village or from the road. Also, fear and prevalence of theft prevents households from planting valuable fruit crops in fields far from the

village where they are more difficult to monitor. Furthermore, households may not have adequate labour to cultivate two plots in the same year if they are located far apart from each other. The amount of labour available to a household is influenced by wealth and ability to hire labour, but also by household demographic stage – e.g. a young household with many small children has less labour available than a household with children old enough to help on the farm. The importance of the developmental cycle of the household for access to wealth, labour and property has been well described (Goody 1958, Chayanov 1986). Available labour, in addition to property rights, influences where and what a farmer chooses to plant, whether the household cultivates one or two land parcels in one year, how far apart these are located from one another and from the village, and how many different crops or rice varieties are planted. This will be described in the example of rice biodiversity. In Lao and Lue communities, household decisions about cropping were in most cases made collectively between husband and wife. In the Khmu community Houay Kha, it was often (but not always) the husband who decided what crops to plant.

Swidden households usually choose to clear and cultivate fields adjacent to those of other households, but they also may have no other option because this is where they hold cultivation rights and/or other land is unavailable. Clearing fields adjacent to other households has advantages and disadvantages. It facilitates cooperation and labour exchange for planting, weeding and burning, and helps with pest and animal management since households can collectively fence the entire cultivated area rather than each individual field to keep animals out of the crops. However, proximity also increases the need for negotiation and cooperation in decisions about land management, sometimes leading to conflict.

The location of a land parcel within the 'swidden group' influences its ecological context since a field may be in the middle of a swidden group and surrounded by other cultivated fields, separated from others by a ravine or stream, higher or lower on the hillside, or at the edge of the group of fields and near the forest. This placement is influenced by tenurial rights (described in chapters six and seven), and has a significant influence on farmers' decisions about what to plant. Even when farmers held exclusive property rights to their land, they needed to consider the choices made by those cultivating adjacent plots when they made decisions about land use. This was true even for seemingly simple decisions like the choice of rice varieties, but was even more significant for decisions which required enclosing land parcels by cultivating permanent crops, such as fruit trees, rubber or pineapples, which removed land from the swidden cycle. For example, if everyone

in the area was cutting and burning for annual crops, a farmer with land in the middle of the rotational group or high on the hill could not choose to plant permanent crops like rubber trees, since it would be difficult to protect the crop from livestock in subsequent years when the surrounding land was left fallow and used collectively as pasture, and difficult to protect from fire when the other farmers returned to clear and burn the area for rice cultivation. Therefore, under situations of land scarcity or land privatisation, decisions to shift from rotational swidden to sedentary cultivation generate conflicts over land use and often must be made collectively rather than individually. Adaptation to more intensified agricultural systems requires the conscious creation or emergence of new village institutions for cooperation and for managing conflict.

Because of the requirement for cooperation and risk of conflict, one would anticipate that social networks (such as kinship or friendship networks) would overlap spatially with customary property systems and land rights. However, because of the dynamic and shifting nature of land use and access rights in swidden systems, this is not necessarily the case. Cultivation rights to land parcels are often inherited by the descendants of the person/household who first cleared land. Even if the original owner had close kinship or friendship ties with the households who originally cleared neighbouring fields, those who inherit adjacent lands may not get along and may not want to exchange labour with each other. According to interviews in both Houay Kha and Houay Lo, social compatibility had greater influence on labour exchange decisions than defined social or kinship relations or spatial networks, and while these often overlapped, this was not necessarily the case. In Houay Kha, where land rights were still somewhat flexible (as will be described in chapter six), households often chose which fields to plant in consultation with friends and family in order to plant in the same area to facilitate labour exchange.

> Not only family plants together – different people do this. Sometimes friends want to plant together, and they choose good soil together and decide to plant together. There is no regular group – different people plant next to each other **(Khmu man, Houay Kha).**

Spatial patterns of land use and ownership were also sometimes given as a reason not to exchange labour. Working in a field located far from the village requires a greater time commitment than working fields closer to the village because of travel time. Households who cultivated fields close to the village sometimes decided not to exchange labour with other households, preferring instead to do all the work on their own plot rather than to be obligated to also work on more remote fields.

Rice varietal diversity[64]

The evolution of agricultural biodiversity demonstrates the need for making collective decisions about land use, the hybridity of culture and nature and the role of humans and other species in creating biodiverse landscapes. Non-industrialised farmers, through intentional experimentation over time, have created complex, biodiverse agro-ecological systems, selecting crop varieties suited to specific micro-environmental conditions (such as soil type, slope, nearness to forest, water availability) and social needs (such as different maturation periods, for making different foods, for fodder, for religious ceremonies, for taste preferences, etc.) (Amanor, Wellard et al. 1993, Longley and Richards 1993, Altieri 1995, Brush 1996, Roder, Keoboulapha et al. 1996, Dove 1996a, IRRI 2001, Brookfield, Padoch et al. 2002, Brush 2004, Soemarwoto 2007, Veteto and Skarbo 2009, McAllister 2015). The creation of agrobiodiversity is embedded in spiritual, social, interspecies and people-nature interactions, and, being dynamic, changes according to shifting social and ecological needs. Attempts to 'conserve' agrobiodiversity by preserving seeds in scientificially managed seed banks ignore the integrated cultural/social process involved in creating and maintaining knowledge and producing a particular profile of nature (see also Graddy 2013).

The agrobiodiversity of traditional upland rice varieties (or landraces) in Houay Lo and Houay Kha illustrates the entanglement of 'nature and culture' in the construction of socio-ecological space through local practice. The importance of rice biodiversity in upland swidden systems across Southeast Asia has been well documented (for example, see Freeman 1970, Dove 1985, Schiller, Rao et al. 2001, Évrard 2006, Soemarwoto 2007). Farmers in Laos grow both glutinous (sticky) (*khao nieow*) and non-glutinous (non-sticky) (*khao chao*) rice varieties, which are further classified as either upland rice (*khao hai*) - aerobic rice varieties grown on swidden fields – and lowland rice (*khao na*) – 'wet anaerobic rice' that is grown in rainfed or irrigated paddy fields. Varieties are further classified into three categories depending on the length of time required for reaching maturity ('duration'). *Khao pi* (late duration rice) matures in approximately 5 months (more than 145 days), *khao khang* (medium duration rice) matures in about 125-145 days, while *khao daw* (early duration rice) matures in approximately 3 months (90-130 days). Laos and northern Thailand are considered to be the centre of origin of glutinous rice (Rao,

[64] Large parts of this section on rice biodiversity have been published as part of a book chapter (McAllister 2015).

Bounphanousay et al. 2001:4, citing Watabe 1976), and the diversity of traditional rice varieties grown in upland swidden systems is astounding. The International Rice Research Centre (IRRI) holds more than 13,000 different rice variety accessions from Laos in the gene bank in Los Banos, Philippines (IRRI 2003), making Laos second only to India in its contribution of accessions[65]. Thus the suppression of swidden systems of upland rice cultivation has serious implications for maintaining the biodiversity of rice varieties.

In Houay Kha, farmers identified 20 different 'traditional' varieties of upland rice, of which 7 were Hmong varieties, while 3 of the 13 varieties were further classified into different duration groups, giving a total of 17 different varieties planted by Khmu farmers (and total of 24 distinct varieties in total)[66]. In addition to these 24 varieties, another 6 varieties were classified by generic names and two more traditional varieties, which were identified as being recently introduced by the IUARP project, originated in other parts of Laos and were being tested for suitability in degrading upland environments. These varieties and their characteristics, as described by farmers, are summarised in Table A.5 in the appendix.

In the roadside village of Houay Lo, farmers identified 11 different upland rice varieties, and another three varieties had been introduced the previous year by the IUARP, making a total of 14 different varieties (refer to Table A.6 in the appendix). Although farmers in Houay Kha identified more upland varieties, this may be an artefact of sampling, since I interviewed more households in Houay Kha. However, it could also have been related to the more degraded soil conditions in the roadside villages and a loss of rice varietal diversity, as was asserted by farmers and will be discussed later. Also, some farmers in Houay Lo no longer grew rice on their upland

[65] India has contributed 18,000 varieties of rice. These numbers include all varieties of rice – glutinous and non-glutinous, aerobic rice planted in the highlands as well as lowland paddy rice varieties (IRRI 2003).

[66] The distinction made between the 28 varieties referred to and 22 distinctly named varieties is important because sometimes farmers referred to their rice only by generic names rather than specific names. It is probable that these 'generic' varieties fall into the 22 named rices, however this is not necessarily the case, which is why I have made this distinction. For example, Khmu farmers growing 'Hmong' rice varieties often didn't know the specific varietal name and referred to the rice as *Khao Chao Lao Sung* (Hmong Non-sticky rice). The Hmong would have a specific name for this rice. Similarly, project rice was simply called *Khao Hongkan* (project rice), while the researchers would refer to it by a specific label. In addition, sometimes farmers referred to their rice simply by the duration, such as *Khao Daw* (Early rice), or based on the size of the seed, for example *Khao Met Nyai* (Large seed rice) and *Khao met noi* (Small seed rice). For *Khao Met Nyai*, I am unclear if this is the name of a separate rice variety or simply a generic label for any variety with a large seed. Furthermore, because I did not do a scientific study of the difference between the differently named varieties, it is possible that different farmers had different names for the same variety, or vice versa – that different varieties were given the same name. Therefore, the information about the number of rice varieties grown must be interpreted as a general, but not precise, indicator of the varietal diversity of the area. It is based on cultural knowledge of rice biodiversity rather that a scientific study of the genetic distinctions between the different rices.

plots. For rice varieties unfamiliar to farmers, they often used generic names based on maturation (*Khao khang*, *pi* or *daw*), size of grain (*Khao met nyai* (large grain rice) or *Khao met noi* (small-grain rice), or ethnic origin (*Khao Lao Sung* – or 'Hmong rice') rather than a specific varietal name. Generic names were often given for varieties that farmers had obtained from other places, such as other villages or from the IUARP project, or from other ethnic groups. Varieties that were relatively popular in both villages included *Khao Pé*, a small-seed variety that grew well on poor soils (*'it doesn't choose the soil'*) and *Khao Khao*, a large-seed variety that farmers said tasted very good but which grew well only on good, black soil. Farmers could get seeds of different rice varieties from other farmers by exchanging an equal amount of their own rice grain (either for food or for seed), by purchasing the seed, or by exchanging labour for the seed. '

Different rice varieties were sometimes associated with specific ethnic groups. While the Khmu, Lao and Lue preferred to grow glutinous rice (*khao nieow*), Hmong preferred non-glutinous (non-sticky) varieties (*khao chao*) (see also Roder, Keoboulapha et al. 1996, Schiller, Rao et al. 2001). As one Khmu farmer explained, '*Most varieties in the lowlands belong to the Lao Loum and Lao Lue. The Khmu have upland sticky rice and the Lao Sung have upland non-sticky rice.'* Because of cultural preferences for certain rice varieties, farmers generally preferred to exchange seed varieties with members of their own ethnic group, even if this meant travelling to a different village[67]. This was particularly true for the Hmong, who usually brought rice seeds with them from their original villages when they were resettled and who preferred to buy or trade rice seeds with Hmong in other villages in Pak Ou District rather than with the Khmu farmers in Houay Kha. One Hmong farmer who had recently moved to Houay Kha explained that he was afraid to try new varieties because he was concerned they would not grow well. However, he was planting new rice varieties that year because the rice he had grown the previous year was 'itchy'. He had obtained the seeds from a nearby Hmong community rather than from Khmu within the village since he trusted Hmong varieties more. Other Hmong farmers claimed that non-glutinous rice varieties give higher yields. '*I don't grow sticky rice. If you grow sticky rice, then you cannot get enough rice*

[67] The few exceptions include two Hmong households growing *Khao Man Pu*, an early duration variety popular with the Khmu, one Hmong household growing a traditional Hmong sticky rice variety, and one Hmong who tried several Khmu sticky rice varieties during the first year he arrived in the village (perhaps because he did not bring seed with him or because he was testing what would be good for the soil– he grew many different varieties during his first year in H. Kha), but switched in subsequent years to Hmong non-sticky varieties. Only 2 Khmu households were growing non-sticky rice, and both were identified by their generic name (*Khao Chao* or *Khao Chao Lao Sung*), which indicates that these were not from Houay Kha originally and not well-known varieties.

to eat '. This claim is supported by research conducted by IRRI, which showed that farmers in countries neighbouring Laos had switched to growing non-glutinous varieties because they gave higher yields (Rao, Bounphanousay et al. 2001:3).

Similarly, Khmu farmers in Houay Kha tended to get varieties within the village or from nearby Khmu communities, unless they had run out of rice and there was only Hmong rice available. For example, one Khmu farmer described how he planted three varieties of rice, and divided his plot into three parts to separate the different varieties. He planted *Khao daw* (early duration rice) at the bottom of the field and *Khao pi* (late duration rice) on the top. He explained that he planted early rice to have harvest when his household ran short, and planted this at the bottom of the field so that he didn't need to pass through the later maturing rice that was not yet ready for harvest. The third variety he planted that year was *Khao Chao Lao Sung* (Hmong non-sticky rice – he didn't know the varietal name), because he did not have enough rice seed to plant his entire field, and the Khmu in the village had all run out of rice. He would have preferred to plant Khmu rice. He planted two *kalong* of seed (about 10-12 kilo of rice), purchasing 1 *kalong* from Hmong living in Houay Kha, and 1 *kalong* from Hmong in Mok Muang and paid 20,000 kip/kalong for the seed. This is very expensive, since the price of rice for food is usually between 10,000 to 12,000 kip per *kalong*, but the price was higher because he bought it during the season when everyone was planting and villagers were short of rice.

Swidden farmers took advantage of the ecological diversity of the landscape and specific fields and planted rice varieties or other crops that suited specific micro-environments and soil types. In villages in Pak Ou District, a single household generally planted between one and four different rice varieties, along with annual cash crops that suited different soil types, to manage risk in case one variety didn't grow well or was affected by pests or weather conditions, and to stagger labour demands during harvest and planting by choosing varieties with different maturation times. Households that were short of labour and didn't require a large amount of rice for subsistence sometimes planted only one rice variety so that they could finish harvesting and threshing at the same time. However, they usually planted cash crops in addition to rice in order to provide income and balance risk if the rice didn't produce well.

Shorter rice varieties were planted higher in the mountains where taller varieties would be blown down in the wind. Farmers complained that wild pigs and rats were particularly fond of aromatic rice varieties, so these were planted in fields that were surrounded by other cultivated

plots and were not adjacent to the forest where pigs and rats were more likely to roam. Ants also preferred aromatic rice. As one farmer commented,

> *Khao Khao* smells nice. If I plant this and use no pesticides, the ants will say *'Oh, this is my rice '*. Ants like this better than the other kinds of rice. Pigs and rats all like this rice.

Farmers sometimes abandoned planting aromatic varieties that grew well and they preferred because these were also preferred and specifically affected by certain pests. 'Awned' varieties, which have a sharp hair growing from the seed and which farmers often described as 'itchy' (and sometimes stopped planting for this reason), were cultivated in fields near forests where there was greater problem with wild pigs and other animals eating the crop, since the animals preferred to eat rice without the hair. In such a way, taste preferences of 'pest species' influenced farmers' decisions about varietal diversity.

Planting adjacent fields in rotational groups not only helps farmers share labour for fencing and burning, it also spreads the possible pest destruction of crops among many field and is considered an important strategy for pest management. In Houay Kha, where farmers don't own large animals and don't fence the fields, pest management was one of the main reasons for planting in close proximity.

> Usually we plant in groups. Usually we have 10 – 20 households planted next to each other, sometimes only 5 households. We clear land next to each other. If you clear land alone, then wild animals will eat your crop, because we don't fence the crops since we don't own cows or water buffaloes. But if wild pigs get in, they will eat from everyone's fields not just one person's field. Wild pigs eat the crops – we cut the fields together because the pigs will then eat from different people's fields. **(Khmu farmer, Houay Kha).**

Pest management also influenced the duration of the varieties that farmers chose to plant. If everyone in an area plants early or medium rice varieties, they stop caring for their fields after harvest, and it is more likely cows, pigs and rats will eat the late rice varieties not yet ready for harvest on adjacent fields. Similarly, if only one person planted early rice, animals would be attracted to that field once the rice matured. If everyone's rice matures at approximately the same time or everyone plants varieties with different maturation times, then pest and animal damage is more likely to be shared across households. Therefore, the decision about which rice or crop variety to plant was not a simple individual decision, but also depended on the cropping choices of those with adjacent fields, even when the land was individually owned. This was also true for choice of varieties planted in lowland paddy fields, and different villages favoured planting either late or early varieties. This may have been related to water availability and/or labour constraints at

certain times of the year. For example, Khmu farmers with lowland paddy fields in the roadside village of Houay Leuang planted *Khao pi* (late) varieties because their land didn't have enough water and because *Khao daw* (early) varieties were more susceptible to gall midge infestation. *'Because other farmers in the area grow Khao pi, if only 1-2 farmers grow Khao daw, then this will be attacked by pests'.* In Pak Chek, just down the road from Houay Leuang, farmers planted *Khao daw* (early) varieties in the lowland rice fields, and one farmer said if he decided to plant *Khao pi*, he will have a problem with rats because everyone else plants *Khao daw*. Such a seemingly simple decision about which rice variety to plant on a piece of privately owned land is therefore influenced by the choices of farmers owning surrounding fields as well as by water and pest conditions[68]. This challenges notions that privatised land holdings relieve farmers of other social considerations in choosing what to plant on their land, since in fact they remain influenced by the surrounding farms and these decisions must still be made collectively. This has important consequences for agricultural research and development projects which tend to focus on testing crop varieties and land management strategies on individual plots with individual farmers, and while they may take economic and ecological concerns of individual households into consideration, they often do not recognise how the socio-ecological context influences individual household decisions.

Farmers plant early varieties in order to be able to harvest early in the season so that they have food when rice stocks have run low. In Houay Kha, one of the most popular varieties was *Khao Man Pu*, an early variety, reflecting the fact that most households are short of rice for three to six months of the year and need rice to be ready for harvest as soon as possible, particularly since rice prices are high at that time of year. Some farmers chose not to plant late varieties if they had limited access to labour because these need to be weeded four times during the growing season, while early varieties only need to be weeded two or three times.

Some varieties were planted because they were good for making noodles or because of individual taste preferences. Most farmers preferred the taste of large-grain rice varieties (*Khao Met Nyai*), which also earned higher prices when sold on the market[69]. However, they also planted

[68] Lansing (1995) has shown the connection between traditional rice varieties, water management and pest control in his famous study of the Bali water temples.

[69] In Houay Kha, the price for small grain rice was 1200 kip/kilo compared with 1500 kip/kilo for large seed rice. In Lattahae, a neighbouring roadside village, the price was 17,000 kip/kilo for small seed rice and 2000 kip/kilo for large seed rice.

small-seed varieties (*Khao Met Noi*) on poor soils because these 'did not choose the soil', while large-grain varieties would not yield well on poor soils. Because of this, farmers near the road, where there was greater pressure on land and poorer soils, were increasingly choosing to plant small-seed rice varieties in their upland plots. Although there are some varieties that farmers appear to have maintained over generations, the diversity of rice varieties grown by farmers in Pak Ou District is dynamic, changing from year to year and across time as farmers shift between fields, adapt to changing environmental and social conditions, and as new varieties arise spontaneously in fields or are introduced by projects, new immigrants, other ethnic groups, or by farmers who have travelled and found interesting seeds in other places. The increased soil degradation related to constraints on land use has resulted in a decrease in the number of varieties grown, since farmers are now selecting varieties which grow better on poor soils.

Adaptation to environmental change and changes in rice varietal diversity

The need to experiment, to adapt and to intensify their cropping systems had been forced upon farmers by land constraints and environmental pressures. Farmers in all villages expressed concern that their rice yields were declining. They complained that the rice was not growing well; that even when it grew the grains no longer filled, or it grew 'too well' and did not produce any grain. Farmers also asserted that weather patterns had changed and that rainfall had become increasingly inconsistent and came at the wrong time. Farmers in all villages were experimenting with different options in order to cope with the new ecological problems they were facing.

In Houay Lo, many farmers who were struggling with increased weed infestation as a result of shorter fallow periods switched from rice to growing crops that were less affected by weeds and poor soils, such as Job's tears and sesame, which 'do not choose the soil' and which were taller and had a larger leaf canopy than rice, shading the weeds as they grew and therefore needing to be weeded fewer times over the growing season. On fields badly infested with imperata grass (*nya kha*), farmers sometimes planted teak saplings, in spite of the fact that it would take many years before they would benefit economically from the trees, because they were afraid they would lose the land altogether once the imperata became too dense or spread. Alternatively, some had left these areas fallow, used the area for animal grazing, or used herbicides if they had only patches of imperata on their fields. Switching to cash crops in the uplands complies with state policies. However, because of the volatility of markets for common annual cash crops such as Job's tears and sesame, farmers who had no paddy rice fields preferred to grow at least some upland rice

because the income they could earn from other crops was variable and often too low to cover the cost of buying subsistence rice on the market for the entire year.

Many farmers asserted that they were changing the rice varieties that they cultivated because of increased soil degradation. Particularly in villages along the road, where land limitations were more extreme, farmers were selecting from a smaller pool of rice varieties that grew well on poor soils and were abandoning varieties that used to be popular. In addition to the switch to cash crops, this shift in varieties being planted is potentially leading to an overall loss of agricultural biodiversity. In the roadside villages of Lattahae, Houay Leuang and Houay Lo, farmers of all different ethnic groups said they were replacing favoured large-seed varieties with *Khao Pé*, a small-seed late duration variety that grows well on poor soils.

> Most people in the village now plant *Khao Deng* and *Khao Pé* [both late duration, small seed varieties], because these can give a good yield. However, we used to cultivate different varieties – *Khao Khao, Khao Mak Khua, Khao Sukiang, Khao Man Pu*. **(Lao village headman, Houay Lo)**

> Near Lattahae, some areas are good, some are not good. If we use *Khao Pé* it grows, but if we plant large seed rice, then it's not good. You can only can plant large seed rice 'up here' in Houay Kha. *Khao Pé* doesn't choose the soil – it grows on any soil, because I have young fallow I use *Khao Pé*…Before we had only young fallow, we planted many different rice varieties – *Khao Pulouey, Khao Longkan, Khao Khao*. Everyone used to plant these varieties – not only the Lue people – in Houay Kha and other villages as well. Lattahae and Nanoi used the same varieties. Before there was not limited land and we could clear the forest– but now we are not allowed to clear the forest and have only young fallow, so we have to use *Khao Pé*. Now, we only plant *Khao Pé* and not the others because it is young fallow. Some Khmu still have old fallow, but now, for Lue and *Lao Loum*, we don't use the other varieties because we only have young fallow. In Houay Khot and Nasavanh[70], they still plant these varieties because they still have lots of forest – also some people in Houay Kha still use them. **(Lue farmer from Lattahae with land near Houay Kha)**

> Last year I planted *Khao Pé* and *Khao Deng*. Before we planted other varieties, but now because the field is young fallow, other varieties are not good for young fallow. So most people [in Houay Lo] only plant *Khao Deng* and *Khao Pé*. For 2-3 years now, I have not been planting the other varieties. A lot of people have stopped planting different rice varieties – most people now plant *Khao Pé*… I used to plant *Khao Pu*, which had a good smell. However, I stopped planting this because the rats liked to eat it as soon as the rice became pregnant and until it was ready for harvest, and also because it was not good for young fallow. *Khao Pé* and *Khao Deng* do not have as much of a problem with rats – they will eat it, but only after it produces and not all of it. *Khao Pé* itches, so rats don't like to eat it. Also, *Khao Deng* and *Khao Pé* have small seeds and can be in the sun – they are patient in the sun. When the weather is hot they can stay and won't die. Other rice varieties will die when it is too hot. **(Lue farmer from Houay Lo)**

[70] Khmu communities located further into the mountains, more remote than Houay Kha.

> In Lattahae, if you don't use *Khao Pé*, then you won't get a good yield because the soil in Lattahae is not good, and so can't use another variety. If you use another variety, you cannot even get enough rice to eat. The soil in Lattahae is bad because it has been used a lot. Because it is young fallow, the soil has become dry. **(Khmu farmer from Houay Kha)**

In Houay Kha, where villagers were only beginning to feel pressure on land resources, but still had access to fertile soil, farmers also planted *Khao Pé* on areas of their fields where soils were poor and on fields closer to the village which were cultivated more frequently. However, they grew large seed varieties on the better parts of their fields and in fields that were farther from the village that had older fallow. However, comments from farmers indicate that a shift in varietal diversity was also beginning to happen in Houay Kha.

> I only use *Khao Pé* on my land now because it is the only one which grows well. Before we used to cut old forest and rice grew very well, but now they [the government officials] don't allow people to cut the forest. Now we have young fallow and the soil getting dry. **(Farmer, Houay Kha)**

> *Khao Khao* chooses the soil. If the soil has small stones, it doesn't grow very well. Usually we plant this on old fallow or land cleared directly from forest. We still plant this [variety], although less people plant it than before. Most people who plant this have fields very far from the village. **(Group discussion with Khmu farmers in Houay Kha)**

The International Rice Research Institute (IRRI) has voiced concern over the erosion of rice varietal diversity in Laos in both the uplands and the lowlands, primarily attributing this to the spread of 'modern' high yielding varieties (HYVs) that have been replacing traditional landraces in the lowlands, and to state policies that seek to replace upland rice with other crops. In 1993, less than 10% of lowland wet-rice paddy fields were planted with 'modern' varieties, but by 2001 this had increased to 50% (Rao, Bounphanousay et al. 2001:3), indicating a loss of traditional varieties similar to that which occurred throughout much of Southeast Asia during the green revolution. Although traditional rice varieties planted in highland areas are not being replaced by HYVs, since these are generally poorly suited to the diverse and often marginal ecological conditions in the hills[71], rice varietal diversity is threatened by other aspects of agricultural 'modernisation'. It is threatened directly by state policies to eliminate swidden cultivation and promote sedentary cultivation of cash crops in the uplands, by replacing rice with other crops. It is also threatened

[71] In order to be cost-effective, scientific breeding programs are designed to develop 'improved' rice varieties that can be produced on a large scale for distribution to many farmers across a wide geographical and relatively ecologically uniform area. Breeders have struggled with the complexity of upland environments, since it is difficult to produce a single variety that grows well across the many different micro-ecologies in these areas. Upland areas and marginal lands have been little influenced by green revolution technologies, and have long been seen as repositories of agricultural biodiversity.

indirectly as deteriorating ecological conditions that have been partially brought about by these policies are forcing farmers to abandon preferred varieties in favour of those which grow better on poor soils or with hardier crops such as Job's tears. It is widely recognised that conservation of varietal diversity of staple crops such as rice is important for global food security. However there are ethical problems in collecting local knowledge and rice varieties for the 'common global good' and saving these in gene banks to be managed and controlled by scientists, as well as in encouraging local people to forgo their own desires for development in order to conserve these *in situ* in their fields (see also Agrawal 1995).

Burning conflicts

Cooperation and conflict related to burning fields to prepare land for cultivation is another example of the interrelationship between ecological and social concerns. Ensuring that the cut fallow burns well is critical for ensuring soil fertility and a good crop, so is a major concern of farmers. If there is rain during burning, or if the fallow is young, often the biomass doesn't burn well. If the field does not burn well the first time, it cannot be reburned and the crop will suffer. Burning is not a difficult task and in most cases, men are responsible for burning their own fields, but they need to be careful to manage the fire so that it doesn't destroy neighbouring fallow plots or crops. Farmers begin fires at the bottom of the hill, but, because fire burns upwards, neighbouring plots of land near the top of the hill are vulnerable to being burnt as well. Even when carefully managed, sometimes it is impossible to keep the fire out of other farmers' fields, and in such cases, the decision about when and where to burn must be made collectively and households with neighbouring plots must agree on timing of burning.

> Some people clear and burn on their own because burning is not very hard, it is easy. But if the fields are next to each other, then people have to cooperate with the timing of burning or there might be a conflict, especially if people have cleared at different times and one person's plot is dry while the other is not yet ready for burning. Then they have to wait until both fields are ready. Also, when people exchange labour for burning and for clearing, then if someone just comes and helps you without being asked, then you have to help them as well. Nobody will ask *'come to help me and then I will help you'* – they just go. They will ask, *'Are you clearing today?'* then just go and help. **(Khmu farmer, Houay Kha).**

Conflicts ignited by accidental burning of upland fields are becoming more common as land becomes increasingly scarce, as people are forced to cultivate in closer proximity, and when there is less space for creating firewalls. These conflicts are also increasing as more households want to plant permanent tree crops on their land, which will be affected when farmers with adjacent

plots return to burn their fields to cultivate rice in subsequent years. The implementation of the Land and Forest Allocation Policy (LFAP), which has created more privatised rights to land with the intention of enabling more individualised decisions about land use to occur in order to promote the adoption of permanent cash crops, may paradoxically have increased the conflicts between those who want to plant annual swidden crops (which require burning) and those who want to plant permanent tree crops, both by constraining village territorial resources and by reducing the flexibility of where households can choose to plant each year. This will be discussed in more detail in chapter seven.

Villagers have developed informal institutions for dealing with culpability in order to manage conflicts sparked by burning. In Houay Lo, farmers who risk igniting neighbouring fields when they prepare their own land must first ask permission from the other farmers. If their neighbours agree to allow burning on that day, the farmer can go ahead and the neighbours who did not choose to burn on that day do not have to help. However, conflicts were sometimes kindled when farmers with adjacent plots wanted to burn on different days. Farmers do not always cut the vegetation on their fields at the same time, and therefore the fields are not always dry and ready for burning at the same time. These conflicts may occur within and between villages, wherever there are adjacent fields. If a farmer accidentally burns someone else's field, either in his own village or in a neighbouring village, he must pay a fine in compensation, the amount of which is negotiated. In some cases, the fine can be replaced by a certain number of days of labour.

One example of an inter-village and inter-ethnic conflict over burning occurred between Siang Kam, a relatively well-off Lao farmer and trader from Houa y Lo, and Thao Phet, a Khmu man from the neighbouring village of Houay Lat who owned an adjacent field. Siang Kam wanted to burn his field and asked his Khmu neighbour for help to clear the field after burning. However, Thao Phet wanted to wait because his field had just been cut and was not yet dry. Unwilling to wait, Siang Kam went ahead and burned his field, and accidentally set Thao Phet's field on fire in the process. Because it wasn't yet dry, Thao Phet's field did not burn well and this was going to have a negative impact on his rice crop that year. Thao Phet requested Siang Kam for help clearing his field as compensation. According to local customs, Siang Kam was obligated to help, however he ignored the Khmu man's request and walked away without comment. Thao Phet became angry, and yelled at him, *'Are you a human or are you an animal? Do you eat rice, or what kind of food do you eat?'* This is considered extremely insulting because it implies Siang Kam is an animal that

doesn't know right from wrong, and is a dog that eats feces. Enflamed by the insults, Siang Kam wanted to fight the Khmu man. Because the dispute involved people from different villages, the headmen of both villages were brought in to settle it. In the end, no fine was required and Thao Phet was not compensated, even though both headmen agreed that the Khmu man was in the right. It is not clear why there was no punishment although it's likely that this was related to the relative power of Siang Kam in both villages. His family is relatively wealthy, he is a middleman and therefore lends money to many farmers and is owed favours by others, and he owns a small tractor which he sometimes rents out to villagers who use it to move their crops from the field. As will be described in a case study in chapter seven, Siang Kam has accumulated a lot of land from neighbouring Khmu villages in lieu of debt repayment. Siang Kam was also subsequently appointed village headman of Houay Lo once the term of the other headman had ended, and therefore had political power and support within the village.

Later in the year, Siang Kam's new teak trees were stealthily uprooted and the fence he had built around his rice field to keep out animals was intentionally broken. He suspected that Thao Phet had done this, and went to the headman of Houay Lo, who said there was no proof to identify who had uprooted the trees or broken the fence. However, because the headman felt that Siang Kam was in the wrong, he suggested that Siang Kam make amends ('become friends') with Thao Phet, since this would cause fewer problems for him in the future. There was a general feeling that Thao Phet had deserved some compensation for the mistake Siang Kam had made, and, because this was not provided, he had taken his own retribution. This example illustrates how the 'practice and interpretation' of village level instititutions – rules and regulations governing resource use and for dealing with conflict – are contextual and influenced by power relations. Although it may be difficult to force more powerful community members to abide by customary rules and socially acceptable codes of conduct, less powerful people may hold them accountable for actions that are perceived to be injust through acts of 'everyday resistance' (or everyday 'retribution').

Ethnicity can also influence how village rules and regulations play out in practice. Villagers who had been gossiping about the story explained that Siang Kam was lucky that his argument had been with a Khmu man rather than with a Hmong. Two years before, a Lao farmer from Houay Lo had accidentally burned a field belonging to a Hmong farmer. The forest near his own field had caught fire, and because he was afraid the fire would spread to his own field, he decided to try to

control the burning of his own field at this time. In the process, he accidentally burned the neighbouring plot which belonged to a Hmong farmer, who was very angry, and almost shot the Houay Lo farmer for the mistake. He was particularly angry because, according to villagers in Houay Lo, the Hmong believe that they should burn their own fields, and also because they have specific auspicious days for burning fields and this was the wrong day. In the end, the conflict was settled with a fine of 140,000 Kip (US$14) awarded to the Hmong farmer.

Conflicts over burning were new in Houay Kha, likely because the village was just beginning to feel the impacts of land scarcity. Farmers in Houay Kha usually burn their own fields independently without much cooperation with other villagers. For the first time that year, four fields that were not yet dry had been accidently burnt because the 'fields were too close to each other'. There were no pre-existing rules about how to cope with this conflict, which was resolved through negotations between the farmers affected without mediation by the headman. It was agreed that the farmers who had burned the fields needed to compensate those affected, but the type and amount of compensation was negotiated individually and depended on the circumstances of each of the farmers involved. One farmer was paid 300,000 kip (US$ 30), and the other two farmers were given paper mulberry from the culprit's gardens. However, Thong Mai, one of the farmers affected, explained that his field had been burned by a villager who was very poor and didn't have enough rice, no money and was short of labour, so he couldn't ask for money in compensation. Instead, he asked for help with labour for fieldwork. It was agreed that three people from the culprit's household would help Thong Mai with clearing, and one person would help with weeding. The farmer who had burned the field had helped with clearing and with the first weeding, but for the second weeding, he sent his children. Thong Mai was unhappy since the farmer had promised to come himself to help. However, he also felt that the fire probably escaped in the first place because the household was short of labour. Because his field did not burn well and he had only cleared one field that year, all of Thong Mai's rice had died and he was going to be short of rice.

These examples illustrate the dynamic and flexible nature of how customary rules are highly personal and are interpreted within particular situations, relations of power and according to local notions of justice. In the case of Siang Kam, his relative power allowed him to ignore local rules requiring compensation, even though everyone recognised he was in the wrong. The retribution allegedly taken anonymously by the Khmu man – uprooting Siang Kam's trees and breaking his fence – was considered to be 'just' in this context, and can be interpreted as a way of

ensuring local elite are culpable and punishable for their mistakes even if they can avoid complying with customary rules. In the case of Houay Kha, conflicts over burning were new, and villagers needed to come up with solutions for dealing with this problem. The farmers responsible for the burning were held culpable, but the 'punishment' was flexible and the variable ability of the individuals to pay compensation was taken into consideration when deciding on the fine, recognising the moral importance placed on subsistence security in the community. These customary rules, while collectively recognised and holding authority, are not impersonal. They emerge from and are adapted to changing ecological contexts, place-based practices and the social need to balance conflict and cooperation and are general 'rules of thumb' that are applied within a broader moral framework, to be interpreted within particular contexts and influenced by the specific situations of the individuals affected.

Animal and crop conflicts

In addition to disputes resulting from burning, conflicts often arose when crops were destroyed by livestock. Preventing wild and domestic animals from destroying cropped fields was a constant concern of villagers. Most households in Laos keep some livestock in addition to growing crops. Domestic livestock (cattle, water buffalo and pigs) are allowed to graze freely in forest and fallow lands, although increasingly households are keeping pigs fenced in pens. Crops are fenced to keep domestic and wild animals out, and in villages with a lot of livestock, households tend to clear land together in order to build fences around the perimeter of an entire cropped area, as described earlier in this chapter. However, conflicts between animal and crop owners are common when livestock get into fenced fields, eating or damaging the crops. Crops planted along animal paths are particularly susceptible to damage.

Customary institutions have evolved at the village level for establishing whether it is the responsibility of the livestock owners to keep their animals out of the crops, or whether is it the responsibility of the farmers to build stronger fences around the cultivated fields. Different and neighbouring villages have created different institutions for dealing with these conflicts, depending on their land resources, on changing ecological conditions, and on changing livelihood and land use patterns. Villages in Pak Ou District that owned land on both sides of the Pak Ou River zoned one side for livestock and the other for crops. This prevented animal-crop conflicts from arising within the village. However, because animals don't respect village borders, conflicts were still

common between villages as free-grazing animals from neighbouring communities still destroyed crops.

Traditionally, it has been the responsibility of the farmers to build a solid fence to keep animals out of the crops. In Houay Lo, with declining fallow periods and a shortage of strong wood with which to construct sturdy fencing, the onus of responsibility has shifted and livestock owners now are responsible for any damage their cattle or buffalo cause to fenced crops and must pay compensation. This provides an example of how customary rules and institutions shift and adapt to changing ecological contexts. The amount of the fine was negotiated and the amount owed was sometimes (but not always) recorded in a book. Sometimes payment was left for a long time and was forgotten, and sometimes the owner refused to pay or argued that it wasn't his cows that created the problem. Debates over whose animals (mainly cattle) were at fault were common, and in some cases cows were intentionally cut with machetes if they got into a crop, as a way of identifying the cow and the owner and ensuring compliance through risk of retribution. The provision of a simple technology like barbed wire would probably shift institutions governing crop and animal management in new directions, but, at the time, farmers were afraid to spend money on barbed wire in far away fields because this was often stolen.

In Houay Kha, a mass epidemic had killed off all the large livestock and most farmers did not have the capital for reinvestment or were reluctant to take the risk of buying new animals. Farmers in this village did not fence their crops. New immigrants to the village were required either to sell their animals or were responsible for keeping their livestock out of the crops. In this case, it was also the livestock owners who were culpable if crops were damaged. Although they did not fence the perimeter of their fields, villagers in Houay Kha did have problems with wild animals destroying their crops, particularly wild pigs, but also rats. Households often chose to clear land together so that if pigs got into the fields, the risk of crop destruction was spread across more than one household (as described earlier).

Crop enclosures: animals, trees and burning

Institutions for natural resource management, such as customary property systems and the rules and sanctions for managing conflict and cooperation, emerge from creative engagements with local environments and at the same time help shape these environments. The institutions that emerge are not 'natural' or 'fixed', but are dynamic and adaptive to changing local socio-economic

and political contexts, knowledge(s) and practices, relations of power, historical conditions, and serendipitous events. There has been much focus on how institutions for collective action evolve to manage common property resources in order to constrain individuals from pursuing their own self-interests at the expense of the group and ecosystem (Ostrom 1990, Mosse 1997, Agrawal 2002, Futemma, de Castro et al. 2002). However, the following case illustrates how customary institutions for collective action also emerge in response to the self-interested privatisation of land resulting from agricultural intensification and commodification. Individual decisions about management of privately held land in response to new opportunities or technologies may be constrained if these choices conflict with land use in surrounding fields, requiring the creation of new rules and institutions to manage conflict and cooperation. How these institutions emerge depends on the nature of the agricultural changes introduced and how these interact with pre-existing land uses. This section examines how new institutions for collective action were consciously debated in response to cultivation of rubber trees in swidden fields in Pak Ou District, and how these emerged differently according to particular ecological endowments and historical trajectories.

Not only does the planting of trees and other permanent crops (such as rubber or pineapples) enclose land and remove it from the swidden system, creating potential conflict over land claims, but it also affects collective management of the swidden territory. During the first year that permanent tree crops are planted in the swidden 'group', surrounding fields are also cultivated and possibly fenced off to protect them from animals. However, in subsequent years, the surrounding land reverts to fallow and is used as village pasture, increasing the risk that permanent crops will be damaged by grazing livestock. Furthermore, when farmers owning adjacent lands return in a few years to burn their fallow fields to prepare for cultivation, the permanent crops are at risk of being accidentally burnt. Even though farmers may hold exclusive property rights to their land, farmers who choose to plant permanent crops on their swidden fields risk these being destroyed unless the households owning adjacent fields are willing to cooperate in protecting the new crops. This challenges the 'accepted wisdom' that privatised land rights, because they 'remove' competing claims to land, enable farmers to reduce transaction costs by making individual choices about land use. Even if land rights are clearly private, farmers' decisions are still influenced by surrounding land use.

The material characteristics of the permanent crop are also important in influencing the development of institutions as well as the spread of these crops among smallholders. Rubber trees catch fire easily while teak and pineapples are more fire resistant (it was reported that one farmer from Ban Oodomxin, Luang Namtha, lost 4000 rubber trees to fire! (Alton, Bluhm et al. 2005:42)). Therefore, while all crops that enclose pasture lands create conflicts over animal management (at least in the early years of planting when trees are more susceptible to damage), rubber trees are more likely to ignite conflicts over burning. Because of these conflicts, the move from swidden to permanent cultivation requires the conscious creation (or unconscious evolution) of new village-level rules and regulations governing land use, particularly in a context of land scarcity. This suggests that institutional rules emerge from negotiations in time and place, in response to evolving social needs (such as enabling cooperation or managing conflict) and within particular but shifting ecological, political and economic conditions, leading to accepted patterns of practice. Negotiations of new rules to adapt to changing circumstances are influenced by local power relations and take guidance from pre-existing social norms as well as ideas drawn from outside of the local area. They are products of the imagination as well as the socio-ecological context, and may emerge 'unconsciously' or may be openly discussed and debated.

The spread of rubber trees among smallholder farmers is also influenced by other characteristics of the tree crop, such as how long it takes to produce, whether it provides economic benefits throughout its cultivation, whether it can be intercropped with food crops (at least initially), the information required to cultivated it, and the post-production requirements (see also Hall 2011). For example, rubber trees take 7-8 years before they begin to produce latex, and therefore farmers need to support themselves in the meantime. Therefore, it is unlikely that rubber will quickly replace all subsistence crops. Coffee and cocoa produce more rapidly and therefore may spread more quickly among smallholders, constraining and sometimes replacing the cultivation of food crops. For example, Li (2002c, 2014) describes how the introduction of cocoa trees into swidden systems in Sulawesi, Indonesia led to piecemeal processes of land accumulation and dispossession, as farmers who were better off, had more labour, or who were fortunate to have a good crop were able to invest in cocoa and enclose swidden systems, while others lagged behind and found their access to land increasingly constrainted. This led to complete dispossession of some households from access to land, and compelled those who managed to hold onto only small parcels to depend on labour and markets for subsistence because the land available was not longer sufficient to

productively produce food crops. Smallholder-driven crop booms can have a negative effect on local food security and nutrition levels because of dependency on erratic market prices to purchase food that may not be of comparable nutritional value. Timber and pulp and paper trees are unlikely to completely replace food crops since these crops only produce income once when they are ready to cut and therefore do not provide income for daily purchases of food. In Pak Ou, tree crops were planted as an investment in the future.

The introduction of commercial rubber trees into Pak Ou district by Chinese companies, which was just beginning at the time of my research, provides an excellent example of the conscious emergence of village-level institutions to enable incorporation of tree crops into swidden systems that are already under stress. Rubber is being introduced by Chinese companies across northern Laos under three management systems; a) as plantations in which large areas of village lands are expropriated and leased by the State to Chinese companies, b) as contract farming arrangements in which farmers and villages grow rubber on their own lands for the companies in exchange for capital and rubber saplings, technological advice, and market linkages, and c) as private investment and independent adoption of rubber trees by individual farming households. The spread of rubber from China into Laos will be discussed in more detail in chapter nine. In this section I will focus specifically on how decisions to plant rubber under contract farming arrangements or as investments by individual farmers were embedded in village-level social and ecological contexts and how this provoked the emergence of new land use rules and institutions.

In 2006, district officials and Chinese business representatives visited roadside villages in Pak Ou to promote the cultivation of rubber trees as contract farming arrangements and as individual private investments. This prompted village-level debates about the implications of introducing rubber trees into swidden systems that were already under pressure because of land constraints. Villagers realised that planting rubber trees would directly compete with subsistence rice cultivation and would exacerbate conflicts related to burning fields and livestock management. Furthermore, because it takes seven to eight years before rubber trees are mature enough to tap for latex, farmers with limited land resources recognised that they would need to be able to survive with their remaining land holdings while the trees grew. The proposed contract farming arrangements locked farmers into maintaining the rubber trees for 40-50 years regardless of market demand and price. Once the trees started to produce, the profits would be split approximately 60% for the farmers and 40% to the company (some villagers said it would be a 70-30% split) – divided

after the government took a percentage tax off the total profit[72]. In spite of the potential problems, many villagers perceived rubber trees to promise future prosperity and a means to comply with state policies to plant cash crops and stop growing swidden rice. Across the district, villagers debated the pros and cons of rubber cultivation, and different villages came up with different decisions about whether or not to encourage it in their territories, depending on their natural resource endowments and existing livelihood strategies and how these shaped the possibilities for developing new rules to cope with the increased conflicts that rubber was likely to generate.

Several roadside villages, including Ban Phai, Ban Lattahae, and Ban Houay Leuang, collectively decided to enter into contract farming arrangements with the Chinese company, while Ban Houay Lo decided against this. These were all villages in which the Land and Forest Allocation Policy (LFAP) had been fully completed and in which individual households held clear formally recognised private rights to their upland fields. Ban Houay Kha, as a 'remote' village where the LFAP had not yet been completed, was designated as the pilot site for the first rubber plantation in the district and was not offered contract farming proposals. This case will be discussed separately and in detail in chapter nine. With the exception of Ban Phai, the decision to plant rubber trees created tensions within the villages between those farmers who wanted to plant rubber and those who did not.

The tension surrounding rubber was influenced by local customary property practices – the yearly fluctuations between private use of land when it is cultivated and common use when this land is fallow – and also by how individual land holdings were distributed within the ecologically and socially variable mountain landscape. Because rubber trees burn easily, villagers needed to decide if it would be the responsibility of the tree owner to plant trees in an area that was less susceptible to fire damage, or the responsibility of farmers cultivating swidden to prevent fire from spreading into the rubber trees. The vulnerability of the trees to burning would depend on where the trees were planted within the landscape, with those planted on fields in the middle of swidden cultivation groups or higher on the hillside being more susceptible to fire, and those lower in the valley or separated from adjacent fields by streams or ravines less vulnerable. Villagers also needed to decide whether it would be the responsibility of the tree owner or livestock owner to keep domestic animals from damaging trees planted in areas that were customarily used as pasture

[72] District officials would not tell me this percentage, and villagers did not know this information.

during parts of the swidden cycle. The adaptation of village-level rules to favour of rubber versus rice, or rubber versus livestock, would shift the balance of power in the case of conflicts.

Currently villagers who own livestock are culpable if their animals destroy fenced crops. However, this rule is intended for livestock destroying crops planted in the area collectively used for cultivation that year, where livestock are not 'supposed to be grazing', not for permanent crops planted in areas traditionally used as common grazing land when left fallow. In the case of newly planted rubber trees, livestock owners had prior rights to use fallow lands as common pasture and it would be the responsibility of the tree owners to protect the rubber from damage. The expense and limited material available for fencing and the risk of burning prevented most farmers from independently planting rubber on their land. Serendipitous occurrences such as livestock epidemics that wipe out entire herds or more widespread adoption of rubber within villages have the potential to shift the rules from favouring the livestock owners to favouring the rubber tree owners.

The potential for conflict arising from rubber tree cultivation was a significant consideration in village debates about whether or not to enter into contract farming arrangements with the Chinese company, which was interested in arranging contracts with groups of farmers in each village rather than with individual farmers scattered across different villages. In **Ban Phai**, a *Lao Loum* roadside village, there was relatively little conflict, and many households signed contracts with the company. This was largely because part of village territory was on the other side of the Pak Ou River, and they kept livestock in that area to prevent animals from getting into the crops. Also, many farmers owned lowland paddy rice fields and were not dependent on swidden cultivation for subsistence rice. Therefore, conflicts related to livestock and burning were minimal, and villagers were able to collectively agree relatively easily to zone part of their upland territory for rubber.

In **Ban Houay Leuang**, a roadside Khmu village adjacent to Ban Phai, many farmers initially put their names down for contract farming, but pulled out of the agreement before the company returned with the rubber saplings because of the conflict it created with villagers who owned livestock. In this village, cattle were allowed to graze freely in fallow lands and crops were fenced. Villagers who owned cattle were concerned they would be forced to sell their cows or to pay fines to the company if their cattle destroyed the trees, and therefore rejected the contract farming proposal. There was no physical barrier like a river to keep cattle out of the rubber or other

crops. Indeed, in villages in northern parts of the province, where rubber had been introduced in the previous two years, serious conflicts had arisen between buffalo owners and Chinese plantation companies, and, while initially the company was supposed to fence the trees, as the plantation expanded livestock owners were being charged fines for trees destroyed by their animals (VT 2006, Aug 14, VT 2006, Sept. 11). It is likely that farmers in Houay Leuang had heard about these conflicts. Villagers had decided to set aside land for animal pasture and to fence that area, and would reconsider planting rubber in future years if this succeeded.

In the Lue village of **Ban Lattahae**, villagers also decided to zone part of their territory for rubber in order to to minimize conflict with other land uses. Approximately half of the 93 households had agreed to enter fifty-year contract farming arrangements with the company. In the area zoned for rubber, it would be the responsibility of swidden farmers to keep fire out of the trees or to pay for any damage. Those farmers who wanted to continue to cultivate swidden rice in the 'rubber zone' were upset because they felt forced to plant rubber since the risk of setting fire to the trees was too great, even if they made a 'firewall'. Villagers perceived the rubber trees to be a district development project organised by DAFO, and even though many villagers did not want to plant rubber, they felt obligated to comply in case it was beneficial and because they wanted to comply with state policies to replace subsistence rice with cash crops. However, because villagers were told that rubber trees need to be tapped for latex from midnight to early morning, villagers were worried that they would not get enough sleep and would be unable to balance tapping with rice cultivation. The decision to plant rubber trees was not overwhelmingly enthusiastic, inevitable nor primarily driven by the market potential.

Disputes arising from the decision to plant rubber in Lattahae were related to the conflict with rice cultivation rather than with livestock. During the previous year, villagers had attempted to designate a specific area within their territory for animal pasture in order to be able to comply with DAFO mandates that they plant permanent cash crops in their upland fields. At this time, the village held about 300 cows and buffalo, so conflicts between permanent crops and livestock were inevitable. However, households who owned land within the proposed pasture area rejected the proposal because they would lose their fields. So, the village collectively decided that villagers should sell their animals in order to prevent conflicts, a decision which was disliked by those farmers (including the headman) who felt that animal husbandry was more lucrative than cash cropping. However, because more households cropped than owned animals, it was agreed that

villagers would sell their livestock. By the time rubber trees were proposed, most of the animals in the village had already been sold and conflicts between livestock and rubber were not a major concern. In the end, the company arrived with the the saplings after the rice had already been planted, so no rubber was planted in the village that year. When I visited the village again in 2012, villagers had decided against planting rubber, but apparently had instead invested in jatropha trees (*yang bo*), which according to PAFO officials is being promoted by a Lao company for sale to Vietnam and Thailand for biodiesel.

Villagers in **Ban Houay Lo** decided against entering into contract farming arrangements for rubber because the 50-year contracts would limit their ability to adapt to changing economic conditions, because their land resources were extremely limited, and because they didn't want conflicts between rubber, swidden rice and livestock husbandry. The village headman also wanted to wait to see if rubber was successful in neighbouring communities. He felt that those who wanted to plant rubber could purchase rubber saplings themselves,[73] that it was better not to be tied into long contracts because it would reduce livelihood flexibility, and that the main constraint was their lack of knowledge about managing the trees. The rejection of rubber contracts meant that farmers who chose to plant rubber independently in Houay Lo would be responsible for planting the trees in a place where they would not get burnt and to fence to keep livestock out.

Some farmers in Houay Lo who wanted to plant rubber trees were unhappy with the village decision because they could not plant the trees independently since their fields were too close to other fields and they would be unable to protect them from fire and livestock. Farmers' decisions to plant rubber in Houay Lo, therefore, depended primarily on the particular social and physical context in which their field was situated, rather than their access to capital for investment or competing claims to particular fields. The case of Mai Kheo provides a good example. Mai Kheo had encountered Chinese company representatives in the fields while they were surveying the land in Houay Lo territory. He wanted to plant rubber on the one of his three fields, and planned to build a good fence to protect the trees from livestock. He chose a field that was infested with imperata, that was no longer good for rice cultivation, and that was flat so good for rubber because he would not need to make terraces. However, the main reason he selected this field was because there were only two farmers with adjacent fields, and the other sides were separated from surrounding forest-fallow by valleys and streams which provided a natural fire barrier. He only

[73] Rubber saplings were being sold for 5000 kip/sapling (US $0.50) or 50,000 kip/kilo (US$10.00).

required a guarantee from one neighbouring farmer not to burn his trees during land preparation because the other household had already planted teak. Mai Kheo explained that if the village had agreed to be part of the Chinese rubber project he could just decide to plant rubber trees because DAFO would guarantee the safety of the trees because they would be under formal contract farming arrangements and therefore would ensure that if the trees were damaged, the farmers who were responsible would be held accountable and fined. Without village or state support, the owner of the rubber would be responsible to prevent the trees from being damaged. One farmer in Houay Lo succinctly expressed the difficulty in choosing to plant permanent crops in swidden fields;

> A problem with growing permanent crops is because of 'problem villagers'…because some farmers have a piece of land in the middle of other peoples' fields and others don't want to change what they are growing, so when they burn, there is a big problem. This is a big problem. Last year, a project for rubber trees came. My land in the middle (of other peoples' fields) … But other people plant rice and they need to cut the trees to burn, so I can't grow rubber trees on my land. The problem is that some people want and some people don't. Many people don't want to change. Some people want to plant pigeon pea [another permanent tree crop], but cannot because we have to make a fence [to keep animals out] – there is a problem with fencing as well…

In **Ban Houay Kha**, farmers were not invited to become contract farmers because the company planned to lease land from the government and set up a plantation within village territory, and intended that the villagers would work as wage labourers for the company. This is described in detail in chapter nine. Almost all farmers opposed the plantation, however many would have liked to have contract farming arrangements, and three farmers had decided to plant rubber independently of the company. There was no village-level discussion about how conflicts between rice cultivation and individual rubber plots would be handled, perhaps because the entire village was preoccupied with resisting the rubber plantation, because the company had not promoted contract farming agreements but had imposed the plantation, and because rubber was being planted on a piecemeal basis by individual households. Interestingly, the few farmers who planted rubber in Houay Kha took precedence over the rice farmers in conflicts over land use. Si Nam, one farmer I interviewed, explained his frustration when the household owning land adjacent to his field had planted rubber without consulting him, because he would no longer be able to use his field for rice. The farmer with the adjacent land had left a wide border between his rubber trees and Si Nam's field to act as a firewall and would be responsible for keeping the area clear to reduce risk of fire. However, Si Nam had decided to plant teak on his field because, if he accidentally set the trees on

fire while he was cultivating swidden, he would need to pay compensation. In this case, the assumed (but not tested) rule was that farmers who burned their swidden fields would need to cover the costs of damage to their neighbours' rubber trees.

Conclusion

Swidden livelihoods are dynamic and individual and collective decisions about land management are influenced by the changing natural and social environment that they also help to shape. A household's decisions about what to cultivate on a particular land parcel is not only influenced by the ecological characteristics and tenure relations governing that particular piece of land, but by the positioning of the land within the socio-ecological landscape and by the choices made by farmers cultivating the adjacent fields. These choices help to contruct social and ecological space and are an important aspect of 'place-making'. The convenience for collaboration in labour exchange, fencing fields, and managing pests of planting adjacent fields must be balanced against potential conflicts arising from proximity that demand collective decisions about individual land management. This contradicts the popular assumption that private property rights free land owners from the 'cultural constraints' of overlapping land claims, which are assumed to prevent them from investing in their land and adopting new technologies, since these constraints are not only related to the tenure relations governing individual land plots to the broader system of land use. The emergence of new institutions, rules and regulations for managing natural resources in the face of new economic opportunities and technologies is embedded in specific and dynamic social and ecological conditions and historical (and often serendipitous) trajectories of change. These local 'rules' and customary institutions emerge from a combination of patterns of practice, from the need to deal with new conflicts arising from changes in technology, ecology and social practices, and from articulated and conscious village-level decisions about land management. They are also influenced by higher level policies and institutions governing property rights and land use, such as state policies that formalise and fix individualised land rights. The dilemma of collective action not only applies to common property resources, but also to private resources in situations where individual decisions are affected by and affect the broader community. The enforcement of local sanctions and penalties in cases of conflict is negotiated according to individual circumstances, and may be influenced by relations of power (as illustrated through the case of Sieng Sai) or marginality (by considering difficult circumstances that might lead to rule breaking

or inability to compensate for damages). Marginal groups who are unable to negotiate local rules to support their legitimate complaints may apply mechanisms outside of local institutions to seek justice and hold those with more power accountable. Even though these 'everyday forms of retribution' normally would be unacceptable, in certain cases they may be seen as a legitimate response to local misuses of power.

Although this chapter has dealt primarily with the intersection between social and ecological concerns in shaping local institutions and the environment, spiritual understandings about the environment also influence farmers' decisions about land management. The following chapter describes how the spiritual beliefs of Khmu and Lao highland farmers in Laos influence adaptation and understanding of environmental change in the context of intensification and 'modernisation' of swidden systems.

Chapter 5: People, *phi* and the practice of agriculture

> Before, rice was very big – almost 7 fists tall. At this time, we didn't plant in the lowlands, because when we worked in the uplands and cleared the fields, when it was time for planting, the rice used to plant itself, and when it was time for harvest, the rice used to fly to the granary by itself. But one day, the rice flew to the granary, but the granary wasn't built yet, so the people hit the rice with a stick to make it go back to the field, and they broke the rice. After this, the Khmu people became short of rice. The Khmu have been short of rice for hundreds of years.
>
> Then, one day a Khmu man was sitting near a river and crying. He was the son of a rich man who went to the stream, but before he went home, he became hungry and started to cry because he had no food. A Naga (dragon) came out of the water and asked him 'why do you cry?' 'I am crying because I am hungry. I have no rice to eat.' Naga 'What do you feed the people?' Boy 'Nothing – there is nothing to feed the people'. The Naga then gave him fish, and told him to put it in bamboo and to take it home and put it in a bowl. Then the fish became the small rice, and the fish fed the people by becoming rice. This is why people make fish on the spirit houses in the fields. People in the uplands and the lowlands all use fish for their spirit house.
>
> **Myth about rice, told by Titsomsouk, a Khmu elder from Ban Lak Sip, who is considered to be an expert on Khmu culture**
>
> A long time ago, rice had a very big seed – about the size of a pumpkin. At that time, nobody worked in the uplands or the lowlands because the rice would fly home (to the granary) when it had grown and was ready to be harvested. But they had to build a granary for the rice.
>
> However, there was a widow who built her granary very late, and it was not finished when the rice was ready for harvest. Maybe she was lazy, but maybe not. When it was time for the rice to fly to the granary, it would fly to stay in the house. When the rice flew, because there was no granary, it hit cows and pigs and buffalo, and killed them. So she hit the rice with a stick, and she said 'You should not fly by yourself. If we want, we will go to plant. We will go to carry. We will go to harvest by ourselves'. This is why now, people have to plant, harvest and carry rice by themselves. And then the rice got thrown into a stream and the fish ate it. After this, the people were short of rice, and they had to look for wild cassava, taro, and other things to eat
>
> One day, when they were hungry, the people went fishing to get fish called *pha nai* (carp). When they cooked the fish, and cut it, they saw rice inside it, and we use this small rice to plant until now.
>
> **Myth about rice, told by Sombath, Headman of Houay Lo**

The first version of this myth was told to me by Titsomsouk, a Khmu elder to whom I was directed as an 'expert' on Khmu culture, who lived in Ban Lak Sip, a village about ten km from Luang Prabang town. He told me the story in response to my questions about the meaning of spirit huts and why many farmers decorated them with symbolic fish made of woven bamboo. Titsomsouk told the story as a Khmu myth. However, he had studied for a long time in a *wat* (Buddhist temple) in Luang Prabang. Although he remained proudly Khmu, he had converted to

Buddhism. Titsomsouk owned an old Pali book written in faded ink on crumbling paper, which he explained was given to his grandfather by Prince Phetsarath[74] when he took him to become a monk in Luang Prabang (this would probably have been roughly in the early to mid-1940s). The book was passed down to his father, who had been taught to read Pali, and finally to Titsomsouk, who had also spent time as a monk in Luang Prabang. The second version of the myth was told to me by the Lao headman in Houay Lo. Villagers in Houay Lo and Houay Kha could not explain why they decorated their spirit huts with bamboo fish, simply answering 'we don't know' or 'this is what our ancestors did'. However, when I asked Sombath if he had heard a story about rice and fish, he thought for a minute, and with a smile, told me his version of the same story. The Khmu whom I asked in Houay Kha did not know this myth.

Figure 5.1: Titsomsouk in his house, holding his precious Pali book

This chapter is about multiple and overlapping environmental and agricultural knowledges that incorporate shifting practices and the blending of beliefs and experiences of different ethnic groups. The purpose is to illustrate how Khmu, Lao and Lue farmers in Houay Kha and Houay Lo draw on multiple sources of knowledge to interpret and adapt to ecological and social changes arising from state policies intended to 'modernise' upland communities. These policies include land allocation and agricultural intensification, the promotion of cash crops, resettlement and the pressure to eliminate shifting cultivation for upland rice. Myths such as the one with which I began this chapter emphasize the spiritual and psychological importance and

[74] He is likely referring to Prince Phetsarath, who was Prime Minister of Laos between 1942-1945, and was the 'first and last' vice King of Laos, based in Luang Prabang. He was educated in France and worked within the colonial government, eventually being promoted to Director of Indigenous Affairs of Laos. Prince Phetsarat was leader of the Lao Issara (free Lao) movement, and was involved in organising Buddhist schools to educate monks in Pali. He was widely believed to have '*saksit*', or magical powers, originating from local religious beliefs but which have been incorporated into Theravada Buddhism. (For the history of Prince Phetsarath, see Ivarsson and Goscha 2007).

value of rice to the Khmu and the Lao, and the overlap in beliefs and practices. For both ethnic groups, rice is more than just a crop and a source of food, but is vested with agency, and, like people, is considered unique in having a soul or life force (*khwan* in Lao, *hmang* in the Khmu dialect in Houay Kha). The myth also conveys a moral of reciprocity; that people must treat rice with respect and work hard, or the rice will not grow well and people will go hungry. It is the fault of people, because they mistreated the rice and did not work in time to create a good home for the rice, that rice became small and that they now have to work so hard in uplands.

Not only is rice vested with agency, but the land and environment is home to different types of spirits (*phi* in Lao, *hrooy* in Khmu), some benevolent and others malicious, which need to be appeased or honoured in order to maintain the wellbeing of humans and crops. This spiritual understanding of the landscape influences how Lao and Khmu farmers perceive and adapt to environmental change, while concurrently changes in the physical landscape influence how they interpret the behaviour of the spirits and rice soul. Furthermore, certain spirits are understood to be the 'owners' and 'guardians' of the land, and rituals are performed in order to ask permission and transfer rights to use the land from the spirit world to the human world, influencing local perceptions of property rights (as discussed in chapter six). Thus, holistic local cosmologies intersect with changes in property and territorial rights in shaping local adaptations to and understandings of ecological change.

This chapter provides a description of the spirits of the land and the souls of people and rice, and how these both influence and are influenced by local understandings of and adaptations to environmental change. It illustrates the embeddedness of agricultural practices within local cosmologies, and provides important background information for understanding how agricultural projects based on 'rational' scientific principles might be interpreted by villagers. For purposes of organisation and clarity, I have written this section on local cosmological beliefs separately from the chapters on property, livelihood change, and conflicts and negotiations over resource rights. However, this is not intended to create a dichotomy between empirical and supernatural understandings of the environment, since, in practice, the domains of the spiritual, socio-political and ecological overlap and interact. At the same time, it would be incorrect to suggest that farmers in Laos do not differentiate between spiritual and empirical forms of causality in understanding crop productivity and in adapting to environmental change. They draw from and act upon both in their agricultural practices. I begin this chapter by outlining my understanding of 'indigenous

agricultural knowledge' and the incorporation of spiritual and religious beliefs in agriculture practice, informed by the works of environmental and agricultural anthropologists. This is followed by an explanation of the importance of the rice soul (*khwan*), nature spirits (*phi*), Theravada Buddhism and astrology in how the Khmu, Lao and Lue interpret causality and make decisions about health and farming. I examine the syncretic nature of Buddhism and the 'spirit religion' and the beliefs of different ethnic groups. I end the chapter by examining how practices and beliefs are changing in response to deteriorating environmental conditions, as a side effect of modernising policies rather than because new modern 'scientific' understandings of the world have replaced them.

Indigenous agricultural knowledge

While many scholars write about local agricultural knowledge and practice as coherent 'systems' (Brokensha, Warren et al. 1980, DeWalt 1994, Scoones and Thompson 1994, Brodt 2001, 2002), others describe them as creative 'performances', in which farmers consciously adapt to shifting social, ecological and economic conditions rather than enact a set of planned activities (Fairhead 1993, Richards 1993, Scott 1998). Agricultural practice can be seen as a 'performance in time and place': continual and evolving in-time adjustments and fine-tuning of crop management and practice according to fluctuations in weather, soils, pests, and so on. This adaptive performance builds on past experiences, knowledge and indigenous theories of cause and effect which include both empirical and spiritual aspects of the environment (Richards 1993). Anthropologists working on indigenous ecological knowledge have long recognised that in many non-western cosmologies, the 'environment' not only incorporates people, other species and 'nature', but also the supernatural (Evans-Pritchard 1937, Malinowski 1948, Maddock 1991, Fairhead 1993, van der Ploeg 1993, Salas 1994, Hviding 1996, Bird-David 1999). Nature, other species, and supernatural beings may be invested with agency or 'personhood', and are thought to respond kindly or malevolently to humans depending on how they are treated (Scott 1996, Bird-David 1999, Fienup-Riordan 2001). Social relations include non-human species, plants, non-living entities, and supernatural beings in addition to people. These are assumed to continually interact and influence each other, rather than to operate in separate and distinct domains. Early anthropologists such as Malinowski and Evans-Pritchard observed that many 'non-western' people combined 'empirically rational' knowledge with the mystical in their understandings of and interactions with nature,

melding rituals and beliefs with pragmatic action and experimentation (Evans-Pritchard 1937, Malinowski 1948). Agricultural practices and notions of causality involved not only the application and adaptation of detailed technical and experiential environmental knowledge, but also magic and ritual to control the unpredictable (Malinowski 1948). Numerous studies have emphasized that farmers in many parts of the world combine practical technical knowledge (such as maintaining crop biodiversity) with practices to appease supernatural forces in order to mediate agricultural risk (Fairhead 1993, Millar 1993, van der Ploeg 1993, Salas 1994, Fairhead and Leach 1996, Hviding 1996). Both aspects of environmental management are considered to be essential for a successful cropping season, and neglect of either can lead to crop failure (Hviding 1996:174).

For most swidden cultivators in Southeast Asia, successful harvests are seen as a reciprocal arrangement between farmers and nature spirits, and ritual animal sacrifices along with 'practical' agronomic practices are considered to be essential for a successful crop (Conklin 1957, Freeman 1970, Condominas 1977, Izikowitz 1979 [1951], Elliott 1992, Matisoff 1992, Tayanin and Vang 1992, Évrard 2006). This is part of a wider cosmological perspective that positions people, non-human species, nature and the spiritual world within one interacting and interrelating system. For example, the Kantu Dayak interpret their swidden agriculture within a wider moral and cosmological context which Dove refers to as 'moral ecology'. A successful harvest is related to the fulfillment of a moral pact between the human world and spirit world, which includes not only following the ritual proscriptions within the agricultural cycle, but also respecting taboos in relationships between people. Bad harvests are often blamed on incest in the community (Dove and Kammen 1997). Thus, the fear of negative environmental consequences constrains human behaviour that is culturally deemed to be amoral or antisocial. Spirits may also play a role in encouraging people to follow social norms that act to protect the environment. Among the Karen in Thailand, if certain customs concerning the environment are broken and nature spirits are offended, the spirits might harm the village by causing disease or a bad harvest (Delang 2003:167). Some ethnic groups (including the Hmong, Khmu, Kachin, and Lamet) will relocate entire villages if they believe they have been cursed by bad spirits, and epidemics are often interpreted as spiritual curses and motivate migration (Izikowitz 1979 [1951], Tayanin and Vang 1992, Leach 1997 [1954], Michaud and Culas 2000). The rituals and beliefs of different ethnic groups in mainland Southeast Asia are not discretely bounded, and form part of a continuum of hybrid practices and syncretic cosmologies.

The belief that rice has a 'soul' or a 'lifeforce' similar to that of humans is prevalent among many different ethnic groups in Southeast Asia[75] and special rituals are often performed at various stages in rice development to protect the rice soul from evil spirits and lead it to storage after harvest (Conklin 1957, Freeman 1970, Hanks 1972, Geddes 1976, Izikowitz 1979 [1951], Dove 1985, Elliott 1992, Keyes 1995, Friedman 1998 [1979], Évrard 2006). Belief in spirits and taboos may also influence agricultural work patterns. In Laos, among Mon-Khmer groups such as the Khmu and Lamet, there are certain days when working on swiddens or winnowing rice are taboo (Izikowitz 1979 [1951]:171, Tayanin 1994, Évrard 2006), and among the Lahu, agricultural work ceases during the day of the new moon and the full moon (Matisoff 1992). Similarly, presence of bad spirits or omens, as well as physical factors such as soil quality, length of fallow, nearness to villages, etc., may have some influence on which fields are cleared by different ethnic groups in a given year (ADB 2001). It has been argued that the role of ritual as a form of reciprocity between the human, spiritual and natural worlds tends to coincide with an environmental ethic of respect for nature. Farmers' understandings of agricultural systems and the environment therefore go beyond agronomic and social variables to include spiritual worlds which also influence farmers' agricultural decisions, interpretation of environmental change, and their creation and transformation of landscape (Millar 1993, Dove 1996a, Dove 1999, Dove 2000). Hviding cautions against making narrowly materialist assumptions about local decisions about environmental management, and warns that

> …what constitutes a total environment cannot be assumed a priori without regard to indigenous notions. Not only may different peoples classify similar environmental components differently; they may also maintain notions about linkages between people and the environment that range beyond natural laws (Hviding 1996: 180).

Decisions about farm management and understandings of environmental change in Houay Lo and Houay Kha need to be understood within broader local cosmologies, which include not only

[75] Conklin writes that the Hanunoo of the Philippines believe that the rice plant has spirits, and that the welfare of people in the region depends on the relationship between swidden farmers and rice people (Conklin 1957:88-89). Izikowitz writes that the Lamet of Laos believe that if the soul of rice escapes, then rice supplies will be exhausted and there will be famine, so they take particular care with ceremonies to ensure that the rice soul finds its way to seed storage after harvest and does not get waylaid by evil spirits *en route*. (Izikowitz 1979 [1951]: 171). Hanks (1972) writes that the Thai believe in a 'rice mother' who needs to be treated as a pregnant woman. The rice grains are considered to be her offspring. During budding of the rice, women need to 'feed' the rice mother offerings of bitter leaves and sweet smelling powder. After harvest, the rice soul is set free and has to be carefully recovered by women, who make a doll from rice straw left in the field and lead the rice to the granary (Hanks 1972:2, 78-79). The belief in a rice mother among certain Khmu groups in has also been reported (Simana and Preisig 1997).

'empirical' knowledge of farming systems, but also draw from the supernatural. Lao and Khmu farmers consider both to be important and interacting agents contributing to current changes in the uplands, and their decisions about environmental management take into account interacting agencies of the following:

1. **The agency of rice and the rice soul (*khwan*).** Rice responds to human action by giving good or poor harvests, and the souls of people and rice interact. Rituals enacted during various stages of rice cultivation are considered necessary to appease and protect the rice soul.
2. **The agency of nature spirits (*phi*).** Different types of benevolent, capricious, and malevolent spirits and ghosts can create illness in people, failure or success of crops or other unexpected occurrences if they are not respected or appeased, or simply out of spite. The Lao believe you need to appease the spirit owners of the land that are affected when fields are cleared. For the Khmu, appeasing the spirits to cure illnesses or ensure good crops involves animal sacrifices and ritual, and illustrates the importance of respecting and engaging with nature to ensure the health and wellbeing of people and crops.
3. **The agency of astrology and 'fate'.** The lunar calendar (the Lao, Khmu and Lue all have different calendars) influences 'auspicious' or bad days for different individuals or households to undertake various activities, including planting rice, building a house, marriage, and so on. The 'knowledge of days' is held and communicated by village fortune tellers. Good or bad days for planting are also influenced by past events of a household, such as death in a family.
4. **Buddhism and the agency of karma.** Buddhist beliefs in karma and merit may influence how Lao and Lue farmers (and sometimes Khmu if they have converted to Buddhism) perceive their own good or bad luck in their current life. These beliefs are syncretic with the rituals and beliefs about *phi* and *khwan*.
5. **The agency of people.** As described in the previous chapter, village-level institutions which mediate conflict and the need to take into consideration collective interests influence individual agricultural decisions. These decisions are also influenced by property rights regimes (as will be described in chapters six and seven), how well farmers work together, individual experience and knowledge about agriculture, and interactions between different ethnic groups. People also are considered to have agency in influencing the spirits and rice

soul, which in turn affects the environment and crops. In addition, at the national level, the policies and program of the state act on how villagers are able to manage the environment.

6. **The agency of other species and the physical environment.** As described in the previous chapter, the ecological characteristics of the landscape and individual fields, how people manage and shape the natural environment, weather, the actions of animals, and so on influence farmers' decisions. The natural and social environments are conceptually linked with the supernatural through various types of *phi* and the soul of rice (*khwan*).

Although all of these different 'agents' are interrelated in their influence on farmers' knowledge and agricultural practice, this chapter addresses the first 'four' agents – the rice soul (*khwan*) and nature spirits (*phi*), Buddhism and astrology or fate.

Of rice and men

One evening in Houay Kha, my research assistant and I sat around a candle-lit table under the house of the traditional headman, drinking *lao lao* (rice whisky) with some visitors and people from the village. Between us, we represented five culturally different ethnic groups – Khmu, Hmong, Lue, Lao and 'Canadian'. We communicated in Lao, the mother tongue of a minority of people at the table but the only language we shared in common. An elderly Khmu man from the village had died earlier that day after a brief illness, and had just been buried in the Khmu cemetery. My research assistant had refused to go anywhere near the burial because he was afraid that the spirit of the dead man would enter him. This prompted a somewhat inebriated discussion about what each of us believed happens after a person dies, which quickly led to a lively discussion about souls and spirits. There was a debate about the number of souls a person has. I explained that in Canada, many people believe we have one soul, which they all thought was too low and therefore incorrect. The elderly Hmong man sitting at the table thought he probably had three souls but wasn't quite sure, but the Lao, the Khmu and my assistant (who is Lue) were convinced that people have 32 souls[76], and that these are located in different parts of the body (the head, arms, legs, etc.). I was told that the first soul is the soul from the mother. The second is the soul of mother's milk,

[76]The idea that *khwan* (life force or soul), which is plural and divided into 32 parts which occupy different parts of the human body, is common in Theravada Buddhist societies in North-Eastern Thailand and Laos. However, this is part of an indigenous cosmology which has been incorporated into Buddhism. Humans, rice and certain animals (elephants and water buffalo) are believed to have *khwan* (Keyes 1995:116). In Theravada Buddhism, beings are not considered to have permanent essence, as the *khwans* cease to exist after death, and new *khwans* are formed at conception (rebirth).

because it is the first thing people eat. The third soul is the soul of rice because this is what people grow up eating[77]. I asked what my third soul would be, since I did not grow up eating rice every day, and they laughed and joked that I must have a 'bread soul' (*khwan khao chi*).

This anecdote echoes multiple accounts that rice has a soul, *khwan* (soul or 'life force')[78], highlighting the cultural and spiritual importance of rice in these areas (Freeman 1970, Tambiah 1970, Hanks 1972, Keyes 1995). Rice is the main subsistence crop for the different ethnic groups living in the Lao uplands, and is widely considered the most important food across the country and other parts of Southeast Asia. A meal is not a meal without rice. When people are invited to eat or about to eat, the Lao will ask '*kin khao?'* and the Khmu of Houay Kha, '*peh mah*[79]*?*', 'have you eaten rice?' never merely 'have you eaten?' This is also an informal greeting made to passers-by when people are eating. Rice is considered to be in a separate category from 'food' (*ahan*), which includes vegetables, meats, and all other grains. It has a special status in the cosmology of the Khmu Ou and Lao, and is the only crop that is considered to have a soul or 'life force' (*khwan*, or *hmang* in Khmu; henceforth I will use the term *khwan* since the interviews were conducted in Lao), something that is specific to humans and in some cases a few select animal species (such as elephants and water buffalo). Other living and non-living entities – most animals, the land, trees and plants, houses, and so on – have *'phi'* (spirits, *hrooy* in Khmu, I will use the term *phi*). Like people, rice becomes 'pregnant' when it produces grain. Other crops simply produce grain or have flowers[80]. Different rice varieties are described as 'choosing the soil' if they grow well on certain land types. Rice has agency in how it interacts with people and the environment. For all the various ethnic groups, upland swidden systems in Laos are highly ritualised to respect rice and to appease spirits in the land and forests.

According to the people in Houay Kha, the *khwan* of rice is embodied in humans as one of their 32 *khwan* (the third *khwan*, to be precise). This notion of a plural soul of 32 parts that are located in different parts of the body is common among the Lao-Tai (Tambiah 1970, Holt 2009). Keyes (1995:132) draws a strong link between *khwan* in rice and in humans, and similar to the

[77] Hanks wrote about similar beliefs in Thailand, and described the continuity of *khwan* from mother's milk to rice as representative of female nurturing of the body and soul (Hanks 1972).
[78] For the Thai, see (Hanks 1972; Keyes 1995). For the Iban, see Freeman (1970).
[79] Évrard (2006:93) notes that Khmu in different areas have different dialects. The Khmu Khouèn say '*mah mah*' (to eat rice), while most other Khmu subgroups use the expression '*peh mah*'.
[80] Rice with grain is described as being pregnant in the same way as people and mammals (*khao man* or *khao tangton*). Corn with grain is described as 'corn before it produces' (*salee ok hung*). Job's tears are described as 'job's tears will have grain' (*mak douay bin mak*). Cucumber is described as 'having a flower' (*mak teng dok*).

accounts given by the Khmu Ou, Lao and Lue in Houay Kha, he writes that the Lao-Tai in central Thailand believe that the human '*khwan*' is nourished first by the body of the mother, then by milk, and thirdly by rice, and that all three are conceived as inherently the same[81]. Keyes argues that this reflects the association of women with nurturing, the earth and with rice (as a feminine entity)[82]. Tambiah (1970) in his work with the Lao-Tai in North-Eastern Thailand, connects the notions of plural *khwan* in people and plural *khwan* in rice by highlighting ritual parallels between the *sukhwan* ceremony (*baci* in Lao) for calling the souls of people and the rituals for calling the *khwan* of rice. He documented 'The story of Nang Phrakosob' (the female spirit of rice), which was read to him from a Pali script in a village in Northeast Thailand and is essentially the same as the myths recounted to me by villagers in Luang Prabang province. Tambiah interpreted the myth as representing the domestication of rice from the wild. The beating of the large rice grain, which is the embodiment of Nang Phrakosob who has come down from the sky to become rice, breaks the rice grain up into many small pieces. These represent the plural *khwan* of rice and also the many different varieties of rice that farmers plant today. Tambiah illustrates that there are significant parallels between the *baci* (or *sukhwan*)[83] ceremony in which the souls of people are called back and tied to their bodies, with post-harvest rituals that call the *khwan* of rice back to the granary. This ritual, also practiced by the Lao and Lue in Houay Lo, calls the *khwan* of rice back to the village from the wild, and is considered to be necessary for continuing the productivity and fertility of rice cultivation in future years. The association between the wellbeing of people and the wellbeing of rice are thus entrenched in local cosmologies. The descriptions of *khwan* in rice and in people that were given by Tambiah, by people in Houay Lo, and by the Khmu in Houay Kha are strikingly similar, indicating a movement and overlap of beliefs and myths of different ethnic groups across Laos and parts of Thailand. As explained in earlier chapters, in mainland Southeast Asia, there is no bounded congruence between ethnic categories, religions beliefs, agricultural practice, and so on.

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[81] '*Thus the khwan is sustained by, and its incarnation grows from, the physical nourishment of a woman's body. What is to sustain it after a woman's milk gives out? Rice, because rice, too, is nourishment from a maternal figure. 'Every grain is part of the body of Mother Rice (Maeae Posop) and contains a bit of her khwan.' When weaning is to rice, there is no break in female nurture for body and khwan '.* (Keyes 1995:132).

[82] Keyes argues that men are associated with powers to fertilise the earth/women and to govern others, and are granted a higher spiritual status than women. Women are linked with the earth and nurturing, while men are linked with spiritual (superhuman) world and with potency (Keyes 1995:132).

[83] The soul calling ceremony is usually referred to as *baci* in Laos, but in Northeastern Thailand it is more commonly referred to as *sukhwan*.

Both the Khmu and Lao believe that parts of the *khwan* can become scared and leave the body to travel into the wilderness, sometimes cavorting with the *phi*. This loss of souls is thought to cause illness, a belief also held by the Hmong (Fadiman 1997). A *baci* ceremony is held for people thought to be ill because of soul loss, during which a respected elder recites verses to call souls back from the wild, fields, upland fields, and rivers (an example of a *baci* liturgy is presented in textbox 5.1). The people in the village then tie cotton strings around the wrists of the person (or people) for whom the *baci* is being held, wishing the person long life, good health, etc. This represents tying the recalled souls back to the body, and can also be interpreted as bringing the person/soul back into the village and back into 'domesticated' or 'socialised' space. *Baci* ceremonies are held for rites of passage (e.g., marriage), when beginning a new enterprise, when someone is travelling (leaving the village or coming back to the village), when someone is moving to a new house, when someone needs better luck, when someone is ill and needs their souls recalled – even when someone buys a new motorcycle or truck (the vehicle is sometimes included in the ceremony and strings are tied around it as with people) (see also Tambiah 1970, Holt 2009, Singh 2014). Rituals during rice cultivation also involve tying cotton strings around growing rice plants. In spite of attempts to suppress these as 'non-modern' superstitions in the early days of Pathet Lao rule, *baci* ceremonies are now promoted as 'quintessentially' Lao (Holt 2009) and are often enacted by government officials when initiating development projects in villages (see also Singh 2014). In Houay Kha and Houay Lo, tourists can pay villagers to host these rituals when they are trekking through villages. In his book, Holt (2009) reprinted a liturgy from a *baci* ceremony held by Lao in Vientiane, which he dates to somewhere between the mid-sixteenth and late seventeenth centuries (refer to textbox 5.1). This liturgy illustrates the calling of the souls back to the house and the person from the wild places where they have been socialising and eating with the *phi*, and is reflective of the contemporary narratives about *phi* told to me by the Khmu in Houay Kha, as will be described later in this chapter.

Religious belief is often identified as a marker of ethnic difference by villagers in Pak Ou District. As described in chapters two and three, most academic literature on the construction of ethnic difference in Southeast Asia highlights the 'shape-shifting' nature of ethnicity, arguing that individuals in the region are 'ethnically amphibious' and can change ethnic group simply by changing their religion, clothing, speaking a different language, and changing their livelihood practice from swidden to lowland rice cultivation (Scott 2009). Particularly in local understandings

Text Box 5.1: Liturgy from a Lao *baci* ceremony. (emphasis mine)

This is a very propitious day, a very appropriate one, the day when the victorious King re-enters his Palace.
This is the day we have chosen to put on this tray hard boiled eggs, potatoes, tubers, coconuts, chickens legs. All these choice morsels together with some good bottles of alcohol, apart from other delicious dishes.
The time is propitious and we have invited the great scholar to sit before this tray and to call the soul.
Come back, oh soul, come along the path which has been cleansed and is now open to you;
Come home;
Wade through the river if it only comes up to your chest;
Swim if the river is deep;
When you arrive at the *rai [hai]*, don't hide in the huts;
When you come up to the tree stump, do not rest your head on it.
Do not fear when you come near;
Have no fear of ghosts or *phi.*
Come, oh soul, if you have eaten with the *phis*, vomit it,
If you have been chewing with the *phis*, spit it out.
You must come back on an empty stomach, and eat rice with your uncle, and eat fish with the ancestors ... [this is repeated for each of the 32 khwan in the body…]
Come back this day, oh soul who has gone to a new birth in the uninhabited village where live the twin-tail snakes, and where reign the goddesses with two knots of hair.
Do not linger on the way, neither with the *phis* or in the mountains;
Come home, to your home made of smooth planks, covered with thick hay and of which the foundation piles and the timber of its framework has been pulled by mighty elephants;
Come back to this stately abode where you shall not be short of anything, where you shall not be ill-treated by your uncles or parents, where all will love you as gold and cherish you as a precious stone;
Be as strong as the antlers of a stag, as the jaws of the wild bear or tusks of the elephant!
May your life last a thousand years, may your riches be abundant in every kind, elephants, horses, victuals and wealth!
Should you suffer fever, may it disappear!
If you are a servant, may you be free…
May you be all powerful the world over!
May everything yield before you and may you be free of want!
May you have long life, health, happiness and strength!

(Abhay 1959:130-131, reprinted in Holt 2009:272-273). Holt (2009) estimates that this liturgy, from a baci ceremony in Vientiane, dates back to between the mid-sixteenth and late-seventeenth centuries.

of ethnic difference, a strict dichotomy is made between Khmu, as believing in 'spirit religion' (*satsana phi)*, and Lao/Lue, who are Theravada Buddhists. However, while most Khmu are not Buddhists (although some are), the Lao and Lue also believe in various *phi*, and both believe in *khwan* in rice and people. As in the description that Pa Thao Don provides of the mythological history of Houay Lo (chapter three), respect for guardian or territorial *phi* is sometimes

incorporated into Buddhism by moving the ritual place for making offerings into the temple (*wat*). The Lao and Lue both believe in and fear the power of the territorial spirits and 'magical' knowledge (*sai wan*) of the Khmu. It did not take long for me to realise that my research assistant was scared to go to the wrong area of the forest or to go too close to Khmu rituals concerning spirits. He had been warned by his parents to stay away from Khmu rituals and magic because they were dangerous, and refused to come with me when I attended certain ceremonies.

Interpretations of Theravada Buddhism in Southeast Asia are syncretic, combining Buddhist doctrine with the local 'spirit cults'. Belief in various types of *phi*, *khwan*, and ghosts are widespread among both the Lao and Khmu. Although this contradicts formal Buddhist doctrine and thus people can be seen as having two religions (Spiro 1967), these beliefs are incorporated unproblematically within one entire worldview (Tambiah 1970, Keyes 1995, Holt 2009). Holt argues that in Laos, beliefs in *phi* have not been subordinated by incorporation into Buddhist doctrine, but world religions such as Buddhism and Christianity are interpreted through the lens of a strong and enduring belief in *phi* (Holt 2009).

In Pak Ou District, rituals for appeasing the *phi* and honouring the *khwan* were important in both Khmu and Lao/Lue communities. In Houay Lo, where Theravada Buddhism[84] is the accepted religion, although the *wat* (or temple) was an important feature in the village and the locus for acts to gain merit in order to improve karma for better future lives, when it came to agriculture, Buddhism was essentially invisible, and ritual practices focused on appeasement of the 'owners of the field', honouring of the rice soul, and attempts to manipulate 'fate' through understandings of fortune-telling and astrology. Many of the ritual practices were similar to those of the Khmu, and indeed, the Khmu came to Houay Lo to consult the Lao fortune teller who combined Khmu and Lao astrology in order to make his predictions.

Cosmological conundrums: *Phi*, *khwan* and Theravada Buddhism

In Houay Lo, as in most Lao and Lue villages in Laos, most young men become monks in the temple for some period of their adolescence in order to be schooled in Buddhist thought and to gain merit for themselves and their families. These temples (*wats*), also places where impoverished

[84] Mahayana Buddhism predominates through northern India, China, East Asia, Vietnam and the scripts are written in Sanscrit, while forms of Theravada Buddhism were spread by monks from Sri Lanka into Burma, Cambodia, Thailand, and Laos, and the scripts are written in Pali. For more details on the history of Theravada Buddhism in Southeast Asia see Keyes (1995).

rural families send their sons whom they want to be educated, were the main educational institutions until the Pathet Lao took control. This was true even under French colonialism, since, unlike the British, the French invested very little in the educational system in Laos. The *wats* continue to play an important role in the education of boys and young men (but not young women). Theravada Buddhism provides an underlying framework for making sense of the world, although, as discussed above, this is combined with (even interpreted through) beliefs in *phi* and *khwan*. This section briefly outlines some basic precepts of Buddhist belief that are held by people in Houay Lo, as background for understanding certain practices.

Theravada Buddhism includes the belief that *'sentient existence is in constant flux, that sentient beings have no enduring essence, and that life is suffering*[85]*'* (Keyes 1995:114). Most Theravada Buddhist countries (Laos, Thailand, Cambodia, Burma), believe in the Buddhist doctrines of karma; one's situation in the current life is a result of past actions, and evil actions bring an increase in suffering in future lives (Tambiah 1970, Keyes 1995, Holt 2009). Merit making, by following Buddhist ritual and proper 'moral' behaviour, is necessary in order to decrease one's suffering in future lives, essentially to achieve a better rebirth. Thus, the concept of karma explains one's current life circumstances – whether one is born wealthy or poor (as a person or animal, man or woman) and is often used to justify and account for social and economic differences and positions of authority. In the pre-colonial Lao and Tai mandala kingdoms, royalty sought to partially legitimise their position of authority by assuming an accumulation of merit from auspicious past lives (Evans 2002, Holt 2009).

While Buddhism provides an overarching framework that explains one's current life position and circumstance, it is a poor framework with which to deal with the inconsistencies and risks of daily life in its current incarnation. Therefore, most Theravada Buddhist cultures combine Buddhist teachings with indigenous beliefs in spirits, ghosts and astrology or fortune telling, which can be appeased or manipulated in order to influence causality and good and bad fortune in one's current life. A holistic cosmology among the Lao and Lue combines tenets of Theravada Buddhism with astrology, appeasement of various *phi*, divinities and ghosts, and the belief in *khwan* that can be detached from one's body resulting in illness, bad fortune, or death in this life. In agricultural

[85] There are 31 planes of existence into which one may be born, the most relevant from the perspective of populist Buddhism being the planes of humans, subhuman realms of spirits, animals and hell, and superhuman realm of heaven (Keyes 1995:114).

practice, Buddhism takes a distant back seat to *phi*, *khwan* and fortune telling/astrology; things that can be directly appeased, honoured or appealed to in order to influence the risks, uncertainties and fortunes that are inherent in farming. Many aspects of the rituals, practices and beliefs in spirits (*phi),* souls/life forces *(khwan)*, and fortune telling/astrology are similar between the Lao and Khmu in the Luang Prabang area, and differences between the two cosmologies and practices were not immediately obvious in the Pak Ou District. Interestingly, many aspects of Khmu Ou rituals in Pak Ou District are more similar to those of neighbouring Lao than they are to rituals practiced by other Khmu groups in Luang Namtha provice. Nevertheless, local narratives reasserted ethnic difference based on Khmu beliefs in *phi* and Lao beliefs in Buddhism. The Lao believe that the Khmu (and Hmong also) have special and dangerous magical powers, and are slightly afraid of them. Khmu *phi* are believed to be especially powerful and dangerous.

Phi encompass a variety of unpredictable disembodied spirits that can be malevolent, capricious, or beneficial. When people die, the *khwan* leave, and people become some sort of *phi* or ghost (at least for a short while until they are reincarnated, or for a long time if they lack merit). People who have died violent deaths may become malevolent *phi* that torment or possess the living. According to Lao and Thai syncretic Buddhist beliefs, people who were greedy, deceitful or corrupt in life may become *phi phed* or '*preta*' (hungry ghosts), forced to exist in limbo (or hell) between incarnations as large-bellied long-necked beings with tiny mouths who suffer insatiable hunger (Keyes 1995). *Phi* also exist in natural places, and malevolent *phi* are sometimes associated with wilderness or forest (*pa*). Ancestor *phi heuan* protect the household, and village guardian *phi ban* protect the village. Researchers working in Northeastern Thailand and Laos have identified a number of different classes of *phi* among the Lao (Lebar, Hickey et al. 1964, Tambiah 1970, Hayashi 2003, Holt 2009), many of which are similar to the *phi* (*hrooy*) of the Khmu (Lebar, Hickey et al. 1964, Évrard 2006). Corroborating my discussions about *phi* with Khmu and Lao villagers, Tambiah (speaking about Lao-Tai in northern Thailand) asserts that the *phi* are considered spirit owners of the fields and wilderness.

> The field spirits are essentially the guardians of the fields, and farmers dutifully make offerings at their field shrines before ploughing and after harvest. Field spirits are in this respect secondary and individualised counterparts of the guardian spirits of the village, who protect the collective agricultural interests of the entire village and are propitiated before ploughing and after harvesting. The offerings to the field spirits by individual farmers are made immediately after the collective offerings to the village guardians. *Thus in a sense the phii naa, as spirit owners of the fields, are guardians of household property rights, who are*

> *promised and given their fees for their protective function* (Tambiah 1970:317). (Emphasis added)

Similarly, in Luang Prabang, *phi* are recognised as the spiritual owners of place, so the Royal family attempted to gain legitimacy of authority over land and people by forging a narrative of connection with the guardian spirits, mediated by the Khmu (Aijmer 1979, Holt 2009). Thus, *phi* play a role in local conceptions of territorial and property rights in cities, villages and agricultural land, and specific agricultural rituals are held in order to establish cultivation rights and authority over social space in the human world. In Houay Lo, offerings to the rice soul and to the *phi* owners of the fields (*Chao Din Chao Den*) were made in spirit huts in the field. However, rituals dedicated to the village guardian *phi* had been relocated within the Buddhist temple, and *phi* were not discussed much unless something unusual occurred. For example, when a rocket from the village rocket festival hit a roof, this was attributed to the unhappiness of the village guardian spirit because villagers had forgotten to first ask permission for the festival. In Houay Kha, *phi* were mentioned daily as agents influencing village life, particularly human health. The following section focuses specifically on the role and importance of *phi* among the Khmu in Houay Kha.

Of *Phi*, property and pathology: Land spirits and illness among the Khmu

For the Khmu in Houay Kha, the natural environment is vested with agency manifested through various disembodied nature spirits (*phi* or *hrooy*), which live in termite mounds, large trees, the land, rivers, streams, the forest, and mountains. In Khmu cosmology, spirits are everywhere, and this influences how the Khmu interact with their environment, the cultivation of rice, and their excursions into the forest for hunting and gathering. Spirits in the Khmu world may be malevolent or beneficial, capricious in their actions, or intentional and predictable if the Khmu do something to offend them or mistreat their place in the landscape. *Phi* in the Khmu cosmology could be interpreted as part of a 'moral ecology' which demands that the Khmu respect certain ways of being and living within the environment. There is a reciprocal link between respecting nature spirits and human wellbeing or illness and the success and failure of crops; if the spirits are accidentally or intentionally mistreated (or are not suitably appeased), they are thought to cause illness. Similarly, if the spirits in the land are not respected the crop will fail (and the *phi* may cause illness as well, just out of spite).

The Khmu differentiate between supernatural and 'empirical' explanations for crop failure, bad luck and illness. Crop failure caused by poor rain or soil infertility is considered to be different from crops dying because 'spirits burnt the field'. Likewise, illness caused by disease, such as malaria, for which villagers go to a doctor, is seen as something different from illness caused by *phi*, for which they conduct a variety of rituals and sacrifices in order to appease the spirits and call back the soul. Soul loss is often associated with *phi*, since the *phi* sometimes entice souls to wander away from the body to 'talk with them' when people become ill; and the *phi* need to be convinced (through animal sacrifice) to allow the soul to leave and return to the body. Most often, practices for maintaining health and for getting a good crop involve a combination of practical actions, like weeding or getting an injection from the doctor, and spiritual appeasement, like rituals in the rice fields, or sacrificing a chicken to the *phi* and recalling souls when someone is ill. This allows the Khmu to cover all possibilities so is a way of managing risk, uncertainty, and vulnerability that is firmly embedded within local cosmology.

Khmu spirits not only live within the landscape, but they can be interpreted as 'owners' or 'guardians' of the forest and 'wild areas'[86]. Appeasing the nature spirits that live in and 'own' the forests and large trees is important before the Khmu clear primary forest and also when they go to the forest to hunt. The Khmu in Houay Kha explained that when they choose an area of primary forest that they want to clear, they mark the area with a *taleao*[87] (a circle on a stick made of woven

[86] The Khmu talk about the spirits as the 'lords' or 'owners' of the soil and land/territory (*'chao din chao den'* (Lao language)).

[87] The *taleao* is used by different ethnic groups across Laos (I have seen it in villages of Akha, Lahu, Lao, Lue and different Khmu clans across the north of the country). The word *taleao* translates as 'eagle eye' in Lao. The symbol plays a protective role and also communicates warning. In villages of different Khmu groups in Luang Namtha, the *taleao* is placed at the entrance of fields and the village to signify taboos (*khalam*) that prohibit the entry of outsiders during certain times of the year or cropping season. The practice of taboos was not something mentioned nor observed during my time with the Khmu Ou in Pak Ou District, so it seems not to be practiced in this area. In Luang Namtha, the *talaeo* is also used as a protective symbol to hang over the door of the house if something unexpected and bad happens to a villager (for example, death in a traffic accident). The Akha use it to decorate their spirit gates at the entrance and exit of the village, along with representations of swords and knives to ward off dangerous spirits from the forest from entering the village. The Lahu use it to mark the boundaries of their cultivated swidden fields on the paths leading to the forest. The Khmu in Houay Kha use the *talaeo* not only for field rituals, but also to mark areas of forest or fallow they intend to clear, making their intentions know in the community (and perhaps also to the spirits). *Taleao* were used by both the Lao and Khmu in Pak Ou to mark the paths entering and existing the swidden fields.

Figure 5.2: Khmu farmer constructing a *taleao*, Houay Kha.

bamboo – see figure 5.2 and also figure 6.2 in chapter six), which signifies to other people in the village, and also, it seems, to the spirits of the forest area, their intention to claim the area for cropping. They then offer the spirits some cooked rice, which they put on the soil, and ask the spirits that own the land if they can cut the area. The spirits communicate through signs that appear in dreams, and these dreams play an important role in letting people know whether or not the area of forest is 'willing' to be cleared[88]. Si Nam, one of the original inhabitants of Houay Kha, explained this as follows;

> First, when I want to clear a field, I have to make a *taleao* on the area where I want to cut the forest. Then I ask the forest – if tonight I dream a good dream, if this area of forest wants me to make an upland field then give me a good dream. After this, I come home to sleep. If I dream of climbing trees or if I dream that the water gets very polluted and red, then I will not clear that area. But if I dream of clear water, then the spirit says that we can clear the field there and that the rice will grow very well.

Another farmer explained that if he dreamed about cutting or carrying a tree, then he wouldn't clear that land. But if he dreamed about crossing the stream or carrying water, then he would take that land. Asking the spirits for permission to clear an area is only important when the Khmu are cutting large trees and primary forest. For fallow land (*hai*), I was told that this is not necessary, because 'fallow land doesn't have any spirits', although I think what they meant was that fallow land is no longer 'owned' by spirits, because Khmu farmers make every effort to keep the spirits in their cultivated fields happy, since the spirits are thought to help with the rice, as I will explain later. One possible interpretation is that when the Khmu clear primary forest, they ask permission of the spirit owners of the field to transfer rights to the land to the human world – essentially 'domesticating' and 'humanising' wild space. The recognition that spirits hold authority over wild spaces is also illustrated by Khmu hunters, who, if they decide to sleep in the forest, often place balls of sticky rice in the area they want to sleep and say 'good things' to the

[88] The importance that the Khmu place on dreams as signs of communication from the spirits about whether or not it is permissible to clear a certain area of forest for swidden is also described by Simana and Preisig (1997).

Figure 5.3: Khmu Shaman offering chicken to the rice soul and spirits of the field at the spirit hut, when rice is about 1 foot tall. Houay Kha, June 2012

spirits and ask for their protection. After the spirits grant permission (transmitted through dreams) to clear an area of forest, the 'property rights' are transferred from the spirit world to the human world; to the person who clears the land and his descendents[89]. Permission from spirits is no longer important when Khmu are deciding to cut and clear fallow land since the 'ownership' rights have already been transferred from the spirit world to the person who cleared the land. At this point, pioneer rights to swidden plots are recognised, and people need to ask permission from the person who first cleared the land before using it themselves, or wait until those with priority claims have chosen which plots they want to cultivate that year, as will be discussed in detail in chapter six. Once primary forest has already been cleared, rituals for appeasing the spirits and for the rice soul do not begin until the planting of rice.

Aside from the requirement for permission to clear land for cultivation from those recognised as the owners of the land, be they spirits or (in some cases that will be discussed later in chapter six) humans, the Khmu have some restrictions on cultivating land that has already been cleared. I was told that if someone plants the land that another person has cleared then the rice will not grow well. This was given to me as an explanation for why one farmer's rice did not grow well, even though everything else had been fine and even through the person who originally cleared the land had granted permission to the farmer to cultivate the field. In addition, if a household member

[89] There is an interesting parallel between permission given by the spirits for the Khmu to have rights to the land, as expressed through rituals and reciprocity, and the rituals that are still practiced in Luang Prabang during Lao New Year, in which the Khmu, considered to be the original owners of the land and to have a special relationship with the spirits of the land, transfer authority to the Lao.

dies during the time of clearing the trees, others in the village will not clear that area of land because they believe they will also die.

> … And we believe that for the people cutting the trees – if the people die during the year that they are cutting the field, then others do not cut that field later because the next family who clears the land will also die. Sometimes, if someone clears the forest and someone in their family dies, if other families do not believe in this they go to clear the fields, then they also die….and then people from another village move into the area and cut that land because they didn't know that people have died [after clearing the land], and they die as well. This also happened in Mok Muang. Both the Khmu and Hmong believe this. It doesn't only happen in this village, but also in Mok Muang. (Thong Wan, Khmu farmer, Houay Kha).

Land spirits are also thought to influence whether rice will grow well in some places but not in others.

> Some areas have spirits in the land, some areas have good land spirits (*phi dee*) and the rice grows well, but other areas have bad spirits (*phi bo dee*), and the rice doesn't grow well. We know [where] because the old people say this land has spirits. (Thong Wan, Khmu farmer, Houay Kha).

Ritual animal sacrifices and offerings, and the building of spirit huts in the fields, are undertaken both for the rice soul and to appease the various spirits which influence whether or not the rice will grow well in different parts of the landscape. Farmers want the good spirits to stay in the fields and protect the rice, and the spirits will leave the field if they are mistreated or not respected.

> My field used to have *phi*, but some people were very naughty – they used to shoot at the stone that I put the offerings of food for the *phi*. They took the stone and shot at it. And in this place, the spirits have gone away and don't come back.

Such anecdotes highlight the importance reciprocity, providing offerings to the spirits in exchange for their assistance in helping the rice grow well. If they are poorly treated, these good land spirits will flee, and this will have consequences for the fertility of the crops.

Respect for the land spirits is essential because unhappy spirits may not only cause crop failure, but may also cause illness in people and animals. The Khmu believe that certain spirits become angry and cause illness when people do something they don't like, such as cutting or peeing on a tree which has resident spirits, digging up soil or cutting trees in the Khmu cemetery, or swearing at the spirits when someone is frustrated because crops have failed or a hunting trip is not successful. The Khmu cemetery is an area that needs special respect.

> If you want to see spirits, then go to the cemetery and cut a tree or take some soil and bring it to the village, and the people in the village will die. Everyone in the village knows this – we've been told this by our parents. We don't let people from other villages into the cemetery.

The danger of not respecting the land spirits is reinforced by anecdotal accounts of sudden illness and death which are attributed to angry spirits. In a discussion with a group of men about spirits, Thong Seua described a number of stories in which people had died suddenly because they ignored warnings about respecting spirits in the land they were cultivating.

> One man from Luang Prabang was working in Nasavanh in the lowland rice fields. He was told that the area he was working in had spirits, but he didn't listen. He put his shovel into the ground and declared that the spirits were dead. But when he went back to Luang Prabang, he died. This was because he didn't listen to the spirits. This happens also in Houay Kha. The mountain (opposite the village) has spirits. An old man from here once went into the mountain to hunt a big lizard, and when he came back to the village, he died. This was because of the spirits. The forest also has spirits. If you just go into the forest and don't say anything, then it's OK. But when I go to sleep in the forest (because I am hunting), then I have to put some rice where I want to sleep and say good things to the spirits so that they will protect me. Sometimes I sleep in the forest to look for food, for birds and squirrels. We also sleep in the forest sometimes when we are cutting trees to clear upland fields.

His friend Bounsouk, who was listening in on the conversation with some interest, pitched in his own personal encounter with spirits.

> Once I did something bad to the spirits. I went hunting, and I was angry because I didn't get anything, so I said something bad to the spirits. Then they made me sick, and I had to give them a chicken to eat.

When I asked him what he's said to make the spirits angry, he answered,

> I swore at them and said '*Phi, eat my penis*!' This made the spirits very angry, and the spirits made me sick' **(Bounsouk, Khmu farmer, Houay Kha).**

Thao Thon then added,

> I've said the same thing. When people get angry with *phi* [for example when they go hunting and don't find anything], then they say this.

Children are thought to be particularly vulnerable to *phi* because they often walk by places where the *phi* are living without knowing they are there. I was told that children's souls often leave their body in order to talk with *phi* because '*phi* have light'. This is one way of explaining why children in Houay Kha are often ill. Adults also talk to the spirits, but children's souls are particularly likely to detach to cavort with the *phi*. When souls leave the body to 'talk to' the spirits, people get sick.

> *Phi* are everywhere. In the stream, there is *Phi Houay* (stream spirit) which eats chickens and eggs. We make a small hut that can contain an egg – make an egg hole, put in leaves, take it to the stream and say words to ask the spirit to eat it, then come back home. People who have children they know, because it is mostly children the *phi* go to. I know that *phi* come to my children. My children get sick because of *phi*. My children got sick because *phi* came from a tree, and then I offered something to the tree, and my children got well again.

Illness is considered to be caused by a number of different forces. The Khmu differentiate between illnesses caused by biological or material entities (such as malaria), which are considered to be different from those caused by someone's souls leaving to visit *phi*, and therefore require 'medical' rather than 'spiritual' treatment. Paw Mon, the primary 'shaman' and 'fortune teller' in Houay Kha, explained that people get sick when too many of their souls go away, and this is linked with *phi*.

> If the soul goes away, when it comes back, then we need to tie it. If the soul goes away and it's only one soul, it's not bad. But if many souls go away, then you get sick. If you get sick, sometimes this is because of disease, sometimes this is because the soul has gone away. Before we cure people, we have to check if the person is sick because the soul has gone away or because of disease. First they go to the hospital, then they go to the fortune teller…they go to the fortune teller if someone is sick because the soul has gone away, and the fortune teller cures them… In order to predict what a spirit wants, I use an egg, I use 'magic spelling' on the egg. I break the egg to see where someone should make the offering to the spirits, what should be offered to the spirits, and whether the person will get well or not. I have to look into the broken egg. When I look at the broken egg, I will see things. If I see a forest or soil, then the sick person will not get well – will die. I can also predict if someone is going to break into your house [to steal] … If you are sick, you have to remember what day you started to get sick and have to say the exact day. If you say the wrong day, then the fortune teller cannot predict – if predict, then it will be wrong.

When people get sick, they generally hedge their bets and combine 'western' style medicine with sacrifices to *phi*, or if they are very poor and can't afford a doctor, they rely solely on appeasing the *phi* and hope for the best[90]. As Thong Seua elaborated,

> Once my daughter almost died. I took her to the hospital, and when I came back, I went to the magic woman to ask her why my daughter was sick. She told me that the child was sick because the spirits in the termite house wanted to eat duck. So, I went to the termite house and sacrificed a duck, and then my daughter got well. I don't know why the termite spirit wanted to eat and made my daughter sick…Before people died because they starved, and then they become *phi* and now they want to eat. They cannot eat people, so they ask people's soul for animals to eat. When the spirits ask the soul for animals, then people get sick.

[90] The Khmu and other ethnic groups also have knowledge of certain herbal and plant medicines, such as the weed *Nya Kiloh*, which is widely used to treat stomach and skin ailments. Also, a relative of one of the households in Houay Kha had been trained in herbal medicine in Vietnam, and occasionally visited Houay Kha to treat people and to visit family. 'Westernized' medical treatment was available from a doctor (a medic who worked with the army during the war) who sometimes travelled through the villages, bringing a variety of medications and intravenous drips of glucose solution that people asked for if they were feeling tired. Although of questionable medical value, this treatment was less expensive than a trip to the hospital in Luang Prabang, and the doctor often accepted non-cash payments (cows, chickens, or hunted game). Another source of 'modern' medicine was the small packages of pill mixtures that were sold in the small shops in the village. The people I stayed with in Houay Kha ran one of these small shops, and would buy various medications from pharmacists in the main market in Luang Prabang. In Houay Kha, they would make small packages containing one of each type of pill, which were then sold to villagers when they felt 'weak' or 'ill'. Villagers would take all the pills at once. Such potentially hazardous and probably ineffective pill combinations were sold in small stores in all of the villages in the area.

As Thong Seua explained, some *phi* originated from people who died of starvation, who then become *phi* and are hungry to eat. (This may be related to the Lao concept of the *phi phed* - hungry ghosts – which have very small mouths and big bellies, and are thought to be caught in limbo (not reborn) because of bad karma from misdeeds in past lives). These *phi* do not eat people directly, but they ask people's souls to get them animals to eat, and then the person becomes ill. A relative of the sick person will consult the shaman about why the person is sick (*phi* or disease), what type of *phi* is making the person sick, and what the *phi* wants to eat (for example, a pig, a red chicken, a duck), and then the offering of the correct animal will be made in order to cure the illness. When offerings are made, the animal is cooked and the *phi* 'eats' the 'vapours' while people eat the meat after the ritual is finished. This ritual may be done near the ailing individual, but sometimes, if the *phi* is somewhere in the mountains or forests, the offering will be made at the place where the *phi* is living. The person who is ill is not necessarily present, and the ritual is conducted by the relative, following the advice of the shaman. In Houay Kha, there is a large tree located where three stream cross, which is believed to host a very powerful spirit, which I understood to be a guardian spirit that the Khmu referred to as '*Phi Samsum*' (this basically means 'spirit of the place where three streams meet'). Many ritual offerings to various malevolent *phi* were made near *Phi Samsum.*

Spirits and their role in creating illness are sometimes blamed for creating poverty if the spirits are too demanding and many people in the family become ill. This was expressed very clearly by Thao Wang who also made a clear distinction between illness caused by *phi* and illness caused by disease;

> I am poor because my family always gets sick. When someone gets well, someone else gets sick. Then I have to offer a chicken or a duck and tie cotton [have a *baci* ceremony] to offer the spirits. For this, I buy chickens from Thong Dao because he has a farm (an area outside of the village where he keeps animals). Chickens cost between 14,000-35,000 Kip, depending on the size. For people getting sick, sometimes in one month, I have to buy about 10 chickens to offer the spirits. I don't go to the doctor, only sometimes to get injection in Lattahae or Khon Kham [These are roadside Lao and Lue villages in Pak Ou District, not too far from Houay Kha]. For the chicken sacrifice, I do this by myself…Spirits make people sick. Most people get diseases like malaria or dengue fever. The chicken would not help then because it's a disease. But if kids go somewhere and feel frightened and lose their soul, if you offer a chicken they will get well. If they are sick from malaria or disease, then the chicken doesn't help. Mostly people are sick from malaria and dengue fever, not spirits. (Thao Wang, Khmu farmer, Houay Kha).

One elderly man who had converted to Buddhism long ago explained that he had asked the Lao to 'take the spirits away' from him and had not been ill since. His wife was unwell, and he blamed her illness on the spirits (although she contradicted him and said it was because of hard work and not enough food).

> They (the Lao) have magic spelling. I didn't want the spirits, wanted them to be taken away. Because spirits are not good. Because if you have spirits, you are always sick. Always have to kill animals. After I gave up the spirits, I was always well. This is for 30-40 years.

In Houay Kha, while most people attribute the common epidemics that kill of chickens, pigs and buffalos to 'disease', some people also attribute animal deaths to *phi,* and see vaccinations as one way of protecting animals from being eaten by *phi* (even though these are often ineffective for any sort of disease because they are expired or degraded by heat by the time they are administered). A teenage boy, sitting in one of the rice fields one day, complained to me about the loss of animals to disease in Houay Kha;

> People used to have animals in Houay Kha, but nobody does any more. They died because the *phi* ate them. Chickens and pigs die every day because the *phi* eat them. Even when we raise animals in the forest, the *phi* know this and they eat them too. And in the village, they eat them as well. The spirits don't eat the dirty animals like this dog [there was a dog with mange that was sitting near the hut]. They only like eating the animals that are good, clean and nice.
>
> Q. Do you do anything to stop the *phi* from eating the animals?
>
> A. We vaccinate them, but the animals die anyways.
>
> Q. Do the spirits eat people?
>
> A. Yes. *Phi Pop* eats the people.
>
> Q. What do you do then?
>
> A. First, we send the person to the hospital, and if they don't get well, then they come back to the village and they have a ritual… the old man (he doesn't know) does something to see what the spirit wants to eat – what kind of animal you need to sacrifice (goat, pig, chicken, etc.) then they do that. **(Teenage Khmu boy in field hut, Houay Kha)**

Phi Pop (known in Khmu as *Hrooy pop*) is a particularly powerful spirit, and is also well known among the Lao and Thai. Tambiah (1970) describes *Phi paub* as a very scary and powerful *phi* that was thought to be responsible for 'possessing' people in Northeastern Thailand, requiring the services of an exorcist. Paw Mon, the shaman, noted that silver can have spirits. If people kept silver coins, they could become (or be possessed by) *Phi Pop*.

The various and specific types of *phi* (or *hrooy*) of the Khmu have also been described elsewhere (Lebar, Hickey et al. 1964, Izikowitz 1979 [1951], Tayanin and Vang 1992, Tayanin

1994, Simana and Preisig 1997, Évrard 2006). In Houay Kha, the most important *phi* are the *hrooy gang* ('house spirits') - those originating from ancestors or parents which are traditionally honoured during the Khmu new year by offering cows and buffalos, 'so that they feel happy'. Households maintain a shrine to these *phi* in their houses, and they are considered to play a protective role over their descendants. *Phi Samsum* is also important and is the site of many rituals, primarily for curing illness. The tree in this location is located outside of the village hamlet, along the path leading to some of the upland rice fields. One man explained that *Phi Samsum* is really only a small *phi* compared with those in other Khmu communities because *Phi Samsum* only asks for chickens and ducks to eat, while in other Khmu communities, the *phi* ask for large animals like water buffalo. He somewhat wistfully explained that other Khmu communities had stronger *phi* and have a big house for spirits in front of the village where they offer large animals when there are problems. The Khmu in Houay Kha also believe in *phi* that own the fields and the land (some called them *Sumdin* – '*sum*' meaning junction or many branches, and '*din*' meaning soil) and in various nature spirits. The land spirits mediate a reciprocal relationship between humans and the physical environment, for treating these *phi* with respect is important for a good harvest and also for protecting people in wild spaces. However, if these spirits are not treated respectfully, they can be malevolent and cause illness or 'burn the field'. Various nature spirits or *phi* of dead people who died of starvation and are hungry for sacrifice can capriciously cause illness by coaxing unwary souls away from their bodies to 'talk with them'. They subsequently 'kidnap' the souls and demand a sacrificed animal for ransom before allowing them to return to the body and the sick person to recover.

Among the various Khmu groups in Luang Namtha, there was a clear distinction between *phi heuan* (the ancestor spirits who protected the household), *phi ban* (the village spirits of all the deceased villagers who protected the village), and the various *phi* in the forests (some of which had specific names and which were unpredictable and potentially dangerous, but some which could be helpful keeping pests out of the upland rice fields if treated with the proper respect and rituals). Among these subgroups of Khmu (which included primarily the Khmu Khouen and Khmu Yuan) there was a clear distinction between the protective spirits of the social sphere (household and village) and dangerous spirits of the wild forest, creating a 'spiritual' boundary between domesticated and wild space in which swidden fields held an ambigiuous position. Spirit gates were built at the entrance and exit of the village to maintain a separation between wild and social

space, keeping the dangerous forest spirits out. Taboos at certain times of the year also served to mark boundaries between outside and inside the village, banning outsiders from entering village space (or swidden fields at certain times during the cropping season) for several days, marked by a *taleao* as warning. Healing rituals involving *phi* and soul calling were all held outside of the village spirit gate – outside of the social space. This clear separation between inside/outside, safe/dangerous, and social/wild space, which I also observed in Akha villages (see also Tooker 1996, Sprenger 2008) and which is remarked upon by Sprenger (2008) in his work with the Rmeet (Lamet), was not apparent among the Khmu Ou in Houay Kha.

Of rights and rites

Figures 5.4 and 5.5: Khmu spirit house (*gang hrooy*) with *taleao* in a rice field in Houay Kha; Lao spirit house (*dtoop phi*) outside a guesthouse in Luang Prabang town

The Khmu, Lao and Lue in Pak Ou District all build spirit huts (*gang hrooy* in Khmu, *dtoop phi* in Lao, *dtoop hek* in Lue) in their rice fields next the field hut, before the rice is planted. These spirit huts are miniature houses about the size of a birdhouse made out of woven strips of bamboo and rice straw, constructed on a bamboo pole and often decorated with strings of woven bamboo models that symbolise fish, plants, stars and chains of linked hoops (which represent a gold

necklace for the spirits, according to one Khmu man I interviewed). Spirit huts are the site of ritual offerings to the souls of rice and to the *phi* of the field. Before rice is planted, the male head of the household builds the spirit hut, and provides offerings to honour the soul of the rice and the spirits of the field, often some sticky rice, a candle, some tobacco, sometimes dried fish and some rice whisky. I was told by the Khmu and Lao that the spirit huts were built for upland and paddy rice, but are not built for other crops, reflecting the spiritual value of rice in local cosmologies. Most people considered the spirit huts to be a necessary part of rice cultivation, without which the rice would not grow well. Similar, but more elaborate and permanent spirits huts are built in Luang Prabang town, at the borders of house properties and small businesses to make offerings to house spirits. These types of spirit huts are also common across cities and towns in northern Thailand.

Paw Thao Don, a respected Lao elder from Houay Lo and a devout follower of Theravadda Buddhism explained the rationale for spirits huts in the rice fields as follows;

> According to what the old people did – we make spirit houses for the owner of the place or land where we want to plant anything. To tell the owner of the land that we will do something here – and whatever the people eat, we want the spirit to eat with us as well. The spirit owns the field *'Chao Din Chao Den'*.

He explained that land has a mother earth (*Nang To La Nee)*, which he claimed to be a Buddhist belief, and that they had built a statue in the temple for her. Sometimes people made offerings to mother earth for protection when they traveled or hurt themselves. However, he made a clear distinction between the spirit houses and mother earth.

> The spirit houses are not for mother earth. These are to offer to the owners of the land – because in that area there must have been termites or ants. We don't want to forget what they do in there. We don't want to forget that we take something from them, so we want to compensate. For example, if we get rice, we don't forget to offer something to that place where we got rice from. We offer to the owner of the land – because land must have had ants and termites on it – something that is alive. So the offering is for the termites and ants and other living things that are on the land. We just believe like that if we clear fields, clear trees, kill animals, etc. We want to offer them because we kill something. Nobody owns the field – offer because there are things still alive (insects, etc.) so we want to offer something that we did wrong to…. Rice has a soul – we believe this. Because we eat rice and use rice to do something – that's why we offer to rice. We don't want to forget – want to be faithful… So we don't allow people to step on rice when it is growing or not finished. After we steam it we cannot step on the rice. If we step on it, maybe we will become short of rice. But the spirit hut is not for the soul of the rice.

He then explained that the people in Houay Lo did not believe in spirits causing illness, and would go to the doctor, and that they were different from the Khmu in this way. They still held *baci*

ceremonies for tying cotton and wishing people well, and he said that some people believed that this was for helping people get better, but he himself didn't believe this.

> It is not spirits that are making people sick. The *baci* is just for blessing people [to tell them] that they'd like them to stay [not to die] – like if someone is sick and we have medicine to give them for free.

In Houay Kha, the Khmu understood the spirit huts to be places where offerings were made to the rice soul and to the land spirits, and different people believed different things. As expressed by one Khmu man from Houay Kha,

> If you don't build a spirit house, then you won't be able to eat rice. If you build it, you will get more rice. But if you don't, then the forest spirits (*phi pa*) will burn your field and the rice will die.

When I asked what would happen if the forest spirits burned the field, he responded,

> I know, but I have never seen the spirits. If you want to see spirits, you climb up the mountain and do something bad to the spirits, and then come back to the village, and then you will get sick in the village.

Figure 5.6: Shooting a hunting gun into the sky to call the spirits to the field, Houay Kha

Various rituals are conducted in honour of the rice soul and to appease various nature spirits throughout the rice growing cycle, which is described briefly in chapter four. These rituals have also been described in detail elsewhere (Tayanin 1994, Simana and Preisig 1997, Évrard 2006). Among the Khmu in Houay Kha, there were three main rituals undertaken in the course of rice cultivation – at planting, when the rice was about one-foot tall, and just before harvest. After the field is cleared and burned, before rice is planted (often early in the morning on the day of planting), the male head of the household (considered to be the 'owner' of the field) builds a spirit hut near the field hut. On the first day of planting, the household will bring some rice and at least two chickens to the field, as well as some Khmu rice

beer (*lao hai*[91]), which the people and *phi* drink together. I was told that one chicken is sacrificed for *phi*, and the other chicken is used to do a *baci* ceremony in the field for the people.

After the first weeding and once the rice is about one-foot tall in mid to late June, the Khmu offer another chicken to the rice soul – and this time the head of the household along with family and friends wake up very early to prepare the ritual. The Khmu in Houay Kha call this *liang hrooy hré* or simply *liang hré*, meaning 'feeding/caring for the spirits of the field' or 'feeding the field'. The following section describes the ritual I attended in Houay Kha. The head of the household, family, shaman and friends went to the field hut in the morning and worked together. The men building a new spirit hut, a large *taleao* built on a tall pole, new smaller *taleaos* marking the entrances to the field, and the women cooking a lunch and preparing a large jar of *lao hai* (rice beer). I was told that the spirit house needed to be mended or rebuilt because the spirits might not like the old house if it was falling apart, and may not want to stay or might do bad things to people, such as cause illness or cause the crop to fail. During the ritual, the spirit house was decorated with symbolic fish, birds, plants and a necklace, and was surrounded by symbolic trees *'luk pa'* (child forest) constructed around the base of the hut. A set of new women's clothing (a *sin* skirt and silk scarf) was attached to the pole of the *taleao*, and a new t-shirt and blanket were placed carefully on the roof of the hut. I was told that these were for the rice to wear. This also emphasis local conceptions of rice as a female entity. A long cotton string was tied around the spirit house, the offerings, some of the growing rice, the symbolic forest, and the human field hut, attaching everything together. This was similar to tying cotton around the wrists of people during a *baci* ceremony. Once the spirit hut and offerings were ready, one or more of the party shot hunting guns into the sky to call the spirits to come to eat with the people. A shaman and the owner of the field offered two chickens, which the shaman carried to the edges of the field (marked by *taleaos*) while muttering incantations before sacrificing these near the spirit house. The chickens were bled into a bowl, and some of the blood was poured near the spirit hut, and the bowl left at its base. After this, the chicken was plucked, boiled and the shaman offered the vapours of the cooked bird to the spirits and rice soul by bringing the hot steaming carcass close to the spirit hut, along with the heart and intestines. In the meantime, the woman head of the household, who had been preparing

[91] *Lao hai* is an alcohol made by the Khmu of fermented rice, which is drunk collectively through bamboo straws from a large clay pot. The people say they can tell the *phi* are also drinking because the level of alcohol in the pot 'goes down very fast'.

Figure 5.7: Symbolic 'child forest' (*luk pa*) at the base of the spirit hut.

lunch, placed some of the fermented rice from the *lao hai* jar at the base of the spirit hut and started to drink the alcohol from one of the straws before offering it to the others. The spirits were asked to help make the rice grow very well and to make it rain (when it sprinkled rain after the ritual I attended, I was told this was normal and was proof that the spirits had been there). The Khmu then ate lunch and drank *lao hai* together with the spirits. After the meal was finished, the shaman said some more words to the spirits, and the guns were again fired into the air to signal to the spirits and rice soul that they could leave. Nobody was allowed to leave the field until lunch was over and the guns were shot to signify to the spirits that they could leave the field, or the spirits might follow them out of the field and become confused. The ritual lasted more than four hours.

Before harvest and before threshing, when the first rice is ready to harvest, the male head of the household will go to sleep in the field and wake up very early and thresh before anyone comes to help, and put some rice for the spirits to eat to inform the rice soul that they will now take the rice from the field to the granary. He will ask the *phi* not to make the people in the house sick. Then, the head of the household will put uncooked rice on the spirit hut, and will thresh rice in the field before anybody else arrives. He will then make an offering in the spirit hut, with rice, a candle, water and some Khmu *lao hai*. Villagers provide one straw for the spirits to drink from and other straws for the people, and they drink together. The Khmu say they can tell that the spirits are drinking because the *lao hai* gets drunk very fast, and they have to keep topping it up with water. At this time, the people usually get very drunk. Although Simana and Preisig (1997) write that the Khmu believe in a 'rice mother' and others write of similar beliefs among the Lao and Thai (Hanks 1972, Keyes 1995), this was something that the Khmu in Houay Kha had not heard about, nor had the Lue or Lao in Houay Lo when I asked.

Titsomsouk, the Khmu 'expert' from Ban Laksip, claimed that the spirit huts originated with the Khmu. However, this may be part of his narrative highlighting the importance and centrality of the Khmu as the original people of the world (he also claimed royal ancestry for himself). In contrast, the Lao fortune teller in Houay Lo claimed that spirit huts were Buddhist, but explained that most Khmu built these as well. These are also built in Thailand and in urban areas, and are likely a mix of ritual practices of different groups. Titsomsouk described the meaning of spirit huts and their role in honouring the 'owners of the land', and also described the changing beliefs in spirits among the Khmu;

> To build a spirit hut was created by the Khmu, other ethnic groups learned this from the Khmu by watching them, then they made them together. They followed the 'textbook' which they learned from each other. Most households build this, but some households are lazy and they do not do this. They abandonned the old customs, I don't know why. It is important but they don't believe. Now there are a lot of religions. Now there is Christianity. Some people believe in Buddhism, Christianity and others. Buddhism has spirits (*phi*) also. But some people abandoned the spirits. It is easy. They stop caring. Most people who moved to the city, they are Khmu but they believe in Buddhism. It is very important, but they don't care, it is OK.
>
> Believing in the spirit religion is difficult, because you always do things wrong. Believing in Buddhism is easy… In Buddhism they don't care. If they want to do something, they can do it on any day. They don't choose the date or choose the day they will plant or the day they 'come back and forth' [travel]. They do a little bit, but not like before. To choose the good day, choose *Meu Hao, Meu Set* ('*Hao* day', '*Set* day'). If they clear the field on that day, they won't get hurt or sick. Now, who likes which ever day chooses that day [they don't pay attention to specific auspicious days].
>
> Everywhere has a land owner, '*chao din chao den'* [owner/lord of the soil, owner/lord of the field]. If you want to clear the field, then have to feed the land spirit. The day you will plant rice, you will offer rice and food to the spirit, then plant that year. We [the Khmu] used to be strong in believing in the spirits. But no longer. We have stopped believing in the spirits. In 1957 I was a monk. I stopped believing in the spirits, I believed in Buddhism. I was wearing orange clothes[92]. I stopped believing in spirits as me, On si (ex-monk) .... We went to study in town…. We want to believe in Buddhism, because believing in spirits is difficult. We still build the spirit huts but not like before. The spirit religion is difficult because we have to work more to do work in the uplands. We take a pig to lose [they need to sacrifice a pig to the spirits in the upland fields]. Buddhists pray because they have the temples – they 'build' Buddhism then support the people and children to become novices and monks. Right now we do 'normally', not like before. Before what we did – we must take a chicken to sacrifice, kill these animals and those animals to offer the spirits. Now we don't believe this – we do 'normally'. Since 1957 I was wearing yellow clothes, I was a monk. Thong Si he was a head monk, and Bounma; but I was a monk. Kham Ma is monk. We went to build a temple 1957, 1958, 1959 – then it was finished.
>
> We still believe in spirits but not strongly. Most people believe in Buddhism in this village. If they live far away [in remote villages], [Khmu] people still believe in spirits. Along the

[92] The robes of the Buddhist monks and novices in Laos are bright orange.

> Mekong, Khmu believe in Christianity. This is the Khmu who live along the Mekong in Chomphet district. The *Lao Loum* also believe in Buddhism, and for the spirits, when they go to cure [illness], they don't use pigs or buffalo. We also stopped doing this. Now we get 'normal' cures, take someone to the hospital if they are sick, pray for getting out of bad luck, and kill only a chicken. Killing pigs, buffalos, cows, that's what we don't like. The spirit went to live in another place. If it stays, then it will die. The house spirit is a bad spirit. While it lives, it asks for chickens, pigs, buffalos, and cows even when we don't have them, so we stopped. When we believed, if we didn't give to the spirit the people in the household will die. Now we don't have to do this. We won.

Titsomsouk's narrative points to a number of issues. Although he is Khmu, he has adopted Buddhism and mentions that other Khmu have adopted Christianity. However, it is clear from his narrative that this has not involved a shift in ethnic identity as has been argued by some researchers who examine how 'marginal' ethnic groups take on the dominant ethnic identity by moving to the lowlands and adopting a world religion. Titsomsouk remained proudly Khmu, advocating that the Khmu were the original ancestors. Although he emphasized his acceptance of Buddhism, this has not really erased his belief in the existence of the Khmu spirits, only that by becoming Buddhist he is no longer accountable to them. The Khmu spirits were too demanding and expensive – asking for sacrifices of buffalos and pigs – and Titsomsouk had been recommending Khmu in his village to adopt Buddhism primarily for this reason. This echoes similar narratives from villagers in Houay Kha, who lament the onerous demands of the Khmu spirits. It is possible that the notion that animal sacrifices are wasteful is related to campaigns of the Lao government, which since the Pathet Lao took control in 1975 has been discouraging the ritual practices of ethnic minorities, often focusing on the wastefulness of animal sacrifices. According to Titsomsouk, if the Khmu became Buddhist or Christian and no longer sacrificed large animals, the spirits fled and people no longer became ill. At the same time, Titsomsouk continued to believe in the importance of the spirit hut and offering food to the 'owners of the field', emphasizing this and not the *khwan* of rice. The importance of rituals for the spirits of the field remained embedded in his belief system and separate from offerings to the 'house spirit' which demanded large sacrifices without which it would vengefully make people ill. These examples illustrate the blurred boundaries between the belief systems and rituals of the different ethnic groups in Laos, and how these change over time as different peoples learn from and interact with each other. The following section describes the shift in practices and beliefs of the Khmu in Houay Kha in the context of changing ecologies.

Of contested beliefs and changing ecologies

> The people here say 'This has *phi*. That has *phi'*. But when I went to see, I wasn't afraid of the spirits. People here are used to offering rice to Samsung (the big tree) but I never do this. Because I used to live in Houay Leuang [A Khmu village along the main highway] and I believe in Buddhism. (Thong Laa, Khmu farmer originally from Houay Leuang who had migrated to Houay Kha)

'BELIEVE THE SPIRITS!' is written in large letters on the spirit altar that hangs near the ceiling in one corner in the house of Paw Mon, the Houay Kha shaman. This altar is for the house spirit, and various offerings have been left there. The spirit altar never leaves his house, and is important for Paw Mon's rituals when he cures people of illness. Paw Mon has also hung a *taleao* over the wall to protect people in the house against malevolent spirits. He expressed concern about changing beliefs in the village, and blamed lack of attention to the spirits for the increasing problem of rice shortage in Houay Kha;

> Before, we believed in the spirits. But now a lot of people don't believe and some have stopped. So now the Khmu people are getting short of rice. **(Paw Mon, Houay Kha village shaman)**

As illustrated in this chapter, the agency of the rice soul and *phi* are seen as important for a successful rice crop and for human well being. However, the rituals for appeasing spirits and honouring the rice soul are changing among the Khmu in Houay Kha. Some Khmu expressed that these were 'traditions of old people'. This can be seen as a response to ideas of modernisation and change, related to increased acceptance of the 'modern rationalist' ideas that are disseminated through state discourse and scientific agricultural projects and extension services. However, some villagers who claimed to no longer believe in the spirits had built spirit huts in their fields, indicating that their assertion that they no longer believed in the 'old traditions' was a 'performance' perhaps with the intention of appearing 'modern'. However, my interviews indicate that the increased acceptance of modern 'rationalism' was not the main factor influencing the changes in practices and beliefs regarding the spirits, but rather this was influenced by the physical consequences of modernisation policies such as land allocation, cash cropping, and resettlement, which had restricted land availability for swidden and contributed to land degradation and declining rice yields. While the Khmu clearly recognised the physical causes of decreased rice productivity, many considered the spirits and rice soul to also be contributing agents. As Paw Mon lamented, some Khmu had abandoned agricultural rituals and no longer built spirit huts. Although Paw Mon argued this was partially responsible for rice shortages in the village, most Khmu

claimed they had stopped the practices *because* their rice was not growing well. These Khmu believed that the spirits held some responsibility for declining yields and felt that the contract of 'reciprocity' had been broken. Because the rice soul and spirits were no longer helping them, they didn't want to 'waste' chickens and ducks by providing these for ritual sacrifice.

> Building spirit huts in the field is a tradition of the old people – but some people have given up now. Some people – they can't give up, and they still build them. Most people think that if they plant rice, and get a lot of rice, then they are happy to offer a chicken and a duck to the rice soul. But if they don't get a lot of rice, they don't want to do this because they lose a chicken or duck. People are stopping, because if the rice doesn't grow well, then they don't want to give an offering to the rice soul. (Thong Wan, Khmu farmer, Houay Kha).

Although the chickens or ducks that are sacrificed are eaten by people while the spirits 'eat the steam', and therefore the meat is not actually wasted, domestic animals and livestock are not eaten on a daily basis. The Khmu in Houay Kha primarily got their meat from small and large hunted game and fish, frogs or crabs from the streams and rice fields which were caught daily. Only domesticated animals are used for sacrifice, reasserting a boundary between *phi,* the wild and forest, and human/domesticated space of the village and cultivated fields. While most households owned some chickens (and a few also had ducks and pigs), they did not usually own very many and tended to keep these to produce offspring and eggs or for sale and trade if they need money for food, goods or services. Furthermore, ducks and (primarily) chickens were vital for ritual and ceremonial sacrifice if a family member fell ill, for *baci* ceremonies, and to appease the house and field spirits, as well as for agricultural rituals. If a household with a sick family member did not own any chickens and the shaman announced that the spirits wanted to eat in order to release the ill person's souls, then the household needed to purchase animals for sacrifice in order to make the person well. The notion of waste in this context is not that the meat is wasted, but that scarce resources (domesticated animals such as chickens, ducks, and sometimes pigs) that have other important potential economic and ritual uses were wasted on spirits that did not reciprocate the sacrifice by providing assistance. Furthermore, since the Pathet Lao took power, the Lao government has issued an educational campaign in ethnic minority villages that asserts animal sacrifice in traditional rituals is 'wasteful', and this likely also influenced local discourses on the matter.

In some cases, farmers in Pak Ou experimented to test whether spirit huts and rituals made any difference to rice yields, and when they observed no benefits then they stopped building huts and practicing the rituals. They used 'empirical' evidence to determine whether or not the spirit houses and rituals had an influence on rice productivity and interpreted their observations as

evidence of a causal relationship. This does not necessarily mean they had stopped believing in spirits in general, only that they thought that the spirits were no longer influencing rice yields – either because they had lost their power, or because they were not fulfilling their obligations to people.

> **Young Khmu man:** Nobody can see *phi* – only believe in them. If you believe, then you will follow the belief. When I was living in my parents' house, we believed in the spirits, and my parents worked in the uplands and cleared the land very well and weeded very well. But still the rice did not grow very well. When I moved out of their house, I didn't care about the spirits and didn't do anything for the spirits, and I cleared the field just like my father had done, and my rice grew very well. So I don't believe in the spirits.
>
> **Thong Wan:** I still build a spirit house. I still believe in the spirits.
>
> **Young Khmu man:** It's not that I don't believe at all. I still believe in some. One time one of my children got sick, and I took her to the hospital. At first, she got a little bit better, and we came back to the village again. But she was still sick, and we took her to the hospital again, and this time she didn't get well. So we came back to the village and went to the shaman to ask what was wrong with my daughter. He said that *phi* were causing the illness, and that the *phi* wanted to eat a red chicken. So I looked for a red chicken, and killed it to offer to the *phi*, and my daughter got well. So this I believe.

This change in belief about the importance of ritual in rice cultivation was also occurring in other Khmu communities in the area, often in direct response to environmental change. In Ban Houay Leuang, a Khmu village near Houay Kha, when I asked about spirit houses, the *Naiban* (village headman) explained that fewer people were building these.

> We used to do this, but fewer people are building spirit houses now because there is no reason to build these because there is no result. Because if you build one, you don't get anything, and if you don't build one, it's the same. Now rice depends on the weather. People don't believe in spirit houses. They don't believe in the old customs anymore. In Khmu religion, if a relative died, then we wouldn't plant rice. But now it depends on the weather **(Village headman, Houay Leuang in an interview about changes in the environment).**

It is often argued that highland ethnic minorities such as the Khmu abandon 'traditional' beliefs and adopt Buddhism in order to increase their social status, or that these beliefs are replaced by 'modern' scientific understandings of the world. While government pressures for ethnic minorities to abandon ritual animal sacrifices, a growing discomfort that these rituals were 'old fashioned', and increased exposure to scientific worldviews are likely influencing people's belief systems, changing environmental conditions were also provoking challenges to local beliefs. Khmu understandings of the causal role of spirits in crop and human well-being were locally contested, yet continued to influence their interpretation of 'empirical' evidence about whether or not traditional practices made a difference to rice yields (or to illness). Ritual practices were also

shifting to accommodate their changing economic circumstances (for example, the inability to purchase large animals for ritual sacrifice). This change in practice and belief was therefore in part an indirect effect of modernist policies that were having a negative effect on local livelihoods and environments. Attempts by the government to stop villagers from believing in spirits because this is considered 'unscientific' and anti-modern played only a small role in the change of people's beliefs and practices, even though penalties were imposed. Furthermore, only in a minority of cases did this shift in belief involve an acceptance of Buddhism. As explained by Paw Mon;

> About 7-8 years ago, government staff came to tell us to believe in Buddhism and to stop believing in spirits – to take the spirit altar down. And when we took it down, then many people got sick. Before, when we made a *baci* for spirits, the government staff didn't like and told us not to do this. But the music[93] (Khmu singing) says don't give up the *baci* and don't give up your culture [This is likely referring to the daily half-hour Khmu radio broadcast]. Now we are starting to go back to study our own culture, singing, etc.
>
> Before, when we did things for spirits, we used money to buy animals to offer the spirits. Then the government used to fine us. But now they don't fine us and let the people keep their culture. Now, people who are poor (have a small house, etc.), still do like the Khmu. But Khmu who are rich, they do like people in the town.
>
> When we don't have anything to offer the spirits, then we can show the spirits that people are sick a lot – then when they did it again, the people got better.

Shifts in beliefs and practices were also occurring in response to increasing poverty because, as has been described, the Khmu spirits are sometimes too demanding and can be expensive. The Khmu spoke about 'trying' to give up the spirits like people in Canada might speak about 'trying' to give up smoking – as an expensive bad habit that is difficult to break and bad for your health. Overly demanding spirits were sometimes given as a reason for converting to Buddhism, as emphasized by Titsomsouk. Also, some people felt that the spirits had given up asking for large animals since villagers could no longer provide this, and that people had gained some control over what the spirits ask to eat.

> About 12 years ago, the spirits ate buffalos, but then we stopped giving buffalos to the spirits. We stopped because we had no money to buy buffalos. Now the spirits don't ask for buffalos. Now they ask for pigs, chickens, ducks, etc. Now people can decide what the spirit wants to eat.

[93] He is talking about the local Khmu radio broadcast, which lasts for half an hour every day and which is broadcast loudly across the village from various radios. Generally, the Khmu sing popular western pop songs on this program, with original Khmu lyrics. The radio show also broadcasts messages for Khmu relatives in different villages, love songs to specific girls, information on crop prices and buyers in the town and is generally an important source of information for the network of Khmu communities. Once the Khmu show is over, the Hmong radio program begins with the playing of the Hmong *khaen (quij)* and all the radios in the village are quickly shut off.

> Now about the spirits – most people are getting further and further away from the spirits. Before we used to offer pigs or dogs or buffalo or cows, depending on what the spirit asked for. Then when predict about what the spirit wants to eat, then offer what the spirit asks for. If compare now with many years ago, this will be different. Because many years ago, we used animals a lot. And right now we only make a *baci* or tie cotton. And now we try to stop the spirit that lives in the stream or forest or mountain. We only do *baci* for it after we harvest or for Khmu New Year because we offer to our parents [ancestor] spirits also at this time. Most spirits that live in the forest we are trying to give up. Because we believe that if we don't believe, won't have them (the spirits). If don't believe, won't have them. Some people say that it is because you believe in them that the spirits want to eat animals and chickens. Some people say '*why don't you just change to sell the chicken or duck to go to the hospital to cure yourself?'*
>
> But, we cannot give up our parents' (ancestors') spirits. When we are sick…we predict and if the spirit wants to eat a pig or chicken, then we can offer it to the spirit to get well. We also offer to the house spirit and to the parents' spirits to take care of us. We are trying to give up the spirits.
>
> Q. Why?
>
> A. Because believing in the spirits is not good.
>
> Q. Why?
>
> A. Because if we believe then we lose a lot of money to feed the spirits. And because some people when they predict and the spirit wants to eat animals and they believe this, then they use money to buy the animal – and they still don't get well. And then still have to use money to go to the hospital to get well. Some people believe in the spirits and they become poor.

The headman of Houay Kha has been trying to discourage villagers from buying large animals to sacrifice and eat during the Khmu New Year (held after harvest, during the 12th month of the Khmu calendar), trying to encourage people to save their rice and buy smaller animals like chickens or ducks. During the Khmu New Year, people in Houay Kha hold a big *baci* ceremony and use money earned from harvest to buy animals and other things to celebrate. Families who do not have much will sell their rice, often not budgeting for the entire year. At this time of year, the price is low, and later in the year when they become short of rice, they are forced to sell labour and buy rice to eat when the price is high.

Beliefs about the role played by *phi* in rice cultivation are now contested in the village, although the importance of honouring the rice soul is often maintained, as is the role of *phi* in causing illness. While some people blamed spirits for shortages of rice, other Khmu claimed that the spirits had nothing to do with rice growing well or not.

> Q. Why are the Khmu short of rice?
>
> A. Because of the weather. Because the animals, rats and ants eat the rice. Because the weather makes the rice not grow. If the rice doesn't grow well, then we replant the area with Jobs' tears or pigeon pea. Sometimes they grow, sometimes not.

Q. Do *phi* influence how rice grows?

A. Rice not growing has nothing to do with *phi*. If the weather is good, rice will grow because there is rain. If when we plant it is very hot, rats, animals and ants will eat and when rice grows, it dies. The spirits cannot do anything about rice growing. The reason we have stopped sacrificing animals to the spirits is not because we don't have buffalo, but because we don't believe anymore. Before we had a lot of animals and people wanted to eat them, and we then killed the animals and asked the spirits to eat with us. And the old people didn't have a festival. But now there are a lot of festivals, so we don't need to offer to the spirits.

Q. Why are there a lot of festivals now?

A. Because the Lao people have a lot of festivals, so sometimes if we don't want to go to see their festival, we make a festival by ourselves. The Khmu only have a festival for the New Year (Khmu New Year) – only one.

This farmer focused on sacrifices of animals to the spirits as meeting social needs – as bringing people together to eat large animals, arguing that the shift from animal sacrifices is related to loss of belief combined with an increase in the number of village festivals, influenced by the number of festivals held by the Lao. However, when I asked him if he had built a spirit house, he emphasized the importance of continuing to honour rice because *'rice is our life'*;

We still build spirit houses for the rice soul. When we build the spirit house, we kill a chicken and offer the chicken, and put rice on it and tell the rice to grow very well and get yield. Because we don't want to forget rice, because rice is our life. After we plant the rice, and the rice grows, we make an offering to the rice soul. After planting, after 1-2 months at the latest 3 months, we offer to the rice soul. Then we leave the rice until harvest. We don't do anything when we harvest. When we bring the rice home, some people kill a chicken and offer the chicken to the rice soul. All people who have animals do this, because they want to eat them, so they kill them.

What is clear from many of the narratives presented by the people in Houay Kha is that changing ecologies and increasing poverty have influenced Khmu belief systems and ritual practices, as villagers have adapted to decreased availability of large animals by sacrificing smaller and less expensive poultry, and as some villagers have abandoned sacrifices to spirits and/or the rice soul if they perceive that these make no difference to crop productivity or health. The transition of beliefs may be an indirect result of state attempts to modernise agriculture and the pressures this has placed on local livelihoods (interpreted as spirits not living up to their responsibilities) rather than because the ideologies of modernity and 'scientific rationality' have been fully accepted. According to many local narratives, villagers believe that the spirits and rice soul now have less power to influence crop production, whether or not people believe in them or honour them through animal sacrifice. Others believe that the 'reciprocity' of the landscape (*phi* and rice) to the people is not being honoured. *'Now rice yields depend on the weather and the soil, not on the spirits'*. It

is not that the spirits no longer exist, but either because they no longer have any influence, or because they are not doing their job well enough anymore. The belief in the importance and meaning of animal sacrifice and ritual is locally contested.

Many villagers also complained about changes in weather patterns, asserting that there is less rain and that rainfall has become less predictable.

> Q. Why is the weather changing?
>
> A. I don't know. Sometimes when we clear the land there's no rain. But after we plant the rice and don't want rain, then we have rain. Like this year. There have been 4-5 years like this. I don't know why. When we don't want rain, then there is rain. When we want rain, then there is no rain. And the weeds grow up. Before, we offered animals to the spirits to get rain, but now we don't do this anymore.
>
> Q. Why not?
>
> A. We know how to do it, but just don't do it. If we wanted to get more rain, we would put a goat horn in the water, and it would rain a lot. And also we would put water in the termite house. And if we didn't want rain, we could go naked and crawl to the river. We could take a stone from the river and put it in the fire, and then there would be no rain. Also, we could plant '*hom*' in the top of the termite hill without breathing while we were planting. Then there would be no rain. Before we did this for rain. But now we don't do this any more because it is 'out of date'. Even if we did this, would not get anything. Or if don't make anything, don't get anything…
>
> A long time ago, the Hmong planted opium in the mountains, and the Khmu wanted to sell labour to them, but the Hmong didn't want to hire labour. So the Khmu put the bamboo that you use to carry a dead person in and put it in the river, and soaked it and got a lot of rain. Then it rained a lot so the Hmong didn't get any opium. Before we used a cup and put water in it and used metal in the cup, or hair in the cup, then we did magic spelling in the cup and identified which person to kill – we would ask to kill a person – and the person would die. Before, after the rice produced, we would offer a chicken to the rice soul. Before, when we believed this, after harvest, we would offer something to the spirit. And once a Hmong man came down and asked if the rice was growing well. He said one word and then blood came out of his nose. Then the Hmong asked how he could stop the blood, and we said to him to drink rice soaked in water, and then it stopped. [The Hmong came down, and he said he didn't believe about offering to the rice soul – and went to see the rice soul offering]. He climbed a tree [to watch]. It was because the Hmong didn't believe that he got the bloody nose. But now we don't believe this any more, so it doesn't work. If we believe, don't reach. If we don't believe, don't reach. [It doesn't matter what you believe – it still doesn't work).

This narrative brings up a number of issues. It provides support for the common belief held by other ethnic groups that the Khmu have dangerous magical knowledge that they apply as retribution for perceived injustice – harming people who are unkind or uncooperative (particularly other ethnic groups). However, it also indicates the prevailing sense of a loss of the Khmu's power over their environment through traditional magical knowledge and practice. This sense of loss of magical power and ability reflects the Khmu's sense of inability to successfully adapt to the

degrading ecological conditions they are now facing – that they can no longer have a positive influence (through practical measures or through magic) over their conditions of production. In summary, although many villagers in Houay Kha still believed in the need to sacrifice animals to spirits to ensure human health and a good harvest, others in the community were becoming skeptical, in part because this did not seem to be helping crop yields and in part because they perceived these beliefs to be 'out of date'. Government programs attempting to convince villagers that animal sacrifices are wasteful may also have influenced local explanations for why they were stopping sacrifices, but these had been transformed to imply that animals are wasted on spirits that don't reciprocate rather than that animal sacrifices in themselves are a waste of 'animals', since these are eaten and provide social value.

Of calendars, astrology and the knowledge of days

Astrology and fortune telling are additional aspects of local cosmologies that are considered to be important for influencing the productivity of rice and other crops, as well as for fate and fortune in other areas of life (such as marriage, travel, building a house, getting a haircut, and so on). There are 'good' or 'auspicious' days and 'bad' days for different activities, which are sometimes specific to individuals or households, based on particular readings of astrology and prior household misfortunes such as a death in the family. The Khmu in Houay Kha, and the Lao and Lue in Houay Lo each have a resident village fortune teller whom they consult about good days for planting rice and for undertaking other activities, such as bringing harvested rice home from the field, selling a buffalo, getting married, and so on. Different households have different auspicious days for planting rice, which possibly plays a role in organising labour exchange during the busy planting season. However, this rationale would never be given by the farmers themselves, so further study would be required to support this. For the Lao and the Khmu, choosing the wrong day for planting rice is sometimes given as a causal explanation if the rice did not grow well that year if there are no obvious ecological or weather related reasons for this. However, some people no longer believed in auspicious planting days.

Paw Mon, the Khmu shaman in Houay Kha, explained to me that if rice is planted on the wrong day, it won't grow well and some of it will die. There are also good and bad days for building a house or for selling things. Paw Mon explained that he had been calculating auspicious

days for different households in the village for a long time by following the *'knowledge of days'* he had learned from his great grandparents.

> Three days in seven are good for planting rice – *Meu Kap*, *Meu Hap*, and *Meu Taa*. Other days are not good. People should not plant rice on the day of the week that their parents died, but it is good to plant on the same day of the week that you burnt the field. But one must never plant rice on a day that is not good, or else the rice won't produce or will die. If the day is not good, the field won't burn.

The Khmu also have days when it is taboo to undertake certain activities in the forest and the uplands. Tayanin (2007), a Khmu man trained as an ethnographer, provides a very detailed and autobiographical description of the Khmu auspicious and taboo days followed in his own village in his book '*Being Kammu: my village, my life'*. In Houay Kha, these days did not seem to be followed with as much concern as in Tayanin's village, although Paw Mon explained the importance of not taking anything from the uplands on *Meu Kat*. *'Even if you go to the upland farm on this day, you must not take or do anything, or rats and wild pigs will eat the rice'*.

Understanding the 'knowledge of days' is quite confusing because there are three or four different calendars used concurrently in villages in Pak Ou District to keep track of days, months and years depending on the ethnic group, each of which is slightly different; the international calendar, the Lao Buddhist calendar and the Lue calendar which are similar (Grabowsky and Wichasin 2008), and the Khmu lunar calendar (Tayanin 1994, Évrard 2006). The Khmu traditionally name each year after where they clear swidden, and therefore keep track of the passing of time/years according to swidden rotations (Tayanin 1994, Évrard 2006), while the Lao and Lue (and also Thai) reference a sixty year cycle composed of repetition of ten names for each year in a decade combined with a rotating cycle of twelve names of animals (Grabowsky and Wichasin 2008). Both the Khmu and Lao/Lue calendars determine the names of each year by following a 60-day cyclical naming system, which is described in further detail below[94]. The different calendars each represent a different 'rational' system for classifying and dividing time. It was sometimes difficult to know which day or month villagers were referring to without knowing which calendar they were using, and sometimes they didn't know themselves. In addition, instead of a seven-day week, as followed in the Lao and international calendars, the Khmu traditionally follow a 60-day rotational system, each with specific names, as described in table 5.1 (although

[94] The Hmong also likely have their own calendar and system of days, and definitely have their own taboo days, but because I was working less with the Hmong I did not research this topic.

they also follow the international and Lao seven-day week). This 60-day system was explained to me by Bounleau, the Lao fortune teller of Houay Lo (who was incidentally also the brother of the village headman at the time of this research), which is essentially the same as described elsewhere in published ethnographies about the Khmu. A detailed explanation of how these 60-days are connected to taboo and auspicious days as well as to the swidden cycle and landscape is provided by several anthropologists who worked with the Khmu further north in Luang Namtha (Tayanin and Vang 1992, Tayanin 1994, Évrard 2006). Bounleau identified a number of days as being auspicious or unlucky, which I have presented in Table 5.3.

Bounleau was widely respected in the area as an expert fortune teller, and Hmong, Khmu, Lue and Lao villagers regularly consulted him on various matters, from solving cases of theft to identifying good days for marriage, buying or selling a buffalo, planting rice, and so on. Bounleau had sought out elders of different ethnic groups in Ban Houay Lo and beyond in order to learn his fortune telling skills, and had meticulously copied, documented and diagrammed the details of this collected knowledge in several ledger-sized graph notebooks using different coloured ball-point pens. These notebooks, contemporary versions of the religious and fortune telling Pali and Lue texts written in fountain pen on now yellowed and crumbling paper[95], were impressive in their detail and the care invested in their creation. Bounleau was an 'indigenous scholar' and practitioner of local cosmologies, who was able to clearly explain the meaning (at least his particular analysis) of the different diagrammes and charts he had drawn. Among many things, his book included information about the Khmu and Lao calendars, and, although some fortune tellers used only one system, he combined Khmu and Lao knowledge of days in his fortune telling. According to Bouleau, the Khmu calendar and 60-day rotation explained the spirit religion, so if people only believed in this, then they would not use the Lao calendar. This calendar, combined with personal household histories, was the most important for determining good days for planting rice. He explained that in addition to 'auspicious' days, a farmer should not plant rice on the day his or her parents died or on the day the household had burned their field. On a day that was considered generally unlucky, nobody in the village would plant rice. He knew about taboo days when Khmu would not work, but identified different days than did the Houay Kha fortune teller – *Meu Houang*

[95] Between 1992-2005, Germany financed the 'Lao Manuscripts Preservation Program' (LMPP) to preserve these Pali manuscripts containing the history and culture of Lan Xang Kingdom, as well as written scripts on history, law, astrology, magic, traditional medicine and healing, poetry, verse epics and folktales. Since 1992, about 240,000 palm leaf fascicules, including about 4,600 paper manuscripts, have been preserved in ten provinces (ADB 2009:193-4).

(no work for the full day), *Meu Houai* (do work for the full day), *Meu Kat* (no work in the morning), *Meu Kha* (no work in the morning). These day-taboos were not followed by the Lao. Bounleau used the Lao Buddhist calendar (particularly the position of the moon), along with 'astrological knowledge' specific to each individual to foretell which days were good or bad for various activities, such as cutting hair and nails, selling goods, trading, marriage, and travelling. He explained that it was even possible to determine good and bad days for theft.

The Lao and Lue calendars divide months into two parts (see also Grabowsky and Wichasin 2008), the first fifteen days when the moon is waxing (*khun*), and the second fifteen days when the moon is waning (*hem*). Although some fortune-tellers only used one system or another, Bounleau combined the Lao calendar with the Khmu calendar for the spirit religion. From his perspective and according to his own collection of knowledge from the elders, the Khmu and Lao believed in the same spirits and had essentially the same magic.

Without interviewing more fortune tellers and shamans and doing more in depth analysis of their 'books of knowledge', it is impossible to know how much of these 'knowledge(s)' are individual interpretations and how much is collectively shared, nor how common it is that village fortune tellers and shamans such as Titsomsouk, Bounleau and Paw Mon mix and match the Lao and Khmu systems of auspicious days (as well as those of other ethnic groups). However, the hybridization of the different cosmologies in everyday practice and belief is obvious in how the knowledge of calendars and days is applied by Bounleau and Titsomsouk, perhaps less obvious for Paw Mon. Beyond the syncretism of the spirit 'religion' and Theravada Buddhism and the incorporation of territorial spirits into Lao Buddhist temples, there is some evidence to suggest that the Khmu 60-day calendar may also be used in the *sangha* in Luang Prabang. My research assistant had obtained a Lao Buddhist calendar from one of the senior temple monks, which incorporated the Khmu 60 day-name cycle (the 'spirit calendar' of days) within the Lao lunar year – the Buddhist calendar. Bounleau used this calendar along with his own copious notes to explain to me how he determined information about auspicious days and fortune telling that he had documented in his book.

Table 5.1: Khmu calendar of day names (as explained by Bounleau, Lao fortune teller in Houay Lo)

The first part of the day name and the second part of the day name are matched together in a rotational manner to give 60 different unique name days. After 60 days, you arrive at the same day name again (which is *Meu Kap Chai* (*Meu* means day, *Kap Chai* is the name of the day). For example, Day 1 = *Meu Kap Chai*, Day 2 = *Meu Hap Pao (*until day 10 which is *Meu Kah How*), then Day 11 will be *Meu Kap Set*, Day 12 = *Meu Hap Khai*, Day 13 = *Meu Houai Chai*, and so on.

First part of day name (10 variants)	Second part of day name (12 variants)	Month number (based on Buddhist calenday)
Kap	*Chai (Jai)*	8
Hap	*Pao*	7
Houai/ Hai	*Yee*	6
Meuang	*Mau*	5
Peuk	*See*	4
Kat	*Seu (Sai)*	3
Kot	*Sangah*	2
Hung	*Mot*	1
Dtao	*San*	12
Kah	*How*	11
	Set	10
	Khai	9

Table 5.2: Special auspicious or taboo days that get repeated also within the Khmu calendar. (according to Bounleau's interpretation)

Day name/month name	Month Number	Line (special day)
Mot	1	*Khao Khong*
San	12	*Hong Phuan*
How	11	*Phuan Doc*
Set	10	*Phuan Die*
Khai	9	*Soup Hap*
Chai (Jai)	8	*Hap Kai*
Pow (pao)	7	*Hap Thai*
Yee	6	*Kam Dai*
Mau	4	*Sai Jau*
See	3	*Sai Seeah*
Sai	2	*Thao Pao* (declining tone)
Sangah	1	*Seeo Pao* (rising tone)

Table 5.3: Meaning of auspicious and non-auspicious days (according to Bounleau). Each day has a myth or story associated with it to explain why it is lucky or unlucky for certain activities.

DAY NUMBER	DAY NAME	FORTUNE
1st day	*Meu Khao Khong*	Not allowed to move the house or to bring dead bodies to the cemetery (This must be specifically Khmu since the Lao burn the bodies). You are allowed to plant rice or plant anything. This day comes every 12 days (but some months reach this beforehand – so not consistently every 12 days). For the day of the month is…first month (*Deuang Cheeang* (or *Deuang Eye*), *Meu Mot*, the last day of the month. (*Meu Khao Khong*).
2nd day	*Meu Hong Phuan*	Not allowed to put firewood underneath the house. If buy elephant, horse, cow or buffalo, they will chase the owner
3rd day	*Meu Phuan Dok*	Good day. Can do anything on this day. This is a lucky day. Has a lot of gold, silver and gem rings. Has a lot of children – full house. If you buy a cow, buffalo or elephant, will fill your cages (will get a lot).
4th day	*Meu Phuan Die*	Not good day. If you buy things or bring things to the house, then you will lose them. Cows and buffalos will die or will escape from you.
5th day	*Meu Soup Hap*	Not a good day. Not a good day to get married. If you get married on this day, you won't stay together long. But if you buy a horse, cow or buffalo, it will stay with you for a long time.
6th day	*Meu Hap Kai*	Good day for trading. 'Don't snatch gold and silver. Keep it.' Just work a little bit by a little bit. Buy things to sell. Don't rely on your relatives – then you will be rich.'
7th day	*Meu Hap Thai*	Cows, buffaloes die. Relatives stay away.
8th day	*Meu Kam Dai*	Not a good day. If you get married, you will get divorced. If you buy an elephant, horse, cow, or buffalo, they will charge you. If you go to trade, when you get money, the money won't stay in your pocket.
9th day	*Meu Sai Jau*	If you get married, it is good, or to do things. But don't buy things or sell things, and don't buy animals (cows, buffalos). The animals you buy will charge you.
10th day	*Meu Sai Seeah*	If you marry, will get divorced. But you should respect your husband. (doesn't say anything about respecting wife)
11th day	*Meu Thao Pao* (declining tone)	Good day. If trade on this day, buy things, buy animals or make a baci, wedding ceremony or wedding party will be good. Elephant, horse, cow, buffalo – good to buy these on this day.
12th day	*Meu Seeo Pao* (rising tone)	Good day. You will have a lot of people in your house. The fortune teller says if you get married, will have a lot of children and your family will be wealthy.

Conclusion

This chapter provides a brief background for understanding the cosmologies/religious beliefs of the Khmu, Lao and Lue and how these influence local understandings of environmental change. The chapter also illustrates the articulation between various kinds of knowledge(s) and understandings of the world; the syncretism between Theravada Buddhism and 'spirit cults'; the overlap of human health and the health of the environment since disrespect of 'nature spirits' can cause disease in people; the hybridization of empirical and supernatural explanations for crop success or failure and for human well-being or illness, the overlap of territorial and land rights between the human and spiritual world, and the hybridization of the beliefs of the Khmu, Lao and Lue even as assumed differences are often used to construct and explain ethnic boundaries. In this chapter, I have described the holistic cosmologies through which Khmu, Lao and Lue farmers interpret and adapt to the livelihood and environmental changes that are being generating in part by state policies and projects to modernise agriculture. While policies to modernise upland agriculture are having an influence on local belief systems, this is less because villagers are adopting modern rationalities and scientific epistemologies, and more a result of the negative environmental consequences of modernising policies which are sometimes interpreted locally through a lens of failed reciprocity between people, *phi* and the souls of rice. While farmers differentiate between empirical and supernatural understandings of crop success or failure and human illness or health, the boundaries between these are blurred and both are applied in explanations of causality and are considered important and complementary aspects of medical and agricultural knowledge. Supernatural beings and astrological forces are thought to influence agricultural productivity, and villagers observe and empirically test how changing ritual practices influence the actions of these forces. Explanations for environmental change are not held in common, but are contested even within villages. As described by Malinowski (1948), beliefs in the supernatural and magic coexist with and are practiced alongside indigenous scientific and empirical knowledge to bridge gaps in understanding and help Lao, Lue and Khmu farmers perceive a greater sense of control over the environment. These beliefs are challenged as environments change and become less predictable.

Chapter 6: Spatial practices and forest livelihoods: boundaries and enclosures in Ban Houay Kha

Figure 6.1: Ban Houay Kha hamlet

The steep winding footpaths through the mountainous territory of Ban Houay Kha pass through a mosaic of cultivated swidden fields, shady bamboo groves, weedy secondary forest vegetation, and dense old-growth trees; an ecologically diverse palate on which socio-natural histories and socio-spatial networks are painted. In order to learn about the village landscape, I hired Si Nam who was locally known for his knowledge of the forest and territory. In 2001, Si Nam had helped government officials map the territorial boundaries of the village as the first step in enforcement of the Land and Forest Allocation Policy (LFAP), and more recently, he had been a guide for a Chinese rubber company land survey. At the time of my research, all of the land used and inhabited by the people of Houay Kha was legally defined as 'state forest' and village boundaries within state forest had been formally demarcated by the government through the LFAP. However, the territory was managed and shaped by dynamically evolving customary tenure systems,

overlapping property claims and livelihood practices. Rights to use various resources and parts of the land overlap spatially and change yearly according to shifts in which areas are being cultivated. Together with my research assistant Somphet and with a machete in hand to clear our path through thick bushy fallows, we embarked on mapping Houay Kha territory with a GPS and notebook, keeping records of the size, history of ownership and use of each fallow and cultivated field. Through the eyes and narratives of Si Nam, the social history of the tangled Houay Kha landscape was made visible. We walked through the flat land where the old hamlet had stood five years previously, already reclaimed by vegetation and cultivation but still showing remnants of human habitation by the occasional fruit tree and flattened earthen squares where houses had once stood. Villagers had decided to move the hamlet to higher ground a short distance away from the original site because many elderly villagers had died within a short period of time. As there had been no obvious signs of illness, their deaths were attributed to the houses being built below the forest cemetery where the dead were buried. Si Nam pointed out various places that were known to be inhabited by nature spirits (*phi*), particularly noting *Samsum*[96], a huge tree enveloped by heavy vines growing at the point where three streams met. *Samsum* was a considered sacred place by the Khmu in Houay Kha, and the tree was believed to harbour a strong spirit (*Phi Samsum*). Villagers visited *Samsum* regularly to perform rituals to heal illness or ask for good fortune. We hiked the steep slopes of cultivated fields of rice, Job's tears and sesame, looking over the village hamlet and the few lowland rice fields surrounding the village and stretching into the valley territory of the neighbouring Lue village Lattahae. Most of the lowland rice fields within Houay Kha territory had been sold to Lue people from the neighbouring roadside village Ban Lattahae. Farther from the village, Si Nam used a machete to clear a path through the tall *pa nya kiloh* ('forest of the weed *nya kiloh'*) of last years' fallow, thick walls of green that already reached high above our heads and hid the damp slippery footpaths underneath. By observing fallen tree trunks, streams, termite mounds and burnt stumps, he was able to point out the field boundaries, identify the owners and users of currently cropped fields and describe the social histories of overgrown fallow plots that had been cultivated in previous years. Often he remembered precise measurements of fields that had been surveyed for land allocation. When we came across a hive of bees on one of the tall fallow bushes, Si Nam headed into the bush and within a few minutes came back with the honey-comb, upon which Somphet asked him if he had special magic powers. Si Nam denied this,

[96] *Sam sum* means fork with three points; *sam* is three, and *sum* is meeting point or junction.

explaining that most men in the village could collect honey easily without getting stung. Somphet was unconvinced. The fallow land where the bees were nesting belonged to someone, but wild products in uncultivated fallow areas such as honey, wild animals, mushrooms, wild plants, etc., were treated as common property in the village and were extremely important for subsistence and income. Si Nam planned to extract the honey from the comb and sell it, but later in the day, as we rested in a field hut, we ate the honey along with some local sugar cane that had been planted around the hut by its owner. Anyone was allowed to eat the cucumber-melons and sugar cane that had been planted around the hut, and farmers usually plant small plots of food crops around the field huts in the uplands for villagers to eat if they are hungry and need a rest.

For Si Nam and the people of Houay Kha and surrounding villages, the tangled swidden forest-farm foliage holds a dynamic socio-ecological map of past, present and possible future engagements with the landscape that belies the spatially and temporally-bounded mapping. Socio-ecological space is produced locally through practices of resource use, agriculture and trade that both create and blur boundaries between villages, ethnic groups, customary and formal laws and state/non-state spaces. As a remote Khmu ethnic minority mountain village, Houay Kha is spatially, politically, economically and culturally marginal in relation to the Lao state, yet government policies and laws articulate with customary practices even when they are not specifically deployed within village territories. This chapter focuses on the production of socio-ecological space in Houay Kha through local practices that construct, reinforce and make ambiguous conceptual boundaries around territory, ethnic group, and property. I highlight the articulation between formal state rules and control with the place-based practices and interpretations of villagers and local officials to illustrate how state laws are interpreted and reshaped through local customs and practices, and reembedded within local socio-ecological systems. Villagers apply both formal and informal systems in constructing boundaries and struggles over resource rights.

In chapter four I described the socio-ecological nature of swidden landscapes and livelihoods. These landscapes fall into an in-between conceptual space, a ‘grey area’, or what Anna Tsing (2005) describes as a ‘gap’, between the simplistic modern dichotomies that separate wild from cultivated, forest from farm, nature from culture, margins from centres, and even perceptions of what is ‘primitive’ and ‘civilised’. States seek to make these ‘illegible’ spaces visible, bringing them under government control through mapping, zoning and classification, and implementing laws, rules and regulations that attempt to manage how citizens use resources within these newly

created ecological and administrative zones (Vandergeest and Peluso 1995, Scott 1998). Such processes of territorialisation construct imagined administrative boundaries between agriculture and forestry, and where the lines between farm and forest are drawn has serious political consequences. As described in chapter two, in most of Southeast Asia, swidden landscapes are zoned as 'national forests', rendering the farming communities living within them invisible and subverting customary rights to land and natural resources by representing these areas as empty forests to be managed for the good of the nation. Such processes of state territorialization emerged during the colonial era (from the late 19th to early 20th centuries), when swidden landscapes in Southeast Asia were incorporated into newly territorialized nation-states as state forest land, granting ultimate ownership to the state and placing management authority in the hands of national forestry departments (as opposed to agriculture departments). Influenced by western notions that separate people from nature, such 'political forests' were constructed as natural biological entities (Peluso and Vandergeest 2001). Assertion of state control over peripheral forest areas became important for establishing national territorial boundaries, security and economic exploitation (Forsyth and Walker 2008). Rules and regulations governing use of forest resources were drawn up and formal organisations were established for policing and enforcing these rules. Notions of 'people-less' natural forests that could be managed for conservation or production forests that could be scientifically managed to meet state economic interests underpinned policies concerning forest lands. These were superimposed upon pre-existing local customary institutions, spatial practices, land classifications and property relations. The prior claims and livelihood practices of local people living within these areas were rendered invisible through these processes.

The creation of state forests in swidden landscapes is politically motivated and contentious in its implications for the rights of the people living in these areas. Although pre-existing local rights were (and continue to be) recognised in some countries through the legal encoding and endorsement of 'customary law', these rights are often contingent on specific 'indigenous' or ethnic identities and on 'conservationist' forms of resource management, providing less extensive rights than those provided to people classified as 'ordinary' citizens or 'peasant farmers' (for example, in Indonesia, customary *adat* rights often exclude the right to sell lands) (Li 1999). In Dutch Indonesia and in British Burma and Malaysia, formalised 'customary law' was encoded and constructed concurrently and in dialogue with the creation of political forests, and is an artefact of documented negotiations between village leaders, colonial anthropologists and/or state officials

(Li 1999, Li 2000a, Peluso and Vandergeest 2001, Cramb 2007, Li 2007a). Any uses or practices which were not documented at the time were effectively criminalised. The concession of customary rights gave the state the appearance of being generous by granting formal access to resources that people already held and owned while obscuring the historical and political processes of territorialisation that over-rode their prior and unconditional rights. The resulting legal pluralism was often racialised, and some 'ethnic groups' were granted tradition customary rights and their livelihoods classified as forest livelihoods and placed under the jurisdiction of the department of forestry, while other groups were subject to agrarian land laws under the department of agriculture (Peluso and Vandergeest 2001, Vandergeest 2003). The bureaucratic separation between 'forest' and 'farm' also distinguished forest income and production (hunting wild game, gathering medicinal plants, foods, or commercially important non-timber forest products such as honey, resins, barks, dyes, and so on) from farming income and production (upland rice and other cultivated crops) and obscured the ecological and livelihood importance of *both* forest and farm activities as part of one holistic swidden livelihood system and landscape. Although in Laos, as in Thailand, customary rights were never documented and no one ethnic group is considered more indigenous than another (therefore the classification of indigenous people holds little political meaning), the legal classification of swidden lands as state forests and the institutionalised separation between agriculture and forestry has been incorporated into national bureaucratic and legal structures and into national imaginations of landscape and territory, as described in chapter two. These formal classification systems and the legislation and regulations associated with them overlie and transform pre-existing socio-ecological space created through on-going local practices and customary institutions.

In contemporary Laos, village lands are being ecologically classified and zoned for different uses, overlapping and flexible customary claims are being formalised and privatised through land allocation and titling, and villages are being resettled to protect forests, to make way for plantation concessions, and to facilitate provision of state services such as schools and clinics. However, such policies are not being enforced evenly and concurrently across space and time. In Pak Ou District, the Land and Forest Allocation Policy (LFAP) had been completed in the easily accessible well-established villages along the road. In these villages, at the time of this study, territorial boundaries had been demarcated and household rights to specific land parcels had been formalised. However, land allocation lagged behind in difficult to access areas, such as mountain villages located far

from the road, and also in villages that had been recently resettled where land claims were uncertain and disputed. This created territorial pockets of assumed state 'legibility' and control in roadside villages where the LFAP had been completed, immediately adjacent to spaces of 'illegibility' in more remote villages such as Houay Kha, where lands continued to be managed under customary tenure systems. These formal/state and informal/customary spaces and property systems interacted homeostatically, creating 'hybrid' physical, conceptual and social spaces in which state and customary laws were negotiated, manipulated and combined. The boundaries between 'state' and 'non-state' spaces and institutions became ambiguous as formal and customary understandings and practices for asserting territorial rights and property claims articulated with one another.

According to Lefebvre (2000 [1991]), social space is produced by a combination of a) 'spatial practice' – the things people do that create the socio-ecological space in which they live; b) 'representations of space' – 'mental' abstract representations of space and society produced through rationalising processes such as zoning, mapping, surveys, and so on; and c) 'representational spaces' – the imagined and symbolic meanings of space and how this influences practice and lived experience. Physical and conceptual spatial and social boundaries are constructed and/or broken down through a combination of repeated practices, symbolic representations and historical and explanatory narratives. This is true for boundaries constructed around national territory, land and resources (property rights, forest versus farm), identity (nationality, kinship, ethnicity), and also for concepts such as 'legal or illegal', 'allowed or not allowed', 'just or unjust', etc. that form the basis of the rules, regulations and institutions and determine who is subject to these. Boundaries can be constructed in the abstract, through mental and rationalised representations of space, identity and articulated rules and institutions, but are also generated, interpreted and resisted through shifting patterns of practice and within specific contexts – by the *'indeterminate trajectories that are apparently meaningless…the snowy waves of the sea slipping in among the rocks and defiles of an established order'* (de Certeau 2013 [1984]:34).

In this chapter, I explore the socio-spatial practices that generate boundaries, property claims and enclosures in swidden systems, and how these intersect with government attempts to bring peripheral peoples and lands into its fold through the imposition of new territorial classifications and land use regimes. I examine the articulation between the different institutions that govern claims to property in Houay Kha; how the informal customary laws and practices of different

ethnic groups are respected and negotiated between adjacent villages, and how formal state legislation is resisted, adapted or manipulated within customary systems of rights allocation. Houay Kha represents a village in which state policies of land reform or resettlement have yet to be formally implemented, but the threat of these policies, their enforcement in the surrounding areas, and the rationales that underlie them have nevertheless changed how local people negotiate property rights within their territory. The intersections between state/formal and customary/informal spaces and practices create fuzzy boundaries between 'state' and 'customary' regimes, creating hybrids which are neither one nor the other, while the adherence to different customary practices of different ethnic groups living in neighbouring territories act to recognize and reinforce socio-spatial boundaries.

The first part of this chapter examines socio-spatial practices that create or break down boundaries – between territories, ethnic groups, formal and informal systems, and concepts of 'justice/injustice', 'legal/illegal'. The second part of the chapter examines the customary property institutions and practices that govern rights to swidden plots within Houay Kha, and how these are being transformed 'mentally' and physically in the face of various state modernising and rationalising policies that are being implemented in neighbouring communities, although not yet within Houay Kha itself. In such a way, assumed boundaries between customary and formal, state and non-state space are dismantled.

Negotiating boundaries and hybrid spaces: hunting, logging and trading

The entire territory of Houay Kha, including privately held lowland rice paddy fields, is legally designated as state forest. The territorial boundaries of Houay Kha were officially demarcated in 2003 as part of the Land and Forest Allocation Policy (LFAP), and villagers retain usufruct rights to most resources within the territories that they continue to manage according to customary practices. Certain resources, such as valuable tree species, are claimed and managed by the state, while others, such as wild game, move across village territorial boundaries. As described in chapter four, wild species from forest-fallow are generally treated as common property, although some valuable 'wild' tree species, such as paper mulberry (*posa*), are claimed by owners of fallow lands that are otherwise used as commons when not cultivated.

Socio-ecological space and territorial boundaries are produced, reproduced and challenged through daily practices, while claims to land and resources are contested through competing narratives asserting preferential claims as well as through local practices of compliance with and resistance to customary and formal property institutions. The following three cases describe spatializing practices and negotiations over the forest lands and forest products that both blur and define boundaries between territories, ethnic groups, formal and informal systems, state and non-state spaces and notions of legality/illegality and justice/injustice. The first case concerning hunting illustrates the negotiation and reinforcement of ethnic, kinship and territorial boundaries through ethnically specific practices of measuring and dividing shares of hunted game that cross village territorial borders. This case illustrates the construction of boundaries and conceptual division of territorial space through local practices that make boundaries meaningful. In contrast, the case about logging illustrates how place-based practices dismantle and blur boundaries between 'state' law and customary practice and between concepts of 'legality' and 'illegality', by illustrating how laws against cutting trees are resisted and ambiguously enforced in practice. It also highlights contradictions in state forest protection policies, which do not allow villagers to cut trees within their territories to support their own subsistence and development needs, yet allow plantation and road building companies to log the same trees the villagers have been forced to protect. Both of these cases illustrate local resistance to state authority through the selling of 'illegally' hunted meat and 'illegally' logged timber through informal unmonitored trade networks. The final case examines trade networks in Houay Kha, and how government attempts to regulate and standardise trade of cash crops are undermined by local practices, illustrating how state-regulated and unregulated space intersect and hybridize, undermining the seeming 'legibility' of prices and formal trade in forest products.

The thumb and the fist: Hunting and territoriality

It was 3:30 in the afternoon when my research assistant and I ran into Thong Laa along one of the paths leading to the upland rice fields. I was surprised to see him with a hunting gun slung over his shoulder since, when I had interviewed him earlier, he had told me he never hunted. This chance encounter taught me that there are two different words used for hunting that distinguish hunting alone or in a group; we had asked only if he hunted in a group. Thong Laa explained that he didn't like hunting with other people because he had heard stories that hunters sometimes

mistook each other for animals and accidentally shot each other. Also, if he hunted on his own he could keep the whole animal for himself, although he still had to give a share to the headman *'because the headman solves problems between people'.*

> If I keep the animal to eat, I give the headman the back meat, 1 leg and the insides of the animal, but if I sell it, I gave him a share of the money. When people hunt in a group, they only have to give the back meat since the meat is shared between many people.

Thong Laa was planning to spend that night hiding under a fruit tree where he thought animals would look for food. He was hunting for pigs, deer, squirrels and anything else that came his way. The previous day he had caught one bird and one squirrel, small animals that he didn't have to share with the headman. He had made the hunting gun, bullets and gunpowder (a mix of sulphur, bat feces, and coal) himself, and was using two types of bullets that he had made from *suen* (a type of metal – possibly lead – that they also use for making fish weights): large bullets for deer and boar, and small bullets for squirrels, rats and birds. Thong Laa reminisced that when he first came to live in Houay Kha in 2003, he used to catch more animals, sometimes two large animals in one night. Last year he got seven wild pigs, but this year he had caught only two so far, which he said was not very many. Thong Laa attributed the decrease in animals to the Hmong families who had moved to Houay Kha. The Hmong hunted in large groups with many dogs, and he thought that the wild animals had been scared away and no longer came back near the village. Thong Laa did not think the population of animals had decreased, but that the animals had 'become smart' and had learned to stay away from the village. *'It is even difficult to trap rats now, because they are getting smart as well',* he lamented, explaining that he now had to change the type of bait he used in his traps more often or the rats would not enter them. Certain animals, such as bears, had become extremely rare, and although they had seen bears last year, they are not supposed to hunt them because of state regulations.

In Pak Ou District, the Khmu and Hmong are particularly known for their hunting skills, for wild game is an extremely important source of their food and income. Small animals such as squirrels, birds, *thun* (a type of large rodent similar to a small gopher) and lizards are hunted using a variety of traps, slingshots and bows and arrows[97]. Lizards caught by people in Houay Kha are sometimes sold in the weekly market near Ban Phai[98] for more than 20,000 Kip ($2.00) per kilo.

[97] A detailed description of the various hunting technologies used by the Khmu is presented by (Tayanin and Lindell 1991) and for the Lamet, who are closely related to the Khmu, by (Izikowitz 1978[1951]).

[98] The price of lizard is more than 20,000 kip/kilo, and one hunter said you can 'choose the price', meaning that they are in high demand. He said there are lots of lizards, and if he hunts he can catch between 1, to 5-6 lizards in a day.

Hand-crafted wooden hunting guns are used for larger animals, mainly wild pigs and different types of deer (*fahn*, a small barking deer about the size of a goat, with unbranched horns and *guang*, very large deer with antlers, about the size of a cow), the occasional bear, and also sometimes for small animals like birds or lizards. Hunting may be a solitary or group activity, and there are different words for these different types of hunting. Unlike Thong Laa, who prefers to hunt alone, most Khmu prefer to hunt in a group because they catch more and say that if they go alone, they don't even get enough to eat.

The state forbids the hunting of species that are considered endangered; however, because of limited regulatory capacity, hunting restrictions are enforced mainly through regulating trade and sale of game in local market centres rather than by enforcing hunting restrictions in the villages. Formal state regulations therefore have little meaning in the subsistence and informal trade networks of hunted meat in remote villages, nor for the trade of meat to roadside villages and restaurants, which is largely unregulated. State officials have attempted to confiscate firearms in all villages, including hunting guns, primarily because of security concerns and to stop people from shooting each other in arguments. Very few people in the Lao and Lue villages along the road own guns any more, although some villagers make and sell hunting guns for income. However, the more remote Khmu and Hmong villages resisted giving up their guns. One state official who had gone to collect guns from villages in Pak Ou in the mid 1980s explained that villagers refused to give up their guns and that he had been threatened by one of the headmen, who made it clear that 'if he got shot, his village would be responsible'. When he went to the villages, he was accompanied by about ten people, with guns to protect him. Village headmen were supposed to organise people to hand in their guns, but in Houay Kha, the headman could not control the villagers, who hid their guns when the government came to collect them. Most households living farther from the road own guns, and hunting continues to be an important livelihood activity.

Many Khmu in Houay Kha complained that the populations of wild animals had decreased, and attributed this variously to over-hunting, increased human population, the immigration of Hmong who hunt more often with dogs and scare the animals, and to the loss of forest for animal habitat. As one Khmu hunter explained,

> Over time, it has changed a lot. Before there were a lot of deer (*fhan* and *guang)* and other animals. Now there are not a lot ('*mot laeo*' – finished already) because many people eat them. Most Hmong people are good at hunting, so they catch a lot of animals and sell them. I think it is because of the Hmong and Khmu that there are fewer animals. But we Khmu are

> not as good at hunting as the Hmong. If we go to the forest and there are a lot of mosquitoes, we don't like the mosquitoes. But the Hmong are used to going to the forest so they don't mind. The Hmong sometimes use mosquito spray.

Men in Houay Kha often hunt in groups of between 10-20 people (even up to 50), bringing along several hunting dogs to scare and chase the animals out of the trees and towards the people waiting to shoot them. It is only men who hunt, although some Khmu claimed that women also hunted in the past when there were more animals[99]. The Khmu and Hmong sometimes hunt together in one group. Group hunting expeditions are often *ad hoc* – with people joining in when they hear gun-fire because 'they want to eat as well'. The Khmu explained that when they hunt in a group, they have two strategies. If the animal is in a small area, the hunters form a circle around the animal and close in around it. In a larger area of forest, the majority of the hunters will form a line and wait quietly with their guns ready to shoot any animal that comes their way, while a few hunters and the dogs will walk through the forest-fallow to scare and chase any animals towards the line. When an animal is killed, each hunter is given a share of the meat depending on the role he played in the hunt. All hunters participating get one share of the meat. The man who shot the animal gets more shares and 'has enough meat to sell as well as to eat'. If the man who shot the animal is on the side where the hunters are waiting, he gets two shares – the head and the bottom of the animal. However, if the animal is killed by one of the hunters who scared the animals through the forest, this is considered more difficult since they have to run through the forest, so he gets three shares of the meat – the head, the bottom and the meat under the neck. The owners of the hunting dogs[100] are given a share for each dog that participates in the hunt, even if they don't go hunting themselves (and therefore get two shares if they hunt with their dog). The dog that helps catch the animal gets its own share and is given the heart to eat. Therefore, the 'labour' of the animals is also recognised and rewarded. The Khmu especially like joining Hmong hunting expeditions because they say the Hmong are more generous with sharing the meat than Khmu or Lao.

[99] There is a perception that women cannot run quickly enough if they come across a dangerous animal like a bear or tiger, although these animals are now rare

[100] Good hunting dogs are extremely valuable, and a skilled hunting dog is worth about 1 million Kip ($100), while a less skilled dog fetches about 500,000 Kip ($50), a considerable amount of money by local standards. If a dog is shot or killed accidentally, compensation must be paid. The value of hunting dogs was clearly illustrated when I was invited to eat dinner with Thong Si after he had caught a wild pig. We sat on the floor eating sticky rice and meat from common plates, and the dogs were allowed to sit with the people, and were provided with pieces of meat by Thong See as we were all eating. He told me he would never sell his hunting dogs no matter how much someone was willing to pay because they were very good hunting dogs.

> If the *Lao Sung* hunt, if you go and meet them at that time, they will give you a lot. But if you hunt with Khmu or *Lao Loum*, they will only give you a small amount – enough only for the grill (enough to eat).

Once brought back to the village, each hunter's meat share is divided among their family members, often including relatives who are not living in the same house; for example, a son will usually give some meat to his parents even if he has his own household and they live separately. One woman explained that if her husband catches something, he eats first, but there is always enough left for her and their children. Shares of meat may also be sold within the village or to neighbouring villages at a price of about 18,000 kip per kilo (US$1.80) for wild pig. This is quite expensive given that the daily wage for labour in the fields is about $1.00. The practice of sharing hunted meat illustrates how claims are based on labour (who was involved in the catch, and in what capacity – including the dogs that helped with the hunt), and on kinship – who has the right to eat some of the meat once it is brought back to the village.

In Houay Kha and surrounding villages, game is treated as a common resource and anyone is allowed to hunt anywhere, regardless of ethnicity or village membership. During the chase, hunters often pass through different village territories, but territorial boundaries and village resource rights are recognised through the practice of paying hunting shares (a portion of the back meat) or a monetary tax to the official headman of the territory in which large animals are caught. This is considered payment for the headman's services in solving problems if someone is shot in a hunting accident. If a solitary hunter kills an animal and wants to sell it for money he must pay a monetary tax to the village, which goes to the headman and is proportional to the size and value of the animal.

Territorial and ethnic boundaries are recognised and reinforced through the customary practice of measuring hunting shares. The Khmu and Hmong have different ways of measuring the size of the animal, but which custom is followed to calculate the share for the headman depends on whether the animal is caught in Hmong or in Khmu territory. The Khmu measure the size of an animal according to the 'fist-length' of its body, while the Hmong measure the size of the animal's head using the width of their thumbs. In Houay Kha, they followed a conversion rate in which one 'Khmu' fist was equivalent to eight 'Hmong' thumbs. Regardless of the ethnicity of the hunters, animals caught within Khmu village territory were measured by the Khmu fist method, while in Hmong territories animals were measured by thumbs. In Houay Kha, the village tax on a 'four-fist' pig was about 50,000 Kip (US$5.00). Sometimes hunters tried to avoid paying territorial tax by selling the animal in secret. If caught they were fined twice the amount of the sale price, which

was an incentive to comply. If they informed the village that they are poor and wanted to sell the meat, then they have to pay a monetary tax to the village depending on the price at which they sold the animal, rather than provide a share of the meat.

The division and payment of hunting shares provides an example of how ethnic and territorial boundaries are negotiated and respected through the recognition of different customary practices and institutions. Providing a share of hunted game to the headman of the territory in which it was killed recognises claims based on territorial boundaries and authority, while division of shares among relatives recognises claims based on kinship, reinforcing and highlighting social boundaries. The application of the different customary practices for measuring animals in territories of ethnically different villages also reinforces spatial and ethnic boundaries. At the same time, the rejection of state authority to prohibit hunting by selling bush meat through unmonitored informal market networks and refusing to hand in hunting guns generates a boundary between 'state controlled' and 'semi-autonomous' space. However, because much of the hunting is considered to be illegal, villagers are restricted from earning higher incomes because they avoid selling in markets that may be monitored by officials. The historical on-going negotiation between the different customary institutions and rules of various ethnic groups living side by side implies that, from the perspective of villagers, national 'formal' laws are merely another institutional system that they accommodate, negotiate or resist.

A tree by any other name: Renaming and reclaiming

Mai Sak - Teak tree - *Tectona grandis*
Mai Kha - Siam Rosewood tree - *Dalbergia cochinchinensis*
Mai Khetsana - Agarwood tree - *Aquilaria crassna thymeleaceae*
Mai Doo - Rosewood tree - *Pterocarpus indicus*
Mai Chandai -Dragon's Blood tree - *Dracaena loureiri gagnepain*
Pa Mai **(PM)** -Forest Tree- *Official Minister of Forestry stamp for legally logged trees in Laos*[101].

Trees in Houay Kha territory have local species names. Some big trees have resident spirits and are given special names related to their spiritual value and location in the landscape, such as

[101] '*PM' (Forestry) marking hammer* means the hammer that marks a circle with a star and the Lao letter PM in the centre of the star and the numbering code above the star, being used for marking standing trees, logs, sawn timber, tree stumps and galls that are to be transported for the production and between provinces in the country'.
'PML' (Lao Forestry) marking hammer means the hammer that marks a circle with Lao letters PML at the centre, being used for marking logs, sawn timber, stumps and galls for export' (Article 3, Explanation of terms, Lao Land Law 1997).

Samsum. Recently, commercially valuable trees in village territory have been marked with new names – the initials PM (*Pa Mai* – Forestry) or PML (*Pa Mai Lao* – Lao Forestry) scratched into the bark with a marking hammer, representing claims granted by the government to a company in Luang Prabang, in payment for the promise of a road to link Houay Kha to the main highway. Such large economically-valuable trees are protected by the state, and villagers are not allowed to cut these for commercial purposes.

In areas defined as state forests, where swidden communities have usufruct farming rights to land, the government combines territorial and species management in governing resource use[102]. Valuable tree species are protected, managed and claimed by the state, while villagers are allowed to use less valuable species and other non-timber forest products (NTFPs). Although they still require a permit from the District Agricultural and Forestry Office (DAFO), villagers are allowed to cut tree species that are not commercially valuable to build houses. This right is reinforced in the Lao Forestry Law (24 December 2007), which declares that villages and households are allowed to use timber from non-protected tree species from forest zoned for village use for building schools, meeting halls, houses, and so on. However, they first require permission from the District or Municipal Administration Office (Lao Law on Land 1997, Articles 40 and 41).

'Forests' are subject to overlapping claims by the state and by villagers inhabiting these areas, determined by how these lands have been formally classified and zoned by the state, how resources are used in customary practice during different years and seasons, and the actual vegetation cover. There is a temporal dimension to formal and informal rights to land, as the classification of land type changes over time as fallow re-grows and different crops are planted. Most fallow in Houay Kha was young fallow, only 2-3 years old because the government had told villagers that they were not allowed to cut 'forest' regrowth that was older than five years. Rather than protecting forest cover, this had the perverse effect of encouraging unsustainable short rotations or simply clearing more land than needed in order to maintain local claims.

Villagers in Houay Kha are not allowed to cut trees in the 'forest' except for building houses, otherwise they will be fined if they are caught. They are not allowed to sell trees, even those that are not marked as owned by the state, and district officials occasionally visit the village to check

[102] Territorial management implies that all activities within a demarcated area are managed by the state and that rules are enforced, which requires capacity to police activities. Species management, on the other hand, involves enforcing management, taxes and rules for specific forest species, such as wild game or valuable trees (Peluso and Vandergeest 2001).

that local logging is not occurring. In Southeast Asia, it is common that swidden villagers living in State forests are granted incomplete formal rights to their territories that allow them to use and sell less valuable non-timber forest products (NTFPs) and farm certain areas while relinquishing their rights to valuable forest products such as hardwood trees to the state or ruling elite. Such rules are justified through claims that forests belong to the state to be used or conserved 'for the good of the nation', as well as assumptions that forest-dwelling peoples are satisfied with basic subsistence livelihoods (Dove 1996c, Li 1999). Appropriating resources in the name of the 'nation' or in the interests of the 'public' is a way that the 'centre' maintains the appearance of a just society while extracting wealth and resources from marginal groups in the 'periphery' (Dove 1996c).

In Pak Ou District, the legitimacy of state claims to valuable trees is contested through local practices and narratives. People in Houay Kha are well aware that they are not allowed to cut wood for sale, ostensibly in order to conserve forests. However, when district officials gave half of their territory to a Chinese rubber company (which will be discussed in chapter nine), the company was allowed to clear trees in the area allocated to the concession that the villagers had been instructed to protect. Some of this area was ten-year old fallow land. A district official who was also involved in implementing the Integrated Upland Agriculture Research Project (IUARP) in the village was also tasked with monitoring local logging activities and enforcing fines[103]. Furthermore, the district had granted rights to the valuable trees to a company based in Luang Prabang that would build a road between Houay Kha and National Road 13 in order to service the rubber plantation. The company had marked the trees, although they had not yet been cut at the time of the research, and the villagers were eagerly awaiting the road to be built. The company had won a bid for the road contract, would be paid for building the road and was entitled to take the trees cleared for road construction. They would take the shortest route from the village to national road 13, but if they had to pass through fallow lands where there were no trees, they would be entitled to cut an equivalent amount of Houay Kha's forest as compensation. About one-third of the cost of the road was to be covered by Houay Kha villagers, and to be paid in trees, while the rest of the payment would be covered by the government. Villagers supported the road project because, among other things, they felt that they would have better market access and would get higher prices for their

[103] The IUARP project provides funds and per diems to DAFO staff for transportation to villages to enable and encourage them to undertake project activities. This made me wonder if IUARP was implicit in increased surveillance of local community activities, and how this made local villagers perceive the project. However, I was told that the officials came often to the village even before the project had started.

agricultural and forest products. The general sentiments about logging and the road are illustrated by Thong Wan, who in a discussion about changing livelihoods directly implicated the enforcement of State laws as increasing poverty in Houay Kha.

> Some people have more money than others. Some people have money from their parents, or have savings from their great-grandparents.
>
> Q. Why could the great grandparents save money?
>
> A. Because before we could raise animals and we could sell animals. Also, now the government laws are different. Now, if you buy and sell illegal things, they will put you in jail.
>
> Q. What is illegal?
>
> A. Wild animals are illegal. Also wood and logs. All of these are illegal so we can't sell these. Before we could sell these things (and were able to earn and save money). Our grandparents were better off than we are now, because of the law. Because before we could sell illegal things. Now, wood is very expensive. If we could sell wood, we would be OK. Now, also if we are going to plant rice in the uplands, and make a big field – the land gets dry because of young fallow. If we want to sell trees because they are big trees, it is illegal and we can't sell.
>
> Q. What about the trees that are marked for cutting. Who is cutting the trees?
>
> A. Some trees have marks. DAFO marks the trees. The DAFO marks the trees, and they will build a road and cut the trees. They came and asked people here, 'Do you want us to build a road for you?' Then they asked if we had any money, but we don't have money. So people here offered them trees. The road is worth 511 million kip – so they will take trees to this value. So, now the company is cutting trees. We don't mind, because the government agreed to this. In any case, we don't have any choice. The people cannot do anything. We don't have the money, and it depends on the district [whether they can cut the trees]. The district agreed. However, we want the road. If they build a road, we can sell things. Now, there are only a few traders coming to the village, and we cannot bargain prices. For example, at the roadside, the price of rice is 1500 Kip per kilo, but if we sell rice in the village, we will only sell for 700-800 Kip/kilo. We can sell things for a higher price near the road.

Small-scale deforestation to fund local development is sanctioned at the district level even though forests are protected by national law. This type of small-scale logging occurs under the radar of higher levels of government. In Houay Kha, the road project was very slow to start, but the project led village leaders to understand that they could legally use their trees to fund village development. In their eagerness and frustration, the leaders of Houay Kha attempted to speed up the process by independently establishing a contract with a different private company, owned by a business man/policeman who regularly visited the village, who promised to immediately build both a road and water pump in exchange for the trees. Village leaders brought their proposal to the District government for approval, where it was rejected. It is possible that the District government was concerned that the company was not going to follow through on their promises and they were protecting villagers from potential exploitation. However, the people in Houay Kha were angry,

and in local discussions absent of state officials they accused the district government of 'desiring the trees for themselves'. The legitimacy of the State's claims to trees in the name of village development was undermined, and the Khmu villagers perceived state authority as a form of theft.

Deforestation, often blamed simplistically on swidden cultivation, is in reality an entanglement of legal and illegal activities, of competing and overlapping claims to trees, of overtly endorsed state activities such as plantations and road building, of villagers clearing new swidden, and of small-scale logging activities that are considered 'illegal' by state actors. Which deforestation activities are determined to be legal or illegal is related to the power of the state to formally zone territory and to create the laws, as well as how these 'abstract' laws are interpreted and enforced in place-embedded practice. While walking through the forests and upland fields (*hai)* far from the road, I occasionally witnessed people cutting and carrying cut timber and came across large trees which had been cut and hidden in the fallow. The illegality of local small-scale logging in village territories (generally attributed to the Khmu in remote villages) is challenged by the slippery legality of state-permitted logging by companies and plantations and selective enforcement of the law. While logging is actively discouraged in national legislation, the legitimacy of state authority to protect forests is further undermined by the complicity of some local state actors in logging activities. Villagers in Pak Ou sometimes accused the Lao Military, which has a small base in the district, of hiring Khmu villagers to cut valuable trees for them. At the same time, the local military base actively recruited soldiers from Khmu communities, and some Khmu villagers had been soldiers in the past, creating social overlap between 'villagers' and 'soldiers'. Furthermore, villagers implied that catching illegal loggers was economically beneficial for lower-level state officials, and accused state cadres of intentionally enforcing the law only *after* the trees had been cut, at which point they could be legally and freely appropriated.

Logging was an issue of ambiguous tension (although not outright conflict) between the remote Khmu and Hmong communities and roadside communities. People in the roadside village of Houay Lo were concerned about deforestation in the mountains, which was having a number of impacts on their livelihoods. For the past ten years there had been no tall trees suitable for boat construction. This was making it more difficult for farmers in villages along the Pak Ou River to own boats and go fishing, an important livelihood activity. Now they had to buy the wood, which

made boats much more expensive[104]. Farmers who owned paddy rice fields were concerned about the anticipated impact of illegal logging and deforestation on the watershed, which they felt would decrease water availability for their lowland rice fields. At the same time, logging was also encouraged by villagers in roadside communities who were sometimes involved as middlemen in sale of logs, or who needed logs for building houses but could not easily get good wood in their own territories because of more tightly enforced land use restrictions and decreased availability of large trees. Farmers in roadside villages sometimes hired Khmu villagers to cut trees illegally, and were 'hiding' valuable timber by using it as 'flooring' in their homes, to be converted to cash when needed, or constructing doors and furniture which could be legally transported for sale or use in Luang Prabang. A nearby artisanal furniture manufacturer was also getting wood from somewhere in the District for furniture construction. Meanwhile, occasional trucks from China would pass the highway laden with huge tree trunks, and elephants with their mahouts, dragging long chains for moving logs, would occasionally emerge from the hills. In spite of illegality and state policing, logging was occurring everywhere.

The blurred boundaries between legality and illegality are evidenced in the following example of the enforcement of anti-logging laws by the district government. In October, when rice stocks were running low, some of the men in Houay Kha had cut a few valuable hardwood trees from the forest to sell. They were acutely aware that this cutting and sale were illegal – acts of poaching or theft according to the state – and were very afraid of being caught, fined and put in jail. However, their families were hungry and there were a number of people in surrounding roadside villages who were eager to buy the wood. Some villagers in Houay Lo had asked them to cut 'one measure' of wood, for which they had agreed to pay 2 million kip (US $200 – a huge amount of money for the Khmu). In addition, Kampay, the Lue teacher living in Houay Kha, wanted to buy wood in order to build a house in Lattahae, although he wanted to wait until later in the year because he was afraid that DAFO would catch them and confiscate the wood. The season of rice shortage is the season when the Khmu are more likely to risk illegal logging, and DAFO cadres are aware of this seasonality. It is a potentially lucrative season for them, to catch illegal loggers, collect fines, and confiscate the valuable trees that have already been chopped down. The eyes of the state are

[104] Depending on the type of wood, a new boat (a good boat made with hard wood) costs 600,000 kip for the wood alone, excluding the labour to build it and the motor. However, not many people with boats have motors (a Honda, 3 speed motor cost at least 2 million 5 hundred kip at the time of this research).

open wider at this time of year. The Khmu were aware of the additional risks, but they didn't want to wait to sell the wood because they needed the money immediately to buy rice. So, they made an arrangement with Kampay. If they were able to get the trees more than half the way down the path towards the road without being caught by DAFO, Kampay would pay for the wood, whether or not DAFO caught them and the planks were confiscated. But if they only got it half way down the path and DAFO caught them, he would not need to pay. Both parties agreed to the arrangement and signed a written 'contract'. Unfortunately, DAFO found out about the sale and one of their cadres arrived just before the Khmu reached the road. The loggers ran away and were not caught, but the wood was confiscated. Because the wood had almost arrived at the road, there was a conflict about payment. The loggers demanded that Kampay should pay them, but he refused in spite of their signed agreement. DAFO pays villagers for informing on illegal logging, and there was some suspicion that Kampay had informed and would get a reward from DAFO. The Khmu were very angry with DAFO and with Kampay, because they did not get any money for the wood or for their labour (they 'lost their labour'). A farmer from Houay Lo described a similar scenario in Houay Lat, another Khmu community, where there had been a dispute about how the wood would be shared among the loggers, and one of them decided to inform DAFO.

> People who work with the woodman told – because they had an argument about 'you get more wood, I get less wood'. So one of them told DAFO. Also you get 25% if you tell DAFO. About 4-5 people usually go to tell DAFO to catch the wood. Some days [DAFO officials] just come and block the road to catch the wood. People in the village know who is telling, but cannot do anything because it is illegal wood. [Then in quiet voice, he added]. DAFO will be happy because they can sell the wood for money and also collect the fine. They sell the wood to the furniture makers in Pak Ou District.

These descriptions of logging in Houay Kha and neighbouring villages in Pak Ou District illustrate the ambiguous and negotiated nature of legal and illegal forest use in practice. The assumed legibility of paper laws and 'rational abstract' policies obscures local practices and relations of power through which state and local actors contest, interpret, subvert and manipulate perceived legal frameworks for their own ends. State cadres can legally benefit from the profits of illegal logging providing they enforce the law after the trees have been cut, which perverts its ultimate goal of protecting the forest. Khmu from remote villages are blamed for illegal logging by roadside Lao villagers, some of whom are complicit in hiring Khmu to cut trees. The justness of state appropriation of valuable trees to fund village development is challenged when this development doesn't materialise and when the Khmu are denied permission for similar proposals

to promote development in their village. It is also challenged by the absolute need of the Khmu for income to buy rice and the culpability of state legislation in their increasing poverty. The legitimacy of state policies is further undermined when some state actors benefit financially by selective enforcement of the law. Thus, local resistance against the state is considered just, while the legitimacy of state management of forests and claims to trees is locally challenged, as state activities become interpreted and resented as a form of theft. Because of the complexity of possible scenarios, practices, interpretations and exceptions to the rules, the 'boundaries' between legality and illegality, justness and injustice become fuzzy or 'illegible' the closer the gaze (see also Stumpff 2013).

The application of the 'written contract' by the Khmu as a way to legitimize informal (even illegal) local agreements further illustrates how formal and informal, state and non-state, legal and illegal ideas articulate in local practice. The Khmu have become familiar with written contracts from their interactions with the government, having been asked to sign contracts to stop planting rice by a certain date and observing the land titles and certificates being issued in roadside communities. Local informal contracts for credit and trade are supported by well-established social sanctions and are generally honoured (when possible) or renegotiated in order to maintain good relations with traders and creditors in the future, without going through formal state processes. However, while there may be documentation in ledger books, most customary agreements concerning labour and trade are negotiated orally. The use of a signed contract to increase security of payment in an informal agreement for illegal logging borrows from the formal state system and provides an aura of authority and legality. However, there is no institutional context in which the Khmu can ensure the contract is honoured if they are not paid, since they cannot seek support from the state without exposing their illegal activity. This illustrates how ideas from the formal system are incorporated into the informal practice without a complete understanding the broader state institutional structure. The contract is a 'culturally embedded object' that is taken outside of the context in which it was created and reembedded in another. Its value or power is assumed to lie within the object itself rather than within the framework that supports it. Essentially, the idea of the written contract as a 'symbolic token' of abstract legality and legitimacy (Giddens 1990) has been accepted without a clear understanding of the structure of authority within which this legitimacy is supported. While contracts may hold legitimacy in the local context even without backing of the 'formal' state system, in cases where they are deployed to back illegal activities or

Text Box 6.1: Article 100. Prohibitions for forestry staff and inspection officers (Lao Forestry Law 2007)

The following conducts are prohibited for forestry staff and inspection officers:

1. To abuse duties and position and to receive bribes for their own benefits;
2. To overuse the rights and duties that cause loss to the benefits of the State, collectives, or people's rights and benefits;
3. To abandon the duty and lack of responsibility for the assigned tasks [sic.];
4. To leak the State and official secrets related to forests;
5. To falsify documents such as signature, seal and log list, timber measurement, timber quality grading, data of forest survey, forest inspection and timber stamping;
6. To run or take part in business concerning harvesting and trading of timber and forest products;
7. To give log stamp hammer to businessman and people including staff who are not responsible for [sic.];
8. To move, change or destroy boundary signs/stakes of Protection Forest, Conservation Forest and Production Forest;
9. To use violence, intimidation or threats and other illegal measures.
10. To have logging machinery and log hauling vehicle in possession;
11. Other prohibited behaviors as provided in laws and regulations.

in which local sanctions and systems of authority are not sufficient to force compliance, they have no binding power. Even the local headman could not help enforce such contracts, although he turns a blind eye to the logging. Any sanctions against informants or people not honouring 'informal' written contracts such as the one described are reabsorbed into the realm of local conceptions of moral justice (rather than law) to be dealt with through social sanctions between individuals that are not necessarily supported by village customary structures, and that may include 'everyday forms of retribution' against perceived wrongs (for example, by uprooting trees or petty theft, as described in chapter four in the case study of Siang Kam's conflict with the Khmu over burning fields).

The Khmu's use of a written proposal and contract to negotiate their rights to use the trees to fund village development is similar in that they attempted to adapt and deploy practices of the formal state system to support their own interests. When the district government rejected the Khmu proposal to cut trees to fund development, a proposal that exactly reproduced the rationale and process of the government, the legitimacy of state authority was undermined and the government contract was perceived as a grab for valuable trees. The involvement of the military in hiring Khmu villagers to log, and the complicity of some state cadres in catching illegal loggers after the fact (when they can benefit both from fines and selling the trees) likewise undermined local perceptions

of the legitimacy of state authority over forest management. State authority is locally contested and resisted in the face of perceived injustice and contradiction.

Abstract laws designed to protect forests are made illegible by irregularities in the practice of their enforcement. The complicity of local level state cadres in illegal logging has been recognised as a problem at higher levels of government, and the revised National Forest Law seeks to redress this, at least in writing. Article 100 (Prohibitions for forestry staff and inspection officers, presented in Text Box 6.1) reads as a list of all the various ways lower level state cadres have been complicit in illegal logging activities. However, Article 100 doesn't address how local cadres benefit from selective legal enforcement of the law, as has been described in the case study above.

Watching your weight(s): Formal and informal market transactions

The Khmu in Houay Kha are connected to lowland markets through multi-ethnic networks of villagers who play a dual role as farmers and traders, purchasing crops and forest products in remote villages and transporting these to resell to other traders along the road or in Luang Prabang town. Some of these products are subsequently resold regionally, mainly to China, Thailand and Vietnam. Villagers from remote communities who operate as traders must have access to capital to purchase and transport agricultural and forest products, and must own or be able to rent a small tractor to move the goods to the road. Small-scale trade is also carried out in small stores owned by a few villagers, who sell small manufactured goods such as candies, matches, candles, cookies, packaged noodles, spices, cans of pop and water, rubber sandals, shampoo, soap and so on.

Commodity chains for forest and farm products are sites of interaction between different ethnic groups, as well as interfaces between informal and formal trade networks and practices. The ethnic roles reflected in historical trade networks described in chapters two and three continue to dominate contemporary trade relations in Pak Ou District. In Houay Kha, there are several regular traders, mainly Lue men and women from neighbouring villages, who come to the village by small tractor to buy agricultural and forest products immediately after harvest. They resell the products at higher prices to larger-scale middlemen living in roadside villages or to traders who travel along Route 13 seeking agricultural products; or they transport them to Luang Prabang town to be sold to a few major traders who buy goods from across the province. Villagers are not tied in patron-client bonds to any particular trader unless they have a specific debt to repay, and therefore are free to sell to whomever offers them the best price.

The main products for trade – sesame, Job's tears, *posa* (paper mulberry bark) and *khem* (broom grass) – often pass through several layers of middlemen before reaching the major traders in Luang Prabang who repackage them for export to buyers in Thailand and China, where they may again pass through a number of middlemen. Rice in Houay Kha is also traded, but only through local networks. Products from the uplands are classified as *Keuang Pa Kong Dong*, with translates roughly as 'forest products belonging to the jungle', or simply 'forest products'. This category includes farmed crops like Job's tears and sesame, as well as non-timber forest products (NTFPs) such as *posa* (paper mulberry), *khem* (broom grass), cardamom, *khi si* (Thitga resin – dammar resin from the tree *Shorea obtuse*), sticklac and *Mai chandai* (Dragon blood tree*).* Essentially, apart from rice, any product that is produced in swidden areas classified as 'state forests', whether cultivated or wild, is classified as *Keuang Pa Kong Dong.* Rice, as the staple food, is always just classified as rice. According to one of the main traders in Luang Prabang, companies are not required to pay an export tax on these goods *'because these are products from farmers'*, although they do have to pay taxes on their profits. Improving regional trading networks in Laos is a government priority and part of the overall goal to transform subsistence cultivation in the highlands to market production.

Prices for goods are negotiated at each stage of the commodity chain – in remote villages, in roadside villages, and in Luang Prabang town. They are lowest in remote villages such as Houay Kha because the goods need to be transported to the road. Farmers are made aware of prices in the town via daily radio broadcasts, which are popular even in remote areas. However, prices for most products are volatile, and prices in Luang Prabang can drop very quickly when traders from the surrounding districts arrive to sell the same products at the same time. Khmu farmers in Houay Kha sometimes rented small tractors to transport the products themselves to the road or paid for transport to take them to Luang Prabang in hopes of benefitting from the higher prices, only to find that the price had already dropped once they reached the town. Because of this unpredictability they usually sold products to the traders that came to the village.

Formal and informal trade systems intersect in the negotiation of prices, weights and scales. The government has attempted to regulate and standardize commodity chains, but this 'legibility' has only reached the borders of the towns, creating a boundary between state and non-state space defined by the enforcement of regulations and the monitoring of trade. Government officials monitor, test and regulate scales and weights in Luang Prabang town to ensure standardisation and

price consistency between traders. Traders who use unregulated weights are fined. However, in surrounding rural and mountain villages, weights and scales are not regulated, a kilo is not a kilo, and the value of the crop is negotiated not only based on quality and current market value but also on whether the weight of the buyer or the seller is used. Therefore, the actual income received by farmers remains obscure, even if they can articulate precisely how many 'kilos' they had sold, and how many kip they had been paid per 'kilo'. Traders often use weights that are heavier, making crops seem lighter, while farmers who own weights have lighter weights. These negotiations are well described in an account by Thao Num, a young Lue man originally from Lattahae who lives in Houay Kha with his wife, who is the village school teacher. The couple runs a small store in the village selling basic supplies like batteries, shampoo, instant noodles, a variety of snacks and soft drinks. They also grow Job's tears on a field provided by the village, for which they hire local labour. Thao Num owns a tractor, and their main income comes from buying and selling agricultural products (sesame, rice, paper mulberry, Job's tears and occasionally small livestock (pigs and goats)) from the Khmu in Houay Kha and Nasavanh, and reselling these to traders or villagers in Lattahae along the road and also back again to villagers in Houay Kha when the prices are higher and rice is in short supply.

Thao Num always uses his own weight when he is purchasing goods in Houay Kha, so the price is always the same for all farmers selling a particular product at that time. He explained that most of the weights used within Houay Kha are about the same but are heavier than in other villages, and therefore crops weighed in the village seem 'lighter' (a kilo is really less than a kilo). That year, using his own weight, Thao Num paid about 6000 kip/kilo (US$0.60/kilo) for sesame in Houay Kha, and sold it for 6300 kip/kilo (US$0.63) along the road. Although this is not a large price difference, he earned more money than it seems because he does not use the same weight when reselling crops along the road – and the weights used near the road are lighter so the crop seems heavier. When he trades in other villages, sometimes farmers or other traders want him to use their weights, in which case the price per kilo has to be renegotiated. Usually his weight is heavier than their weights, he explained, because he has to store the crop for a long time and it will get lighter as it dries and before he resells it. Most traders have many weights – when they want to sell, they use a lighter weight and when they want to buy they use a heavier weight. Thao Num explained that they have to do this, because if they use a standard weight and lower their purchasing price per kilo, nobody will want to sell to them. So they give a high price to the farmers, but use a

heavy weight so the crop ‘weighs less’. This system is used for all things bought and sold – for meat, for crops, for forest products. In spite of state attempts to standardize markets and weights, such illegible negotiations dominate trade and prices within villages.

These imperfect markets and unreliable illegible prices are a serious constraint for villagers in remote communities like Houay Kha who are being encouraged to abandon swidden rice cultivation in favour of cash crops. Some of th e problems related to increased dependence on cash crops are illustrated in the case of Daeng, a Khmu farmer from Houay Kha who spoke to me about his harvest of sesame in late August that year. It had rained while his harvested sesame had been left to dry in the field, and he was forced to throw away half of his crop and was left with only 12 sacks when he had anticipated 20 sacks. Daeng decided to bring the sesame himself to sell in Luang Prabang instead of selling it to traders in the village, and had travelled to Luang Prabang before harvest to check where he could get a good price. One of the main traders in the town was buying sesame for 6800 kip/kilo, and he arranged to sell his crop to her since in Houay Kha, the price was only 6000 kip per ‘kilo’. He also wanted to sell in town because he knew the weights were standardized.

> … in the town, the weight is lighter, and here (in Houay Kha) the weight is heavier. If I weigh the sesame in Houay Kha, the weight of 1 sack is more than 30 kilos. But I if weigh the sesame in the town, the weight of one sack is more than 40 kilos. The weights used in Houay Kha are from the traders who come to buy crops in the village. But all the merchants have different weights and different prices.

Daeng anticipated he would earn much more in town than in the village, even though he would have to pay for transportation, but he could not be certain. He paid 10,000 kip (US$1.00) to hire a tractor from his field to the road, 4000 kip/sack (US$0.40) for transportation on one of the public trucks that pass by villages regularly, and 13,000 kip (US$1.30) for his own fare, so transport cost 71,000 Kip (US $7.10), which considering that the daily wage for agricultural labour in the area is about 10,000 Kip/day ($1.00) is equivalent to one week of work. By the time he had arrived in town, the price he was offered was decreased from 6800 kip/kilo to 6400 kip/kilo because his sesame was somewhat damaged by rain, and because many other farmers were selling sesame at the same time. In the end, even though the price was still higher in the town, taking into account transportation costs, he guessed that he earned the same amount for his crop as he would have if he had sold it in the village. Nevertheless, he was pleased he had gone because he got the trip to town at no extra cost and was able to shop for things that were not available in Houay Kha.

Villagers in Houay Kha were very eager to have a road built to their village from the main highway, in part because this would improve their ability to negotiate better prices for their products since more traders would come directly to the village and it would also reduce the cost of transport. Also, because of storage problems in the village, farmers in Houay Kha said that they needed to sell their crops immediately after harvest when prices were low. Daeng explained that traders were making all the profit because of transport and storage problems.

> If they build a road, we can sell things. Now, there are only a few traders coming to the village, and we cannot bargain prices. For example, at the roadside, the price of rice is 1500 Kip per kilo, but if we sell rice in the village, we will only sell for 700-800 Kip/kilo. We can sell things for a higher price near the road.
>
> Here, we are used to planting Job's tears. But last year, some people planted Job's tears and had 100 sacks and had to carry them from here to the road. They paid 5000 kip per sack to carry the Job's tears from the village to the road. And the people who buy the Job's tears get more than the people who grew them. They buy for 800 Kip if near the road, but they sell for more than 1000 Kip per kilo. If they come and buy here, the price is only 7-800 kip per kilo. Job's tears are a big thing (they are bulky) and we can't store them in the house because they take up a lot of space. We have to bring them down and sell it in the village because we can't keep them in the house. Therefore, we get a very low price. We don't have capital. One household from Lattahae was living here, and went to the road and bought a car. They built a house here, and bought rice from Nasavanh and Houay Khok and got a lot of money, because they sold the rice in the villages near the road. Even this person doesn't have the money to buy the crops, but he can borrow money from people in the town because they trust him. So he has the capital to buy crops from this village.

Middlemen also make money and gain land through their role as the main informal source of credit in rural communities. Thao Num allows Khmu villagers to take things on credit from his store, which they repay in crops (mainly with rice and Job's tears) after harvest if they wrack up a large debt (about 50,000-100,000 kip (US$5.00-10.00), or in labour if they have no other way of repayment. The largest amount of money he has loaned is 300,000 Kip (US$30.00). He earns money from paying slightly less than the market price for their crops. This forms a flexible patron-client relationship that provides the Khmu with some subsistence security because they can access money for food, medicine, etc. when they need this, but at the same time they are paid less for their crops, making it more difficult for them to improve their overall livelihood situation. They are tied into the relationship only for as long as they remain indebted, and have an incentive to pay back their debts since they may need to borrow again in the future.

> I charge interest. If they take money first and then they repay in rice and sesame, I pay them a bit less for the product. If the price of rice is 1500 kip/kilo, have to make the price 1200 kip/kilo. So the 300 kip/kilo is interest. There is a time limit for repayment, but it depends because some people are short of rice early. It depends on the reason why they don't pay.

> Some people have no choice because they are short of rice. So then I have to wait until after harvest to get money from them. If they borrowed money now, then they will pay back soon because they are harvesting rice now.

Thao Num's comments suggest that repayment schemes are flexible and take into consideration the timing of the loan within the agricultural season and the reasons for late repayment – if the family has no food, then they don't need to repay until they have harvested their crop or they can pay in labour. If they have the money but are spending it on 'luxury' items, the situation would be different. This suggests an informal 'moral' framework for debt repayment within Houay Kha that prioritizes subsistence needs. It also illustrates that local institutions for credit and debt repayment are not abstract but are highly personal. Even so, the Khmu in Houay Kha often find themselves in a vicious cycle of poverty, running short of rice after 6-8 months (in April – just after they have burned the fields) which often forces them to sell labour to other households for weeding (sometimes neglecting their own fields which therefore suffering lower yields) and to take loans from traders to buy rice when prices are at their peak. They repay immediately after harvest at a time when rice is plentiful and prices are at their lowest, and also earn less for their crops because they need to pay back interest. In the words of Thao Num;

> People in Houay Kha sell a lot of rice because everything depends on rice. Even MSG, clothes, going to the hospital, meat – they have to sell rice to buy. The Khmu sell rice after harvest, then come back to buy rice again later in the year when they are short of rice. The price of rice after harvest is about 1500 kip/kilo. When they are short of rice, I sell milled rice. The highest price [for milled rice] is 4500 kip/kilo, but the rice sold after harvest is husked rice. Also, the difference in price is mainly because of the time of year. Because when people are short of rice, the price goes up in the market because there is not a lot of rice available. I sell rice when people are short of rice. I buy rice from Houay Kha, move it to the house in Lattahae, mill it in Lattahae, and then sell it back to the people here when prices are higher. I don't mill it in Houay Kha because its very expensive to do it in the village since you need to use gas because here they mill by machine with an engine [3000 kip per kalong is the price to mill rice in Houay Kha. 1 kalong is about 10-12 kilo]. In Lattahae, they mill using electricity, and my family owns a rice mill in Lattahae, so I don't have to pay. In Lattahae, if you don't take the rice bran, you can use someone's mill for free. But if you want to keep the rice bran, then you have to pay 1500 kip/kalong… Most people in Lattahae have rice mills because they are small, so don't take up a large space. In Houay Kha only four people have rice mills.

Middlemen traders along the road tend to buy from many different villages, and some get capital loans to enable them to purchase large amounts of crops from farmers from the larger trading companies in Luang Prabang town, leading to layers of debt. However, taking loans from companies in Luang Prabang also forces the traders to sell their crops to the company immediately after harvest when prices are low, instead of waiting until for prices to rise later in the season.

Therefore, many prefer to build large storage spaces and use their own capital resources if possible, selling the crops at the end of the year when the prices offered in the town are higher. These larger local traders often lend money or rice to many farmers in the surrounding villages, mainly to the Khmu when they run of rice or face a household emergency. One Lue middleman from Lattahae had lent money to about seventy Khmu households in surrounding villages. Local moneylenders/traders require written contracts stipulating the amount of rice, sesame or Job's tears needed to pay back the loan. If the farmer decides to pay back with a different type of crop, this requires negotiating its relative value compared with the crop originally promised. The Khmu did not require any collateral for local loans, since local social networks provided sufficient security and villagers had an incentive to repay since they knew they would need to borrow again in the future. However, traders generally required collateral if Lue or Lao borrowed money – partially because these villagers tended to be wealthier and owned items of value – and traders had recently been demanding the newly issued land ownership certificates as security for repayment.

Even though weights in the town were standardized, companies in the town still negotiated the price of crops purchased from middlemen and farmers. Company representatives complained that products sold to them by farmers were often still damp and rotted before they could resell them to buyers in China and Thailand. Some companies had stopped buying Job's tears and sesame for this reason, and paid lower prices to farmers to compensate for their own losses. These companies did not have formal contracts with Lao middlemen and traders unless they had provided them with loans, but they did have contracts with the Chinese and Thai businesses. The Thai market demand for *posa* bark was higher than the companies could meet so the prices were always quite high and did not fluctuate, but the demand for Job's tears (used to make sweets and flour in Thailand, which are then exported to China and Taiwan) fluctuated and the prices were volatile. The companies transported all products to the border, and would sell to the Thai or Chinese companies on the Lao side of the border so that they didn't have to pay any export tax.

This section about trade networks illustrates a number of theoretical and practical themes. For one, government attempts to regulate and standardise trade are undermined by local practices that are spatially determined according to how 'visible' and accessible these spaces are to the state. Attempts to standardise, regulate, and make 'legible' trade practices are thwarted by the use of unregulated weights and the flexible informal negotiations of prices in remote areas, as well as by local money lending practices that change the going 'market price' according to personalized

arrangements made between individual farmers and traders. Local money lending and marketing arrangements are connected and organised to reduce livelihood risk of the farmers, even as they undermine farmers' capacity to improve their economic situation in the long run. Regardless of the statistics produced which advocate cash cropping to improve local livelihoods, the government can only roughly estimate how much farmers actually earn for their cash crops. Even the farmers themselves cannot be certain how much income they really earn per kilo – they can only know how much they have been paid relative to other farmers who are selling to the same buyer, using the same weight in the immediate local area.

Farming the forest: the practice of customary tenure

When I first asked about land tenure in Houay Kha, and about how farmers decided where to plant crops in a given year, I was provided a narrative of open access and first-come first-serve. Apparently, there was no property. Whoever marked an area could claim user-rights to the area for that year's crop. *'You just go and choose the area where you want to plant. Then you mark it with a 'taleao'. You have to be there first. If someone else has marked the area already, then you cannot take it',* said the old man sitting in his field hut gazing over his newly planted rice. There was no mention of rights of inheritance or ownership. According to him and the other men in the hut, any land was free for the taking unless a claim was marked for that given year. This representation of 'first-come, first-serve' property rights in the community belies the complexity with which different individuals and households in Houay Kha assert claims to cultivate certain areas/land parcels (*bon*) in the landscape across time and space. This section examines the customary practices and institutions that comprise land tenure relations in Houay Kha, and how these are shifting and contested in the face of state narratives and claims to land and new formal land allocation policies.

Researchers describing customary land tenure among shifting cultivators in different parts of the world have emphasized that farmers have cultivation rights by virtue of membership in a community or kinship group, but do not necessarily have exclusive rights to a specific defined parcel of land (Bohannan 1963, Dove 1985, Netting 1993, Ireson 1995, Rigg 1995, Li 2002c). Such tenure relations have been argued to be part of an indigenous 'moral economy' that guarantees community members the right to access land for subsistence production (Scott 1976, Peluso and Padoch 1996), which links them into a flexible system of social and agricultural

organization that allows the size and location of land parcels being used by different households or individuals to change according to their changing labour capacities and consumption needs over time (Dove 1985, McAllister, Gabunada et al. 2001). Flexible customary tenure systems may also enable ecologically-driven resource management by allowing overused areas to remain fallow, while smallholders with individual rights to a specific area of land would be forced to cultivate continuously regardless of the ecological consequences. Indigenous tenure systems often place heavy emphasis on risk management (Bruce 1993), and flexible or common property management may be a rational approach to spreading risk and uncertainty across the community (Dixon and Easter 1991). Land rights may be intentionally dispersed and fragmented to take advantage of ecological variability in the landscape and to increase food security (Dove 1985, Maxwell and Wiebe 1999, McAllister, Gabunada et al. 2001). In Kenya, government efforts to consolidate land holdings to permit economy of scale improvements in agriculture failed because people subsequently reallocated and refragmented the land (Maxwell and Wiebe 1999). Dove (1985) describes how the Kantu's shifting cultivation system mandated that the plots cultivated by an individual household must be out of eyeshot of each other, thus ensuring farmers cultivated a number of ecologically different plots each year. While it is advantageous for different households to clear their swiddens next to each other to facilitate labour sharing, the requirement that swiddens of a particular household be far apart takes advantage of ecological diversity, thereby helping to alleviate risk (Dove 1985).

Customary tenure systems are generally characterised by overlapping claims and nested bundles of rights, which are influenced by localised social relationships and networks and allow differential access to and use of land, crops and natural resources (Berry 1989, Berry 1993, Rocheleau and Edmunds 1997). This does not imply that household or individual ownership rights to specific plots of land are not recognised (customary tenure systems often encompass notions of private land ownership), but that this individualised 'ownership' does not necessarily permit complete exclusion of others from use or access. Many theorists suggest that property rights are better seen as 'partial' rights or 'bundles of' rights or entitlements than confer rights of access and use rather than ownership. Different and overlapping types of rights (use, ownership, sale, inheritance, etc.) may be recognised for different resource 'units' in the environment (trees, land, fruit, water, etc.) (Grey 1980, Ostrom 1990, Rocheleau and Edmunds 1997, Hann 1998). Under customary tenure systems, bundles of rights in natural resources tend to overlap, are often socially

as well as spatially determined, and are embedded within broader socio-economic, cultural and political relationships. Resources within a single piece of land may be subject to multiple and different claims, held separately by different individuals or groups of people and defined for different niches in a multidimensional landscape, according to space, time, specific plants, products and various end uses (Rocheleau and Edmunds 1997). For example, rights to trees are often held separately from land ownership, and the different goods produced from trees (such as fruit, firewood, or timber), may again be subject to different and multiple claims, depending on what they are and whether they will be used for sale or subsistence (Berry 1988, Rocheleau and Edmunds 1997). Different social groups may have seasonal rights to different types of resources, and these rights may change yearly depending on ecological factors (drought, relative abundance, etc.). Different and overlapping claims to the different resources in the environment are continually being negotiated and contested through shifting and sometimes conflicting practices and interpretations of custom, identity, and labour as the basis of rights. Two dimensional spatially-bounded conceptions of property rights are therefore inadequate to incorporate social and ecological diversity and multi-dimensional spatial, temporal and social realities that influence rights and access (Rocheleau and Edmunds 1997).

Anthropologists studying the nuances of local property systems emphasise that property rights are socially embedded 'institutions', practices and 'rules of access and use' that are subject to continual redefinition and renegotiation. Customary property systems often focus more on social obligations than on rights, and are more concerned with obligations between people than rights of people over things (Gluckman 1965). Social identity defines an individual's 'positionality' within these networks and becomes a basis of rights and of inclusion or exclusion from resource access. The behavioural practices, norms or social 'institutions' (Ostrom 1990, Leach, Mearns et al. 1997) through which people assert their customary claims are dynamic and are transformed gradually according to individual interpretations and practices in response to changing economic, political and ecological conditions. These transitions may involve gradual or sudden renegotiation of the basis of rights (social identity, labour, customary and formal law, etc.) at the local level that are mediated through local fields of power. In situations, such as in contemporary Laos, where formal state property systems are being introduced with the intention of formalizing and replacing customary systems, individuals may draw both from customary and formal narratives of legitimization in order to assert contested claims. Struggles for resources that place local people in

opposition to state policies are interpreted through a local lens, as villagers attempt to represent collective identity, custom, resource use and rights in specific ways that they perceive will be considered legitimate by the state. Where state (or other) claims can override local claims in the name of development, conservation or improvement, this period of transition creates a 'wild-west frontier' zone where states and villagers contest meanings, customary rules and institutions governing access to land and resources and dispute the basis of rights in order to secure their claims against competing interests. Villagers often draw on a mix of local customary practices and institutions, formal laws and select representations of 'legitimate' forms of resource use in order to assert claims over others within the communities as well as for territorial claims by the entire community against 'outside' interests. Both customary and formal rights to plots of land and different resources from the land often depend on how that land has been used, classified or transformed in time and in space. Classifications of land and resources are contested, as are the representations of local identities through which rights are asserted.

The following sections discuss the practice of property rights in Houay Kha, exploring how 'institutions' and rules governing ownership of and access to property emerge through repeated practices over time, and are transformed according to changing social, ecological and political contexts and exposure to new ways of understanding resource rights and legitimizing preferential claims. The first section presents how customary claims to specific swidden land land parcels (*bon*) are negotiated in Houay Kha. The second section examines how customary tenure is being transformed and increasingly privatised in response to state policies being enforced in neighbouring villages, even though these policies have not yet been deployed in Ban Houay Kha itself. New rationalities about abstract and exclusive land rights promoted by the LFAP were influencing Khmu narratives to justify excluding others from lands that they previously had rights to access, even though the policy was not yet implemented in the village. Furthermore, the implementation of this policy in neighbouring villages had constrained the land holdings in these areas, prompting these communities to seek land within Houay Kha territory. The boundaries between areas where the LFAP had been fully implemented and land had been 'privatised' and areas where it was not (such as Houay Kha) were blurred as land rights within Houay Kha territory were transferred to neighbouring villages and as the privatisation ideas promoted by the LFAP were deployed within Houay Kha to challenge customary practices and argue for more excusive rights to land.

Customary rights to swidden lands in Houay Kha

In Houay Kha, the Khmu distinguish different kinds of forest-fallow by age (old forest – *pa gé*) or by type of vegetation (even if this is not trees), such as bamboo forest (*pa mai lai*) or 'Siam weed (*Chromolaena odorata*) forest' (*pa nya kiloh*). Fallow land (*pa low*), referring to all forest areas that have been cut and cultivated at some time in the past, but where vegetation has been allowed to regenerate, is identified as another type of forest, and broad distinctions are made between old fallow (*pa low gé*) and young fallow (*pa low on*). With the exception of certain fallow species and tree crops, such as paper mulberry, forest and fallow lands that are not currently under cultivation are essentially used as village commons. These areas contribute important commercial and subsistence goods to local livelihoods, such as hunted animals and birds, wild fruits and vegetables, medicinal plants, grasses for brooms, grazing lands for livestock, wood for building, non-timber forest products, and so on (see tables A.1 and A.2 in the appendix). As described in chapter four, apart from conflicts between cattle grazing in fallow and getting into other farmers' crops, common use of fallow lands is unproblematic. These areas are also important for providing ecological services such as maintaining watersheds and soil fertility, and are vital to the ecological and social sustainability of swidden systems.

Although state law forbids cutting fallow older than five years[105], according to local customary practice, forest that has never been cleared is freely available to be cut and cultivated by anyone who needs land unless the area has been specifically protected as the village cemetery or for watershed maintenance, has economically valuable tree species that are claimed by the state, or has particular spiritual value. 'Pioneer rights' to specific parcels of land (*bon*) are granted through the initial labour of clearing primary forest, and the resulting forest-fallow (*pa low*) becomes the property of the person who first cleared it. As explained in chapter five, this first clearing involves rituals to appease the spirit owners of the land (*phi*) and to transfer ownership from the spirit to the human world – to the person who cleared the land. These are not exclusive rights, but 'privileges' which allow the owner first choice to clear and cultivate his/her pieces of land in future years. In principle, these 'privileged' rights are maintained no matter how long the fallow has been left to re-grow or who has cultivated the area in the meantime so long as the owner

[105] This is largely an attempt to protect forests and force swidden cultivators to intensify their agricultural systems by limiting the land that they can access. However, all government officials working within the Ministry of Agriculture and Forestry and its subsidiary agencies realise that shortened fallow periods make swidden systems unsustainable.

makes his claims known through marking or simply through local discussions. In such a way, notions that property arises from the original act of appropriation (labour as embodied in the individual confers the right to property, as argued by Locke and Rousseau), are then followed by Kantian and Hegelian notions that property begins with the 'mental appropriation' of things – since after the initial input of labour for clearing the forest, Khmu land rights are maintained through continual assertion of the claim and the recognition of the legitimacy of the claim by others in the community, even if the land is not actually used by the individual and the labour of others is invested in reclearing the area in subsequent years. For the Khmu in Houay Kha, the concept of property did not include the right to exclude others unless the household holding privileged rights was actively cultivating the land that year. This conception of property rights was in the process of transformation, as will be illustrated later in the chapter.

All land that has once been cleared is locally recognised as someone's property, and because men are responsible for clearing and burning the land, they hold pioneer rights. However, rights to specific *bon* may be passed down to the descendents (both male and female) or other kin, and often become subject to overlapping claims within kinship groups. Sometimes pioneer rights are allowed to lapse over time, if owners don't maintain active interest in the land, and others are allowed to lay priority claims. Customary tenure allows villagers to maintain claims to forest-fallow that has regenerated over many years, which contrasts with state policy which dictates that once forest-fallow has been left for five years it reverts to 'old' forest (*pa*) and becomes property of the state, at which point local people are no longer legally allowed to cut it.

Because of displacement during the war, Houay Kha is a relatively young village, for the current Khmu residents did not resettle the site until 1975 after the war had finished[106]. Therefore, rights to specific *'bon'* or areas of uplands have not yet passed between many generations so in most cases the original owner is clearly remembered or still living and kinship lineages are undisputed. This is different from many other swidden communities in Southeast Asia, where people have lived in place for many generations and the ancestry of original pioneer claims is forgotten, constructed and contested (see for example, Li 2002c, for her discussion of upland swidden rights in Sulawesi, Indonesia). Because of the nature of swidden systems, in a given year,

[106] It is not clear whether customary rights to specific plots of land before wartime displacement were maintained when the villagers returned to the site. However, it seems unlikely since the village was very small at this time, and land was easily available.

households are only able to cultivate a small portion of the land to which they have rights, leaving the other areas fallow, thus retaining their rights to claim this land for cultivation in the future. The amount of land (or number of *bon*) cultivated by a household in a given year is constrained by access to labour, primarily for weeding and maintaining the crop as it is growing. Thus, most of village territory remains forest-fallow each year and open to communal use. Before villagers begin the process of clearing the forest and fallow for that year, households with privileged rights choose where they want to plant, and mark their claim with a *taleao*[107], a 'star like' structure of woven bamboo (see figure 6.2). Once all the households with privileged 'ownership' rights have marked the areas they wish to cultivate, the left-over fallow land may be used for cultivation by other households.

Figure 6.2: *Taleao* marking a claim to clear parcel of forest, Houay Kha

In order to understand the customary tenure system in Houay Kha, I tracked the use and ownership of specific plots of land (*bon*) over time, a method which Anna Tsing refers to as a 'swidden fallow biography' (Tsing 2005). Using a combination of participatory mapping and interviewing, I collected information about the number and the rough location of the different *bon* that individual households remembered using over the years, the general physical characteristics of each *bon* (slope, soil type, weeds), who held pioneer rights, who else had cultivated the land, and how the household had gained cultivation rights to use that area. Figure 3.2 in chapter three shows a photograph of the participatory map that was created in the process of interviews on land use and tenure, which provided a visual image to facilitate the discussion. The complexity of tenure in Houay Kha can be illustrated by providing an example of a 'swidden biography' for one particular land parcel (*bon*) that belonged to Thong Mai, one of the original inhabitants of Houay Kha. The *bon* had last been cultivated in the previous year (2005) by his friend Thong Khen who had cultivated it for that year only. Thong Khen explained that he had chosen this place to plant because there was no land allocation yet and he could take whatever land he wanted. He described the land

[107] See chapter 5 for a description of the various meanings of the *taleao*.

as being young fallow (*pa low on*) with a lot of weeds (*nya bin khao* – 'weeds are rice', i.e. growing as if planted, like rice), but as having very good soil that was good for rice. The *bon* actually belonged to Thong Mai, who had cleared the land from forest more than 10 years before (he didn't remember the exact year). Thong Mai had cultivated it for only one year, and since this time, between various lengths of fallow, it had been cultivated by five different people: Neung (locally known as the crazy man), then Ponsak (the village headman), then Song, then Thong Sam, and finally in 2005 by Thong Khen. None of the villagers who had cultivated the land since it had been originally cleared from forest were close relatives of Thong Mai. Throughout this time, Thong Mai remained the recognised owner of the land, even though he had not actually cultivated the area himself for more than 10 years. This was good land, and when I interviewed Thong Mai, I asked him why he had not used it himself and had allowed other people to use it. He explained that because there was no land allocation, anyone could clear anywhere, and they didn't have to ask the owner before clearing as long as the owner had not marked the land to use himself that year. Thong Mai's recognised ownership rights did not confer rights to exclude others from land parcels recognised as belonging to him if he was not cultivating the land that year. However, Thong Mai asserted that *'... now this is not true. Before you didn't have to ask. Now we have land allocation so cannot do like this'.* According to most villagers, prior to the government's imposition of the land allocation policy (which will be discussed later in this chapter), any one could clear any of the left over land, and no permission, rent or specific social connection was required. These owned *bon* became open to limited usufruct rights for any member of the village, and part of a type of 'moral economy' (Scott 1976) which granted all villagers the right to land for subsistence production.

Although any villager can use land that is not being actively cultivated by the recognized *bon* owner, currently in Houay Kha most *bon* are 'borrowed' by the relatives and friends of the owner, who generally first ask permission to use the land. There are usually no customary reciprocal obligations in the form of rent, labour or providing a share of the crop, but this is also beginning to change. Sometimes land-owners allow their claims to lapse over time, or will transfer rights to some of their *bon* to their children after they marry and create their own households in the village. These privileged rights are more or less permanently transferred, although use of the land remains shared within the community. Privileged rights are inherited equally by immediate descendents (both daughters and sons), with cousins and other more distant relatives maintaining

weaker claims. Most of the older villagers didn't remember how many plots they had cleared from original forest, and privileged rights for many of these plots had been permanently transferred to their children or other relatives, or appropriated by other members of the village if the owner had not vocally maintained their claims. Land-owners maintain privileged claims simply by making it clear that they are lending not giving the land away and by not allowing those who borrow their land to plant permanent cash crops such as trees or pineapples.

> **Thong Mai:** People can plant any place, for no limited time. Even for my fallow, if somebody clears it [to cultivate], they don't ask me. This is no problem. Some areas that we want to keep, we protect these. If the rice is good – we want to keep the area, and just tell people that we want to plant this area for the next few years and people won't plant this area. We mark the area [with a *taleao*] and tell people.
>
> **Thong Khen:** We can clear any fallow. My fallow that I planted this year, someone else planted before, but I didn't say anything because I've planted other people's fallow as well.

At the same time, Thong Khen's case is increasingly unusual, and for more fertile and coveted fields, most of the households requesting and gaining usufruct rights to owned *bon* are close relatives, and fields are used in turn by different members of the family. The *de facto* enclosure of access to land within kinship networks may in fact be an unacknowledged aspect of social practice, in spite of the general principle that 'anyone can plant anywhere'. Or it may indicate a shift in land access in response to the anticipation of future land shortage, as I will argue below.

Although local 'moral economy' dictates that all villagers have rights to cultivate at least some land within village territory, this does not imply that all households have equal access to the best and most coveted lands. The early settlers of Houay Kha first cleared forest land with good soils within easy walking distance of the village hamlet and, unless specifically protected by the village, almost all forest-fallow land in close vicinity of the hamlet has been cleared at some point and is considered to be 'owned' by someone. Most of the original households have accumulated privileged rights to many of the best land parcels (*bon*) near the village, and claims to lands near the hamlet are well defined and strongly adhered to. However, with increasing distance from the village, borders of fields and territories are fuzzy and claims to individual *bon* become looser and are often allowed to lapse. Land shortage is not yet a perceived constraint, and on the steeper slopes and at the edges of village territory, there are still areas of uncut primary forests that are available for pioneer claims. More distant fields are most often cleared by new, younger households whose parents and siblings hold stronger claims to nearby fields, and by new immigrants who have no customary land claims or kinship links to access fertile land closer to the hamlet. Land that is more

distant from the settlement generally has better and more fertile soil and fewer weeds and is more productive because fallow periods are longer or because it has been recently cleared from primary forest. However, these fields are sometimes a two-hour hike away from the village, and the benefits of better soils are balanced against the time demanded for travelling back and forth to work in the fields. Labour is a constraint and the extra travel time is a burden. It is also more difficult to transport heavy crops back to the village and more distant plots are difficult to protect from wild animals and from theft, which influences the types of crops households choose to plant in farther fields (as described in chapter four). In Houay Kha, households without privileged claims are often left with poorer soils, are restricted from planting permanent crops like teak or pineapples on land that is 'borrowed', or have to plant areas farther away from the settlement where there are still unclaimed and uncleared forest or fallow areas for which the owners have allowed their claims to lapse over time.

According to Khmu custom, newly married households usually live in the house of one of their parents during their first few years of marriage, contributing their labour to help cultivate the parents' land, especially if the parents are old or sick. As described in chapter three, young couples most often initially live with the girl's family for the first few years of marriage, for a period of bride service during which the boy helps pay off bride price, after which they tend to move permanently to the husband's home village (Ireson 1996, Évrard 2006). In Houay Kha, however, while most often newly married couples lived with the girl's parents, this was not necessarily the case. A couple's choice of where to settle often depended on where they had better access to land and how many other children their respective parents had to help them. While the couple lived with parents, they used land belonging to the parents, and privileged claims to any land they cleared went to the parents' household. Once they move out of the house, often after they had their first child, the new household usually cultivated independently from the parents, sometimes using land belonging to their parents or clearing elsewhere. Being a new household was identified as an indicator of poverty by the Khmu in Houay Kha, not only because they had young children to care for and a higher household dependency ratio, but also because unless they were closely related to someone with rights to many *bon*, young couples often had to clear land that was farther from the village, or borrow land close to the village that belonged to relatives but often had poorer soil.

The ecology of swidden systems requires land to regenerate as fallow for a number of years in order to maintain productivity and limit labour needed for weeding. Unless agriculture is

intensified and additional inputs of capital, labour and technology are deployed, when village population increases, households have to cultivate farther and farther away from the hamlet until it is no longer efficient to travel between the fields and the houses. This limits the size of swidden villages, creating a need for migration once the population increases to the point where land access becomes limited. Évrard (2006:105) estimates that each household requires 13-20 hectares of land in order to maintain sustainable swidden livelihoods, and the largest Khmu village he encountered was 63 households with a population of 377. Laurent Chazée (1993) argues that in swidden communities, once the population increases so that villagers need to use fields that are more than 2 km from the hamlet, clusters of villagers will resettle to the periphery of the territory and begin a new village.

> ... les villages avec des cycles de jachère supérieurs à dix années, pour bénéficier d'un rayon de territoire à riz acceptable au niveau du trajet et du transport – 2 km de rayon autour du village étant le maximum – dépassent rarement un effectif de 25 familles (Chazée 1993:20, cited in Évrard 2006:104).

Another response to land shortage around the settlement as population increases is for households to construct solid farmhouses and stay in distant fields during the cultivation season, but maintain a house in the main village. This allows the establishment of larger settlements (Jérôme Rousseau, personal communication). This ease of constant mobility and the splintering off of several households to form new villages (or new farms) on the fringes of old village territory is a feature of swidden communities, and Évrard describes this as how Khmu villages in Luang Namtha colonise primary forests and new areas, and kinship linkages between villages are maintained. However, this relies on the ability to access unclaimed or loosely claimed lands in frontier zones at the edges of populated areas, an option that is increasingly constrained by state enclosure and regulation of peripheral forest lands for conservation and developments such as plantations.

This need for migration provides a potential materialist explanation for the relatively egalitarian social structures noted for the Khmu and other highland minorities in Southeast Asia[108] (Leach 1997 [1954], Friedman 1998 [1979], Scott 2009). As explained above, in Houay Kha, those households that have fewer rights to nearby fields (because they have weaker kinship links or are new households) clear farther fields, and it is likely that these households are the ones who bud off

[108] It is important to also note that not all swidden communities are egalitarian. For example, some groups in central Borneo are hierarchical. (Jérôme Rousseau, personal communication).

to start new villages on the periphery. If the households that leave and start new communities are those with weaker property rights, new hamlets will begin with households of relatively equal age and resources. The households that stay behind will tend to be those that have the most resource rights (the initial pioneers), and potential to maintain more power and authority in the community. This materialist explanation for the maintenance of relatively egalitarian social systems in highland communities was also made by Jonathan Friedman (1998 [1979]). This contrasts with Scott's recent argument that highland villagers start their own communities as resistance to certain families or households becoming more powerful, implying that villages split intentionally in order to maintain a relatively egalitarian political system (Scott 2009). It's possible that in some cases these are connected – increased populations leading to growing inequality in land access and socio-political power, and those groups with less access to land resist the developed hierarchies and split off to create a new more 'egalitarian' village, and the process is repeated.

In Houay Kha, the farmers who were clearing new fields emphasised that these areas did not have 'valuable' trees (those protected and owned by the state), but were 'bamboo', weedy or grassy forests. Changes in village boundaries and the resettlement of Mok Muang, a neighbouring Hmong community, had increased the area of land which households in Houay Kha could access and some households were cultivating and laying new claims to the newly opened fallow-forest land that had been abandoned by resettled villages at the territorial periphery. Until the very recent appropriation of land for a rubber plantation (which will be discussed in chapter nine), land scarcity had not been a major issue for Houay Kha and no villager had been left without access to land to cultivate. However, villagers with stronger 'privileged' claims to the closest and best lands in the village tend to be the early settlers who retain pioneer rights to fallow. Households with weaker claims to the best lands tended to be new households that had not inherited land from their parents or new immigrants with weak or non-existent kinship links to the original villagers.

Indigenous enclosures and tenure transitions

Various state policies being implemented in the villages surrounding Houay Kha were having a significant influence on customary tenure systems within village territory, resulting in a shift towards more exclusive and privatised claims. The following sections will describe how policies of land and forest allocation, resettlement, and the promotion of cash crops and lowland paddy rice and threatened prohibition of upland rice cultivation, were influencing property systems

within Houay Kha. These policies were creating an anticipation of land scarcity and conflict, as well as increasing the value and opportunity for enclosing land for sale and for permanent crops. Both of these processes motivated villagers to increase the exclusivity of their customary claims to *bon*, resulting in new forms of land enclosure that were both 'mental' – a new recognision of a 'right to exclude' others from using *bon* or to demand payment, and physical – the planting of trees and sale of *bon* to non-villagers. Although policies such as resettlement, land allocation and the banning of upland rice had not yet been implemented in the village, the enforcement of these policies in other places, combined with the anticipation of their implementation in Houay Kha, was already leading to transitions in property rights that tended towards increased enclosure and privatisation for *bon* that had previously been open to overlapping claims.

Shifting representations: mental enclosures and the Land and Forest Allocation Policy (LFAP)

> All the land we are living on is state land. The government just lets the farmers use it for farming. You see the other side of the village used to be crops [he points to the land where farmers were currently cropping], and it became the state's land, and now we cannot do anything. We are not allowed to plant crops or to cut trees. This is why it is not our land.
>
> Q. Why do most people plant rice on the other side [of the valley]?
>
> Because it is old fallow, and also has forest. We can cut the forest and plant rice, and then don't have a problem with weeds. Also, the other side is bigger. This year we will have land allocation. I am worried because I think it will be a problem because people will snatch the land and we don't have enough land. We are supposed to have three places, but maybe we won't be able to get even two places because the area is small. I am worried that there will be conflict within the village with land allocation because the land area is too small. The border of Houay Kha is very close to other villages – Lattahae, Mok Muang, Mok Chong, Nasavanh. These lands are very close. Then there will be less land. **(Khmu farmer, Houay Kha)**

The territorial boundaries of Houay Kha were formally demarcated by the state in 2003 as the first step in the Land and Forest Allocation Policy (LFAP). Following the demarcation of community boundaries, as part of the LFAP, territories were officially classified and zoned into different land types and uses: habitation, agriculture (mainly paddy rice fields), plantations, and forest (community forest, protected forest, degraded land (for upland agriculture) and so on, as will be described in detail in chapter seven). The last step in the process is the allocation of three 'individual' plots of upland fields to each household that doesn't own lowland rice fields, and two plots of upland to those households that own lowland rice fields. Those households with more than three plots are allowed to choose their favourites, and the remaining land is redistributed to others

in the community, either by giving it to relatives or by reallocating land parcels to others in the village through a lottery system.

In Houay Kha, as for other villages far from the road, only the first step in the LFAP process had been completed. Prior to the official demarcation of community territorial boundaries, borders between villages had remained somewhat fuzzy; land more distant from village hamlets was often used by members of neighbouring villages, often from different ethnic groups, so claims overlapped dynamically between villages. Because land resources remained relatively plentiful, land conflicts between villages were apparently minimal.

The new territorial borders demarcated by the LFAP were respected, even embraced, by the people of Houay Kha, particularly since some land that had previously belonged to neighbouring villages was formally allocated to them. Some people, including the village headman, took advantage of this newly available land and secured individual claims by clearing and cultivating these fields. People in Houay Kha interpreted state demarcation of village territory as a formal recognition of secure village rights to the land within these borders. From their perspective, Houay Kha's ownership of this land was now officially recognised by the government, their claims were secure and land allocation had occurred formally. At the time that the borders were demarcated, state cadres instructed the villagers in Houay Kha to allocate three pieces of upland 'forest-fallow' to each household, but this was not officially enforced and therefore the District government did not recognise this part of the land allocation process to have occurred.

At the time of my research, whether land allocation for individual plots had or had not been officially enforced in Houay Kha was locally contested. From the perspective of the District government, Houay Kha had not yet undergone land allocation because not all steps in the process had been formally implemented. From their perspective, although community borders had been officially demarcated, Houay Kha residents did not have secure territorial rights and were farming state forests. Similarly, neighbouring villages perceived Houay Kha territorial lands to be 'not yet allocated' and therefore freely available, and Houay Kha became a site of immigration for land-short and displaced people from other areas. As one recent Hmong immigrant, articulated; '*For two years already I've cropped land here in Houay Kha. I came and got land from other people who gave it to me because there is no land allocation yet'*. Most recent immigrants gave free availability of land because it had not been formally allocated as one reason for their decision to move to Houay Kha.

For longer-term residents of Houay Kha, there was quite a bit of confusion and conflicting narratives about whether or not land allocation for individual plots had actually been implemented. The village headman insisted that the village had formally allocated land to individual households, and that each household was now paying taxes to the state for three plots of uplands. However, this was likely part of his broader representation of the village as being in compliance with state policies, and he contradicted himself in other interviews when he explained that he was waiting for the government to implement land allocation at which time he would lay claims to plots of land currently owned by the deputy headman. Furthermore, many inhabitants of Houay Kha described household rights to land in terms of 'before land allocation' and 'after land allocation'. It was clear in my swidden biography interviews that, in practice, some households maintained ownership rights to many more than three plots of land, while others had fewer pieces and gained usufruct access by asking other members of the community to borrow land or by claiming pioneer rights by clearing new forest. While some sort of change in the customary village tenure system was occurring in response to the LFAP, in spite of what some villagers were saying, this was not because three private land parcels had been formally allocated to individual households in the village. However, state policies of land allocation and resettlement that had been enforced *outside* of the territorial borders of Houay Kha were implicated in changing property negotiations and contestations *within* the village territory.

According to most villagers, prior to land allocation, anyone could clear any of the left over land not used by those with pioneer claims, and no permission, rent or specific social connection was required. As explained above, if the owner did not cultivate the land that year, these owned *bon* became open to usufruct cultivation rights for any member of the village, and formed part of a type of 'moral economy' (Scott 1976) which granted all villagers the right to access land for subsistence production. However, although land allocation to privatise individual plots had not been formally implemented, certain villagers had interpreted and applied the rationale of the policy to legitimise greater exclusivity for their privileged pioneer claims to fallow land, sometimes subverting local principles of moral economy that would allow others to cultivate the land. 'Before land allocation', villagers said they could plant any place that was left over after land owners had marked which land they intended to cultivate that year with a *taleao.* But now, 'after land allocation', they were required to ask the owner for permission to cultivate land. Some villagers had begun to apply narratives of land allocation as legitimizing rationale to enclose land and refuse

usufruct rights of completing claimants, even if they were not cultivating the land themselves that year. Furthermore, local interpretations of the the LFAP were selective. Older households with pioneer claims to many land parcels had used the policy to reinforce greater exclusivity of their claims to many *bon* while ignoring the redistributive aspect of the policy which would force them to give some of this land away. Furthermore, it was increasingly uncommon for villagers without close kinship and friendship connections to gain usufruct rights to the more fertile and coveted fields, most of the households requesting and gaining usufruct rights to owned *bon* were close relatives, and fields were used in swidden rotations by different members of the same family.

A number of concurrent factors were influencing the enclosure of access to land within particular kinship and social networks. The district government had made it clear that formal allocation of individual plots of land would be enforced in early 2007. This may have motivated farmers to reinforce exclusive claims to the best parcels of land in order to retain rights to these areas and to pass on the remaining best parcels to close relatives. As will be described in the following chapter, in Houay Lo, a village where land allocation had been implemented a few years earlier, households with many plots of land gave their 'extra' plots to relatives before being forced to redistribute these through a village lottery. This helped keep the best land within the family. As illustrated by the following statement, villagers in Houay Kha anticipated a similar process, and affecting more exclusive and kinship claims in anticipation of land allocation can be seen as one way of securing tenure.

> When we have land allocation, they will choose who gets the close fields and who gets the far fields. They will have a lottery for names for who will get the good fields. If they don't do it like this, then everyone will want fields with good soil that are flat and close to the village. Names of the pieces of land will get put in a box then will draw from the box. They will be allowed to trade if two people want to trade. Like in Nam Thun where they have lowland. Everyone wanted the close lowland, then took a lucky chance to see who gets far or near fields – depends on fate. **(Khmu man, Houay Kha).**

Inherent in the LFAP is the concept that land can be privatised, and that private land entails the right to exclude others from use even if the owners are not using the land themselves. Thus begins the concept of 'mental' enclosure – asserting one's will as a right to exclude others from property, and having this will respected by others. The privatisation rationale provided new narratives for justifying exclusion in Houay Kha even though this contradicted customary property rights practice. 'Before' and 'after' land allocation was identified as the point of rupture. Embedded within the concept of the right to exclude is the right to demand compensation for use

(the right to rent), something that was rare but beginning to be requested in 2006. It marks the beginning of understanding 'land' as something abstract and disembedded from social relations and the beginning of its commodification. When I returned to Houay Kha for a short visit in 2012, I discovered that some previously poor 'older' Khmu, whom I knew had held privileged rights to many *bon* when I had been living in the village, had been able to build concrete houses and had earned the income from renting out their *bon* to others. The construction of a new road had brought in more immigrants to the village and demand for land had increased. I am not sure if the land was being rented to new immigrants or to other Khmu villagers. To understand this shift in how the Khmu in Houay Kha perceive and value land and how villagers' usufruct rights to freely cultivate *bon* have been changed or maintained is an interesting question for future study.

Shifting populations: State enclosures, population increases and immigration

Another factor that may have been influencing the move towards more exclusive land holdings was the increasing village population and land pressure resulting from immigration and growing families. Following the arguments of Boserup (1965), increasing populations and land scarcity lead to intensification of agriculture and more privatised land holdings. Although swidden agriculture has not been greatly intensified in Houay Kha and the population remained relatively low with respect to land resources, half of village territory had been appropriated that year by the district government for a Chinese rubber plantation concession (described in chapter nine), which had increased local concern in *anticipation* of land scarcity. While most farmers were not yet experiencing problems in accessing land, many feared that this was going to be a problem in the near future, and were anticipating conflicts within the village over land rights. The deployment of state narratives deriving from land allocation in order to enforce more exclusive land claims can be seen as a way of protecting future rights of access rather than responding to immediate scarcity.

State resettlement policies had several indirect impacts on land holdings in Houay Kha. Because land allocation for individual plots has not been formally implemented within village territory, there was a perception that the land in the community was freely available, and Houay Kha had become a site of immigration for Khmu and Hmong households from other villages that were facing land shortages resulting from the LFAP or that were displaced by forced resettlement. Ponsak, the village headman, had a policy of accepting new immigrants into the village, and as mentioned in chapter three, approximately one quarter of the households in Houay Kha had

immigrated into the village within the five years prior to this research. Households from other places who wanted to move to Houay Kha simply asked Ponsak whether they could stay in the village and have a place for cropping. '*For people wanting to move to the village, I give them land. They get three places for cropping. When people come in and need land, I give them fallow land. Most aren't given forest, only fallow land.'* According to customary tenure, all villagers – including new immigrants who had been accepted into the village – are guaranteed some land to cultivate for subsistence. However, as explained in the previous section, these new immigrants (whether Khmu or Hmong and regardless of kinship connections) were given land that was farther away from the hamlet, or close to the village but with poorer soils.

When I asked Ponsak whether the fallow he was giving was already owned by other people, he responded, '*We had land allocation – this is left-over fallow after land allocation'*. However, interviews with other villagers revealed occasional conflicts when Ponsak gave rights to their land to new families. I was told that Ponsak never rejected new immigrants because *'he wants more population because the District says that if the village doesn't have more than 50 households, they won't build us a school and other projects won't come to the village'*. The acceptance of new immigrant families was thus part of an intentional strategy to increase the official number of households in the village in order to give Houay Kha a more secure presence with respect to the state and to encourage development investment. Furthermore, villagers were well aware of state policies to resettle and consolidate remote villages of less than 50 households. Houay Kha was known to be a particularly impoverished village by district standards, and with only 54 households and no road connecting it to the main highway, it was extremely vulnerable to being resettled in the name of development, poverty alleviation and provision of services. Ponsak was well versed in the legitimizing rationale and state discourses behind the resettlement policy, and was strategic in his representation of village activities and goals, as well as in his management of village affairs. Although the concession of rights to parcels of land to new immigrants sometimes created conflict within village boundaries, Ponsak's acceptance of immigrants formed part of a shrewd and intentional strategy to strengthen Houay Kha's territorial claims against dispossession by the state.

Ponsak's representation of whether or not the LFAP had been implemented in Houay Kha shifted according to the nature of the discussion. In some interviews, Ponsak insisted that land allocation had been formally implemented, that villagers paid taxes on three plots of land, and that immigrants were given rights to fallow land left over after land allocation. Ponsak himself laid

claim to only two pieces of land, he stated during one interview (although he did cultivate fallow land belonging to other households). He emphasized his own adherence to the law, explaining that *'I don't want to cut the forest. If I use two, three or four places, then the forest will be fallow. So I don't want to do like some people do – reserve this place and sell. I am afraid about the law'.* However, in other conversations, he claimed to be waiting for the government to implement land allocation so that he could lay claims to plots of land currently owned by the Deputy headman, as mentioned earlier in this chapter. Depending on what was being discussed, Ponsak altered his narratives about land allocation in order to solidify his own interests and to protect the interests of the community as a whole.

The combination of state resettlement and Land and Forest Allocation policies has had a direct impact on land rights even in villages where these policies have not been implemented, such as Houay Kha. The constant fear of resettlement influenced the decisions and narratives of individual households and village leaders over land rights within the village (this will be discussed in more detail in detail in chapter nine). Villages where LFAP had yet to be formally implemented became sites of immigration for displaced households whose own villages had been dismantled by forced resettlement because there was a perception that there was land available. At the same time, small remote villages such as Houay Kha have an incentive to accept immigrants in order to boost their populations and reduce their own risk of being resettled, trading the risk that increasing populations will increase land scarcity and conflict in the village against the risk of complete loss of territorial rights through state programs that deem such villages as illegitimate.

Shifting crops: physical enclosures, cash crops and the prohibition of upland rice

In addition to anticipation of land allocation, the move towards more exclusive land claims in Houay Kha was being influenced by state policies promoting the replacement of upland rice cultivation with cash crops. As explained in chapter four, permanent cash crops such as teak, fruit trees, pineapples and rubber enclose land for more than one year at a time, extracting it from the swidden cycle and sheltering it from competing usufruct claims. Although rights to trees are often held separately from rights to land, the planting of long-growing tree species can act to privatise land claims through enclosure. Valuable tree species are easily sold to meet immediate subsistence or economic needs, and even if tree tenure is held separately from land tenure, for long-lived tree species, ownership of land is effectively transferred along with the trees. The process of land

enclosure by tree crops and the piecemeal sales of trees (and land) to meet subsistence and economic needs can lead to processes of accumulation and dispossession within villages, resulting in class formation and sometimes eventual dispossession of villagers from their territorial lands if the trees are sold to outsiders (Li 2002c, Li 2014). In Houay Kha and in other villages in Pak Ou District, this process was beginning to happen with teak plantations, as will be described below.

The promotion of cash crops in the uplands coexisted with state policy to eliminate subsistence shifting cultivation. This policy had been interpreted by Pak Ou District officials as a prohibition on planting upland rice, which had led villagers in the district to scramble to acquire suitable lands for building lowland paddy fields to replace upland rice production. Both the planting of cash crops and building of rice paddies require capital for investment, something which was in short supply in Houay Kha, making these villagers especially vulnerable to land sales and dispossession. The combination of these different policies had motivated Houay Kha villagers to assert more exclusive claims to land by planting tree crops in collaboration with outsiders who supplied the necessary capital, and also to legitimize private sale of *bon* to outsiders who wanted to develop paddy rice fields. The following cases illustrate the complexities through which land in Houay Kha has become enclosed through the planting of teak trees and the assertion of exclusive rights to sell land outside the community, and how these policies and processes have interacted to begin a process of dispossession within Houay Kha.

Replacing the old with the new: forests and teak

Beginning in the mid-1980s, teak trees were promoted by the Lao government in collaboration with international development agencies such as FAO and UNDP in order to promote reforestation, timber production, prevent soil erosion and protect watersheds in upland areas (Lestrelin and Giordano 2007). Such environmental services, widely accepted to be provided by tree plantations, are based on environmental narratives that link tree cover with protecting water flow to the lowlands and preventing soil erosion (Forsyth and Walker 2008). These narratives are usually coupled with understandings that upland swidden cultivation causes soil erosion and damages watersheds, resulting in reduced downstream flow to lowland rice fields. However, scientific studies challenge such environmental claims, providing evidence that swidden cultivation is not necessarily damaging to watersheds and that swidden farmers often manage their landscape to avoid soil erosion. Furthermore, studies indicate that tree crops and forests lose as much water

through evapo-transpiration as they store in the soil, acting both as water sponges and water pumps. Forest and tree cover can actually reduce water availability in lowland areas rather than increase it. Furthermore, soil erosion under tree plantations is often greater than under swidden systems, particularly for teak plantations, since the brush growing under the trees is often cleared away by burning or shaded out as the trees become larger, and the large leaves of teak increase the effect of splash erosion since raindrops coagulate together on the leaves, resulting in larger drops hitting the ground[109] (Bruijnzeel 2004, Lestrelin and Giordano 2007, Forsyth and Walker 2008). In spite of contradictory scientific evidence, the belief that teak and other tree crops are more ecologically suitable for the uplands than swidden cultivation continues to be widely accepted, and plantations of teak and other tree crops are being promoted in Laos and other countries for environmental reasons. The government and development agencies working in Pak Ou District continue to promote teak as an environmentally suitable crop for the uplands, by providing access to seeds and information on improved tree management. New stands of teak continue to be planted by villagers across Pak Ou District.

In Luang Prabang Province, although teak was intended to be planted on steeper hillsides that were considered unsuitable for annual crops, in many areas teak trees were planted in flat areas along roadsides that were good for rice cultivation. In Houay Lo, farmers started planting teak about 12 years prior to my research, in part because the government did not charge tax for teak plantations of one hectare at that time in order to motivate farmers to plant the trees[110]. Teak was already growing wild in the hills, and villagers initially collected seeds from the forest to start their small plantations, although now seeds are purchased. In Houay Kha, most farmers lacked the capital to invest in teak, so planted trees in collaboration with a Hmong-Yao business man living in Luang Prabang. The Khmu provided the land and labour and the Hmong entrepreneur supplied the seedlings and capital investment, with the agreement that profits would be shared once the teak grew large enough to cut. Because teak does not require a lot of labour, this arrangement allowed capital-poor and labour-constrained Khmu farmers to cultivate a larger area of their land, and also represented a form of land use that, unlike upland rice cultivation, was respected by the state. Teak is most valuable if it is left to mature until the trees are large (the number of years depends on the

[109] 'Splash erosion' describes the compacting action of raindrops which prevents infiltration of water into the soil, leading to runoff of water and surface soil particles. Sheet erosion describes the loss of soil across the surface area of land, while gully erosion describes the loss of soil down streams and crevices created by rain.
[110] In 1994, the government began to charge taxes for teak of 16,000 kip/ha.

soil and the density of the trees, but at least 8-10 years). However, trees can be cut earlier to be sold for less valuable poles. During the first two years, the trees can be intercropped with rice or other annuals, but after this the trees shade out other crops, and the land is taken out of the swidden cycle. In villages in Pak Ou, the area enclosed by teak was not so large that it competed with rice cultivation, and often small stands of teak were planted along the edges or bottom of rice fields. Unlike rubber trees, because teak is relatively fire resistant (farmers clear the undergrowth under teak trees by burning), it does not create conflicts when adjacent land is burned for swidden (as is an issue with rubber trees, as described in chapter four).

Because it takes a long time to mature, most farmers in Pak Ou District considered teak as an investment in 'their children's future'. Some planted teak as a 'last resort' crop on land that was badly infested with *imperata* or degraded, where rice would no longer grow well. Teak trees were also used as proof of land ownership and a means to enclose land and shield it against competing claims, and therefore were sometimes used as a means to assert private rights. Planting permanent tree crops encloses swidden land and at the same time makes it more valuable, so can lead to land sales and dispossession when poorer farmers have difficulty holding on to the trees in the face of immediate cash or subsistence needs. Li (2002c, 2014) describes how the enclosure and privatisation of swidden lands through indigenous planting of cocoa trees in upland Sulawesi led to land sales and localised processes of accumulation and dispossession, eventually resulting in landlessness, the formation of new class divisions within the communities, and eventual sale of land to elites from the town. Such a process of dispossession and accumulation was occurring at a smaller scale in response to teak enclosures in Pak Ou District and other parts of Luang Prabang province (Lestrelin and Giordano 2007), as many farmers sold their teak (along with the land) to wealthier villagers or to residents of Luang Prabang[111] (including state officials) who sometimes came to the villages specifically to buy land and trees. If the trees were large and ready to be cut for timber, then only the trees were sold. However, often trees were sold when they were still young, in which case the land was enclosed for many years, and whether the sale of trees included the land was ambiguous.

Although in some places, sale of immature teak trees led to accumulation of trees (and sometimes land) by better off villagers and people outside of the village, processes of accumulation

[111] Many of the government researchers working with the IUARP project (including the IRRI driver) had bought teak trees (and the land) from farmers in the villages in which they were working

and dispossession were more limited than has been described for trees that mature sooner and produce products that can be harvested regularly for sale, such as cocoa or coffee. Teak does not supply a regular cash income, and farmers have to wait until it is mature in order to make money. These material characteristics limited the amount of land farmers were willing to plant with teak and consequently limited the potential scale of dispossession. For this reason, and because it doesn't compete with swidden burning, although it had caused piecemeal dispossession, teak had not been a source of significant conflict.

Recognizing the potential for dispossession of land by teak sales, astute local leaders in Houay Lo had forbidden the sale of land with young trees to persons from outside the village. Although teak trees and land had changed hands within the village, the land remained property of the villagers. However, in Houay Kha the planting and enclosure of land with teak had in many cases led to the eventual dispossession of local people from the land. As mentioned earlier, because they lacked capital, most Khmu farmers planted teak in collaboration with a Hmong entrepreneur, and during times of rice shortage, they often borrowed money from him, or sold their share of the young teak trees (and perhaps also the land) in order to meet immediate cash needs. Their precarious livelihoods and regular shortages of rice and money meant only a few villagers were able to hang on to their trees until they reached maturity. The case of Bounsouk and his wife, a young couple in Houay Kha, illustrates the mundane process through which teak resulted in enclosure, privatisation, and eventual sale and dispossession of land rights.

Bounsouk and his wife were living with his wife's parents because her father was old and no longer able to work the uplands. They were a new couple, and Bounsouk was contributing his labour to his wife's parents' household in lieu of paying bride price. He helped with household labour and contributed to household food production, and therefore he and his wife were allowed to use her parents' land for cropping. Any pioneer rights to land cleared from forest while they were living as part of that household would belong to her parents. That year, they had cut and cleared an area of her parents' fallow that Bounsouk considered to be particularly good for rice – it was flat, both sides had water, and there were *'big trees around the field which made the soil good so that the rice would grow well'*. Bounsouk had also arranged to get teak seedlings from the Hmong businessman, and decided to plant the teak seedlings between the rice.

The following year, Bounsouk and his wife had a child, and decided to move to create their own household because they needed more space – *'there were too many people in the same house*

so we built a house on our own'. Because he owned the teak trees, Bounsouk had essentially enclosed land that would have belonged to his parents-in-law, and was planting rice between the saplings for a second year in a row because, although the rice would be less productive, it required less labour if the teak and rice could be weeded at the same time[112]. Bounsouk's mother in law, Maw Bao, contested Bounsouk's rights to the land, and was very angry with Bounsouk and her daughter, complaining that the couple was lazy and did not help her family. She maintained that she had only allowed Bounsouk to plant teak on the land because he was living with her and was part of her household at the time, but she would not have allowed this if they had been living independently. She was upset that she was left with only two fields and could not use the teak field to plant her rice, cassava and taro. Her anger with Bounsouk was exacerbated because her remaining two fields lay within the area that has been granted to the Chinese for a rubber concession (described in chapter nine). That year, the Chinese company had destroyed some of her newly planted rice in order to make bench terraces for rubber trees, and she understood that they planned to plant rubber on her remaining field in the following year. This had left her with no fields of her own, and she was planning to clear an area of land she had not planted before in Houay Khok, a neighbouring village. Many years ago, she explained, she had 'owned' many different fallow fields in the area, but had allowed her claims to lapse over time.

Maw Boua On was especially angry with Bounsouk because she suspected that he had lost rights to the teak field. Since he had set up his own house, Bounsouk had borrowed money at least twice from the Hmong businessman who had financed the teak, because his daughter was sick and he needed to take her to the hospital. Although she did not know for certain, Maw Bao suspected that Bounsouk had already sold the teak (and perhaps the land) and, at the very least, their households had lost the use of the land for at least ten or so years while the trees matured. When young teak trees are sold, often land is included in the sale and it was unclear whether they would be able to hold rights to land once the trees were cut.

Although teak was used by Bounsouk to enclose and secure claims to land that would otherwise have belonged to his parents-in-law, it is difficult to know whether his intention was to claim the land for himself, or simply to invest in his future by growing teak and potentially to create an alliance with the Hmong business man in order to be able to access scarce capital resources from

[112] Young households with small children such as Bounsouk's were generally identified as being short of labour and poor, and this limited the amount of land they could crop.

a relatively wealthy 'patron'. There are still many areas of forest available at the edges of village territory, and the field was quite far from the hamlet so was not especially valuable. At the same time, with growing pressure on access to land, such dispossessions are increasing tensions in the village.

In addition to contributing to people's piecemeal dispossession of land, teak is also being used by local people to assert their land claims (or at least negotiate compensation for their losses) from more powerful external interests such as rubber plantation companies. However, while teak increases farmers' negotiating power, it does not in itself provide adequate security of tenure, since district officials often demanded that farmers cut their teak trees to make way for rubber plantations or resettlement villages. As will be described in more detail in chapter nine, farmers in Houay Kha had used their teak stands as a moral argument to secure their land claims against the Chinese rubber plantation company, and had been able to stall the planting of rubber trees on these fields at least temporarily. However, it is unlikely that teak in itself will allow farmers to maintain their claims to land, although it may entitle them to some compensation. As described in chapter three, a farmer in Houay Lo was forced to give up his teak plantation to make way for a resettled Khmu community, although he was entitled to compensation for the trees.

Land enclosures and sales for lowland paddy

National policies to eliminate shifting cultivation have been interpreted by District officials in Pak Ou as a prohibition on the cultivation of upland rice. Although this is not part of national policy, Pak Ou district officials had asked farmers to sign formal contracts agreeing to stop cultivating upland rice by a specific year (the latest date being 2010, although when I returned in 2012 rice was still being cultivated in the uplands). The goal was that farmers would intensify their agricultural system by replacing rice with cash crops, and purchase rice on the market. Concurrently, the district was actively promoting the development of irrigated rice fields in relatively flat areas where this was possible, and the combination of these policies has led villagers in the district to scramble to buy up land suitable for constructing paddy fields.

Ounheuan, a Lue farmer who owned a paddy field in Houay Kha territory, explained that only about 20 of the more than 90 households in Lattahae owned lowland rice fields, and the desire for lowlands had increased with the approach of district-level state deadlines for stopping upland rice cultivation. *'They (the government) are going to stop people from planting rice in the uplands,*

and people in Lattahae are looking for lowlands – also because you don't have to weed lowland rice fields'. Ounheuan had bought an area of flat fallow land suitable for paddy rice in 1987, when he paid about 60,000 kip ($6.00) for 0.6-.0.7 ha. He had only finished building his paddy field that year (2006), and had hired Khmu from Houay Kha to construct the bunds for a total of 2 million kip ($200), which he felt was not expensive. He explained that the Khmu in Houay Kha had been selling a lot of their land, and about thirteen places within Houay Kha territory that was suitable for paddy construction had been sold to people in Lattahae. Eight of these areas had already been fully constructed lowland paddy fields at the time of sale.

> Even the headman had sold his lowland fields, and also Thong Dao, the traditional headman, is planning to sell his teak garden and land – which has more than twenty trees. The only Khmu living in Houay Kha who has lowland paddy rice now is Somsavath, and he is originally from Houay Leuang and has only lived in Houay Kha for 5-6 years.

According to Ounheuan, Somsavath had also bought the land in 1987, paying only 40,000 kip (US $4.00) at the time, and it was already built as a paddy field when he bought it. When I asked why he thought the Khmu were selling their land, Ounheuan explained that;

> The Khmu don't like to work lowland rice fields. They don't sell because they are short of rice, but because they don't like to work paddy rice…The Khmu in Houay Kha are too lazy to work paddy rice. Even the headman sold lowland area.

According to Ounheuan and also some farmers in Houay Kha, in the past, some households in Houay Kha owned and cultivated lowland rice. However, Ounheuan's explanation that the Khmu were selling their land because they were too lazy to grow lowland rice, a sentiment that was echoed by other Lue farmers who had purchased paddy land in Houay Kha, reflects prejudicial ethnic stereotypes about the Khmu commonly held by lowland ethnic groups. The explanation also mirrors state representations that link specific ethnic groups to specific topology and livelihood strategies, which identify the Khmu as being among the *Lao Theung* (middle hill Lao) who practice swidden cultivation, while the Lue (identified as *Lao Loum* – lowland Lao), are identified with lowland paddy rice cultivation. It was somewhat ironic that most of the Lue who accused the Khmu of being too lazy to work lowlands had hired Khmu labourers to do the bulk of the construction work. Viewing the Khmu as lazy may have been a way for the other ethnic groups to feel less guilty about their ability to purchase lands from their impoverished neighbours.

The Khmu in Houay Kha have been selling completed lowland paddy fields and land suitable for building lowland paddy to Lue villagers from neighbouring Lattahae for at least ten years. Initial sales of fully constructed paddy fields were provoked by an epidemic that killed off

all the large buffalo in the village[113]. Without their animals, with little capital to buy tractors and with fear of reinvesting in expensive animals that could again be lost to disease, the Khmu could no longer plough their paddy fields. While some households kept their lowlands but planted them as swidden using upland rice varieties, many sold their land to people in Lattahae who wanted to extend their lowland holdings. Ponsak, the village headman, further explained that many people in Houay Kha sold their lowlands in 1997-1998 because they were short of food that year, and that a lot of this land was sold as fallow. At the time, it was sold for only 20-30,000 kip (US$2-3).

Most Khmu sold their lowlands before they realised that the state was going to eliminate upland rice cultivation. However, at the time of my research, the value of the remaining fallow land suitable for lowland paddy had increased in anticipation of the district-level ban on upland rice cultivation, and Lue households from Lattahae were buying up land and building paddy fields in Houay Kha territory, often hiring the Khmu as labourers. These sales were occurring informally and not recorded in formal cadastral records. All lands within Houay Kha, including lowland fields (because these are far from the road) are legally classified as state forests, and buyers cannot obtain formally recognised land titles even if they convert the land to paddy fields. Although it is widely argued that formal land title provides greater tenure security and limits overlapping claims, facilitates land markets, increases land value, and enables farmers to access credit for investing in land by using title as collateral for bank loans (Bruce 1993, Maxwell and Wiebe 1999, de Soto 2000), customary pioneer rights in Houay Kha were sufficient to allow recognised owners to sell fallow land to people outside the community in spite of overlapping usufruct claims. In fact, the increased value of land and existence of a land market had themselves motivated those with 'privileged' rights to *bon* to assert exclusive claims in absence of processes of land formalisation. Piecemeal sales of land by Houay Kha farmers to people in Lattahae have gradually excluded the Khmu from all land suitable for paddy rice cultivation within their own territory. The enclosure of their lowlands by Lattahae places the Khmu in a vulnerable position. If the district enforces the elimination of upland rice cultivation as planned, the Khmu will have no land for lowland rice, will be forbidden from growing their main subsistence crop in the uplands, and will be increasingly dependent on cash crops in a very imperfect market.

[113] The death of the large animals also had a spiritual impact, since these were important for ritual sacrifice to *Phi* (land spirits) and therefore, some people attribute bad luck, poor crops, illness, etc. to their growing inability to appease the Khmu spirits.

Negotiations and interacting boundaries: the story of Thong Laa

Thus far, I have presented the transitions in customary tenure and processes of privatisation, enclosure and dispossession that are occurring in Houay Kha through an analysis of the separate policy processes that are influencing this. In reality, these interact concurrently and the effects on individual livelihoods are not so easily separated. The story of Thong Laa illustrates the various types of overlapping kinship claims to land and the kinds of land conflicts that can arise as various policies and processes of land-use change intersect and influence the life of one individual.

Thong Laa was a Khmu man, originally from Houay Leuang, who had migrated to Houay Kha four years prior to my research (in 2003) with his second wife and five children (between the ages of two and ten years) because of a dispute over land with his older brother. His older brother was a gambler, and when Thong Laa was young, his brother had sold all of their family's assets, including their lowland rice field, to support his habit. Thong Laa explained that previously (4-5 years before), many people in Houay Leuang had sold land. Much of their lowland rice area had been sold to the neighbouring Lao Loum village of Ban Phai. However, since DAFO had implemented land allocation and given people rights to specific plots of land, selling land was no longer so easy. He explained that the people in Houay Leuang now only sold their lowland areas to other people within the village and were not allowed to sell houses or land to other villages or to people in the town. This rule preventing sale of land outside the village was imposed by the head of the *Tausseng*[114] (group of villages) and was a village rule and not specified in the LFAP.

After Thong Laa got married and had children, he had saved money and bought a house and land in Houay Leaung. However, his first had wife died, and he travelled to Nambak to remarry. When he left Houay Leuang, he gave his brother 400,000 kip (US$ 40.00) to buy him a new house while he was away. However, when he returned, his brother had taken the money and had also sold Thong Laa's land and teak garden without consulting him. Thong Laa found he had nothing left, no longer any land for cropping. His brother tried to make peace by telling Thong Laa he would give him a pig as compensation, but he never did this. When I asked Thong Laa why his

[114] The *tausseng* is a defined collective of villages. The head of the *tausseng* is usually based in one of the larger villages and is more educated. This person is above the village headmen. In order to sell land outside Houay Leaung, the villagers not only needed permission from the headman, but also from the head of the *tausseng*, and the *tausseng* had forbidden this.

brother was able to sell land that belonged to him, Thong Laa explained that this was because at that time there were no papers.

> Before, there were no papers. But now you cannot sell land without papers and the signature of the owner. Now there are papers, so you cannot just sell any more – now you need the owner to sign. Before, we could clear any place but now if you don't have the paper, then you can't clear the land. Land allocation is good if you have land for cropping. Because if you have the paper, the fallow belongs to someone and others can't crop it.

Thong Laa felt that the LFAP provided some tenure security, and if land allocation had been in place before, his brother would not have been able to sell his land because this would have required his signature. He was a firm supporter of the LFAP. However, he was also trying to take advantage of the transition between customary and more formalised state-imposed land tenure systems to lay kinship claims to unallocated land in Houay Kha, and then have his claims formalised by the LFAP when this was implemented in the village.

Thong Laa was extremely angry with his brother and 'no longer got along with him', so he decided to move to Houay Kha, because land allocation had not yet been implemented so he thought he could get land for cropping. Thong Laa had cousins in Houay Kha, and explained that he had moved there because of these kinship connections, asserting that cousins or relatives would give him land to cultivate. In Houay Kha, he could stay with Thong Mai, who was the son of his father's older brother. Although in his late 50s, Thong Mai was of the older generation in Houay Kha, and over his lifetime had cleared many *bon* from primary forest and maintained privileged claims to many parcels of good forest-fallow. According to Thong Laa, he had visited Houay Kha to ask for land to cultivate before deciding to move, and Thong Mai had promised him a piece of land that he co-owned with his brother Seuth. Thong Laa cultivated this land in 2003, the first year he lived in Houay Kha. It was good land, with black soil on the top half of the field that was good for rice. Thong Laa explained that when he planted this area, he 'was short of rice only just before he gets new rice', meaning the soil was good for rice and he got a good yield. The land was also flat and suitable for building lowland paddy, and Thong Laa planned to eventually convert it into a lowland rice field. Even though they were cousins, Thong Mai did not give the land freely, and Thong Laa paid him a rent of five *kalong* (one *kalong* is about 10-12 kilo) of rice that year.

After Thong Laa had used the field for one year, Thong Mai decided to reclaim it for himself.

> At first he said he would give it to me, and then I was going to make a paddy rice field or a fishpond, but then Thong Mai took it back and I can't say anything because Thong Mai is a cousin, not a

> brother. In the first year I was here, I built a house next to Thong Mai. But after that (when he took the land back) we didn't get along so I moved.

According to Thong Laa, the headman supported his claim and had asked Thong Mai to let him keep the land since they were cousins. However, Thong Mai wanted to sell his piece of land to Kampay (the local teacher, who is Lue) because the land was good for lowland rice (therefore had a sale price). Because the land was shared by Thong Mai and his younger brother, Thong Mai would sell his half and his brother would keep the rest.

Over the four years that he has been in Houay Kha, Thong Laa had used four different plots of land. In 2004, the year after he used Thong Mai's field, he was allowed to use an area of young fallow with very poor soil, so had a very poor rice yield. In 2005 his friends allowed him to use their field, next to where they were planting. This was a good field, close to the village, and because they were friends, he did not have to pay any rent. However, because it was young fallow, his rice yield was not good and he was short of rice again that year. In 2006, when I interviewed him, he had decided to crop far away (about two hours walk) from the hamlet, next to a Hmong field, in an area that had been fallow for a long time, because there was no good land near the village. He was told that the land was not owned by anyone. *'This year my yield is quite good because the field is far away. I planted here because I have no bon so I can't choose'.*

Thong Laa is considering resettling again because of the conflict with Thong Mai, and the difficulty accessing good land. He explained that he could not do or say anything because he depended on Thong Mai when he came to the village. *'If it was a brother or sister, I could argue, but because we are cousins, I could not argue'.* As a new immigrant with weak kinship links, his ability to claim land in the village is limited. Thong Laa does not know where he will plant next year. '*Next year I will have to move farther than where I am planting now because there is no area to crop and all the fallow belongs to someone. If I crop further away I will get more rice because the yield will be good'.* Since he moved to Houay Kha, Thong Laa explained that it has been increasingly difficult to find land to crop, and his life has become more difficult. In the first year he arrived, he claimed he was allowed to clear any field. Most of the fallow fields close to the village are owned and it is difficult to get permission to use them. For the last two years, he has been forced to wait to choose land for cropping, and has needed to ask for land that is left over after other people have already cut their fields, delaying his own cultivation. He didn't understand why. Last year he had marked three places with a *taleao*, but all of the fallow areas belonged to

people in the village. The owners told him he could not crop in these places because they planned to clear those fields that year, but some of them did not clear them in the end.

> Now, I cannot do as the other people do. Because I can't crop at same time. Now I have to wait. I think the papers for land are a good thing. Because if you have papers then you can clear at the same time that other people clear – if you have no papers, then can't clear because the land belongs to someone else.

Thong Laa is looking forward to the implementation of the LFAP in Houay Kha because the government will divide the territory to give three places to each household. At this point, Thong Laa thinks he will be given papers and land for himself. It's possible that other villagers are unwilling to let him use their choice fields because they are afraid he will try to claim these as his own once the LFAP is implemented. However, Thong Laa's problem is not that he has no access to land, but that he cannot access the best and closest land because he is a new immigrant and his customary kinship claims to land are weak. There are very few areas of land that are suitable for lowland rice fields in Houay Kha, and as explained, there has been a growing demand to purchase this land by people from neighbouring Lattahae who are seeking to expand their lowland holdings into Houay Kha territory. It is unlikely that Thong Mai would permanently give such valuable land to Thong Laa, particularly if Thong Laa planned to build a paddy field, which would essentially make him the sole owner.

His limited land rights in Houay Kha also influenced whether or not Thong Laa was able to earn income by selling labour to the Chinese rubber company that was creating a plantation in the village. The company had asked farmers in Houay Kha to clear their swidden fields in the concession area that year, and would pay them for this labour. Villagers were allowed to plant rice in these fields for the first year. However, he was not allowed to clear fallow areas where the Chinese would pay – only people who owned the fallow could do this, so he had to clear outside the concession land.

> I couldn't clear the field because a cousin is not like a brother or sister (they wouldn't share the Chinese money for clearing). I could only clear the fields that the Chinese didn't pay money for.

He did eventually help clear part of the concession land, but this was an area of land that belonged to the village and nobody specifically owned the fallow, so the money went to the village. He was able to crop in the land that was owned by the village.

Thong Laa's account of his difficulty in holding and accessing land illustrates a number of key themes concerning customary rights and the tensions between formal and local forms of land

tenure in Houay Kha and in other Khmu communities in the district. As this case shows, many of these Khmu communities are linked socially through kinship networks, and there is some migration of households between them that requires a continual renegotiation of rights to land for cultivation within village territories. Privileged claims to use land are negotiated informally through these kinship networks, with the descendants and immediate kin of the person who first cleared the field having stronger 'privileged' claims than cousins or more distant relatives, who nevertheless may be able to assert rights to use the land based on kinship. The rights of Thong Laa's brother to their family land holdings in Houay Leuang, even to land owned by Thong Laa himself, were strong enough that the brother was able to sell this land without Thong Laa's consent, even though Thong Laa planned to buy a new house in the village and clearly planned to return. This created conflict in the family and Thong Laa was left with no 'legal' or formal way to be compensated for his loss. Thong Laa moved to Houay Kha specifically because he had cousins there, and felt, since the village territory had not yet been allocated by the state and was still managed according to customary tenure, that he had moral claims to land in the village based on loose kinship ties. When his cousin reclaimed the land, he went to the headman, who supported his claim (likely as part of Ponsak's broader goal of increasing village population), but this support was not sufficient to retain the land. At the same time, Thong Laa tells only his side of the story. There is not much land in Houay Kha that is suitable for lowland rice, and recently the commercial value of this land has increased. It is unlikely that Thong Mai would give such a piece of valuable land permanently and freely to a cousin if it is worth money and he can sell it or use it for lowland rice cultivation himself. Furthermore, if Thong Laa had followed through and built rice paddy fields on this plot, Thong Mai would have completely lost his claim to the land. The conflict with his cousin meant that Thong Laa was no longer able to rely on this kinship connection for assistance in gaining privileged access to land. Therefore, he was forced to wait until everyone in the village had claimed and cut their fallow before choosing where he could plant himself, delaying his ability to start the cultivation cycle.

Thong Laa's experience led him to support the government's LFAP program, since he felt this would provide him with greater tenure security and would have legally prevented his brother from being able to sell his land without his consent. At the same time, he is attempting to take advantage of the tenure transition and manipulate both informal and formal systems in order to gain rights to land, using customary claims based on kinship in Houay Kha, while waiting for the

formal land allocation program to be implemented to secure his claims against other relatives who have stronger rights to land in the village.

Thong Laa was having difficultly making a living in Houay Kha, not only because of his difficulty in accessing land. That year he did not have enough rice to eat because he had decided to plant only sesame the year before (in 2005). He explained that he still had young children so there was not enough labour in his family to plant more than one field, and also because he was new to the village he had difficulty accessing land. He thought he would earn income from planting sesame, and would use this money to buy rice. He had hoped to use the income to open a small shop, and had planned to build a house with a window for the shop after he had sold the sesame. However, he was 'unlucky'. His daughter became ill and he needed money to take her to the hospital. To pay the hospital bills, he first used his own money, then borrowed money from one of the merchants from Lattahae, and finally sold his sesame to the merchant in order to pay the remaining hospital bills and pay her back some of his debt. He sold her his sesame early in the year, when the price was low, so only earned 560,000 kip (US$56) from the crop. He explained that if he had sold it later, the price would have been much higher (about 1 million or more kip (at least US$100)), but he had to sell then because his child was sick, and because he had borrowed money from her and had to pay her back with sesame. He didn't have enough sesame to completely pay back his debt, and still owes 100,000 Kip ($10). He also had to pay interest on the money he borrowed.

> For 100,000 kip, you need to pay back 150,000 kip, but have a limit of time, and need to pay within the year. If not within a year, then you need to pay 200,000 kip. They change the percentage interest within the year. If you pay back within 1 month, then you need to pay 110,000 – 115,000kip[115].

He had not yet paid back the money, and had received a letter from the woman demanding repayment. He explained to her that he only had money for food and for rice, but she had returned twice to the village demanding repayment. He could not pay because if he gave her the money, he would not have any money himself for rice. He was also very worried because his other daughter had since fallen ill.

> She is very thin and doesn't sleep every night. I have to stay awake all night because my daughter has a stomach ache. The people in the village ask me now why I am not taking her to the hospital – but it's because I have no money and have nothing to sell. So this year I cannot go to the hospital. If she dies, I have to let her die… There is no one in the village I can go to. I cannot borrow money

[115] My research assistant said that this interest rate is actually quite good, that in the town it is higher.

from other people because I don't know other people. And also I cannot go back to borrow money from the same lady because I have not yet paid her back.

Thong Laa has been short of rice since early in the year, just after harvest. Now he sells labour in order to make money, since he says he has no other way to earn income, no *posa*, no gardens and no land. He explained that it was easier to sell labour in Houay Leuang, which is nearer the road, but he didn't want to move back because he also has no land for cropping there. Also, rice was more expensive to buy in Houay Kha, 5000 kip/kilo[116], and if he didn't sell labour then he would have nothing to eat. In Houay Leuang, he sold labour but it was *'not like here. In Houay Leuang I always had rice, but here not always'*. At this point, another farmer who had joined the discussion and was also a new immigrant to Houay Kha added, *'Here people are not friendly. They don't help each other'*. He said that he was going to move back to his parents' home.

Thong Laa's story illustrates the important role of kinship in creating both security and insecurity. Close kinship bonds had enabled his gambling brother to sell Thong Laa's land without his consent, leading to Thong Laa's dispossession. Weak kinship bonds with his cousins in Houay Kha gave him limited access rights to land, but because he was 'cousins' not brothers with people in Houay Kha, his access to land was limited, and he also did not have social support when he needed money and his child was ill. Thong Laa's perspective is that the impersonal guarantees of the LFAP will provide him with more tenure security, although he was using kinship connections to try to access to land in Houay Kha and have these rights formalised. Formal and informal systems interconnect in reshaping tenure relations, as concepts of allowing exclusion of kin from using private lands are introduced by 'western' abstract notions of private property. The case also illustrates the insecurity of livelihoods of the Khmu, particularly those with insecure claims. A setback such as an ill child can plunge a household into debt and make it difficult for them to recover. In absence of kin to help out in difficult times, this makes the lives of new immigrants increasingly precarious.

Conclusion

Like states, anthropologists seek to find and explain order in the entanglements of articulated and actual practices and the intertwined ecological, spiritual, political and social

[116] The price of rice in Houay Kha and in other villages depends on the time of year according to simple principles of supply and demand. It is much cheaper right after harvest, but becomes more expensive later in the year when there is less available and people have run out of their own stocks.

conditions that influence these practices. The goals are different – to find order to make sense of 'the gap/illegible space' rather than to impose order as a means of control and governance. Is it possible to write about such entanglements without imposing new categories, orders and structures drawn from our own experiences and understandings of the world? Like the 'cucumber-melons' which I find difficult to classify (being physically like melons but tasting like cucumbers but which are an entity in their own right for the people of Pak Ou), swidden cultivation systems are their own entity – composed of ambiguous spaces that are unproblematically both wild and cultivated, forest and farm, common and private for the people living within them. The socio-ecological spaces, boundaries and territorial or property institutions governing swidden systems defy easy 'western-oriented' rationalised compartmentalisation, but emerge from locally situated practices and ecologies that are at the same time similar and repeated yet particular and contextual, and that shift and evolve over time and space.

The imposition of new 'modernising' policies, spatial representations and rationalities into highland communities such as Houay Kha attempt to make legible and reconstruct swidden practices and spaces into concrete and controllable categories that are imposed from outside. Policies such as resettlement, promotion of permanent cash crops, regulation of markets, and precise spatial zones and land titles are intended to be universal, transforming the Lao mountain landscapes and the practices of those living within them according to the vision of the state, making them legible to the government to enable planning and governance. However, rather than overriding pre-existing practices and understandings, these new representations, rules and ideas are reembedded into and articulate with on-going local practices and struggles over resource rights, creating new hybrid systems and spaces. In such a way, modern conceptions of land that in principle allow it to be disembedded from competing claims in fact become integrated into local customary tenure practices, transforming these even in spaces where formal titling and new property institutions have not yet been implemented. Land within one village territory is sold informally to other villages, dismantling the validity of the territorial boundaries that had carefully been demarcated by the state only a few years before. Trees are planted in cooperation with more powerful business men as much for the short-term customary socio-economic benefits that can be gained from such collaborations as for the aim of enclosing land, complying with state modernising policies and investing in future economic prosperity. Attempts to regulate markets are undermined by local practices of using unregulated weights and negotiating informal credit in spaces beyond

state visibility. Even place-based government practices make clearly articulated laws illegible, allowing new forms of ‘legalised’ appropriation of village resources by state actors who enforce these laws, undermining the original purpose of the legislation. It is not that new ‘modern’ resource uses, classifications and institutions have no impact, but that these impacts are reshaped in implementation with unpredictable results and often do not result in the very goals they profess to support.

Chapter 7: The formal and informal tango: land allocation and titling in practice

The formalisation of land rights by titling is a 'modernising' mechanism that increases state authority over the use of and access to natural resources. Land titles rely on abstract demarcated space, symbolic tokens (titles) which represent that space, and 'impersonal' laws governing transactions involving the space. Titling falls under Lefebvre's (2000 [1991]) notion of 'representations of space' – the abstract representations of socio-spatial relations produced through rationalising processes such as zoning, mapping, surveys, and so on, that are attempts to manage and control land and people within a central state system. Through the titling process, land (at least in theory) is represented as an abstract entity that can be divided up and disembedded from its social and ecological meanings.

Land formalisation refers to state recognition and registration of rights and conditions of access to bounded areas of land that are already held and used by people, rather than intentional redistribution of land to new users (although often titling does result in redistribution of rights of access, even when this is not the purpose) (Hall, Hirsch et al. 2011). Land formalisation includes the encoding and recognition of customary rights within national law, as well as titling of demarcated areas of land as collective or individual holdings. Land titling projects can be seen both as a process of formally securing people's property and resource rights by providing recognition and regulation within state institutions, and as a process of governmentality by which states attempt to manage and increase their control over people and territory, influence how resources are used, and facilitate taxation. Titling is often presented as necessary for both local and national development, as part of a broader state-modernizing project needed to provide security for international investment and clarity of property rights within national territory. It demands a shift in ultimate authority over land rights from locally embedded hierarchies and social relations to state officials, which some argue alters local notions of sovereignty (Lund 2011) and increases the integration of rural people and land into the state.

This chapter describes two parallel land formalisation programs in Laos – the Land Titling Program (LTP), which focuses on peri-urban, residential and agricultural land, and the Land and Forest Allocation Policy (LFAP), which focuses on 'state forest' land. Both of these policies were being implemented concurrently in Pak Ou District while I was doing my research. The first part

of this chapter presents some of the key theoretical assumptions that support land titling programs as well as critiques of these assumptions. I then present the details of the LTP and LFAP and describe how these programs were implemented in practice by state actors and villagers in Pak Ou District. Although on paper, these 'rationalising' policies appear to make the local legible and bring village land transactions under a formal system, I propose that the actual practices of villagers and state officials act to undermine this apparent transparency as these policies articulate with and are deployed through local customs and relations of power. Furthermore, because of the spatial and temporal fragmentation in the implementation of these policies, villages where land allocation has been completed lay adjacent to villages where the program had yet to be completely implemented. These spaces cannot be considered separately because unrecorded land transactions continue between these areas – indeed may even be increased in response to formalisation programs –making the documented land rights invalid almost as soon as they have been recorded. The chapter highlights the relationship between the formal and informal systems governing transactions in land, how different ethnic groups are positioned differently in these transactions, and how, instead of providing secure tenure, land titling programs can increase tenure insecurity for certain groups and within certain spaces, and provide new opportunities for land grabbing.

Why title?

Although customary tenure systems permit multiple and overlapping claims and are often more concerned with rights and obligations between people with respect to land and resources than with rights of people over resources (Bohannan 1963, Gluckman 1965, Berry 1993), Western conceptions of land tenure tend to assume a relationship between people and specific parcels of land, as well as a system in which social relationships and rights can be spatially defined and easily mapped. In implementation, land titling generally involves three main processes: 1. measuring and recording plots of land in a central cadastral registry; 2. recording the ownership of each plot and issuing the owner(s) a title deed; and 3. transforming the State legal and administrative system for land management (Hall 2013). Collective or individual land titles define social and spatial boundaries by establishing who (the individual, household or community) is responsible for a delimited resource and by providing them with state-backed rights to use the land as they wish and exclude others from access. Policies promoting private or collective title therefore seek to define a bounded 'decision-making' body, either in a specific individual/household or a specified

group/community, which corresponds with a spatially-defined resource. In some cases, policies focus on creating a 'bounded' ecosystem, such as a watershed or a 'park', in which there are many local decision-making groups, and attempt to create a central decision-making body or institution for management (Barham 2001). However, there is rarely a neat one to one relationship between spatial entity or geographical scale and level of decision-making (Blaikie and Brookfield 1987).

The debate about the benefits of legal formalisation of land rights has been framed by two competing discourses, one which advocates a market-based ideology and the other which focuses on livelihood security (Assies 2009). States and international institutions, such as the World Bank, following neo-liberal economic paradigms have argued that privatization and formal registration of ownership of lands under customary or communal tenure are necessary to increase agricultural productivity, to improve sustainability of resource management and to promote economic development (Ganjanapan 1994, Leonard and Ayuttaya 2002). Communal or customary tenure systems are perceived to lead to wasteful, unproductive and unsustainable patterns of land use, either because resource users are embedded in social relationships that constrain them from making decisions that maximize production and foster sustainability, or because individuals do not have security over their land rights and therefore have little incentive to invest in land improvement because they are not assured to benefit from their investment (Shem and al. 1991, Bassett 1993, Bruce 1993, Netting 1993, Ganjanapan 1994, Trebuil 1995, Jansen and Roquas 1998, Maxwell and Wiebe 1999, de Soto 2000, Swallow, Garrity et al. 2002). Privatisation is therefore proposed for sustainable and productive land management. It has also been argued that customary tenure constrains farmers from accessing credit and limits land transactions, and consequently individual formal titles that are backed by state institutions will increase access to credit for investment in agriculture, thereby improving productivity, land transactions, and farmers engagement in the broader market system (Jansen and Roquas 1998, Maxwell and Wiebe 1999, de Soto 2000). Customary or communal property rights systems have been blamed (often unfairly) for agricultural 'underdevelopment' (Bassett 1993, Berry 1993), for ecologically unsound practices (Hardin 1968, Bassett 1993, Swallow, Garrity et al. 2002), and for economic stagnation (Bassett 1993, de Soto 2000).

A counter-argument to privatization of individual land holdings promotes collective titling in support of decentralized community resource management, at least nominally vesting authority and property rights in local communities in the name of conservation and/or sustainable

development. Programs supporting community-based natural resource management, indigenous conservation of biodiversity and park management, watershed management, joint forest management, and so on, are influenced by a number of different theoretical models. There is a general presumption that local or indigenous people have ecological knowledge that is important for conservation and sustainable resource management (Alcorn 1993, Altieri 1995, Berkes 1999, Ellen, Parkes et al. 2000), as well as an understanding that people and society are within and a part of the natural world rather than outside of it, linking social identity with the experience of 'being' in particular places (Ingold 1996, Peluso and Watts 2001). Understandings of people-environment relationships drawn from human ecology have been influential in stressing the adaptation of indigenous people to different ecosystems, with structuralist assertions that cultural norms and beliefs foster conservation and prevent overexploitation of 'nature' (Rappaport 1979, Berkes 1996). Communities are represented as having 'institutions' for collective resource management, in which systems of rules and norms curtail and guide the actions of economically motivated individuals (McCay and Acheson 1987, Berkes, Feeny et al. 1989, Ostrom 1990, Oakerson 1992, Berkes 1996). Traditional communities are envisioned to function according to a moral economy which safeguards the subsistence rights of all members (Scott 1976). These discourses link community identity with territory, and places local/indigenous peoples and knowledge(s) as central to environmental conservation, forming a moral basis for territorial claims and collective rights.

Whether state policies advocate collective or individual title depends in part on how landscapes and people are imagined, different understandings about how property rights affect people-nature relationships, and specific political agendas for governance, conservation and/or development. In much of the literature on natural resource management, the state is represented as a unified hegemonic force that is either the problem or the solution for environmental management, or both. Arguments for privatization and state control of resources in the name of conservation and development tend to assume a benevolent state that will act in the best interest of the environment and that will be equitable, or at least neutral, in the distribution of benefits (Hardin 1968, de Soto 2000). Alternatively, arguments in favour of community-based management and collective resource title often position the state as against community interests and rights (Fortmann 1995, Nygren 2000). However, there is a need to move beyond naïve assumptions of a benevolent state, as well as old oppositions between virtuous peasants and vicious governments, to understand both local communities and states as internally differentiated, interconnected and interacting rather than

as polarized entities (Nygren 2000). The state is embedded within society and made up individuals and groups who are ideologically and politically motivated in the types of policies established and in how benefits and property are distributed. Because of internal differentiation, state policies supporting privatization, state enclosure, or community management of resources, all in the name of conservation, can coexist under one government depending on how specific issues, landscapes and people are represented and understood, and which arm of the state or state official is responsible. State policies also interact with international discourses and agencies, often following popular theoretical trends in order to capture financial and infrastructural support (Fairhead and Leach 1996).

Although titling projects are advocated in the 'best interests' of people, either to grant them private secure tenure to empower them to participate more fully in a free market system, or to empower communities with collective rights and management control over their territory, these can also be disempowering processes through which states increase control over people, places and landscapes, and which even facilitate processes that alienate people from their lands, as has been the situation recently in Cambodia (see for example Neef, Touch et al. 2013, Springer 2013, Rudi, Azudi et al. 2014). The process can be as much about appropriating rights from local people as granting rights to them. Making resource rights more explicit through titling systems can make them more limited by increasing the visibility of local activities to the government and restricting the areas and resource to which local people can make claims.

Policies on property rights and resource management are not hegemonically enforced, but interact with existing and ongoing struggles over resource rights among local people and within and between communities, and the nature of the policies themselves may be influenced by local political advocacy, activated independently or in response to international discourses that coincide with and support local interests (Doolittle 2001). State narratives and representations are sometimes locally appropriated and thrown back by political movements advocating local rights and operating against state domination. At the same time, states often define what are considered to be the legitimate 'rules of the game' of how people can 'legitimately' oppose state policies or defend their rights.

Private title: security or alienation?

Advocates of private land title argue that customary property systems provide insecure and unclear rights that are embedded in social relations and may discourage investment since others can lay claim to the improved land (Bruce 1993:39). Individual land titles are generally argued to provide a more complete set of rights, allowing owners to use land as they please and to alienate land outside of local social networks through sale, mortgage or transfer. Those who support individual titles assert that they facilitate the functioning of land markets, so encourage distribution of land to those who use it most productively, increase the value of land by making rights more defined, and enable the use of titles as collateral for loans, facilitating access to capital for investment in productive and sustainable land use (Deininger 2003, Bruce 2006, Assies 2009). Private titles are also assumed to provide land owners with the necessary tenure security to motivate conservation and improvement of land by ensuring that the owner captures the long-term benefits of their investments (de Soto 2000, Bruce 2006, Hirsch 2011). De Soto (2000) argues that the formalisation of customary property rights brings the poor into the 'bell jar' of capitalism, enabling them to mobilize their assets to fund their own development. He argues for the formalisation of all customary property rights, bringing these under one central state-backed system which allows land to be 'fungible', or transferable into another form of valuation, such as money, to be disembedded from local social networks and meanings and to be subject to transparent market relations. However, proponents of land titling tend to overlook the social processes and power relations through which land titles are granted, held or lost, plus the inherent adaptability of customary systems.

Formal land titling processes interact with ongoing local negotiations and conflicts over resource rights, and are mediated through local relations of power. Advocates for private property rights tend to ignore that resources are subject to overlapping claims, and to disregard the complex social, negotiated and contested nature of these rights and how existing relations of power and authority influence who is able to assert and formalise their claims (Bassett 1993). The process of formalising private land titles entails defining boundaries around land that are coterminous with individual ownership, and access to formal title is often related to the ability to mobilize political and economic resources rather than greater rights (Bassett 1993:18). While formal titling can increase tenure security for the more powerful, who are better positioned to assert their interests in the process, it can reduce rights for the more marginal groups in the community. Berry illustrated how nationalization and reallocation of land in Africa ensured that people's resource access

depended on political connections (Berry 1993). In Ghana, Zambia and Nigeria, control over land was in principle centralised through the process of nationalization, however at the community level, land allocation remained under the authority of chiefs and local authorities, and access remained subject to local negotiations over interpretations of customs and claims (Berry 1993). Rather than bringing everyone inside a 'bell jar' of development and under a common legal system (de Soto 2000), individual titling of common resources may merely shift the terms of inclusion and exclusion, further compromising the rights of those with less political power.

Formalised title that allows permanent transfer of land can lead to outright alienation if farmers sell because they don't earn or produce enough to withstand livelihood shocks.[117] This can lead to a loss of economic and livelihood options among marginal groups in the community, concentrate land ownership among elite, or completely displace original land owners by groups or business interests from outside the community (Bromley 1991, Ganjanapan 1994, Maxwell and Wiebe 1999, Li 2002c, Hall, Hirsch et al. 2011). While land alienation and concentration can also be side effects of indigenous changes in agricultural systems (Li 2002c), formalised title can exacerbate the displacement process since outsiders are willing to pay more for titled land, increasing local temptation to sell (Li 2002c:429). Once they have lost their land, retrieval is very difficult and smallholders are unable to take advantage or adapt to new market opportunities (Li 2002c:432). The ability to sell land outside of local networks can lead to permanent dispossession of the poor through distress sales, and increased markets for land can lead to speculation and concentration of land in a few hands rather than its distribution to those who use it the most productively, as proponents of land titling profess (Leonard and Ayuttaya 2002, Rolfes 2006, de Schutter 2011). The dual rationales of land titling programs – to increase the marketability of land and to increase security of livelihoods – are therefore often contradictory. In absence of other support systems, title-holding is not sufficient to ensure, and may actually undermine, tenure and livelihood security for poor households by encouraging disposal of land to access cash (Bledsoe 2006, Assies 2009, de Schutter 2011). The displacement of people from land can also lead to greater pressure on common resources such as forests, resulting in overuse and sometimes

[117] Although land concentration and alienation are common consequences of privatization and commercialization, this is not an inevitable outcome. Because land is subject to multiple rights held by different people, certain rights can be concentrated without altering land ownership patterns (Berry 1988). Berry found that in Africa, even when transactions in land rights had been commercialized and formalised, rights remained tied to social identities, and claims to a particular piece of land have increased rather than becoming more privatized.

degradation of these areas, so the promotion of private tenure for environmental protection and sustainable agriculture can have the opposite effect, merely creating greater problems in different parts of the landscape (Dani 1991, Li 2002c). Furthermore, customary rights often provide adequate tenure security to allow investment, and individualized land holdings and a land market will evolve when these are advantageous without the intervention of formal titling programs (Bruce 1993, Hutchison 2008).

The benefits of formal title are only as good as the ability of individuals to operationalize this title, which may be constrained because of lack of access to the institutions supporting formal land rights either because of physical distance (cadastral records and juridical courts located far from the villages) or social distance (lack of power and knowledge to effectively assert rights within the juridical system) (Li 1998, Yngstrom 2002, Giovarelli 2006). In such situations, customary regulations may continue to take precedence over the formal system, while new rules provided by land titling programs may be strategically and selectively applied within customary systems of power.

Even after land rights have been legally privatized, they may remain more complex and overlapping than what is formally documented, and access may still run through local channels of power and authority rather than a formal legal sector. Titling programs can also provide a new narrative to legitimize preferential claims to land and exclude others with customary rights from access, as I've illustrated in the previous chapter. Furthermore, land ownership often continues to shift even after individual titles have been enforced, and changes are not necessarily recorded in formal legal records, so that official legal land registries no longer represent the reality of local claims (Berry 1988, Berry 1993). The implementation of titling creates periods of transition and disorder, and intersects with on-going struggles for control over resources, mediated through power relations that operate at different social and political scales. This leads to a hybrid system, in which those negotiating for greater control of resources borrow strategically from a mix of customary and formal regulatory systems in order to assert self-serving claims.

It has been argued that women specifically lose out when private land titles are allocated because multiple claims are not recognized and because they are unable to participate equally in the process of institutional reform (Lastarria-Cornhiel 1997, Rocheleau and Edmunds 1997, Yngstrom 2002). Those involved in legalizing property rights often document title in the name of an assumed male household head. Women can find their customary access rights restricted if land

titling gives greater powers of exclusion to male title holders (Li 1996b, Rocheleau and Edmunds 1997, Yngstrom 2002), increasing their dependence on men for access to resources (Lastarria-Cornhiel 1997, Rocheleau and Edmunds 1997). Furthermore, programs that focus on granting land title to women often underplay how women still need to rely on customary channels and social processes to secure resource access, as well as the social and cultural constraints they face in trying to enter the titling process (Rocheleau and Edmunds 1997, Yngstrom 2002). Women are sometimes only able to take advantage of land titling programs when they have support of male relatives, and the limited capacity of states to enforce titles and rights means that women with title still had to rely on village level social relations to enforce their claims (Yngstrom 2002). In some areas of Southeast Asia, women hold customary land title. Biases of state officials can undermine women's ownership rights if ownership rights are documented in the name of the husband.

In some situations, formal privatised land titles can increase tenure security, as well as improve access to credit, motivate investment in land, and increase agricultural productivity and sustainability as intended (Shem and al. 1991, Bassett 1993, Bruce 1993, Netting 1993, Ganjanapan 1994, Trebuil 1995, Jansen and Roquas 1998, Maxwell and Wiebe 1999, Swallow, Garrity et al. 2002). However, while formalised title is argued to promote greater equality in property transactions and release less powerful people from the unequal social relations that limit their rights (de Soto 2000), this is often not the case. Numerous case studies illustrate that even after titling projects have been implemented, much of the adjudication over land transactions and disputes still go on at the local level, borrowing from both formal and customary processes and subject to local relations of power (Berry 1993, Rocheleau and Edmunds 1997, Jansen and Roquas 1998, Yngstrom 2002, Li 2002c). Legal institutions do not always operate impartially, nor are they isolated from local political structures or equally accessible. Furthermore, changing the basis of land tenure from traditional to legal principles removes land access from community control and places it in the broader political economic system. Although community structures may provide unequal access to resources, these same structures may also protect basic subsistence rights of marginal groups by ensuring access rights (Scott 1976). Unless other forms of inequality are improved, titling programs may actually lead to greater tenure insecurity of economically and politically marginal groups (Bledsoe 2006, de Schutter 2011).

Privatized title is also often promoted as important for productive and sustainable agriculture. However, a number of scholars working on tenure and property rights have cautioned about

making such assumptions (Berry 1993, Bruce 1993, Ganjanapan 1994, Dearden 1995, Maxwell and Wiebe 1999). Improved access to markets rather than formal land title are often more important for increasing agricultural 'productivity' (Maxwell and Wiebe 1999). Furthermore, the criteria of 'agricultural productivity' itself needs to be interrogated, since this often focuses on yield of specific crops and overlooks ecological costs as well as the diverse contributions of overall agricultural systems to local livelihoods (Dearden 1995). A narrow focus on property rights also ignores other social and economic factors that influence farmers' decisions about land management and incentives for resource exploitation, as well as non-local circumstances that determine farmers parameters of choice (Blaikie and Brookfield 1987, Bromley 1991). While ecological degradation has been blamed on lack of knowledge and insecure property rights, farmers are often constrained from making optimal and conservationist decisions primarily because of other factors, such as limited land size and lack of alternative income sources, as well as non-local factors such as market prices and government price fixing for inputs and products (Blaikie and Brookfield 1987). Privatizing land title can also reduce the flexibility of customary agricultural practices that promoted sustainable land use by fixing farmers to very small land holdings and forcing them to overexploit the land in order to survive (Bohannan 1963, Bruce 1993). This is one consequence of the LFAP in Laos. In Kenya, tenure reform that sought to replace customary communal systems with private property rights and to consolidate fragmented land holdings to permit scale investment in agriculture failed, since land holdings were subsequently reverted to customary patterns, redistributed and refragmented in order to make use of micro environments and reduce subsistence risks (Maxwell and Wiebe 1999).

Another common assumption is that formalising private land titles will increase access to credit, leading to investment in agriculture and improved sustainability and productivity, increasing land transactions, and facilitating farmers engagement in the broader market system (Jansen and Roquas 1998, Maxwell and Wiebe 1999, de Soto 2000). However, this ignores other criteria that influence access to both loan institutions and funds. While a title deed can in some cases facilitate access to credit (Ganjanapan 1994), legal title is not always sufficient for farmers to get loans, particularly if land is of low value, so banks often require other criteria for security (Bruce 1993, Jansen and Roquas 1998, Maxwell and Wiebe 1999). Many farmers are understandably reluctant to mortgage their land for credit (Maxwell and Wiebe 1999) since inability to pay a debt can lead to expropriation of land by the bank (Maxwell and Wiebe 1999, Li 2002a, Assies 2009) While use

of title deeds sometimes increases investment in agriculture through increasing access to credit, it can also easily lead to forfeiture of land if loans cannot be repaid, so can reduce the tenure security for some groups (Ganjanapan 1994, Li 2002a).

Customary property rights have been blamed on contributing to imperfections of land markets, constraining land transactions and permitting only temporary rather than permanent land ownership (Bruce 1993, de Soto 2000). Individual titling is thought to increase transactions so that land will fall into the hands of the most efficient and productive users (Jansen and Roquas 1998). This is not necessarily beneficial for smallholders, and can lead to alienation from land, as has been described. Furthermore, land transactions are also common under traditional tenure, through reallocation, loans, sharecropping, and even sales. Although in some cases, traditional systems support only temporary rather than permanent transfer of land[118], in communities near markets, customary systems often adapt to allow permanent sales within and outside of the community, even without formal titles (Bruce 1993, Li 2002c). In situations where impoverished communities live in proximity to land markets and land prices have increased, large parts of community territory are often sold to outsiders so community members end up as wage labourers on land they once owned, with little scope for improving their situation (Fox 1993b, Ganjanapan 1994, Li 2002c).

Where land rights are ambiguous and there is an overlap between formal and informal property systems or where formalisation programs are fragmented, partial or selective in their implementation, land titling can open up new possibilities for land grabbing. Bruce (1993:36) emphasizes that land formalisation is often *'less important for its explicit objectives than for the openings that the confusion accompanying a poorly implemented reform provides for land grabbing'*. Hirsch (2011) outlines three processes through which land titling can facilitate land grabbing; 1. Land may be seized by powerful actors who convince surveyors that they have more legitimate claims; 2. Individual land titles may be given in areas previously held in common (such as fallow or grazing lands); and 3. Legal land rights may be granted to those who had previously grabbed land, thus formalizing historical injustices of dispossession (Borras 2006). In countries with poor governance, land titling can provide new opportunities for corruption by local officials

[118] For example, In Zimbabwe, people cannot legally buy or sell land under communal tenure, but get rights to cultivate certain areas through local political institutions (O'Flaherty 2003).

in charge of implementing the programs. This will be illustrated later in this chapter, and also in chapter nine.

Although land titling may increase security of tenure on parcels of land that come under the titling program, it can paradoxically decrease security of tenure for land not deemed eligible for title which remains subject to overlapping and ambiguous legal status – for example, forests zoned as state lands but used by local people under customary tenure systems (Hirsch 2011). By disallowing formalisation of local land rights in such areas, these areas become entrenched as state land and local customary claims are obscured. Such divisions between forest land and farmland are often artificial, but are maintained through separate (and sometimes competing) governmental Ministries and departments in international organisations, which deal with these areas differently. Although State formalisation of land titling can provide greater collective and individual tenure security at the village level, by determining what lands are included in or excluded from titling programs, titling can also act to legally free up large areas of village land for state appropriation. Farmers' main concern about getting formal title from the state is often to protect their land rights against the state itself (Bruce 1993). Advocates of programs to formalise customary tenure and provide land titles often focus on their theoretical benefits while underplaying their actual embedded processes of dispossession and exclusion, which create greater insecurity of resource access for some users.

In summary, although land titling programs are often part of state programs for modernisation and development, to impose new forms of rationalised management of people and territory, and to disembed land and resources from their social and political meanings, in implementation, these programs are negotiated through pre-existing informal networks of power, prestige and practice and are positioned within local and national political and economic relations. The following sections describe two parallel land reform programs in Laos, illustrating how, rather than being defined by formalised state systems in fact are re-embedded in informal and customary systems and are implicated in local struggles over resource rights.

Land formalisation policies in Laos

Prior to 1975, all lands in Laos were considered to be owned by the King, although in reality land was managed according to customary rights at the village level (Ducourtieux, Laffort et al. 2005). When communist Lao PDR was established, land ownership was formally transferred

to the people, as represented by the state. Under the new state system, Lao citizens have the right to own and use land, to pass it on as inheritance, and to rent, sell or buy land (Lao Land Law 2003). However, the types of rights citizens are granted over land depends largely on whether the land has been classified as agricultural land or state forest, as described in chapter two, and also on how they plan to use the land.

Beginning in the early 1990s, the Lao government with support from various international agencies put in place two parallel programs intended to formalise and clarify land rights in the country. The Land and Forest Allocation Policy (LFAP), managed under the Ministry of Agriculture and Forestry (MAF), deals specifically with 'state forest lands'. The Land Titling Policy (LTP), initially managed by the Ministry of Finance (taken over by the National Land Management Authority (NLMA) in 2006, which was absorbed into the Ministry of Natural Resources and Environment (MoNRE) created on 24 June 2011) provides formal private land titles for peri-urban, commercial, residential and agricultural lands, registering these within a central cadastral system. The zoning of the landscape into state forests versus agricultural lands underpins which program is deployed in different areas, creating arbitrary boundaries that determine the types of land rights to which farmers in these different 'socio-ecological spaces' are entitled. However, there is some spatial overlap since certain roadside village paddy lands are classified as agricultural lands (subject to individual title under the LTP) while sloping farmlands in the same village are classified as forests and fall under the LFAP. The two programs have different priorities, with the LFAP focused more on changing village land management practices, and the LTP focused on enhancing local economic development by enabling farmers and urban dwellers to use land titles as collateral for loans. However, the different rationales are often conflated in policy documents about the separate programs.

The Lao Land Titling Program (LTP)

The Lao land titling program (LTP), initiated in 1997, was modelled after an award-winning land titling program initiated in Thailand in 1984. Both programs were funded by the World Bank with technical support from AusAID and Land Equity International (LEI), an Australian private contractor which worked in collaboration with the Thai government to implement the program (Hall, Hirsch et al. 2011). In spite of critiques that the Thai program had resulted in land speculation and dispossession of the poorest farmers (Leonard and Ayuttaya 2002), the program

was adapted and used as a model for land titling across Southeast Asia and other parts of the world, and a similar program was initiated in Laos in 1997 (Hall, Hirsch et al. 2011, Hirsch 2011).

The Thai program initiated titling in disadvantaged and remote provinces in principle in order to stimulate their development and bring them into the market system. In contrast, the first phase of the Lao land titling program, implemented between 1997-2003, initiated titling in easily accessible peri-urban areas that had relatively clear private land ownership around Vientiane and some major towns where there were existing land markets (Hall, Hirsch et al. 2011:39). Formal titling in rural areas didn't begin until the second phase of the program in 2003, when titling of paddy fields, small stores and residential lands in roadsides villages became eligible for permanent title (Hall, Hirsch et al. 2011). The Lao program was designed to address some of the social critiques of the Thai program, including addressing gender inequities by ensuring that land was titled in the name of both husband and wife. The program is implemented by mobile Systematic Adjudication Teams (SATs), which have some discretion over what land to title and work with an incentive structure based on the number of plots titled. This encourages them to title any accessible land where there are clearly marked boundaries and where there are unlikely to be disputes or ambiguities, and therefore most of the rural land that is titled in Laos is within residential areas of villages or paddy land close to settlements. Because provincial and district authorities can decide which areas are eligible for land titles, sometimes land along roadsides or in special economic zones have been excluded so that the state would not have to pay compensation if the road needed widening in the future (Hall, Hirsch et al. 2011, Hirsch 2011).

According to the Lao Land Law (2003), agricultural land is eligible for individual titling. After the owner receives land use rights, a Temporary Land Use Certificate (TLUC) is issued for three years. If the land is used appropriately (i.e. *'in conformity with objectives and regulations, and if no objections of claim'*) within these three years, then a permanent title may be requested (Lao Land Law 2003 Article 18), bringing potential overlap between the LFAP and the LTP. However, individuals and households can also lose rights to land if they do not use the land according to the objectives of the State, or if they do not use the land for anything at all[119] (e.g. leaving the land

[119] **Article 62. (New) Loss of Right to Use Land and Land Use Rights**
Persons having the right to use land and persons holding land use rights will lose such rights in the following cases: 1. They have used the land or have exercised their land use rights not in accordance with the objectives as allocated by the State; 2. They have not paid the land tax consecutively for three years after being warned; 3. They have not used the land or not exercised their land use rights as allocated by the State in accordance with the contract and the land law; 4. Land use rights are lost pursuant to a court decision.

fallow would mean that they lose rights to the land (Lao Land Law 2003 Article 62)). Thus, secure title is contingent on using the land according to State goals. According to the law, land titles may be inherited, sold, or leased if they have been registered and the taxes paid.

Implementing land titling in Luang Prabang Province

At the time of my research, land title certificates had been newly issued in five districts in Luang Prabang Province, including in Pak Ou District. Provincial officials clearly understood that the purpose of the program was to motivate citizens to improve management of land by providing tenure security and opportunities for accessing formal credit for investment. In the words of a senior official who was involved in implementing the titling program in Luang Prabang Province,

> The government wants farmers to have the certificate so that they can borrow money from the bank. If they have a certificate and put it under their pillow and sleep on it, then the certificate won't work for anything… We issue certificates to make people who own land more comfortable and have more security. If they want to borrow money, they have a guarantee. If they sell, then they have security. If you want to borrow money from the bank, and don't want to pay interest… it makes the land easy to sell or buy.

The Office of Finance was responsible for implementing the LTP, and had measured all private land in villages (including cemetery and temple lands) using GPS and survey tools. A number of criteria determined whether a village was considered to be eligible for land title certificates. The village needed to be 'permanent' and established, and located next to a road, with clearly defined 'private' customary claims. It also needed to be an 'economic village', with good transportation and with a rural elite class involved in trade. The only land types that were recognised as 'private' and eligible for formal land title certificates were lowland rice fields and land on which houses and small shops were built – and these only if they were in communities near the road. Steep lands with slopes over 35% or lands distant from the road were classified as state forests and fell under the LFAP and the responsibility of PAFO. In these areas, farmers were eligible for usufruct rights rather than full ownership. Therefore, land title certificates were not issued in remote villages (such as Houay Kha and Nasavanh), even for land that had clearly established private customary claims such as teak tree plantations, lowland rice paddy fields, and houses. Officials in the Ministry of Finance explained that this was because it was difficult to transport the heavy tools needed for measuring the land to highland villages that were accessible only by small footpaths. Land title certificates were also not given to roadside villages where customary land rights were not well established, such as newly resettled villages where land

ownership was still in transition and remained unclear. In these areas, overlapping claims needed to be resolved within the village and by the village headman first. Furthermore, officials explained that they would not provide titles to land claimed by more than one person.

> In order to issue a certificate, the village needs to be near the road, to be big and permanent (not moving). Also, the government has a resettlement program, and so doesn't give certificates to people who will be moved. Also, we don't issue certificates for upland fields, only for lowland fields, flatlands, land for building, and 'gardens'.... Certificates are issued for lowlands and flat lands, near the village. If the land is far from the village (more than 2 km), we won't issue certificates – only for gardens, lowlands and flat lands close to the village. We won't issue certificates for teak tree plantations if the land is steep (even if it's close to the village).

In Luang Prabang province, state officials issued two types of certificates, which conferred different levels of tenure security. 'Yellow certificates' were considered permanent and offered greater security of land rights because the land was more precisely demarcated, but were only issued for land for which there was a satellite photograph and measurement precision. 'White certificates' could be issued for land measured by the government at the request of the owner in areas where there were no satellite images available. For access to bank loans, the type of certificate was more important than the type of land (house, rice field, etc.) that it represented. Yellow certificates had greater formal recognition and would be accepted by banks as collateral for loans. However, a bank often would not accept a white certificate because the land measurement was not considered to be 100% accurate. Thus, the trust in these 'symbolic tokens' was based on the technology that supported them rather than just on the institutional framework. The bank also assessed the value of the land before granting and deciding the amount of a loan. Apparently, these certificates (either yellow or white) could only be used as collateral for bank loans within Luang Prabang Province and not in other parts of the country.

To implement the program, state officials met with the headman and deputy headman, and then travelled to villages to meet with each household individually. Every member of the household (husband, wife and other adults) needed to be present at these meetings. Title certificates essentially formalised pre-existing customary claims and were only provided when villagers collectively guaranteed that the land belonged to the person claiming ownership. Certificates could be issued in the name of the husband or the wife, depending on whether the land was inherited from the man's parents or the woman's parents. If a couple had purchased land together, the certificate was issued in both their names.

The logic of using land title as collateral for bank loans in order to help farmers to access capital to improve production was clearly explained to villagers during the titling process. Officials explained the meaning of the paper certificates and the importance of holding on to the legal papers to prove ownership of the land – that these titles symbolically represented the land itself. Villagers were instructed that any transactions involving these certificates as collateral for bank loans or for selling or renting land needed to go through the formal state system, and be approved and recorded in provincial or district offices, a process that would take between 30-60 minutes.

Formal titles in Pak Ou District had been issued during the year of my research year for houses and small businesses (stores), but not yet for paddy fields and other permanent commercial crops planted on eligible roadside lowlands. The process of issuing formal certificates was new and incomplete. In spite of explanations by the authorities, villagers did not fully understand that the formal certificates were abstract representations indicating ownership of the land and houses themselves. In the shift from personalised customary conceptions of tenure to abstract disembedded representations of land rights, shady characters from the city began to arrive in villages throughout the district, collecting the paper land title certificates from farmers to use as guarantees for loans from banks in Luang Prabang town. In Houay Lo, several households had been tempted to give their land certificates to the city people but had been prevented from doing so by the headman. However, in the neighbouring Lue village of Lattahae, thirty of the more than ninety households who had been issued formal 'yellow' certificates for their houses and small stores had given their certificates to a man who had come from Luang Prabang. Villagers explained that the man told them he would use the certificates to borrow money from the bank, and then he would relend this money to other people in Luang Prabang who would pay him interest on the loans. The villagers who gave him their certificates would earn some of this interest in return for lending their certificates. On his first visit, he gave villagers money for the certificates, but subsequently, people gave him their certificates based on trust without payment up front. Informal 'official' contracts were signed by both parties, by the headman and by witnesses as security, but this was not done in the formally recognised district offices. Subsequently, more and more people from the town began to approach villages across the province seeking land certificates for similar purposes. Although villagers perceived these individuals to be acting on their own initiative, according to authorities they were agents of a larger organised network, and the certificates had been used by wealthy city people to borrow money in the town and had passed through many

hands. *'I don't know if it's third hand or fourth hand or sixth hand'*, stated a provincial authority from the Ministry of Finance.

Lending their land title certificates seemed like a good idea to most villagers, partially because they didn't fully understand their meaning as 'symbolic tokens' and abstract representations of land, but also because a similar process is commonly used in the local credit economy. The headman acts as the local representative of the government, and often signs contracts as guarantees for small loans from local traders, as described in the previous chapter. However, these contracts are generally between people who know each other because they live nearby. This is locally understood as secure and as part of a 'formal system' because it is backed by the headman – a government representative – even though it is not backed by the central state and a broader national institutional structure. Indeed, it still operates within local social networks of trust and obligation. For larger amounts of money, villagers need to go through the more centralised state and banking system. However, as far as villagers were concerned, contracts signed by the headman were perceived as formal – i.e. backed by the state system.

Sivonthong, a Lue man from Lattahae whom I interviewed about the certificate scandal, owned a small store along the road, and had been issued three title certificates. He had given all three to a man who had come from Luang Prabang town, explaining to me that he had been promised 400,000 kip (US $40) per month for three months, after which he had been promised that his certificates would be returned to him. Because Sivonthong was short of rice at the time and this was a lot of money, he thought that it would be a good way to get money for food. However, he did not receive any money in the end. Sivonthong explained that when he and other villagers gave away their certificates, they didn't really understand that they were essentially giving away rights to their land and houses until someone from the town arrived and informed one of the villagers that he had bought his house and had the papers to prove it. The new owner then demanded that the villager pay him rent for living in the house. *'People from the town started to come to the village and say, this is my land. Would you like to rent the land or to pay the interest?',* explained Sivonthong. The certificates had passed through several hands in the town, and when someone couldn't pay back the money they had borrowed, the lenders were given the titles from Lattahae and began to arrive in the village to claim the land to which they held title.

Villagers from Lattahae approached the district governor about the problem. Some of the townspeople involved in the scheme were identified by villagers, caught and put in jail. However,

the signed contracts which affirmed that farmers would be paid money for their certificates were not considered valid because they had not gone through the approved central system, and the villagers were unlikely to be paid the money they had been promised. Villagers themselves understood only afterwards that what they had done was wrong. *'The government told us already that we can't give away the certificates – that we could only do this through the land allocation and land law – but the people didn't listen'.* In essence, the formal land title certificates had been integrated and used as collateral in the pre-existing local informal credit economy in which villagers prepare written contracts among themselves for borrowing and lending relatively small amounts of money, a process which doesn't go through higher levels of state authority and is backed by local social sanctions rather than centrally enforced. Contracts signed by headman and witnesses to enable lenders to get support for loan repayment were adequate to provide security within local social networks and institutions and are perceived by villagers to be part of the 'formal state system' and supported by the government because the headman is involved. The contracts signed with the townspeople who had taken the land titles were not considered 'illegal' because they had also been signed by the headman. However, the certificates were alienated outside of these local social networks, so there were no institutional state guarantees that the contracts would be respected since the borrowing and lending had not gone through the proper centralised system. The newness of the certificates and the mix between informal and formal systems created confusion and opened up new spaces in which land could be transformed into capital and ultimately alienated from local owners.

These indirect land grabs occurred in villages across Luang Prabang province shortly after the land title certificates had been issued to farmers, and Mr. Somphone[120], a senior official in the Provincial Finance Office, himself made visits to the villages affected and attempted to cope with the aftermath. In spite of the fact that the villagers had acted against government instructions, he and his department acted to support the villagers and attempted to return the land certificates to the farmers, while police arrested the townspeople identified by the villages and put them in prison. However, there would not be compensation for the money the villagers expected to receive or any money lost through the lending process.

> The people who took the farmers certificates will solve the problem by themselves for the money owed and so on. The project won't do anything for the farmers because it was illegal.

[120] As will all individuals interviewed for this research, his name has been changed to protect his identity.

Although the government would not help the farmers regain any money they expected or lost from the lending scheme because it was 'illegal', the state had intervened to reclaim the land title certificates and return these to the farmers, none of whom in the end lost their land or houses. Mr. Somphone clearly understood the process through which farmers had been duped.

> Those people will have a lot of money and go and trick the people. They will give 500,000 kip and say, if you leave the certificate with us, then we will put it in the bank and borrow money from the bank, and you will get 500,000 Kip/month for three months, then after three months, you can get the certificate back again. It's not a problem now, because the police caught the people who were involved, and have put them in jail. I will return the certificates to the people. But, when I went to the village to issue certificates, I explained everything. When we issue a certificate, this goes to the person who owns the land. If you want to use this to borrow money, then you can do this. But if you want to give this to someone, to sell or to lend to them, then you have to come and get papers from the office and register again. But the farmers, they didn't do this. They didn't come to the office, so the project won't take care of this. This is a legal registration. If you borrow money from the bank, you come and register here, and we know how much [a record is kept with the government]. If you have no money to pay back the bank, then the bank can advertise who wants to buy the land, and the bank can sell the land. If the farmers come here [to the office] then the government knows so can guarantee. It's easier if they come here, and it doesn't take very long. The government checks and stamps everything. It takes between 30 minutes and 1 hour for the whole process. There are also branches in the districts where the farmers can go.

This 'scam' was not an isolated case of trickery in one village, but occurred across the province, in all districts where land titles had been issued that year. It illustrates how the newness of 'abstract' symbolic tokens – land titles as representative of land rights – are reembedded and understood within pre-existing local customary frameworks – in this case, the informal processes to guarantee credit that operate well at the village level. The state's struggle to impose a standardised and transparent formal process is undermined by local practices and understandings. Such transitions between personalised customary networks of trust to 'modern impersonal' systems make farmers vulnerable to manipulation by devious townspeople.

The case of the land certificates also demands a more nuanced understanding of the relationship between the state and the village. I first heard about the certificate scam while chatting with Paw Thao Don, the traditional headman of Houay Lo and a respected village elder, in his little roadside store. While I was there, Mr. Somphone, who was driving back to Luang Prabang town from Nambak District, stopped to have a cold drink and casual chat with his old friend. Somphet was astonished that this important government official was so friendly and spoke with 'just normal people' without any hierarchical pretenses. Mr. Somphone, a senior provincial official, had been travelling between villages to discover more about what had happened with the land certificates, and was trying to solve the problem. The farmers themselves had approached the

district government with expectations that the government might be able to help, and Mr. Somphone and his office were intervening on behalf of the farmers, even though the farmers themselves had done something wrong by not following or completely understanding the instructions they had been given. The state is often represented as a monolithic force that works against the interests of villagers, and as populated by corrupt officials who take advantage of their positions to enrich themselves. While corruption in Laos is rampant and is often highlighted in descriptions about land rights, this example illustrates that painting the state with such a broad and negative brush is misleading and unfair to the many state officials who do try to work on behalf of the citizens. Mr. Somphone was not unique, but one of many government officials I met in Laos who was struggling to do something to help villagers. Lao villagers recognise these divisions within the state and try to identify those officials who are likely to support their interests.

The Land and Forest Allocation Policy (LFAP)

The LFAP was introduced experimentally in 1990, in Luang Prabang and Sayabouri provinces, with support from the Asian Development Bank (ADB), Food and Agriculture Organisation (FAO) and Swedish development agencies and implementation across Laos began in 1993 (Ducourtieux, Laffort et al. 2005). The program was designed to formalise and protect the territorial claims of villagers living in and farming 'State forests' (Vandergeest 2003, Ducourtieux, Laffort et al. 2005, Hall, Hirsch et al. 2011:46, Lund 2011) and also to support the national goal of achieving 60% forest cover by the year 2020 by limiting where villagers could farm in the highlands (GoL 2004:54). The program is managed by the Ministry of Agriculture and Forestry and implemented in villages primarily by state cadres in the Provincial and District Agriculture and Forestry Offices (PAFO and DAFO) [121] . The underlying principles of the LFAP were promising. The implementation of LFAP was designed to be participatory, with villagers involved in all stages, and highly flexible, to allow both for individual title to upland plots and collective village title to forest-fallow systems under which customary tenure and overlapping claims could be accommodated. The policy involved three main steps; the demarcation of village territorial

[121] In some areas, the program was implemented by personnel from the Army, Police or Office of Finance because of lack of available forestry staff (RRDTC 2009).

Figure 7.1: Village land zoning map produced after LFAP, Xieng Ngeun District, showing different kinds of forest within village territory

boundaries[122], the classification and zoning of forest lands within these boundaries as specific forest types and for particular uses, and the allocation of individual household plots, transforming customary tenure systems into more clearly defined private property rights. During the first approximately ten years of its implementation, land within village territory was zoned into five different forest categories in accordance with the 1996 Forest Law, which governed forest use and management at the time; 1. *protection forests* (forests maintained to protect watersheds, protect from landslides, etc.) in which gathering is allowed; 2. *conservation forests* (village-scale forest land in which all activities are forbidden in order to protect animals, plants, etc.); 3. *production forests:* where wood cutting and gathering are allowed; 4. *forests to be regenerated* (areas of young fallow which are designated to become old fallow), then forests through reforestation, either through tree-planting or naturally; and 5. *degraded forests* (fallow land considered badly destroyed, with no trees, which could be allocated to individual households for agriculture) (Lao Forest Law 1996, Articles 16-21). The more recent forest law (2007) has altered this classification to include

[122] The demarcation of village boundaries often created conflict between neighbouring villages, where territorial boundaries were fuzzy and resources were shared informally.

only three forest zones – production, protection and conservation forests[123] – but maintains the category of 'degraded' or 'barren' forestland within these three zones. These newly produced 'state spaces' defined by the LFAP are then represented in hand-painted maps posted on large wooden boards outside each village (see figure 7.1) which illustrate different land and forest types and the area of each within village territories. These maps which are widely ignored by the villagers themselves and rarely reflect the rapid evolution of actual land use on the ground (see also Barney 2008).

Barney (2008) rightly points out the vagueness of distinguishing between these different forest types, which can also be seen as different stages of forest succession. He states that

> To extrapolate a definition between current forest, potential forest, and unstocked forest, or between degraded and regeneration forest, is to make a more or less arbitrary distinction based on the present situation of land cover, projecting that situation into the future (Barney 2008:100).

The Lao legal definition of a forest, and particularly the difference between 'degraded' and 'regeneration' forest, are therefore less about type of tree cover than about state goals for how these particular forms of forest/farm land *should* evolve over time. However, from the perspective of villagers, such land is simply be perceived as part of the swidden cycle – as young fallow that will eventually return to being forest again (Barney 2008). The conceptualisation of fallow lands negatively as 'degraded forests' further obscures their real value as village commons, the ecological importance of fallow to the sustainability of the agricultural system, and conceals the many goods and services Lao villagers gain from these areas (Barney 2008). It also helps legitimize their appropriation from villagers for other purposes deemed more 'ecologically sustainable' or 'economically productive'.

The final step of the LFAP involves the allocation of private upland plots of 'degraded forest' to individual households to use for farming, livestock husbandry or other economic activities. Legally, each household has the right to be allocated three one-hectare upland agricultural land parcels within these 'degraded forest' zones per unit of adult labour[124]. However, in

[123] Protection forests are intended for protecting watersheds, roads, river banks, soil and the environment. Conservation forests are zoned for protection of biodiversity and natural ecosystems. Production forests are zoned for forestry, plantations, and local livelihood activities. Each of these forest types is recognised as having areas of dense forest, degraded forest, barren forest land and village use forest depending on the land use plan (Lao Forest Law 2007).

[124] Article 6 of the Lao Law on Land stipulates the amount of 'upland' that can be allocated for different uses. For rice cultivation and animal husbandry, the maximum area that can be allocated per household is one hectare per unit of labour force (per working adult). However, households are entitled to a maximum area of 3 hectares per labour unit if they are using the land for fruit tree plantations, industrial plantations and growing crops (presumably they mean other than rice) (Lao Land Law 2003, Article 17). Individuals and households are entitled to a maximum of 3

implementation, this has been widely interpreted as three one-hectare parcels per household (two plots for households which own lowland paddy fields). Allocation of private plots is done in collaboration with villagers and village leaders, and essentially formalises existing customary land claims that grant pioneer rights to the farm households that had first cleared the land of primary forest. The policy had both land formalisation and land reform goals, as households with customary rights to many plots of land were forced to cede some of their lands for redistribution within the community. Households are then granted Temporary Land Use Certificates (TLUC) for their agricultural land holdings, particularly for commercial crop areas, orchards, home gardens, new rice paddy lands, tree plantations and sometimes for swidden plots (RRDTC 2009). The TLUC are not permanent titles but provide usufruct rights that are valid for only three years, after which the state maintains the right to revoke the titles if the land is not being used according to national priorities or if the land is left fallow for three consecutive years[125]. If the land has been used appropriately ('*in conformity with objectives and regulations, and if no objections of claim'*) within these three years, then a permanent title may be requested (Lao Land Law 2003 Article 18). Thus, secure title is contingent on using the land according to state goals, and the titling system is integrally connected with government land use planning in the uplands. According to the law, TLUCs may be inherited, sold, or leased if they have been registered and the taxes paid. Unlike the titles for peri-urban, residential, and paddy land provided by the LTP, they cannot be used as collateral for bank loans. At the same time, in reality, land continues to be transferred, leased, etc. outside of this formal system, through informal customary arrangements.

hectares of forest land per labour unit in the family (in areas zoned as unstocked land or degraded land) in the form of 'Temporary Use Certificates' rather than permanent titles. In theory, up to 22 hectares per household unit of labour power (e.g. number of adult workers in the family) can be allocated to each family, as follows: 1 hectare for paddy rice or pond culture for fish or frogs; 3 hectares for commercial crops; 3 hectares for fruit trees or orchards; and 15 hectares for maintaining grassland for livestock grazing. Thus, the law supports state policies to encourage farmers to crop cash crops rather than rice. In reality, these are flexible guidelines, and allocation is on a case by case basis, and other characteristics, such as the condition of the land, are also considered (MAF 1999). In practice, although the law states that households are entitled to 3 hectares *per working adult*, this has been interpreted as three hectares *per household*. Individuals or households can acquire leases or concessions from the state if they want more land and can prove they have the capacity to develop it.

[125] **Article 62. (New) Loss of Right to Use Land and Land Use Rights**
Persons having the right to use land and persons holding land use rights will lose such rights in the following cases: 1. They have used the land or have exercised their land use rights not in accordance with the objectives as allocated by the State; 2. They have not paid the land tax consecutively for three years after being warned; 3. They have not used the land or not exercised their land use rights as allocated by the State in accordance with the contract and the land law; 4. Land use rights are lost pursuant to a court decision.

One of the initial goals of the LFAP included the increase of individual and collective land tenure security in order to enable farmers to invest in and sustainably and productively manage their lands and forests (Ducourtieux, Laffort et al. 2005). However, other goals of the LFAP have been emphasized, and the policy has been deployed primarily to enforce national policies to eliminate shifting cultivation and encourage farmers to move away from growing subsistence crops such as upland rice in favour of cash crops, to encourage more privatized forms of land tenure and limit village territories in order to protect forests (MAF 1999, ADB 2001, Raintree and Soydara 2001, NUOL and IDRC 2003, Vandergeest 2003). This is being done based on assumptions that sedentary farming systems are more ecologically sustainable and profitable than shifting cultivation, that private title and individualised land parcels will improve local land tenure security and will facilitate the development of land markets, and that government revenues from property taxes will be increased (Rerkasem and Rerkasem 1995, Souvanthong 1995, Cohen 2000, World Bank 2002). The land allocation program also supports other policy goals of the Lao government, to bring Laos into a market economy, to gradually replace upland rice production with livestock and commercial crops, and to *'reduce wasteful, extensive agriculture, in order to maximize the area available for forestry, whose products are more profitable than those of agriculture'* (Vongleck 2002).

A major problem with the early implementation of the LFAP was that village forest lands were classified into unrealistic portions, not leaving enough land for sustainable swidden agriculture, animal grazing and other forest activities, and placing intense pressure on village livelihoods (see also Barney 2008). Furthermore, land that is allocated to farmers through the LFAP is not necessarily suitable for permanent cultivation. Instead of providing tenure security, land allocation has created severe livelihood insecurity as villagers are forced to shorten fallow periods because of reduced land availability, leading to rapid soil degradation and increased weed infestation, greater labour demands (primarily for weeding) and declining rice yields (ADB 2001, McAllister, Gabunada et al. 2001, Vandergeest 2003). Villagers have pointed to land allocation as a primary cause of increasing poverty and livelihood insecurity in the uplands (ADB 2001, McAllister, Gabunada et al. 2001, Ducourtieux, Laffort et al. 2005). The negative impact on local food security has been outlined in many development evaluations and the state recognizes that the Land and Forest Allocation Policy needs to be reassessed (GoL 2004:54). In spite of these problems, many villagers I interviewed appreciated the LFAP for reducing conflict over land rights

and land grabbing within in the village. However, these same villagers were compensating for the negative livelihood impacts of the program by purchasing land informally in remote villages where the privatisation step of the LFAP had yet to be enforced.

Although land allocation policies are legitimised through rhetoric that emphasizes protection of the environment and of farmers' land rights, these policies are being implemented to define boundaries around local resource use, 'legally' freeing up land for the state and other interests, such as plantation forestry (Delang 2002, Vandergeest 2003, Barney 2008), as will be described later in this chapter and again in chapter nine.

> Ongoing land-tenure reform initiatives in Laos are central to the current process of plantation zoning and development, particularly in the mapping and production of 'degraded forestland' as a new and distinctive administrative category of land use (Barney 2008:93).

PAFO and DAFO are responsible for land allocation and zoning, for implementing national state goals for modernization and promotion of agro-industry, for approving plantation concessions for foreign business, and for improving local livelihoods. Often, these goals are conflicting. In some areas, the implementation of the LFAP coincided with the expansion of plantation agriculture and has been implicated in enabling land grabs for entrepreneurs interested in accessing land for commercial tree production. The use of LFAP to free up land for plantation concessions will be discussed in more detail in chapter nine.

The following sections describe the implementation of the LFAP in Pak Ou District, from the perspective of villagers and of District officials involved in implementing the policy. In spite of the attempt to make village territories legible, the actions of the officials and local people rapidly unravel the 'formal' tenure arrangements by re-embedding them in local customary practice. The formal representations of space in maps, documents, and regulations of use are illusions that do not reflect local reality.

Illegible state practice: Implementing the LFAP in Pak Ou District

DAFO officials were responsible for implementing the LFAP in villages in Pak Ou District, and had completed all steps of the program in 31 of the 58 villages in the District. All of these villages were easily accessible and located along the road and river. The territorial boundaries of more remote mountain villages such as Houay Kha had been demarcated in 2003, but the formal allocation of individual household plots had not yet been accomplished. DAFO was given a budget

of a maximum of three million kip (US$300) per village (depending on the size of the village) to implement land allocation and to draw land-zoning maps. Officials first met with different households in each village, and then went with the farmers to the fields to measure land borders and to instruct them on which parts of their territory should be zoned as conservation forests and which areas should be used for animal grazing. Each time they measured a field, they brought with them the owner of the field, the owners of the neighbouring land, and the village headman. According to the DAFO officials I interviewed, the process took a long time and predictably resulted in disputes over land borders, particularly among certain ethnic groups. Some of the challenges in implementing the program were expressed by one of the District Officials involved;

> To measure land allocation is very difficult, because in one day you can measure only about ten places, because you must be very careful. And with the Hmong, it's more difficult, because the Hmong make you measure the shape of the land – you need to measure all the borders – need to be very exact. With the other ethnic groups sometimes you can just do a straight line, and can cut out a little bit. The Hmong, they know how to use the land, and they know that the land is valuable. When they clear the field, if you pass the border a little bit, you cannot do it.
>
> Q. Did you have arguments over the borders?
>
> A. [He laughed]. Mostly we had conflicts over the borders – a lot of problems. Also for grabbing the land. Also, for the land that we measured, sometimes there were conflicts between people owning the neighbouring fields because they say this part is mine and that part is mine. For the Hmong, it is very difficult to measure. Also, to make the borders between villages, we have to ask the two headmen – they have to talk together about where they want to make the border, and all the people have to agree. This also caused conflict. Also, there was a problem over where the land had good soil and not good soil.
>
> Q. What did you do?
>
> A. It depends on the people in the village – who came first. They can get land that is close [to the village/to the road] and with good soil, and they can choose. People who came after get worse soil and land far from the village…

The LFAP process did attempt to overcome power differentials in land allocation by involving different individuals along with the headman in determining boundaries, but it's difficult to know how these border disputes were resolved since I was not present myself. In spite of the conflicts in the villages, the District Official in charge of the program explained that the villagers were interested in having land allocation because prior to the LFAP, there were always conflicts when villagers grabbed land from each other and after land allocation there were no more conflicts because land ownership was clear. This perspective was confirmed by the villagers I interviewed, and is also reflected in the case of Thong Laa presented in the previous chapter. The official further explained that prior to land allocation, people inherited land from their grandparents, and if they

didn't have any land, they were allowed to cut the forest where there were no valuable trees. However, now they were allocated specific places.

The official in charge of implementing the LFAP in Pak Ou District highlighted the difficulty DAFO had in maintaining accuracy of land ownership records because of the high mobility of the population and the resettlement policy that was being implemented concurrently. The continual movement of villagers and entire villages created new land conflicts as people who were absent during land allocation found when they returned to the village that their land had been formally given to other households. Furthermore, some households were clever, purchasing land from households who had decided to leave and planting permanent crops such as teak and fruit trees to secure their claims in case the people returned.

> The Khmu and the Hmong always moved to other places. Now, it's mostly the Hmong who always move. Also, when there is resettlement. Before, there were 70 villages in Pak Ou District, but now we have moved small villages into one large village, so now there are only 58 villages. Most Hmong will move only 1-2 households, because sometimes they live in the village and work there only 1-2 years, and the crops don't grow well, so they move away to crop somewhere else. Sometimes people move to live in other provinces – to Vang Vieng, to Kasi, Muang Phuang (Vientiane) and other provinces. Then they want to come back again, and they have a problem with getting land. When they come back, they want to get their old land back, but it has been redistributed to other people. So, the government says that they have to buy land or rent land to get it back. Also, some people are hard working or smart. When people move, they ask to buy their land and they plant fruit trees or teak on it. Mostly they plant teak. So when the people come back, they no longer have land. **(DAFO cadre involved in implementing the LFAP)**

This narrative highlights the on-going informal transitions in land-rights that are occurring in upland villages which remain undocumented by the state, some of which are motivated by other state policies such as village consolidation and resettlement. District officials are well aware that the LFAP has provided a mere illusion of state control and 'legibility' of land rights, even in the areas where it has been implemented. Furthermore, the formal records and maps of land allocation held at the district office in Pak Ou were literally illegible, since they had either been misplaced or damaged. Officials explained that they had carefully measured land for allocation, designating plots of uplands, lowlands, and gardens to each household, providing three plots of uplands per household without lowland paddy, and two plots to those with lowland fields as they understood was mandated by national policy. DAFO had issued the TLUC and left these with the villagers, but did not keep their own copies. The official in charge had kept a hand-written book documenting all the land allocation information for the 31 villages, but he became ill and was in hospital in Vientiane for two months. While he was away, they moved him to a new office and the book got

lost. District officials no longer knew what had happened to the book that held information about the carefully measured property rights allocated during the LFAP and no longer had any records. Hand-drawn paper maps that had been produced during land allocation were kept rolled in one of the cabinets in the office. The humid climate had been hard on these, and the paper on which some of the maps were drawn was crumbling, while the ink was faded or had been damaged by water, so they were difficult to read. I was told that for the new land allocation (the second stage of implementation – I am not clear whether this was for the LFAP or the LTP) there were no maps held in DAFO because this was done by Provincial Officials. '*I have a copy of a map, copied from the big map that they have, maybe it is in the town'.* This 'production of illegibility' through state practice is not specific to the DAFO offices. When I visited the District planning office to obtain information about the villages, I discovered two sleepy officials sitting at desks in a largely empty and poorly lit room. The District official I interviewed had several tall piles of photocopied surveys for gathering social information such as number of opium addicts, household demographics, number children in school, ethnic composition of villages, and so on. He kindly loaned me one of his handwritten leger books so that I could photocopy the information in Luang Prabang town. He had no other copy. Most of the forms were not filled out – perhaps because the officials lacked the resources to travel themselves to the villages. There was no clear filing system – the surveys were kept in half-hazard piles of rapidly disintegrating papers. If these are the offices in which Lao statistics are produced, any assumption about the reliability of state knowledge of the composition of the population is indeed an illusion.

I would argue that such a laissez-faire approach to maintaining documentation of formal state-imposed property rights and social composition in the uplands is not necessarily a sign of incompetence, since many of these state officials were astute individuals working within a context of limited resources and often severe under-funding which constrained their ability to function effectively. It could be interpreted as recognition of the lack of accuracy and futility of this bureaucratic documentation, which pinpoint 'reported' property rights and village social composition at a particular moment in time that the officials 'know' will be reshuffled by local people as soon as their backs are turned. It could also be interpreted as a form of 'everyday state resistance' to blind compliance with state directives coming from above by poorly paid government officials at the district level. Regardless of the intention, the unavailability of accurate official documents about district land allocation has the effect of facilitating informal on-going

negotiations over rights to upland resources, both at the village level and the level of the district government. This acts to obscure national and provincial knowledge of the actual practices at the local and district level and maintains flexibility of property systems while retaining an illusion of formality, precision and legibility in reports presented to higher levels of government. When I asked about whether or not the lack of precise records at the district level created a problem when they collected taxes, I was told *'No, it's not a problem with the taxes. The headman will know – they cannot tell a lie'*. Having interviewed a number of headmen, I was well aware that they sometimes reported what was best for their village, not necessarily what was strictly accurate. Such an approach enables villages to retain some power in how they negotiate their position with the government since they are able to report compliance to national policy while obscuring actual practices of non-compliance, maintaining a measure of invisibility and illegibility with respect to the state. This can be seen as a performance of compliance and state control by both parties, since it is unlikely that District officials are unaware that villagers and headmen are selectively honest in representing their activities (see also Scott 1990). This strategic performance of legibility could be interpreted as a form of resistance against higher levels of authority or simply the *habitus* of government practice at the district and village levels. The *de facto* 'illegibility' of the land allocation records also provides opportunities for corrupt district officials to grab land for themselves and remain under the radar of higher levels of authority, as will be illustrated later in this chapter and in chapter nine.

The process through which villagers negotiate and adapt to state policies can be seen in the example of Houay Lo, where the final stage of the LFAP had been implemented in 2003. Houay Lo is surrounded by Khmu and Hmong villages where the LFAP had not yet been fully implemented, either because they were recently resettled, or because they were far from the road[126]. The spatial and temporal fragmentation in the implementation of the LFAP and the existence of 'unallocated' land in these neighbouring villages buffered the impacts of land shortage in Houay Lo.

Informal local practices: village unravelling of formal land allocation

> If you go up into the *hai* near the top of the mountain and look around, you can see the whole land area that belongs to Houay Lo, because it is small. Before, each family could get uplands, four plots

[126] A detailed history of the shifting village boundaries of Houay Lo and its relationship with neighbouring villages was presented in chapter three.

> per family. But now, since 2003, there was land allocation. After this, we no longer have an area for animals. Before, the animals used to go to the forest [where there was no cropping]. Before, we used to leave the land for fallow longer so there was a place for animals. Now, there is cropping, [the area has been allocated for cropping] and animals cannot go there anymore. Also, there is a problem because the fallow is young fallow. There is no big wood. This is a problem for building fences, because with a four-year fallow, we could get big wood, and could use this wood for fencing. But now with a three-year fallow, there is not wood even for firewood. So we can't build a fence for the animals. We are looking for solutions for this in the village.
>
> The government wants us to start cropping in the same place. This is a problem, because if there is no fallow (or only one to two-year fallow), the weeds will come up. Now we have a lot of imperata.

In Houay Lo, the demarcation of village territorial boundaries by the LFAP was completed in 2000 and the formal allocation of individual upland fields to was enforced in 2003. Although legally each household was entitled to three hectares of uplands per adult labourer in the household (or two hectares of uplands per adult labourer if the household owned lowland paddy fields), in implementation, this was interpreted as three upland fields of one hectare per household (two upland fields if the household had paddy lands). Households who previously had owned more than two or three fields were allowed to choose which plots they wanted to keep for themselves, and the remaining parcels were put into a lottery and given to households which had less land or to new families.

> Before land allocation, my family had 7-8 fields. But after land allocation, we had to give some of our fields to other people – we kept the best ones. We gave the fields to new families, tried to give them to our relatives if possible. **(Lao Farmer, Houay Lo)**

Households chose to keep fields that had better soil quality, less steep slope and that were closer to the road or to trails that were wide enough for a small tractor. Land that was considered too steep for cultivation was zoned as protection forest, with the intention that swidden fields in this area would no longer be cleared for agriculture. Most of the households that had owned many parcels of land redistributed their plots to relatives and children before the lottery took place, so the best lands remained in control of the family.

In order to understand the implementation of the LFAP, the notion of household needs to be clarified. In Houay Lo, the idea of a household generally implied all the people (relatives) who lived and ate together under one roof. This is how villagers classified a household when they were creating a social map of the village, describing how many 'household heads' and other relatives lived in each domicile. However, this also may reflect government notions of a household for census purposes. A household (living under a single roof and eating from the same pot) often included multiple members of an extended family and more than one nuclear family. For example,

a young couple often lived in the home with one of their parents and worked with them on the same land before moving out to start their own home. In this context, according to the written law, each adult household member would be allocated three upland plots. However, in practice, it appeared that three plots were granted per 'house' regardless of the number of households (couples/families) who were living under one roof. However, the spatial and social boundaries of household composition become blurred when asked about ownership of land and resources since in many cases land was also shared between siblings that officially lived in different households (locally defined as living under different roofs and mostly eating separately). Defining the boundaries of a household is not simple because resources and labour are shared in different ways by different kin groups. This will be illustrated in the case studies presented later in this chapter.

Villagers in Houay Lo had mixed opinions about the impact of land allocation in their village. Although a relatively well-off village compared with the neighbouring Khmu villages, Houay Lo had only a small territory and land access was already constrained prior to the LFAP. Land allocation had reduced the amount of land to which some households had formal access from four or five fields or more (of about one ha each) to only three fields, and farmers were feeling the ecological implications of reduced fallow periods, particularly increased labour demands because of weed infestation, declining yields of rice and other upland crops, and a shortage of large wood for fencing and firewood because of young fallow. There was also no longer a place for grazing animals since all plots had been allocated to households, and villagers now had to keep their large animals near the village. As in all villages, an area of land had been zoned as preservation forest.

The LFAP increased constraints on land access within the village for some families while providing more land to others, and had changed the distribution of land rights within the community. Younger households who previously gained access to land by borrowing from parents, siblings or cousins now held land in their own right. Because of land redistribution, households that were newcomers to the village were able to access more land for themselves than prior to the LFAP. Furthermore, in spite of widespread critiques of the negative impacts of the policy on local livelihoods (see for example, ADB 2001, Vandergeest 2003), many villagers were surprisingly positive about the program, claiming it had reduced land grabbing and conflicts over land rights within the village. This opinion was held even by households that had lost land in the process. However, the negative livelihood impacts of increased land restrictions created by the LFAP were

buffered by on-going informal land transactions which reshuffled and redefined the formally allocated land rights and territorial boundaries very soon after the LFAP was implemented.

Sombath, who was headman at the time when the LFAP was being implemented, had been very strict about villagers following the redistribution and land allocation policy, even though his own household had been forced to give away one of their fallow plots and had retained only three plots of relatively degraded land. However, as soon as his term was over and a new headman was chosen, some of the wealthier farmers were planning to reclaim the fallow fields they had been forced to give up. One of the older men in the village commented on what was happening;

> Now people are snatching back the fallow. Before land allocation, people used to have four or five fallow plots. Now when the government put in land allocation, they have only three plots. Now that there is new headman, people are trying to take their old fallow lands back again. This hasn't happened yet. It will be next year that they do this [likely when they are clearing and marking the land for the new crop]. They will take the area with the good soil. The will take back the fallow that has good soil that they used to own.

Pheth, Sombath's wife who was listening in to the conversation, added that if people start doing this, she will also claim their old fallow lands back again. Because this would not occur until the following year, when villagers clear land for cropping, it was unclear whether the land they planned to reclaim had been reallocated to other households, in which case conflicts over land rights were likely to occur, or whether this was land that had been left fallow with the intention of it eventually becoming forest. Some of the fields that had been given up during land allocation were very steep and may have been rezoned for watershed protection.

Land shortage had also motivated many Houay Lo farmers to rent or purchase land informally from impoverished Khmu neighbours in order to extend their land holdings, and therefore individuals and households often actively use many more plots of land than was formally recognised and 'recorded' and often owned land outside of the territorial boundaries of the village. As described for Houay Kha in the previous chapter, Khmu were often motivated to sell land informally in order to meet immediate rice shortage. After village boundaries were demarcated by LFAP in 2000, Khmu from Ban Houay Lo Nai had allowed some villagers to take some of their fallow land that was far from their own village, and several Houay Lo households had claimed land in this area that was within Ban Houay Lo Nai's boundaries. The territorial boundaries that had been formally drawn between Houay Lo and the neighbouring Khmu villages of Houay Lo Nai and Houay Lat were rapidly dismantled as the Khmu abandoned some of their fields and allowed Houay Lo households to use them, and as they repaid their debts with their land. The

spatial and temporal fragmentation of the deployment of the LFAP, combined with the economic vulnerability of the Khmu, was exacerbating piecemeal dispossession of Khmu land to better off Lao and Lue farmers because the program had underscored existing and future scarcity of land in roadside villages. This process occurred outside of the formal system. The carefully measured boundaries between village territories and household lands were very quickly unravelled and made illegible by these local practices. The following two case studies illustrate how land was rapidly reshuffled after the LFAP was implemented even within villages that now had supposedly 'legible' formal land tenure systems.

Case of Seuth: the dismanting of land formalisation through local practice

The case of Seuth provides an example of how the formalisation of land tenure and demarcation of village territorial boundaries constructed through the LFAP were rapidly dismantled through informal land transactions, particularly between Houay Lo villagers and neighbouring Khmu communities. These practices blurred the territorial boundaries between villages and hybridized formal and informal property systems. Seuth was a recent immigrant who had come to Houay Lo five or six years earlier to visit his brother who had married a girl in the village. During his visit, Seuth met a girl from Houay Lo and decided to marry and stay in Houay Lo. Prior to the implementation of the LFAP, his access to land for farming came through the kinship connections of his wife.

In spite of the recent implementation of the LFAP, which was supposed to have restricted farmers to three upland plots, during our interview Seuth claimed to have access to five upland plots which he was using for various crops, in addition to a very small garden near their house where he and his wife grew things like chili peppers for consumption and sale. Three of these plots had been allocated to him during the LFAP process, two of which had previously been owned by his wife's grandfather. Her parents didn't own land because her mother had been living with her father (Seuth's wife's grandfather) at the time, and therefore was considered part of his household and was working on his lands. Prior to LFAP, Seuth had no fields of his own but had been allowed to borrow land from cousins.

> Before land allocation, some people had four or five fields and didn't give them to other villagers. Some people didn't have any fields, but were still not been given land. Some people had more land and some people had only small areas of land and weren't given land.

However, before land allocation, the grandfather had owned many fields which were used by his children and grandchildren. After land allocation, the grandfather had retained ownership of three land parcels, and the rest had been redistributed among family members. Seuth and his wife had been allowed to select the fields they wanted themselves after her cousins had chosen their own fields. Since many of the cousins had more than three fields, they also had to give some land away to other relatives. The third plot Seuth claimed through LFAP had once belonged to a family that had moved to Vientiane, which he had cleared from young fallow and claimed for himself when he first moved to the village.

In addition to the three plots allocated through the LFAP, Seuth owned a plot of land his cousin had given to him when Seuth and his wife had moved out of her parents' house to create their own household, a field he had bought from a neighbouring Khmu village, and a small (.5 ha) paper mulberry tree (*posa)* field that was owned by his wife's mother, but which was now considered to belong to his household since the mother had moved in with them when they built their own house[127]. After the implementation of the LFAP, Seuth had purchased land informally from a Khmu family from neighbouring Houay Lo Nai (inner Houay Lo) who had sold their land because they had been forced to resettle by the government and needed money to hire a tractor to move their things to Ban Houay Lat near the road. This field was about two km away from the Houay Lo village hamlet – a 30-40 minutes walk. Seuth had purchased the land because he wanted more than the three places of land he had been allocated by the LFAP. He had paid 300,000 kip ($30.00) for the land several years before, which he considered to be quite expensive, although because of inflation, he felt it was worth more than 1 million kip at the time of the interview[128]. This land sale, like most sales of upland plots, was done through face-to-face negotiations and supported by customary processes that did not require written documents of sale nor recording in the formal system. The land had good soil (*din dam* – black soil) and not many weeds, and was suitable for *Khao Met Nyai* (large seed rice), which could not be grown on the more degraded soils within Houay Lo territory (see section in chapter four on rice varietal diversity). The land was also relatively flat, and Seuth had initially hoped to convert it into a lowland paddy field, but because

[127] They maintained the field as a *posa* garden, and cut some of the trees every 6 months to a year, selling the bark to a buyer in the village for 3000 kip/kilo.

[128] '*Then there were only 5000 kip bills, not yet 10,000 or 20,000 kip bills'*. Now the land would cost more than 1 million kip because *'I can see now even pork skin - when I buy pork skin, it used to be 500 kip, and now it costs 2000 kip'*.

the land was higher than the stream he would have to build long canals in order to irrigate it. He therefore only planned to transform the plot into a paddy field if the government decided to stop them from planting upland rice, but otherwise would continue to use it as swidden.

Seuth explained that most people in Houay Lo were positive about the LFAP because there was no more land grabbing and conflict over land rights within the village. *'Many people say good things about land allocation. I think land allocation is a good thing because we won't snatch land from each other now'.* He further explained that if there had been no land allocation, because his wife's grandfather was still alive his wife would not yet have inherited land and they would have needed to borrow land from a cousin. If they had wanted new land for themselves, it would have been very far from the village (more than one-hour walk). One consequence of land allocation was that it sped up the process of inheritance, giving adult children ownership rights to land while the parents and grandparents were still living. Prior to land allocation, although adult children could use and work together on their parents' land, they often would need to borrow the land and would be required to ask permission first. At the same time, the negative livelihood constraints of restricted land access imposed by the LFAP was buffered since villagers had been able to purchase land in neighbouring Khmu communities where the policy had not yet been implemented.

Table 7.1: Use and tenure of different fields used by Seuth's household

Details of field and land use	**Tenure**
SEUTH FIELD 1 **Size and location:** 1 ha. About 20 minutes from village. **Land use history and characteristics:** Planted in 2006 with Job's tears and rice, each planted on half of the field running from top to the bottom of the hill, because there is a valley in the field so he could not divide it by top and bottom. Also because the top part of the field is very large, but the bottom part is much smaller. The field had a lot of weeds (especially *Nya Kapee* and imperata (*Nya Kha*)). He left the areas where imperata was growing so that the trees would grow tall and shade out the weed and there would be less in the future. There were more than 10 spots of imperata on the field. The soil on this field was not very good, so he plants *Khao pé* rice, which grows well on poor soil.	Seuth had owned this field for only 1 year (this was the first year he was the owner). It had been allocated to him during the LFAP in the previous year, and had previously belonged to his grandfather-in-law (his wife's grandfather).

Nya Kapee is a problem for weeding because after he uproots it, if he leaves it in the field to dry, it will re-root itself and grow up again. Even the cut leaves will regrow, so they have to take this and throw it away from the field. This field required a lot of work and needed to be weeded three times during the cropping season. He exchanged labour for weeding, by informally helping others who also had a lot of weeds so that they would help him in return.	
SEUTH FIELD 2 **Size and location:** larger than one ha (but if the government asks, it is 1 ha). About 2 km away from village, which takes about 30-40 walking. **Land characteristics and use:** This is flat land and he would like to convert it to a paddy rice field, but there is not enough water. In 2005, he planted rice (9 *kalong* which gave a yield of more than one tonne, which was low but was related to lack of rain rather than the soil) and also sesame (2 kilo). He had planted the same field that year (2006) with rice but anticipated a yield of only 40-50 kalong because he had only planted 1/3 of the field since he was short of labour. He was considering planting corn on half of the field in the following year, because he planned to cultivate rice on a different field, and did not have enough labour to plant rice in two places in one year. He chose to plant this field twice in a row because the soil was very good and the rice would still grow well.	He purchased the field after harvest in 2003 from a Khmu family from Ban Houay Lo Nai (Inner Houay Lo) who were being resettled to the roadside village of Ban Houay Lat, and needed money to hire a tractor to transport their belongings. He bought it because he only had three places from land allocation. He paid 300,000 kip.
SEUTH FIELD 3 **Size and location:** 1 ha, about 15 minutes away from the village. **Land use and characteristics:** Very steep land (about 35-45% slope). He planted it in 2004, and planned to cultivate it again in 2007. The field had black soil (generally considered good soil), but had been cleared and planted often.	The field was given to him during land allocation. He had cleared by himself. This was young fallow and the owner didn't take it, so he cleared it. Someone who moved to Vientiane had owned it before.

SEUTH FIELD 4 **Size and location:** 1 ha, about 15 minutes away from the village. **Land use and characteristics:** Not steep, and has red soil with small stones (poor soil). He planted the field in 2005 (the previous year) with Job's tears because he planted rice that year on a different field (Seuth 2). He got 87 sacks of Job's tears – it grew very well, and earned 1500 kip/kilo which was a good price because other years the price was only 700 kip/kilo. He sold his crop to one of his uncles who is a middleman in the village. He planted Job's on this field because the soil is not good, and Job's tears can grow even on bad soil, even if the soil has small stones. Rice chooses the soil.	Allocated to him during the LFAP. Prior to land allocation, this field belonged to his grandfather-in-law (grandfather of his wife).
SEUTH FIELD 5 Planted in 2003.	This was his cousin's land, who gave it to him to use the first year he built his own household (stayed separately from other households). This land was loaned to him to use for one year and he had to give it back to them.
SEUTH FIELD 6 0.5 ha, *posa* garden near the village and road.	This was given to him by his mother-in-law, who now lives with his household. She has owned this land for a long time.

Case of Bounthong and Duang: Land accumulation through informal systems, Houay Lo

In contrast with most people in Houay Lo, Bounthong and his wife Duang were less positive about land allocation. Duang was the youngest daughter of a large prominent family in the village that was fairly well off because her parents were among the earliest settlers in the site. She and her husband Bounthong lived in her mother's house, and her brother-in-law was the newly elected headman of the village and an active middleman/trader. Bounthong and Duang's household owned two lowland rice fields that Duang's parents had built many years before. These included her older brother Nanpheng's field of more than one ha (large by local standards). The family also claimed an area of forest just above the paddy fields which they had never cleared in order to protect the water supply. Because the land was close to the village and had very good soil, other villagers were increasingly asking permission to clear it for cultivation, so Duang and Bounthong

decided to clear it themselves that year because they felt they could not protect their claims if they left it as forest. They planned to build a concrete irrigation system to ensure water for their rice fields. They shared the land with Duang's younger brother, who planted teak on part of the area and was allowed to do so by the other siblings because they already owned teak tree gardens elsewhere.

In spite of the LFAP, which would have restricted them to two upland fields since they owned a lowland rice field, Bounthong and Duang claimed access to four upland fields on which they planted cash crops (Job's tears and sesame) rather than rice. Although their paddy fields did not produce enough to feed their large household for the entire year, they never planted upland rice, and instead purchased rice with money earned from their cash crops when they ran short. Two of these upland plots had been allocated to them during land allocation and had previously belonged to other members of their family (see table 7.2). They had purchased the third plot the previous year from Duang's brother-in-law for 300,000 kip (US$30), who sold them the land because he had many fields and didn't want it any more.

Duang's brother-in-law, Siang Kam was the new headman of the village. He had been given the land from a Khmu family from Houay Lo Nai in lieu of repayment of a debt. The family had borrowed 300,000 kip (US$30) to buy rice when they had run short the previous year, but were unable to repay the money so they gave him their fallow field instead. Duang explained that a lot of the Khmu were paying off their debts with their land and her older brother-in-law, who was a local middleman and money-lender as well as a farmer, had accumulated a lot of land this way. Siang Kam also owned a tractor, and when the government forced the Khmu to resettle their houses close to the road, many hired him to help move their things and paid him with land since they had no money. *'He can now make new a lowland paddy field because of all the land that the Khmu have paid him'*. The land he was given was near the household's existing lowland fields, allowing him to extend this area. Many people in Houay Lo were getting new land from the Khmu, but her brother-in-law particularly got a lot because he owned a tractor.

> The Khmu have a lot of land because they don't have a large population. However, in Houay Lo there are a lot of people so we cannot have a lot of land, therefore we get land from the Khmu.

Duang and Bounthong explained that before land allocation, they had owned four plots of upland, but when the LFAP was implemented they were required to give two of these places away because they had lowland fields and were only allowed to keep two places. *'Before, people who*

had lowlands were allowed to keep the same number of upland fields as people who did not have lowlands. But now we have to follow land allocation of the government'. They put their extra land parcels into the village lottery to redistribute to village households who didn't have land. The piece of land they chose to give away was quite steep and small, a place where they could not plant teak or fruit trees. They kept their larger fields that were nearer the road, so it was easy to carry crops back to the village. All of their fields they now owned were close to the road except for the plot they had bought from the Khmu, but they were planning to build a path for their tractor between the road and this field because the path was quite wide.

In spite of complaining that they had lost a field when it was redistributed during land allocation, Bounthong and Duang's household had been able to expand their landholdings by purchasing or obtaining land as debt-repayment from the neighbouring Khmu community as well as by clearing a new area of forest themselves. Although they were adamant that they were following the LFAP, this was only within village boundaries, and therefore the purposes of the policy – to secure land tenure, restrict village territorial lands and promote sedentary agriculture – was undermined by local practice. Households in Houay Lo were compensating for the ecological constraints posed by the implementation of LFAP by purchasing land outside their village territory where the policy was not yet enforced. Thus, these areas which were outside of state rules for land use had a buffering effect on the impacts of the policy within Houay Lo. While Houay Lo territory and land use had been officially documented and mapped during the LFAP, these informal (but locally adhered to) transactions in land and resources had extended the actual territory used by villagers well outside the boundaries documented by the state, and actual land rights and uses were not documented in the formal system. Although villagers in Houay Lo were positive about the formalisation of land rights inherent in the LFAP (because this provided better tenure security and reduced land conflicts within village territory), they adapted to the negative livelihood impacts of reduced access to land by continuing informal land transactions outside village boundaries. This was not a form of resistance to state policy, but a continuation of local land-use practice and a rational response to coping with the negative livelihood impacts of the policy. The benefits of state institutional support for local tenurial rights were maintained for land within village territory. Furthermore, the sale of Khmu land to finance forced resettlement illustrates how the different policies for controlling land and forest use in the uplands interact to increase vulnerability of certain ethnic groups to dispossession.

Table 7.2: Tenure and land use of Bounthong and Duang, Houay Lo.	
FIELD DESCRIPTION	**TENURE**
BOUNTHONG & DUANG FIELD 1 **Size and location:** larger than 1 ha, not far from the village, located near the road, above their lowland rice field. **Land characteristics and use:** This was cleared and planted in 2006 for the first time. The field and good soil and was not steep. This had been maintained as old forest near their lowland rice field to protect the water supply and nobody had cleared it before. They shared the field – Duang's brother planted teak on part of it, and they planted Job's and sesame. The teak grew very fast because of the good soil. Duang and Bounthong planted a little bit of sesame and Job's tears on their part of the field, but the soil was too good for the sesame which grew too fast and didn't yield well. Their Job's tears caught a disease.	Field shared with Duang's brother, which belonged to the family and was kept as old forest and not cleared in order to protect water resources for their adjacent lowland rice field.
BOUNTHONG & DUANG FIELD 2 **Size and location:** 1 ha. Near the road. **Land characteristics and use:** Normal soil – red with small stones. They plant Job's tears on the field and it grows well on this soil. This field has *posa* growing up on it naturally, but they can't keep it because the cows and buffalos eat it. There is no fence.	The field belongs to Duang and Bounthong. Duang's father and mother cleared this field for the first time many years ago.
BOUNTHONG & DUANG FIELD 3 **Size and location**: 2 hectares. Far from the road, but they can build a path there to take their tractor (which they share with their brother in law – who is the headman), so the distance is not a problem. **Land characteristics and use:** Good soil, black soil, young fallow. Planted sesame and Job's tears.	Duang's brother got the land from the Khmu in lieu of a 300,000 kip (US$30) debt the previous year, and they bought it from him for the same price.
BOUNTHONG & DUANG FIELD 4 Size and location: Next to their lowland rice paddy field, near the road. **Land characteristics and use:** Red soil, good soil, young fallow. They plant Job's tears and sesame on the field.	

Planted the year before last (2004) and will plant next year (2007).	
BOUNTHONG & DUANG FIELD 5 Nanpheng's pineapple field.	Actually belongs to Duang's older brother Nanpheng, but they consider him part of their household.

Allocation or appropriation? Legalised theft and the implementation of the LFAP

> In Ban Houay Pa[129], there is a project to plant fruit trees. Houay Pa is a Khmu village, on another river, not along the Pak Ou River. It is a Yao man who owns the fruit trees and this is a private project. The Hmong man surveyed the land and got permission from the District to plant fruit trees there. This land used to be the land of Houay Pa for many years. The government has new land for them, and they will have land allocation. So, the state took this land and gave it to the Yao man to plant fruit trees. He took 40 hectares. The government wants people to see him as a model star farmer – to show other farmers that by planting fruit trees, you can have enough rice and can have money to spend. Also, we want people to change and have new jobs. If they are working in the uplands, we want them to plant integrated fruit trees. The aim is that they plant fruit trees because we [the government] want people to stop planting rice in the uplands – want them to plant fruit trees, paper mulberry, and other things because they only have three plots. It's fine also if they plant Job's tears and sesame. These are also traditional crops for the uplands, because farmers plant sesame, corn or Job's tears along the edges of the uplands. **(Manikong[130], DAFO state official)**

This narrative, recounted to me by a DAFO state cadre, illustrates how the LFAP is being used to legally grab village land for other purposes. Although couched in a narrative of providing tenure security in order to motivate villagers to 'improve' their hilly land holdings and plant permanent cash crops, the implementation of the LFAP has created new insecurities for villagers in remote areas where household 'Temporary Land Use Certificates' have not yet been issued. Even after village territories have been demarcated, some state officials have been applying the final stage of the LFAP to allocate private household plots within only part of village territory, thereby 'legally' emptying the remaining land for uses deemed more 'economically productive' or 'ecologically sustainable'. These land grabs, often managed by district officials under the radar of the province or central government, are motivated by a combination of self-interest and potential financial benefit as well as the desire to comply with national policies, or at least, the process is justified using narratives of compliance with state programs to promote cash crops in highland areas and eradicate swidden cultivation.

In a meeting in a District Agriculture and Forestry Office (DAFO) in Luang Prabang Province, Manikong, a District Officer unselfconsciously described the process whereby the LFAP

[129] Name of the village has been changed.
[130] As with all individuals interviewed in this thesis, the name of this official has been changed to protect his identity.

was used to appropriate land from the Khmu village of Ban Houay Pa and give it to a wealthy Yao entrepreneur with the idea that he would provide a 'model' for the Khmu farmers to copy so that they would stop planting rice and become involved in commercial agriculture. The allocation of land to the Yao man was planned for that year, before the Khmu cleared and burned their fields for planting. Manikong explained that the Yao man would be given a contract to lease the land from the state for 30 years, so will essentially 'own' the land and pay taxes on the land to the government. From his narrative, it became clear that Manikong had personal business interests in the project. The area was about five hours from the road, and had a cave and water spring, and could be accessed by boat from the Nam Ou River. Manikong thought that tourists would be attracted to the area, and would want to walk to see the fruit trees, so there would be income from fruit and from tourism. He was planning to start a small tourist business himself in collaboration with the Yao enterpreneur.

> The land that was allocated to the Yao man – it has very good soil, and they will plant fruit trees. They will plant the fruit trees near the spring water because they want two things from this – if they plant the fruit trees up there, they can sell the fruit and can open the area up for tourists. We will build a road so that the fruit can be sold anywhere, because 'the fruit is not enough for the market' [the demand for fruit is higher than the current supply].
>
> The first year, I will do an experiment to see what kinds of fruit will grow a lot, and then we will grow this kind of fruit. Because now we [Laos] bring fruit from Thailand. Mangos, tangerines, etc. So it will be easy to sell Lao fruit. This is my idea – I am not looking for another project [to help]. I have also had fruit trees before, and I sell fruit and get a lot of money each year. This is in Phon Xai. This is a new place where I want to have fruit trees.

It's not clear how much Manikong will actually benefit from this project, but it is clear that land allocation is being used as a thinly disguised land grab on the part of a state official in collaboration with a Yao business man, and is being justified by other state policies for modernising upland agriculture. Because the LFAP had not been fully implemented in that area, the grab was also justified on the basis that the village territory was still legally 'state land'. Through such processes, land that is either ineligible for formal allocation or that is not yet under a private TLUC is made more vulnerable to appropriation because of the LFAP, which provides a means of legal theft for corrupt officials and savvy enterpreneurs. When I asked how the Khmu villagers felt about the whole process, Manikong explained;

> This is happening just this year. The village that was there already was planting on that land. The government had to tell them and explain to them that this land is state land and will be taken for fruit trees, and they agreed with the government.
>
> Q. What would happen if the village didn't want this?

A. But then the government will order them, and they will have land allocation. Maybe in the first year and second year, the people won't like this. But then when the income comes in, they will like this, because they will get income from this. Also, because they have planted rice now for many years, and they are still poor and do not have enough rice to eat. Actually, the farmers don't want to give away the land. But the government wants them not to do shifting cultivation, and wants them to know how to plant cash crops so that they can earn money for living. We want to stop shifting cultivation.

Q. Will the farmers earn any money from the fruit crops?

A. At first, no. They won't be earning any money from the land or the fruit. Actually, the owner will hire labour in the village to dig holes, clear fences, etc. They will earn money from selling their labour. Similar to the Chinese rubber project. Farmers will sell their labour to the orchard.

Q. During land allocation, what type of land was given to the Yao entrepreneur, and what type of land was left for the farmers? Is it the same kind of soil?

A. The side that they gave to the farmers is not good soil…not as good as the soil that is kept by the Yao.

Q. How will the farmers be able to plant fruit trees if they don't have good soil?

A. [Looks uncomfortable] They have land for this…no one wants to give away good soil or land but the person who surveys the land wants to get good soil as well. The Yao man, he will use a lot of money to invest in fruit trees and to clear the land to make a garden. He will have to get water in, so it will require a lot of capital. He is investing in the land. If the farmers don't have capital, then they don't have fruit trees…they will just plant a little bit, and sell their labour and get fruit seedlings and plant.

With these last questions about the quality of land that had been left for the Khmu, Manikong began to look uncomfortable. In his eagerness to be a good bureaucrat and follow national policies by promoting model farmers who grow cash crops and providing labour for impoverished Khmu communities, it at least appeared that he had not considered whether or not the Khmu themselves could realistically follow this model once their best land had been given to the Yao entrepreneur. He became a bit defensive as this reality became apparent. DAFO officials who are responsible for enforcing implementation of the LFAP are the same individuals who are tasked with supporting state policies to transform subsistence highland swidden agriculture to commercial sedentary cropping. This opens space for manipulation of the land allocation program to legally appropriate land. Manikong's 'project' is firmly embedded within and supported by the national legal framework and complies with the modernisation policy promoting cash cropping in the uplands. Perhaps if he had considered the perspective that the Khmu were essentially being displaced from their land and that, while ostensibly 'modernising' upland agriculture, the project was likely to increase rather than decrease poverty, he would have been more guarded and careful during the interview. However, his openness and pride in promoting his project suggests that he expected a

positive response. He further elaborated that he had heard that one of the Khmu was copying the entrepreneur and had started to plant fruit trees.

> I've heard people say that someone already is copying his style. Someone in the village is copying from him. Planting lychees, mangos, tangerines, and pomelo. The fruit is not enough for the market in Luang Prabang, because we get fruit from Thailand. There is no problem with competition for selling fruit. Some balance. Maybe, for example, when there is a lot of fruit, like any, the Thai price will be 7-8000 Kip, but the Lao price will be 5-6000 Kip. The Thai fruit will be seasonal, but the Lao fruit will be sold off season. Because if you plant paper mulberry or integrated fruit trees, you can keep the crop for many years. Also, they can sell this for many years, then they won't clear other forests, because they will have crops that they can sell and use the money to buy rice.

The reallocation of land to individuals and companies who will use it 'more productively' is embedded in policies and laws seeking to support 'model farmers' – those farmers who plant cash crops for the market in compliance with national policy. As explained in the introduction, the concept of the model farmer is ubiquitous across Laos. Special considerations are made for model farmers, as highlighted in Article 78 of the Lao Law on Agriculture (1998), entitled 'Policies towards Persons who are Productive', which states that,

> Individuals and organisations with excellent results in technical and scientific research used in agricultural production, in productive administration, in encouragement, promotion, and development of agricultural production, as models for one's village, district, province, or throughout the country, in protecting the environment, and in conducting agricultural activities in accordance with the laws and regulations of the Lao People's Democratic Republic, will be rewarded and will receive various policies, such as: credit allowances, tax and duty reductions or exemptions, and other policies as determined by the government**. (Article 78. Policies towards Persons who are Productive. Lao Law on Agriculture (1998)).**

The law further emphasises that *'[The State] also disseminates, learns from, [and] broadly and timely publicizes good experiences from model families and agricultural production units'.* In itself, the concept of the model farmer is not particularly problematic. Indeed, cross-visits between villages to show successful farming systems are often extremely fruitful opportunities for farmers to learn and exchange ideas with each other, although sometimes the model farmers themselves find that the constant attention and visits are a burden and take them away from their own productive activities. At the same time, as explained in the introduction, 'model farmers' and 'model villages' are also a way in which the state promotes its own ideology of development to rural areas, defining certain people and activities as models and others as not models. The image of what it means to be a 'model farmer' and the emphasis on certain activities as representing 'models', along with the flexibility for the state to decide on 'other policies' to reward model farmers (as emphasized Article 78) has intersected with the LFAP to justify allocation of land to

some people and dispossession of others. As seen in this example, the concept of 'model farmer' is being used as a legitimating narrative to dispossess 'non-model' farmers from their lands, in order to give these to those individuals or companies whose activities are deemed 'more productive'. This process of dispossession is also given legal legitimacy in the 1996 Lao Forest Law, which was the framework for forest management at the time of this research. This law stipulates that forest land *'is owned by the state, however if an individual or organization (with permission from the state) invests capital in the land in order to reforest it, then they can gain rights to the land'* (Lao Forest Law 1996, Article 5). Planting fruit trees can be represented as reforestation, since commercial tree plantations are classified as a type of forest. Combined with the negative classification of village swidden lands as 'degraded forest' and shifting cultivators as 'backwards and impoverished', the trope of the model farmer provides a justification for dispossession of villagers from their traditional lands – essentially supporting legalized theft. This will be further developed in chapter nine.

Conclusion

The formalisation of land rights through the LTP and the LFAP in Pak Ou District is an attempt at rationalised management of the relationship between people and land and to increase state control over population and territory. The application of the programs in differently zoned 'landscapes' creates arbitrary boundaries that determine differential rights for farmers living in these areas. In implementation, land formalisation processes in Laos challenge some of the prevailing arguments commonly used to support land titling programs by orgranisations such as the World Bank, creating new forms of insecurity rather than bringing rural people into the 'bell jar' of development. The transition from customary to formal tenure systems opens up new opportunities for land grabbing by corrupt state officials, savvy townspeople and villagers themselves. Titling programs are implemented through informal local systems of power, and the claim that they increase tenure security for farmers is challenged when the programs are themselves deployed by government officials and elites perversely to legally appropriate farmers' lands. Laws and policies supporting 'model' farmers and narratives which promote granting rights to those who invest capital in land uses that are deemed more 'economically productive' are used to legitimate appropriation and consequent dispossession. Tenure security is also challenged when titles are considered novel 'cultural' items and villagers do not fully understand the meaning of

these abstract ‘symbolic tokens’ and the impersonal institutions that support them and are tricked into giving up their documents through informal systems of credit and trust. Even the legitimate use of land titles as collateral for loans in the formal system can lead to outright dispossession if livelihoods are insecure and debts cannot be repaid. At the same time, the loss of land for debt repayment can also occur in absence of titles through informal land transactions, as is illustrated by the situation of the Khmu in Pak Ou District. An important difference is that the networks through which land is lost become larger when titles can be used to transfer land outside of localised social networks.

The notion that titles bring the poor into the ‘bell jar’ of capitalism by enabling them to use these as collateral for access to formal credit and thus fund their own development is also simplistic. A title alone is not usually sufficient for accessing bank credit, while the nature of the title and the type of land it represents are also important. As the Pak Ou case shows, government discretion over what kinds of land or land uses are eligible for permanent title versus Temporary Land Use Certificates influence whether or not these can be used as collateral in banks. Furthermore, even when a particular land type is eligible for permanent title, the technology used to measure the land influences the type of certificate granted and its acceptability for formal bank loans. In Laos, neither land that is far from the road nor land classified as ‘state forest’ and given TLUCs can be used for bank loans. Capital continues to be accessed (and land to be transferred) through the informal system.

The argument that private titles will motivate more economically productive and ecologically sustainable land use is also challenged by the LFAP, which purposefully constrains the amount of land that farmers can use. Because of the new land restrictions, farmers are forced to use their land in ways that are less ecologically sustainable and long-term economic productivity is undermined by the deteriorating ecological conditions. The reduction of land per household is intended to force farmers into more sedentary and intensive agriculture practices – essentially forcing them to abandon subsistence rice cultivation in favour of continuous cultivation of cash crops, something which is ecologically unsustainable without inputs of capital for fertiliser, herbicide, new soil management techniques and new kinds of crops or trees. However, access to formal credit that could assist farmers to make this transition is not supported by the kinds of titles provided by the LFAP. Furthermore, the assumption that privatising the land to specific households will remove it from the overlapping claims that are often inherent in customary systems and therefore free farmers

to make independent decisions about land management ignores the social and ecological context in which their fields are situated. As described in chapter four, because of conflicts between burning, livestock management, and permanent crops, even when farmers hold private rights to land, their choices about how to use that land are constrained by the land use decisions of farmers who own adjacent plots and by local customary institutions that dictate these lands are used as common grazing area when they are not actively cultivated. Indeed, by demarcating a limited number of fixed parcels of land per household, the LFAP has reduced tenure flexibility, and this may reduce farmer's ability to cultivate permanent crops because they are more constrained by the decisions of their neighbours. This acts against one of the main goals of the program.

While the LFAP has (at least temporarily) created greater tenure security for young households and immigrants in roadside villages, since it has allowed them to gain ownership over land that they otherwise would have needed to borrow from kin, the spatial and temporal fragmentation of the implementation of the policy has decreased tenure security in areas where private land certificates have not yet been formally allocated. In addition to providing new legal opportunities for state officials to grab land, villagers in areas where land is not yet allocated are selling land to neighbouring villages that are struggling with the negative ecological effects of the policy. Thus, the negative livelihood impacts of the LFAP are buffered by informal land purchases in neighbouring communities where the policy has yet to be completed. Khmu from remote villages and those who have been recently resettled are especially vulnerable to piecemeal dispossession of land through sales to neighbouring communities since they often incur debts because of rice shortage, emergencies such as illness in the family, and to fund the movement of their belongings if they are forceably resettled by the government. They are motivated to sell land to earn money or give it away in lieu of debt repayment if they cannot repay in cash or if they have a poor harvest. Paradoxically, it appears that the LFAP has enhanced the local land market, but for untitled rather than titled land. In doing so, the spatial and temporal fragmentation in the implementation of the policy has decreased tenure security in areas where it has not yet been fully implemented by making that land more valuable, and this insecurity has disproportionally affected ethnic Khmu because of their pre-existing political and economic marginality.

Although titles are supposed to bring land under a centralised legible system, this presumed transparency is undermined by state practices of illegible documentation and record keeping, along with the continuation of transactions of land rights outside of the formal system that remain

unrecorded. Land markets may be extended spatially by titling programs, since people outside of the village system of trust can have their claims backed by the state. However, in Laos, informal land markets continue to exist alongside the formal system – indeed are more important than the formal system – and in spite of lack of legal titles, local customary institutions are generally sufficient to support land sales within and between villages. When the implementation of land formalisation programs is spatially and temporally fragmented, titled spaces that are presumed to be 'legible' interact with the 'illegible' not-yet-titled spaces, creating hybrid systems that dismantle the carefully demarcated boundaries between village territories and validity of documented land holdings. Although this may be interpreted as undermining the benefits of formalisation programs or as local (or state) resistance to such programs, in fact it allows better-off and more informed individuals to benefit from the formal system by state recognition of their land claims and at the same time to apply informal practice to appropriate land in untitled areas or from less-fortunate neighbours, either in order to adapt to the livelihood constraints generated by the formalisation process, or to appropriate land before titling is completed in all spaces. The transition creates confusion between formal and informal systems that benefits better-off and better-informed individuals and open up new possibilities for land grabbing in 'untitled' areas by villagers, enterpreneurs and state officials. This can intensify dispossession of economically marginal groups in untitled spaces such as the Khmu.

The cases of land titling in Pak Ou District also illustrate the divisions within and capriciousness of the state as experienced by villagers. Some departments and individuals within the government intervene to protect the rights of farmers, while others act to undermine them. Villagers recognise these divisions in the state, and therefore continue to approach the government in the face of injustice, hoping to find state officials who will champion their interests, sometimes against other officials. However, the discretion vested in district and provincial authorities about which land to title and how to implement the LFAP has provided new possibilities for legal land grabbing which have become common across the country in the face of increased foreign direct investment in natural resource development. The officials involved in implementing the LFAP are the same individuals charged with finding land for large-scale plantation concessions that are being promoted in the name of modernisation and development, so the LFAP is often being used to legally empty lands rather than secure local tenure. Although the program was supposed to recognise and secure existing rights, it has had a redistributional effect within villages, where it

has been used to grab new rights for powerful business interests. This will be described in detail in chapter nine. In 2009, the World Bank and AusAID cancelled their support for the land titling program in Laos at the end of the second phase of the program[131]. This was partially a result of tensions created between the de Soto-informed neo-liberal model of land titling and the command-oriented developmentalist state which framed all land as 'national common property' and prioritized national benefits in land relations (Hirsch 2011).

The situation of land titling in Pak Ou District illustrated that modernising processes – the creation of demarcated legible maps and impersonal abstract laws – are reembedded and redesigned in place through local practice. The 'spatial representations', and laws that support these, influence reality on the ground but are not successful in remaking it in their image. Instead, they are integrated as new 'narratives' into ongoing struggles over resources and customary institutions, which disrupt and reshape them.

[131] A similar titling program in Cambodia was also cancelled.

Chapter 8: Knowledge interfaces and projects: modernising knowledge and the politics of anti-politics

This chapter discusses the Integrated Upland Agricultural Research Project (IUARP), a project designed specifically to provide technical solutions to help farmers adapt to political mandates of land allocation and market integration. Along with land titling and zoning, IUARP is another example of the 'rationalising' approach the Lao government is deploying to modernise upland agriculture – in this case through the application of 'rational' scientific knowledge to address the technical requirements for developing sustainable and market-oriented sedentary agriculture in highland areas. The first part of the chapter discusses the construction of development knowledge as 'rational' planning and technical knowledge, as well as participatory approaches to agriculture development that attempt to combine scientific and local knowledge. The second part of the chapter presents the Integrated Upland Agriculture Research Project (IUARP), and examines how genuine attempts to incorporate local knowledge and farmer participation into scientific experimental trials act to disembed it from its context, undermining its real value for helping design new options for upland agriculture. The third part of the chapter examines the politics involved in 'rendering technical' (Li 2007b), illustrating how technologies come to embody specific ideologies and political considerations rather than being based on scientific evidence of their value for upland agriculture. The final part of the chapter illustrates local knowledge as agricultural practice that is embedded in time and place, highlighting diverse sources of, influences on and the evolving nature of this knowledge and how it is embedded in local cosmologies. Technical development knowledge is far from dominant and is merely one of many different types of knowledge that farmers draw upon in order to adapt to changing ecological and social contexts. Villagers in Laos have long integrated knowledge and ideas from neighbouring ethnic groups and cultures – 'modern' scientific knowledge is just one more body of information for them. In most cases, the 'knowledge parcels' or technologies derived from scientific on-farm experiments have had less influence on farmers' processes of experimentation and adaptation that the epistemological framework of science that has been introduced through these partnerships. Furthermore, technological interventions and project ideologies may have a larger influence on their local application as political tools in struggles over land and territory, as will be illustrated in chapter nine, rather than as ways of 'improving' upland agriculture.

Constructing development knowledge

Development practice operates through the representation of 'target groups and places' as having problems and in need of planned intervention for improvement (Escobar 1995, Li 2007b). Like the 'governmentalizing' knowledge of states, development knowledge is planning knowledge that involves simplified and often abstract representations of complex realities to enable rationalised and standardised forms of intervention and management. James Ferguson, in his seminal book 'The anti-politics machine' (1994), describes how development practice reframes social and political issues as technical problems amenable to blueprint technical solutions that reflect the specific knowledge(s) of the 'experts' involved in the project. The process of problem identification and the development of technical solutions are integrally linked, and the problems identified are only those for which technical solutions exist. As pointed out by Tania Li (2007b), expert development knowledge takes *'what is essentially a political problem, removing it from the realm of political discourse, and recasting it in the neutral language of science'* (Li 2007b:10).

> Antipolitics of this kind is subliminal and routine. Experts are trained to frame problems in technical terms. Their claim to expertise depends on their capacity to diagnose problems in ways that match the kinds of solutions that fall within their repertoire – yet the practice of 'reposing political questions' in technical terms is in itself an intervention with far-reaching effects (Li 2007b:7).

The 'rendering technical' of development issues enables projects to overlook the socio-political practices that impoverish certain groups in society, and makes complex local realities 'technically legible', enabling abstract planning through a generalizable set of interventions. Unlike other critics of development practice (Escobar 1995), neither Li nor Ferguson consider development as a conspiracy of domination over the Third World by 'developed' countries or over subordinate groups by national elites, but seek to understand the processes by which, even with the best intentions, development projects often do not have the desired effects or fail miserably. They ask the question why development programming persists in spite of repeated failures.

Long and Long (1992) in their book, *'Battlefields of Knowledge'*, describe development interventions as sites of interaction between multiple actors – villagers (differentiated by gender, ethnic group, wealth, etc.), development workers, extension officers, state officials, and so on. Development projects bring together different agendas and multiple knowledge(s) and provide social spaces in which struggles over meanings and resources occur (Arce and Long 2000). Individual 'actors' are represented as conscious subjects who strategically represent and forge

alliances to support their own interests within the specific constellations of power that structure social interaction in development interventions. Knowledge from development projects is thus described as being constructed through the social processes and power relations in which a multiplicity of actors and networks communicate and negotiate technical and social information (Arce and Long 2000). It is seen to

> …emerge as a product of the interaction and dialogue between the different actors (e.g. 'insiders' (farmers) and 'outsiders' (development agents, extensionists, researchers, etc.) and networks of actors (e.g. resource poor/resource rich, men/women, old/young, junior/senior staff, etc.), often with competing interests, conflicting allegiances and incomplete knowledge (Scoones and Thompson 1994a:3).

This actor-oriented perspective presents villagers as knowing and active agents with their own agendas involved in reinterpreting, defining and shaping representations of knowledge, identity and goals, rather than as passive subjects of development projects. It also incorporates the diversity of perspectives and agendas within research and development institutions. However, in practice, the agency of individuals to represent and advocate their interests is shaped by the broader structural and institutional constraints and power relations that impede the free expression of agency or tend to support certain views over others (Leach and Fairhead 2000, Mosse 2001). Even when the perspectives of the 'subjects' of development projects are actively sought out and do manage to highlight political and policy issues as the basis of their problems, the relative power of the technologically and bureaucratically oriented experts ensures that technological solutions often emerge from these interfaces.

The importance of recognizing villagers as active agents in agricultural development is reflected in the popularity of participatory approaches intended to incorporate 'local' knowledge and priorities into projects and to empower local people to have more control over their own development. This focus on 'indigenous knowledge' and popular participation is a welcome move away from the conventional Transfer of Technology approach in which agricultural scientists working in research stations develop technologies in controlled experimental environments, which are then packaged and disseminated to farmers by government extension agents. In this conventional approach to agricultural development research, farmers are designated the role of 'adopters' or 'rejecters' of technologies, and their lack of acceptance is often attributed to 'backwardness', 'conservativeness' or lack of access to the infrastructure and services necessary for the technologies to be successful, rather than to problems with the technologies themselves or their social effects. Farmers' knowledge and agency in creating and adapting farming practices

and technologies are frequently overlooked, as disembedded scientific agricultural knowledge developed in controlled environments is by faith usually considered to be generalizable across time and space (Scoones and Thompson 1994:9).

> To emphasise the nonspecific aspects of production is to remove the source of knowledge from the farm and locate it among university and industrial interests where the kind of knowledge produced alters the balance of power away from the producers (Kloppenberg 1991).

The importance of farmers' knowledge and their role in knowledge creation are increasingly recognized as essential for sustainable agriculture projects. Local technical and environmental knowledge is being valued for its pragmatic value as a basis for sustainable agriculture and resource management and also as a means to improve the appropriateness and targeting of research activities according to farmers' specific systems and needs in order to increase the impact and relevance of development projects (Thrupp 1989, de Boef, Amanor et al. 1993, DeWalt 1994, Scoones and Thompson 1994, Sillitoe 1998, Winklerprins 1999, Sillitoe 2000). Farmers are increasingly being recognized not only as sources of indigenous knowledge, but as scientists in their own right, and are perceived as research collaborators rather than just as research recipients (Ashby 1990, de Boef, Amanor et al. 1993, Pottier 1994, Scoones and Thompson 1994, Ashby and Sperling 1995, Sperling and Ashby 1997, Prain, Fujisaka et al. 1999). However, some authors have pointed to the risk that scientists would simply co-opt farmers into researcher-designed experiments and trials, evaluating farmer research by western standards and forcing farmers into a 'straight-jacket' of the rigours of western scientific inquiry, and call for researchers to treat farmer experimentation as a

> …form of inquiry in its own right and not be judged by the criteria set by Western standards. Trying to force farmers' own methods of inquiry into a straight-jacket provided by researchers' constructs undermines the value and potential of farmers' experimentation (Scoones and Thompson 1994: 8).

Although farmer indigenous knowledge is being increasingly valued in development practice, it is understood within a limited framework that focuses only on the empirical, technical and ecological aspects of this knowledge, while ignoring the political, social and spiritual contexts in which it is embedded (Li 2000b). Local knowledge is thus also 'rendered technical', articulate and abstract when it is disembedded from the particular contexts in which it is produced. Furthermore, partipatory development projects screen out political questions by inadvertently reflecting the biases and interests of the development workers and researchers (see also Mosse 2001).

The boundaries between politics and science, research and extension are blurred by participatory approaches and farmer-scientist collaborations which bring together 'abstract' scientific and 'place-based' local knowledge to create new agricultural knowledge(s), technologies and practices that are often used to support state policies (Long and Villareal 1994). The power relations underlying such development interfaces, both within local villages and between farmers and development practitioners are beginning to be recognized as influencing the kinds of knowledge produced and there are increasing attempts, particularly in participatory research activities, to address these power differentials so that marginal perspectives and knowledge(s) are given voice (Goebel 1998, Johnson, Ravnborg et al. 2001, McAllister 2001). Although a few anthropologists have examined how power relations and bureaucractic structures within the development institutions themselves influence the outcomes of participatory projects (Mosse 2001), how these power relations affect project outcomes and the knowledge produced remains largely unexamined by the development practitioners themselves.

While the belief that science is purely 'objective' has long been disputed by philosophers of science (Pickering 1992, Latour 1993, Kuhn 1996 [1962]) and by anthropologists (Fairhead and Leach 1996, Forsyth 1996, Leach and Mearns 1996, O'Brien 2002, Forsyth and Walker 2008), the dogma of secular objectivity is held dearly by most scientists working within agricultural and development research institutions. However, scientists themselves are embedded within their own socio-political contexts, ideologies, environmental narratives and networks of power that influence their production of scientific knowledge (Fairhead and Leach 1996, Forsyth 1996, Leach and Mearns 1996, Swift 1996, O'Brien 2002). In spite of being couched in the neutral language of science, technical agricultural development projects often remain political because they carry with them inherent messages of the broader ideological framework and 'received wisdom' in which they were designed. The choice of technological packages and land management approaches tested in such projects is not neutral, but may embody political messages based on assumptions about what is considered to be 'improved', 'ecologically sustainable', 'better practice' or 'appropriate' ways to develop. For example, introducing new tree crops or bench terraced landscapes carries an assumption about fixed and privatised property rights which can be applied to support political agendas that encourage sedentary farming rather than simply being options to help farmers improve production. The endorsement of farmers and villages engaged in cash cropping and sedentary agricultural practices as 'models' for others to follow is also an ideological message

promoting market integration and private property. Rather than simply rendering political problems technical, the technical may directly reflect politics. Agricultural projects and the technologies they produce can be conceived of as part of the 'hegemonic apparatus' (Gramsci 2008 [1971]) through which the political ideology of the state (or of international agencies) is transmitted to peasant populations. In essence, these 'participatory' agricultural projects may not only be about incorporating local knowledge and perspectives and improving livelihoods or agricultural production, but may also be a form of 'governmentality' – convincing the population to behave and use resources in a specific way. Because of power differentials and the 'hidden' ways in which power relations operate, participatory projects may reward 'local knowledge' that supports the dominant ideology.

Critiques of 'expert' development knowledge often highlight that it is abstract, homogenizing, and universalizing in the face of local complexities, focuses on the technical rather than the political and locally specific, and is a dominating force that displaces local ways of understanding (Hobart 1993, Escobar 1995). However, new technologies and the ideologies embodied within them may be re-appropriated, reinterpreted and consciously applied by local actors within their own systems of meaning to meet their own interests and political ends in ways that are locally specific. They become reembedded in local ecological, political and social contexts and may be implicated in on-going struggles over resource rights. Furthermore, 'development' knowledge is not the only type of knowledge that influences local adaptations to environmental and economic change, and the focus on 'vertical' knowledge interfaces, between the state/projects/development actors with local people, ignores the interactions between 'horizontal' networks or collectivities of actors. In Laos, particularly in the context of widespread mobility, different ethnic groups, farmers and villages interact and borrow from each other's knowledge(s) and experiences in order to adapt to larger scale environmental and socio-economic change. When development knowledge is but one of many sources of knowledge, the assumption of its dominance should be challenged.

In Laos, various international and national rural development projects are actively engaged in searching for 'technical solutions' to support state goals for the modernisation of upland farming systems. These projects are visible beacons of state and international 'governmentality' of rural territories and livelihoods. Signs labelling project activities and 'project villages' are posted visibly along roadsides (see figures 8.1and 8.2), acting as advertising billboards for international agencies

Figure 8.1: 'Development territoriality': IUARP sign posted along National Road 13 marking location of project in Pak Ou District

Figure 8.2: 'Ideological technologies': Signpost advertising sloping land management demonstration plot for farmer field school, Pak Ou District

as well as propaganda for 'improved' farming practices intended to provide models for rural people. These signs and their associated tidy demonstration plots of alley-cropped pineapples or terraced hillsides can be seen as markers of state and international governance of the countryside – making development interventions another form of territorial and social mapping. This development 'territoriality' parcels out land and communities according to institutional or project sponsorship, giving villages alternate identities as 'IUARP villages', SIDA villages, GTZ or DED villages, as they become commonly referred to among development practitioners and state officials. The following section provides a case study of the production of scientific knowledge for upland development through the lens of the Integrated Upland Agriculture Research Project (IUARP). In the IUARP project, the political ideologies behind technical interventions are transparent and their development is explicitly linked to broader political policies and goals of land allocation and privatisation to create a specific type of model commercialized Lao farmer.

Science for development: The Integrated Upland Agriculture Research Project (IUARP)

The Integrated Upland Agriculture Research Project (IUARP) was initiated in 1999 as a flagship project of the then newly created Lao National Agriculture and Forestry Research

Institute [132] (NAFRI), funded primarily by the Swiss Development Corporation (SDC) with technical and moderate financial support from various research centres associated with the Consultative Group for International Agriculture Research (CGIAR). Lao-IRRI, a special branch of the International Rice Research Institute (IRRI) with the mandate to establish an independent rice research centre in Laos, took on a leading role in managing and implementing research activities. One aim of the project was to build capacity of Lao agricultural researchers and state officials in NAFRI, Provincial Agriculture and Forestry Office (PAFO), and the District Agriculture and Forestry Office (DAFO), and accordingly some Lao staff gained university degrees under mentorship of international project staff. Most project activities were implemented by Lao government scientists from the Northern Agriculture and Forestry Research Centre (NAFReC) (a sub-branch of NAFRI), PAFO and DAFO, with support from a few foreign researchers from IRRI and other CGIAR centres. The researchers were primarily agricultural scientists, as involvement of social scientists was limited to the initial participatory problem diagnosis and final project evaluation, in which I was a lead researcher (McAllister, Gabunada et al. 2001, McAllister 2006), and a few descriptive socio-economic surveys conducted by visiting foreign economists based at the IRRI headquarters in the Philippines. These economic studies were based on standard surveys designed by experts who knew little about Laos and who applied similar questionnaires in all the different countries in which they worked. Therefore, the surveys provided basic baseline household information – number of children going to school, area of lowland or upland rice cultivation, number of pigs, cows, tractors, and so on – but presented no analysis of the dynamics of Lao swidden systems or the socio-political context of local resource management and farming practice. Furthermore, they were not translated into Lao, remained disconnected from and irrelevant to the scientific research, and were unread by most Lao participants.

IUARP was conceived as a multidisciplinary, integrated and applied research project rather than as a development project, and was designed to develop, test and evaluate the efficacy of new participatory research methodologies as well as the potential livelihood and economic value of particular agricultural technologies and resource management strategies developed through these methods. Therefore, the project was not supposed to implement pre-existing technological options.

[132] NAFRI was created in 1999 as the primary government research body of the Lao Ministry of Agriculture and Forestry (MAF).

Instead of the conventional 'transfer of technology' approach, IUARP was designed in line with popular participatory research and development models. Farmers were to be involved in all aspects of the research process; from problem identification, to on-farm experimentation, to evaluation and assessment of the final technologies, and the methods developed for working with farmers were considered an important output of the project. The research was intended to support a number of government policies in the uplands, including poverty alleviation, agricultural sedentarisation and 'stabilisation' (i.e. elimination) of shifting cultivation, improved food security, environmental protection, cash cropping and increased integration of upland farmers into a market economy (NAFRI 2000). It was framed within a broader crisis narrative that represents 'shifting cultivation' as environmentally damaging, backwards and a cause of poverty, and concomitant assumptions that intensive cash cropping and trees are more modern and better for livelihoods and the environment. A priority goal was to help farmers comply with the more restricted land tenure regimes being introduced by the Land and Forest Allocation Policy (LFAP) by providing technological options for transforming subsistence swidden systems into sedentary commercial cropping without endangering livelihood security. IUARP therefore had an explicit political agenda and must be seen as part of the broader state program for modernizing and territorialising the Lao uplands.

The project began in 2001 in eight villages in Pak Ou District, and eventually grew to incorporate ten sites and over 300 farmers (men and women). The initial idea was to choose 'representative' villages of different ethnic groups in order to develop technologies that could be extended to other parts of the country. However, in fact villages were chosen primarily because of accessibility and proximity to the NAFReC experimental station in Houay Khot (just outside of Luang Prabang town) and the PAFO offices in Luang Prabang. This is understandable given the limited funds available to the research staff, and enabled the researchers to make regular day visits to the field sites rather than requiring extended overnight stays. However, it meant that some of the technologies developed were unlikely to be relevant to the many very remote communities in Laos. Most of the villages involved in the project were situated directly on the road. However, three – Houay Kha and Houay Tham (both Khmu communities) and Mok Muang (a Hmong village) – required at least 1.5 hours hiking into the mountains. Mok Muang was eventually dropped from the project because it was considered to be too far (at least a 3 hour walk into the mountains) and

because it was designated for resettlement. The village was resettled before the project was completed in 2006.

The project began with an initial 'participatory problem diagnosis' (PPD) in four of the initial eight villages selected as research sites. This was essentially a Participatory Rapid Appraisal (PRA) (Chambers 1994) that involved a variety of group participatory research methods such as village resource mapping, wealth ranking, seasonal calendars, and focus group interviews, in which farmers identified their main livelihood activities and problems (McAllister, Gabunada et al. 2001). Lao and foreign scientists were to direct their subsequent research activities to address the problems identified by farmers during the PPD, and also identify farmers in each village who were interested in conducting on-farm research in collaboration with the scientists. Although farmers identified the Land and Forest Allocation Policy (LFAP) as an underlying cause of their agricultural problems, the policy itself was not questioned within the project. In effect, research activities had to be defined within boundaries that supported rather than critiqued state policies, and this confined the types of 'technologies' produced and the nature of the research questions. In such a way, the effectiveness and impact of the policies themselves were removed from analysis in favour of developing technological 'solutions' that fit within and attempted to make the policies work. Technologies needed to support continuous cropping or fit within a three-year swidden fallow cycle in order to help farmers transition from shifting cultivation towards sedentary agriculture. National policies that were reducing land available to farmers such as resettlement, land allocation, and the appropriation of village lands for plantation concessions or forest conservation were unchallenged, as the project sought to find technical solutions to help farmers cope with their limited land resources rather than questioning why these resources were being taken away from them in the first place. In such a way, farmers' livelihoods were 'problematized', 'rendered technical' and 'depoliticized' (Li 2007b), framing their situation as amenable to management and improvement by the technological solutions developed by scientific experts.

Aside from excluding LFAP as an underlying livelihood constraint, the problems identified by farmers during the PPD did in fact provide a framework for the research program. However, the problems identified were fairly broad (e.g. declining rice yields, animals dying from disease, pests in crops) and the actual research activities and solutions reflected the skills and expertise of the main research institutions engaged in the project. Although implemented by NAFRI, PAFO and DAFO scientists, IRRI managed projects on rice, the International Centre for

Tropical Agriculture (CIAT) managed projects on livestock, and the International Centre for Research on Agroforestry (ICRAF) introduced fruit trees. In fact, many of the recommended interventions presented in the initial project concept document written prior to the PPD were the same as those that were eventually implemented, implying that they were somewhat predetermined in spite of the participatory rhetoric. One example of how the expertise of international project staff influenced the nature of the research concerns the studies on livestock. Although farmers identified mass disease epidemics and destruction of crops as the main problem with keeping livestock, research on livestock focused on testing different forage varieties for pigs and cattle, which was the existing expertise of CIAT. Much needed focus on animal vaccination, quarantine of sick animals, and animal management only came near the end of the project with the chance involvement of an enthusiastic livestock specialist from New Zealand. Furthermore, because issues of tenure and property rights were not considered in the project, forages were planted where farmers owned fields, often far from where the animals were kept, and were eventually abandoned because of the inconvenience. Some farmers misunderstood the nature of a research project and planted forages in hopes of being given free animals. In similar projects managed by the same foreign scientists elsewhere in the country, scientists sometimes explained farmers' abandonment of forages as them having used the project as an economic springboard to move on to other economic activities, often without supporting evidence. One case in which a farmer had reinvested his earnings from a pig project into a successful new business venture – a small countryside brothel staffed with young ethnic minority women from the surrounding hills – was for obvious reasons not reported in official evaluations.

IUARP began with the premise that farmers who were specifically interested in research activities would voluntarily and enthusiastically participate in those project activities that were relevant to them. That is, farmers who owned pigs and other livestock would participate in forage and feed trials, those who had lowland rice would participate in trials for new lowland rice varieties, and so on. However, the 'voluntary' nature of participation in projects implemented by Lao government staff needs to be interrogated since most Lao farmers felt they could not refuse if the government or headman asked them to do something. While some farmers were enthusiastic volunteer participants, many perceived the project as another form of compulsory community labour occasionally demanded by the government or headman and accepted it as part of the typical Lao peasant experience with the ruling elite. Furthermore, participants were chosen more often

because they owned land near the road, which was easily accessible to researchers coming on field visits, rather than because they had a particular enthusiasm for the project. As one farmer commented,

> I have been involved with IUARP for 5 years. I was chosen to participate because I have a piece of land near the road, and because when the project came to this village, nobody wanted to do the experiments on their land. Then the headman asked if I wanted to, and I had no choice so I had to say yes.... Nobody else wanted to participate because they had upland rice, and my family has lowland rice. This is because families with upland rice don't want because they have to work [on the upland rice] at the same time as the garden. But if you have lowland rice, you have more time to work on the gardens. **(Farmer, Ban Pak Check)**

The problem with recruiting willing farmer participants was recognised by the Lao researchers involved, who were genuinely confused and concerned that farmers were not interested in their project and may not have been aware that farmer participation was often not voluntary. At the same time, there were also farmers who were not involved in the project but wanted to be, particularly for trials of fruit trees and pineapple plantations, because they saw the project as a source of free inputs and planting material. Therefore, certain activities, such as fruit tree and pineapple trials, were more popular than others, such as fallow improvement. Most farmers did not differentiate between research projects and development projects, or even distinguish these from commercial enterprises such as rubber plantation projects (as will be discussed in the next chapter). Thus, they anticipated concrete benefits, which IUARP as a research project could not promise. Farmers were often frustrated when benefits from the new technologies did not materialise, particularly when their production suffered because of the trials and they were not compensated for this loss. The ideology of participation, that it is empowering and should be voluntary and unpaid because otherwise villagers will become involved in projects for the 'wrong' motives, is a western ideal which ignores the precarious realities of rural livelihoods and the real costs in time and sometimes crop yields incurred from participation.

Participation in the project was experienced by many farmers as a burden rather than a benefit. Frequent meetings and follow-ups on research trials were time consuming for farmers who were already struggling with labour shortages. Miscommunication about meeting times was common, partially because there were no phone connections and communication proceded through networks of people travelling between research stations, district offices and villages. Farmers often wasted hours waiting for researchers who arrived later than anticipated or arrived on a different day than the meeting had been scheduled. DAFO cadres were responsible for informing villagers

of the arrival of researchers, and it is unclear whether they confused the meeting times or whether researchers were simply unable to arrive as scheduled or were not concerned about keeping farmers waiting. However, farmers perceived that the researchers did not respect their time and felt they should be compensated financially for the opportunity cost of waiting for meetings that did not happen. The frustration was expressed by one of the DAFO government cadres involved in the project, who was in the direct line of fire of farmers' complaints.

> …The project needs to arrange a certain date and time, and then the farmers will wait for the project. So in this case, if the researchers don't go, or they go late, then they need to tell the farmers. Or if they don't show up, then they should pay them for their lost time. This is happening between farmers and the project. Because it is a problem when the researchers work somewhere else and make a date with the farmers [but miss the appointment]. Then the next day, the researchers ask them to stay at home again, but the next day the the farmers need to work. Also, the researchers are in the town, and the staff to help are here. There are problems when the researchers in the town have something to do there, but the staff here must make a date with the farmers. The farmers are not happy with this. They complain to me and tell me that I'm a liar because the researchers from the city don't come. Then they say the DAFO researchers are liars. Also, because the researchers make a date with them often, and then the farmers get bored because they send their families to go work in the fields, so they lose time. So, farmers are tired of the meetings.
>
> For the meetings, if they are for many people OK. If they are for only one person, and the researchers make a date and then don't come, then the farmers ask for payment for lost time. They [farmers] ask me often to pay if they lose time. Why don't the researchers come? I've told this to the researchers in the city. The researchers explain that the project is doing work for the farmers, so the farmers should cooperate.
>
> Farmers are upset, and also give the information that is not clear. Researchers get the information, and have a very short time. Farmers give the information that is not clear, and researchers have only a short time to stay with them. The farmers' information is not clear because the farmers are not interested in the project because they have already lost time and they are upset. The farmers are upset when the researchers are late, and upset if they go a lot, and they get bored.
>
> And they [the researchers] should know about the farmers' issues and take care of them. When you want farmers to do something, don't think that 'we are a project and you should be here', and therefore we can arrive late and this is no problem. If you do like I say [respect farmers' time, be on time for meetings, etc.], then you can work with farmers very easily.

Another major problem with farmer participation in the project arose from the dual role of the DAFO cadres involved, who act both as government bureaucrats and implementers of internationally funded projects in most rural projects in Laos. These are often the same individuals who are directly responsible for enforcing unpopular state policies such as the LFAP, fining people for illegal logging or hunting and destroying opium production. The dual role of the state in controlling people by enforcing rules and providing development and services is thus embodied in the individual cadres working at the local level. Therefore, while providing services (such as new seeds, new agricultural technologies, new crops, etc.) projects such as IUARP also extend the

power and rule of the state into rural areas. They provide funding for transportation to distant communities, increasing state presence and gaze. This is a mixed blessing for farmers, who may want support for agricultural inputs and extension, but would rather not have too much scrutiny of their livelihood activities. In one of the villages where I conducted extensive research, the district cadre responsible for implementing IUARP activities was the same individual responsible for enforcing state forestry law and for fining farmers for illegal logging. It is not surprising that farmers were reticent about providing accurate livelihood information in the presence of these 'researchers'.

The use and abuse of Participatory Rural Appraisal (PRA) and participatory research have been widely critiqued. Common complaints include that these approaches are time-consuming for local people while not providing concrete benefits, they do not adequately consider power relations between researchers/development workers and local people nor within the local communities themselves, the power dynamics between the various actors and institutions involved influence project information and interventions, they facilitate local acceptance of projects rather than truly learn from local people, and obscure social complexity and conflict and tend to accept views of dominant social groups as consensus (Mosse 1994, Goebel 1998, McAllister 1999, McAllister 2001, Mosse 2001). The 'mainstreaming' of participatory rural appraisal as standard development practice by NGOs and even by large organisations such as the World Bank has led to more recent critiques, focusing on participatory research as a form of 'governmentality', creating development or environmental 'subjects' who are trained to think and act according to the desires of the project or program (Li 2007b), be it as good environmental conservationists or good sedentary cash cropping farmers. These projects, even if not consciously political, often carry political messages.

Farmer-researcher collaborations

One of the primary methodological goals of IUARP was to combine farmer and scientific knowledge through establishing collaborative research partnerships in which farmers assisted in developing and evaluating new technologies on their lands. There were 21 different technologies tested (NAFRI 2006) which fell under overlapping categories that supported state policies for transforming upland agriculture, including

a) environmental protection: improved fallow and sloping land management

b) improved crop production: upland rice improvements, lowland rice improvements, crop rotation
c) introduction of new cash crops: pineapple production, paper mulberry cultivation, village fruit tree nurseries, new lowland crops, integrated fruit tree plantations
d) livestock management: forage evaluation studies, animal management, fish ponds and cages, frog culture
e) non-timber forest products: teak plantations, rattan cultivation, and
f) integrated pest management: resistance of different lowland rice varieties to plant hopper and blast, rat management.

The project suffered from many of the kinds of problems typical of development projects. Frogs meant to be cultivated in ponds and sold were brought to the farmers too late in the season to grow well and many died or ate each other. The few that survived were eaten as roasted snacks with beer instead of becoming a source of income. The fish stocked in pond aquaculture were swept away when flooded streams broke the pond embankments. Fish cages, built for river aquaculture, were too expensive for most farmers and broke apart during storms. The high-value fruit trees never bore fruit. Pineapples were stolen from the fields or eaten by cows, and the continuously cultivated land on which they were planted became infested by imperata grass, rendering it unusable for other crops. The ecological value of the 'improved fallow' crops could not be proven, and a market for the products intended for sale did not exist. Participating farmers were tired of spending their valuable time on the project when they were often not getting any concrete benefits (McAllister 2006).

'Failed' development projects are common and the mundane problems of their implementation do not provide interesting grist for analysis. What is interesting about IUARP is how the framing of indigenous knowledge as purely 'technical' and the disembedding of this knowledge from its social and ecological context led a relatively well-designed participatory project staffed by relatively skilled, concerned and thoughtful 'experts' to miss their target and create technologies that were unrealistic for local livelihoods. A serious flaw was the lack of attention paid to the dynamic nature of property rights in swidden systems. Although the project had been designed to be holistic in its approach and the technologies were to be developed 'in context of the farm' and in collaboration with farmers, the experimental design nevertheless acted to disembed knowledge from context. Each new technology was evaluated for how it performed

on a particular field or soil type, but the socio-ecological context of the field itself was not taken into consideration. Furthermore, there was an inherent assumption that farmers had private property rights and this meant that they could make independent decisions about land management. As outlined in chapter four, in swidden systems, this is not the case, and even when land rights are privatised, individual decisions continue to be determined by broader social and ecological considerations. The following three examples illustrate the intersections between scientific and farmer knowledge, how farmers' understandings and knowledge were decontextualized by the scientific experimental design and how the limited conception of indigenous knowledge as purely technical disembedded this knowledge from its social and ecological context and missed its main value for developing better options for sustainable upland agriculture in Laos.

Participatory Varietal Selection: decontextualising and recontextualising knowledge

One of the main research activities of IUARP involved the identification of traditional upland rice varieties suitable for degraded soils and shortened fallow periods, that were resistant to drought and pests and produced better yields. This research, which was of great interest to farmers, was largely driven by IRRI. Paradoxically, these trials were being undertaken at the same time that the national government was encouraging farmers to replace upland rice with commercial crops. In Pak Ou District, DAFO was trying to prohibit the cultivation of upland rice in order to comply with national policy to integrate upland agriculture into markets, and had required farmers to sign contracts agreeing to stop growing rice in the uplands by a certain date. Yet, through their work with IUARP, DAFO cadres were concurrently involved in promoting and overseeing the upland rice research in the villages.

The diverse ecology and 'marginal' nature of mountain environments makes them poorly suited to green revolution technologies and crop varieties which require uniform and favourable environmental conditions. As described in chapter four, farmers in highland Laos mainly grow traditional rice varieties which perform better in these areas than the 'high yielding' modern varieties which have replaced rice diversity in irrigated systems around the world (although not as much in Laos as elsewhere). Lao-IRRI had been collecting and identifying traditional rice varieties from across highland Laos, and held a large number of accessions in their gene bank. Using a method called Participatory Varietal Selection (PVS) (Ashby 1990, Sperling and Ashby 1997,

Whitcombe, Parr et al. 2002), IUARP attempted to combine the knowledge of scientists and farmers to evaluate a selection of traditional upland and lowland rice varieties for their performance on poor soils, pest resistance, and yield. In these trials, 5-9 different rice varieties were planted side by side in experimental plots that were replicated in different villages on different land and soil types, and also at the NAFReC research station in Houay Khot (NAFRI 2002, Phanthaboon, Vongphoutone et al. 2003).

Figure 8.3 IUARP PVS trials for lowland rice in Houay Lo

The trials were intended to be managed as farmers normally manage their crops, with no special treatment. Each variety was labelled with a small sign and a number or name (see figure 8.3), and at several key points in the growing season, groups of participating farmers visited the farm and research station trials and were asked to rank the varieties from best to worst, identify the two varieties they liked best and give reasons for their ranking choices. After harvest, they also ranked the cooked rice for taste and quality. Scientists measured the yields and performance of the varieties on different soil types. The rice varieties tested changed from year to year, as those that farmers did not like were taken out of the trials and replaced by other promising varieties. After the PVS ranking, farmers were asked to choose 2-3 varieties they preferred and to plant these in small areas of their fields (a method refered to as 'mother-baby' trials). The results of the many different varieties grown by many different farmers across different soil types were then compared across sites, with the intention to select the varieties that performed best across all conditions, so that seeds could be produced and distributed on a larger scale.

Overall, farmers were very interested in the rice variety trials because they provided access to seeds of new varieties. However, they were concerned because of the small scale of the test plots that the experiment was like a *'sample for children'* and wondered if the varieties would grow differently on a larger field. If the test plot was small and the soil poor, they had to take care

of it more so that the rice would grow – so it was not managed as their other fields. In addition, if there were problems with rats or birds in the test plot, because of the small scale, the results made no sense. They were also frustrated because the small size of the plots meant they could not save seed if they liked one of the varieties. The farmers recognised that by abstracting rice production from context through experimental design, the results didn't provide the information the scientists were looking for.

PVS trials are widely used by research organisations and NGOs as a method for combining farmer and scientific knowledge to select crop varieties suited for complex 'marginal' environments. However, the method itself raises a number of paradoxes related to how indigenous knowledge is conceived and collected. Indigenous knowledge is often described as being contextual, place-based and rooted in experience while scientific knowledge is represented as abstract, empirical and generalizable. Although the division between the two 'systems of knowledge' has been justly criticized (Agrawal 1995), this remains the conception most commonly held in research and development agencies. However, the design of PVS trials detaches farmer knowledge from the social and ecological context in which is applied, and is based on an assumption that this knowledge can be extracted and extended in a general form across time and space. Farmers rank the varieties for how they perform under the particular conditions of the experimental trials – not for how they would perform on their own fields, and therefore outside of the situation in which they would actually apply their knowledge. Farmers' interest in the trials is to assess how each variety performs on each particular soil type in order to identify those that perform well under the specific conditions of their own field. However, researchers hope to identify rice varieties that are adaptive across different soil types – in this case, adaptive to degraded soils – after which seed for the varieties can be produced *en masse* for distribution to farmers in many areas. This potential to 'scale up' the research results is considered to be important for 'creating impact' and cost-efficiency. With this ultimate goal, scientists average the performance of the varieties across sites, losing the variability and specificity how each variety performs on different soils. This works in opposition to the practice of local knowledge and decision-making, since farmers in Laos will not pick the average best variety, but the specific variety they think will perform best on the particular conditions of their field. For example, Sombath, a farmer who had been involved in the PVS ranking trials since the start of the project, chose *Khao Laboun*, the lowest rated variety across all test trials (Phanthaboon, Vongphoutone et

al. 2003) to plant on his own field for the 'mother-baby' trials because he had observed that it grew well on the test plot that had similar soil to his own field. This variety was one that the researchers would eventually discard because it was poorly ranked across trials and could not be scaled-up for wider distribution.

Another important feature of local knowledge that was ignored by the PVS trials was the importance of the social and ecological context of each farmer's field, and how individual choices about which variety to plant on upland fields are constrained by the decisions made by farmers cultivating adjacent fields (as described in chapter four). Even in lowland rainfed rice environments, which are less ecologically variable than highland environments, farmers need to consider the choices of those who own adjacent fields when making their own decisions. This is illustrated through the 'simple' intervention of testing new lowland rice varieties in rainfed paddy fields in PVS trials. In Ban Houay Leuang, the project tested *Khao daw*, early rice varieties with a three-month maturation period. However, farmers in the village all planted *Khao pi* (late duration varieties which matured in five months) on their lowland fields, explaining that their land didn't have enough water for *Khao daw,* making these varieties more susceptible to gall midge. Furthermore, since all the farmers in the area grew late maturing rice, if only one or two farmers grew earlier maturing *Khao daw* then their rice would preferentially be attacked by pests. The only way they could realistically plant the varieties being tested was if their fields were irrigated and they could control the water. None of the farmers were going to use the new varieties tested by the project, and any decision to grow early maturing varieties would have to be made in cooperation with other farmers. Because the varieties were tested based on their performance on particular field and soil conditions, this important insight about how the socio-ecological context contrained farmers' choices was overlooked. In Pak Check, a Lue village which neighbours Houay Leaung, IUARP had provided farmers with *Khao pi* (late) varieties for testing in mother baby trials in their lowland rice fields, but everyone in the village planted *Khao daw* (early) varieties. One farmer explained that, although he liked the varieties the project gave him, because they were *Khao pi*, he would not be able to plant them because other families with fields in same area plant *Khao daw* varieties. If he plants *Khao pi*, then he will have problems with rats. Ironically, if the project had tested the same varieties but switched villages, they may have had better results. It is not clear why this differs between villages that are relatively close to each other, but it may be related to water availability and labour constraints at certain times of the year.

In summary, although PVS trials were intended to combine farmer and scientific knowledge and the trials were conducted in the context of farmers' fields, the experimental design nevertheless decontextualized local knowledge from the social and ecological context in which it is valuable. Farmers recontextualised and reembedded the results of the trials by choosing rice varieties specific for their own circumstances. Their practice contradicts the ultimate purpose of the trials - to select varieties that could be removed from context and would be suitable (on average) across a variety of ecological conditions so that the impacts of the research could be 'scaled up' and the seeds of a few varieties could be distributed to many farmers. What the PVS and other experimental trials did accomplish is they provided farmers with a diversity of new varieties from which to choose, and also introduced them to 'scientific' and 'rationalised' approaches for experimentation.

Improved Fallow and sloping land management

A primary concern of IUARP was to provide new technologies that enabled ecologically sustainable intensification of upland agriculture while promoting increased market integration. Researchers tested new crops that had market value but at the same time could enhance soil fertility and help control erosion when cultivated intensively. As with the PVS trials, these new crops were assessed in individual plot studies held on-farm and at the research station, and evaluation was based on scientific measures of soil quality, weed suppression, and productivity as well as farmers' perceptions of these criteria. In addition, the economic potential of the new crops was assessed. Three examples of these trials – pineapples, pigeon pea and paper mulberry – are presented below. The case studies highlight how researchers' lack of awareness of property regimes and their assumption that individual farmers could make individual decisions about adopting technological innovations undermined the feasibility of these technologies, which were assessed based on their performance in individual plot trials without consideration for the socio-ecological context in which these fields were embedded.

Pineapples and sloping land management

Pineapples were not a new crop in Pak Ou District, and farmers in the area had been growing them in small plots in the uplands since before the project began. However, IUARP intended to use pineapples, a cash crop with a limited market, to introduce a new 'sloping land' management

system. Prior to the project, farmers planted their pineapples in vertical rows up and down the slopes, which created a problem with soil erosion. The project instructed farmers to instead plant the pineapple suckers along the contours of the hillsides in order to block erosion, and compared plot erosion from traditional planting, contour planting, a modified version of the traditional planting which spaced the pineapples closer together, and traditional planting with *stylo* (used as an animal forage and promoted by CIAT in IUARP and other projects) at the bottom of the field to prevent soil loss.

The pineapples produced after three years, and farmers were able to earn between 500-2000 kip/fruit, depending on the size (farmers generally get a mix of sizes). This generated income ranging from 700,000,000 kip/year ($70.00/year) for 2000 pineapples (or about three million kip/hectare). This income was better than some of the other highland cash crops, and some farmers preferred planting pineapples to Job's tears or sesame. *'If you have enough rice to eat, then this is income for spending and for clothes, etc.'* Farmers liked participating in the pineapple trials primarily because the project gave them free pineapple suckers to plant. Some farmers were expanding their pineapple plantations, and farmers not involved in the project worked to weed project participants' pineapple fields in order to earn pineapples for planting themselves, or purchased suckers from farmers involved in the project. This was in direct contradiction with the project plan that farmers who got free pineapples from the project would set up a pineapple sucker bank and provide these free to non-participants so that the crop would be extended to other households.

Property rights again played an important role in how pineapples were incorporated into local systems. Farmers who owned fields far from the road and village would not plant pineapples because of the difficulty transporting the heavy fruit along the steep and often slippery footpaths to the road where they could be sold. Furthermore, farmers were less able to monitor distant fields and theft of pineapples was a common problem. As discussed in chapter four, taking certain upland crops such as cucumber-melons on a piecemeal basis for subsistence use is a common local practice and is not considered to be theft. However, pineapples blur the boundaries between what is classified as 'private' versus 'common' property, since taking these even for subsistence is perceived as theft. As with other permanent crops, pineapples planted in fields located along animal paths or in the middle of swidden areas used rotationally as common pasture are susceptible to damage by free-roaming livestock, as described in chapter four. This shift between communal

Figure 8.4: Pineapple or weed garden? Pineapples buried under imperata grass, Ban Tin Pha

and individual use of land lies at the root of many conflicts between livestock and crops and was not considered by the project. The increasing difficulty in getting strong wood for fencing because of young fallow, and the theft of barbed wire means that it is difficult for farmers to protect crops surrounded by fallow-pasture from destruction by livestock.

In contradiction with the motive of providing an ecologically sustainable alternative to shifting cultivation, continuous cropping of pineapples actually increased problems with weeds, and in some cases made the land no longer usable for cultivation. *Imperata* is often a big problem for pineapples, depending on the location of the field and the type of soil (see figure 8.4). Several farmers had abandoned their pineapple plantations because of the need for increased labour for weeding. One farmer complained that after adopting pineapples, he had lost the use of his land permanently because the imperata had become so bad. This weeding problem also conflicted with the broader goals of contour planting and prevention of soil erosion. Farmers did not like planting along the contour because the steep slopes made it more difficult to weed between the pineapples, because they had to walk on the slant of the hill and pineapple leaves are sharp and would scratch their legs. They preferred to plant the traditional way, up and down the hillside, because it made weeding much easier. Farmers not involved in the project who decided to plant pineapples because of IUARP chose not to practice the 'sloping land management' method because of the weeding problem. This was not because of lack of knowledge or understanding of the environmental consequences and they were well aware that the contour planting helped with soil erosion and that their traditional management system sometimes led to gully erosion, even pointing this out on their fields. Although some farmers claimed that the contour planting improved the growth rate and size of the pineapples, giving them better economic

return, most did not see a great difference in production. Households that were short of labour, one of the main constraints farmers complained about, were not able to adopt sloping land management for pineapples because of the weeding problem. Weeding is often done by women, and therefore sloping land management had the potential to have a negative impact on women's labour. Furthermore, some farmers had aesthetic reasons for preferring traditional planting, because they felt the hillside fields looked 'more beautiful' with the pineapples lined up and down the hill. '*If you plant the way the project asks you to, then everything looks crowded and messy, and when you look up at the mountain you just see mountain, you don't see the lines of the pineapples.'*

Pineapples did become one of the most successful of the project interventions, but not as a soil erosion measure and only for those households who owned land close to the road. Furthermore, the longer term ecological and economic sustainability of pineapples is questionable. Pineapples have been introduced as a commercial crop to intensify upland agriculture in other Districts in Luang Prabang Province independently of IUARP. Areas where pineapples have been cropped intensively over several years have become infested with fire resistant imperata grass (see figure 8.4), and problems with this weed in Pak Ou District were likely to increase over time. Furthermore, because of poor market linkages and a limited market in Luang Prabang, the supply of pineapples in these other districts where many farmers cultivated them had driven down the price in these specific localities. This was especially true because the middlemen who transported these to market in the town often bargained lower prices if pineapple production in neighbouring villages was high. Currently, pineapples grown in Pak Ou are sold locally, and because the supply is still limited, the price is high enough to make them relatively profitable (although not as a substitute for rice). However, if more are planted, the economic benefits will decrease unless the market is expanded.

Improved fallows using paper mulberry (*posa*) and pigeon pea (*thuahae*)

Another technology introduced by IUARP in order to deal with soil erosion and declining soil fertility was improving fallow lands. The improved fallow project was started in 2001, testing four different fallow species – *Leucaena leucocephala*, pigeon pea ('*thuahae'* or *Cajanus cajan*), Kiss bean ('*thuajub'* or *Crotalaria anagyroides)* and paper mulberry ('*posa'* or *Broussonetia papyrifera*) – and comparing rice yields on test plots after a four-year fallow with yields on 'natural' fallow. Rice yields were measured in 2001, then improved fallow shrubs were planted, and in 2005 the

fallow was cleared and rice was planted again. The 2005 rice yields were compared with the 2001 yields as an indicator of soil improvement. Although the fallow trials were shown to improve the nutrient composition of the soil, the field trials showed no increase in rice yields with any of the treatments even with the longer fallow period. Indeed, it is ironic that rice yields were used as an indicator of success, since state policy is to stop rice cultivation in the uplands.

A glaring flaw in research design was that it was based on a five-year rotational system, rather than the three-year rotational system imposed by the LFAP. Therefore, the 'improved fallow' shrubs remained standing in the fields when surrounding fallow areas were used as common grazing land and needed to be fenced against animal damage. They also needed to be protected from fire when farmers with adjacent fields returned three years later to burn their fallow lands for rice cultivation (as described in chapter four). This oversight in experimental design was again based on the decontextualisation of individual fields from the socio-ecological context in which they are situated – assessing technologies on 'abstracted' experimental plots which differed only by their individual soil conditions – and the assumption that farmers could make individual decisions about land management if they hold private property rights to that land, disregarding how their decisions and rights are socially and ecologically embedded. If farmers were to realistically use these species to improve fallow, they would need to fit into the swidden cycle.

Of the different improved fallow species tested, only paper mulberry was popular with farmers. However, they were already growing this before the project in response to pre-existing market linkages and high market demand. Paper mulberry was by far the most successful technology 'introduced' by IUARP, except that it was not new. The main impact of the project was to teach farmers how to replant paper mulberry in order to extend the area already growing in their fields. In Houay Kha, this had a very positive impact of farmers' incomes. However, the impact of paper mulberry on improved soil quality and higher rice yield was not supported by the experimental data.

Pigeon pea was extremely unpopular with farmers for a number of reasons. Although it was planted 25-30 days after rice, the harvest of pigeon pea (in February and March) overlapped with the time when farmers burn and clear their upland rice fields, when they are short of labour. Furthermore, farmers need to weed pigeon pea during the same season they weed upland rice (0.1-0.5 ha of pigeon pea required one-to-five-person labour days of weeding). Overlapping seasonal labour requirements for upland rice and pigeon pea cultivation were exacerbated since the fallow

fields where pigeon pea was planted were often very far from the fields that were being actively cultivated.

The only way a crop like pigeon pea would be popular with farmers is if it was significantly more economically valuable than rice. IUARP created a linkage with a company in Bokeo, which had promised to buy pigeon pea for making poultry feed. The project had guaranteed to buy the seed because without this guarantee, farmers would not plant it. At the same time, Ban Houay Khilek, a village in Ngoi District, Luang Prabang Province, has been labelled a 'model village' because the entire community has switched from rice to growing pigeon pea and were using it as a base to produce *khang* (sticklac), a marketable red-coloured resinous secretion that is valuable for use in varnish and lacquer, produced by a several species of insect (*Kerria lacca*) which colonise the branches of certain trees and shrubs[133] (Gunn 1990, Keoboulapha 2006). Sticklac is a valuable commodity and has an existing market with Chinese traders. The price for sticklac at the time of the research was 13,000 kip/kilo if the insect was dead and 25,000 kip/kilo if the insect was still alive since this was bought by farmers to establish sticklac on their own fields. If some of the land use conflicts could be solved, some farmers were very interested in growing pigeon pea as a crop if they could attach sticklac to the branches, and saw this as having potential to help them adapt to the increasing ecological constraints they were facing.

> Many farmers ask about this experiment [improved fallow plots] and come from different provinces to look at this. This place has generated interest from many people and visits from other projects…. There were 25 farmers involved in the improved fallow experiment…. But some farmers have fallow very far from here. Those who have fallow near, they participate. Everyone comes and looks at the improved fallow plots. One farmer started improving fallow himself - he is not involved in the project but copied the project.
>
> But, if farmers have land far from the village, they won't do improved fallow. No, because they don't want to leave fallow for two to three years, because they have only three places, so don't want to leave the land [fallow]. Because they have to make a field year round. If they follow the improved fallow experiment, they must wait [to 'crop' the field – he is referring to the fact that, under IUARP management, the field needs to be left fallow when it would normally be cleared and planted with rice]. Because if they follow the improved fallow, then farmers must plant pigeon pea and Kiss bean, and also fruit trees, and they must weed every month and every year. So, they cannot plant rice if they only have upland rice fields. First they need to plant pigeon pea and kiss bean, then fruit. Then when they come back [to plant the field with rice], they still have fruit trees on the

[133] Upland farmers in Laos have long been involved in trading sticklac, and during the French colonial era, the colonial government held a monopoly on the export trade in both sticklac and benzoin, which illustrates the commercial value of this product. Gunn (1990) recounts that between 1926 and 1969, the 'kha' collected and sold 40-50 tonnes of sticklac annually, valued at about 400,000 piasters per year, making this a significant component of the 'montagnard' economy at that time. In comparison, the livestock trade to Siam at the time was worth 260,000 piasters annually.

> land, so they cannot cut the fruit trees and plant rice. If they didn't plant fruit trees, they could cut the pigeon pea and kiss bean and could sell the seeds of the kiss bean.
>
> Other family cannot do [improved fallow] because if they want to improve the fallow, they need to plant pigeon pea and kiss bean, and need to care for the field and need to find the seed. It's a problem to take care of the fallow because they are not interested. They must work for caring for the fallow and at the same time to work caring for their rice. Right now I need to harvest pigeon pea. But right now I also need to go to the rice field at the same time. [People who have fields far from the village don't improve fallow, because they must manage it in addition to their other crops]. **(Lue Farmer, Lattahae).**

The purpose of these examples is to illustrate how, even in a project designed to incorporate local knowledge and create research collaborations between scientists and farmers, the 'rendering technical' of indigenous knowledge and the evaluation of technologies based on their performance on particular land parcels and soil types overlooked important aspects of the socio-ecological context and customary institutions, undermining the practicality of the technologies and missing the utilitarian value of farmer participation. While it was recognised by the researchers that most of their technologies were not very popular with farmers, the political pressure to present a successful project meant that many of these became technical recommendations for extension to other areas – essentially models for replication. The following section describes the political process in which empirical scientific results were ignored in the choice of 'model technologies', rendering 'neutral science' political.

The 'politics' of 'anti-politics': producing science for policy

The IUARP final assessment meeting was held March 6-8, 2006 at the NAFReC research station in Houay Khot, and was attended by the Lao government researchers involved in the IUARP project, as well as senior state government scientists and bureaucrats from NAFRI who flew in from Vientiane to attend and chair the meeting. A number of senior scientists from the international research organizations involved with the project had been invited but did not attend. Instead, IRRI sent a young woman who was an Australian Youth Ambassador (essentially an intern) to report on the event, who was not recognized as a 'proper' representative by the Lao staff. I attended the meeting in my role as project evaluator for IRRI and SDC, charged with assessing the project and developing future directions for research collaboration with NAFRI. In spite of highlighting Lao 'ownership' of the project, senior NAFRI officials were disappointed and perhaps slightly insulted that the international research institutions were represented only by temporary and junior staff members. The absence of key decision-makers from IRRI was particularly

surprising since the institute had played a major role throughout the project, and this absence was noted in the final project report written by NAFRI. This disappointment was compounded by NAFRI's need to find new financial sources to continue the research, since the project was coming to an end. Funding constraints pose a catch-22 for Lao research initiatives, which have to rely on external funding in order to carry out their programs, yet often lose authority over the research questions and agendas in the process.

NAFRI researchers needed to please senior Ministries, particularly the Ministry of Agriculture and Forestry (MAF), and therefore needed to emphasize how IUARP research successfully supported broader state policies for modernizing upland agriculture. The researchers were well aware of the ecological and social problems state policies created for farmers by policies such as the LFAP, however, the kinds of questions asked and research conducted under the project were constrained by these broader political agendas. This is also generally true for international research agencies working within Laos, who in spite of holding the purse strings, rarely openly criticise state policies and generally design research according to state directives (see also Daviau 2010). The political pressure for NAFRI to produce successful 'model' technologies that could be 'scaled up' for extension across Laos came both from the need legitimize NAFRI (a relatively new institute) and further investment in research to senior ministries and from the need to please the international research agencies in order to secure future funding for research. For Lao researchers involved in the project, their salaries, continued research and project funding, and promotions within state research institutions depended on this success. Thus, a critical assessment of the various technologies was in direct conflict with the pressure to produce positive results. Such need for positive results is built into international development projects in general, through results-based log frames and evaluations intended to account for the impact of financial investments and justify future funding. This provides little scope for critical review.

The meeting was held in a dimly lit room around a long rectangular table with senior directors of NAFRI and NAFReC at its head, clearly establishing their position of authority. These senior staff both opened and chaired the meeting. The first day consisted of presentations by the Lao researchers who had conducted the trials, and focused on the specific technologies developed, including honest descriptions of what had succeeded and what had failed. After listening to a series of presentations describing poor or ambiguous results, culminating with the disaster of the fish cage and frog pond production trials, one senior official became fed up, commenting *'There is no*

good production from fish cages, so shouldn't give presentations on such bad things. We want to evaluate successes'. This pressure constrained the junior researchers from critically assessing the research results. Those who presented problems with the technologies they had been working on, with their methods, or with farmers' responses to the research activities were publically chastised for not presenting things that worked well – for presenting what was considered to be a 'failure' rather than a success. This pressure transformed the meeting from an opportunity to learn from mistakes and build on the positive and negative aspects of the research to a venue in which researchers were forced to defend their work and activities. The need to produce successes was clear from some of the discussion questions posed by senior staff during the final day of the assessment meeting:

> Which technologies do you think will be promoted to other farmers and improved?
>
> How will the promising technologies be applied in other areas?

The pressure to generate successful technologies for extension prompted the obscuring of obvious discrepancies in scientific evidence and overlooking of negative outcomes. This led to recommendations to promote certain technologies that the researchers knew had serious problems and that were not likely to succeed in practice. In such a way, pigeon pea became a 'model technology' for soil management, improving fallow and cash cropping. Paper mulberry was also promoted, but was claimed to improve fallow and soil, something the evidence did not clearly support. Contour planting of pineapples was recommended as a model for sloping land management. The production of scientifically developed technology recommendations became politically motivated rather than evidence based. It is no wonder that many Lao farmers choose to ignore extension agents and instead prefer exchanging knowledge with their peers.

The researchers themselves recognised that the weakness of the project stemmed not from farmers' knowledge but from the limited or lack of benefits of the technologies being developed and the difficulty in addressing the problems that the farmers were facing. They also recognised the difficulty of motivating farmers to comply with state policies to stop planting upland rice and reduce the amount of land they were using in absence of any good livelihood alternatives, which they could not provide. In frustration with being asked to provide 'technological solutions' to the complex and difficult issues facing uplands, one senior researcher broke into a rare rant in which he publicly criticized state policy.

> The government doesn't want farmers to slash and burn, but they want people to plant rice. This question is whether to motivate farmers to plant rice or not. If we motivate the farmers to plant rice, then they will slash and burn, so what should they do?
>
> I would like to talk about the uplands – slash and burn agriculture – to make everyone understand. Slash and burn is confused with cutting the forest to plant rice. If it is a three-year rotation or six-year rotation, it doesn't matter. But it is the government's policy that we research this matter. It always goes with government policy. It will support or it will be opposite to government policy. This is a question about development for the Lao government.
>
> On the other hand, to improve people's livelihoods …it doesn't mean that we will force the farmers to stop slash and burn agriculture. This [improving livelihoods] is a final aim for encouraging people to plant soybean. It is impossible to force the farmers to stop slash and burn agriculture. In practice, it is impossible. I would like to say clearly, it is impossible to stop slash and burn. To work in the uplands (*het hai*) and gardens always goes together. It is impossible to stop farmers from planting upland rice because they will slash the forest. It has been 25 years already that the government has tried to stop slash and burn. How do we solve this problem? The government wants people to stop slash and burn agriculture, but they also want people to plant rice. But if farmers plant rice, then they will slash and burn.

In fact, the Pak Ou District government was in the process of trying to eliminate upland rice production and replace it with cash crops. However, the researcher's point was prompted in part by the conflicts between research activities and state policy within IUARP, because the project itself was promoting different varieties of upland rice, and using rice yields as a measure to assess fallow improvement technologies. It was also prompted by the difficulty in providing realistic alternatives to farmers to swidden cultivation, which, as he highlights, the Pathet Lao government had been trying to eradicate almost since it took power. The contradiction between mandates for improving upland livelihoods and the implementation of state policies which acted to undermine local livelihoods was a continuous source of difficulty for the researchers. Many had spent quite a bit of time with farmers, and were genuinely concerned about their wellbeing and wanted to generate something helpful to offer them through their research.

The second day of the meeting involved a field visit to some 'IUARP villages' to look at the experimental sites and talk with some of the farmers involved in the project. Several busloads carried about 50 NAFRI scientists to village meetings that had been pre-arranged by the Pak Ou DAFO staff. We had all been given T-shirts advertising Lao-Japanese researcher partnerships for agriculture, and many of the scientists wore these, along with hats and bags sporting the well-known logos of IRRI, NAFRI, CIAT or advertising conferences or workshops that they had attended. During the field trip, the researchers grouped together to listen to the 'model' IUARP farmers presenting their activities and showing them around their fields, and assailed them with questions. The power relations between the researchers and the farmers, combined with the sheer

Figure 8.5: Farmer explaining pineapple experiment to group of IUARP researchers

Figure 8.6: Senior IUARP researcher (right in white shirt) sitting on the ground and peeling *posa* bark while interviewing farmer (sitting on chair with white cap)

number of researchers interviewing individual farmers, did not facilitate critical farmer feedback on the project. However, not all of these scientist-farmer interactions were question-answer sessions, and later on, one senior NAFRI official sat on the floor of a field hut and began to help one of the farmers to peel paper mulberry bark while he chatted.

Towards an alternative understanding of indigenous agriculture knowledge

The ideology behind participatory technology development, which was at the heart of the IUARP project, is rooted in the contemporary focus on the importance of integrating 'local' or 'indigenous' knowledge into agricultural research and development. However, the scientific approaches through which this knowledge is integrated and the resulting technologies are assessed focus only on the technical aspects of local knowledge, ignoring important socio-political understandings and contexts in which the knowledge is produced and in which the technologies would be applied in practice. Furthermore, although development researchers have begun to recognise how differences in power relations between farmers and researchers and within villages influence the kinds of information and knowledge produced through these participatory projects and have taken measures to try to reduce this (such as working separately with men and women or with poor and better off), most have neglected to examine the political power relationships among the researchers and research institutions themselves, and the broader political and ideological framework which determine the research questions and technologies tested and produced.

Although development projects often perceive local agricultural knowledge as a coherent 'system' in which techniques and practices can be articulated, abstracted and presented in linear sequences (Brokensha, Warren et al. 1980, DeWalt 1994, Scoones and Thompson 1994, Brodt 2001, 2002), some anthropologists describe it as a creative 'performance' in which farmers consciously adapt to shifting social, ecological and economic conditions rather than enact a set of planned activities (Fairhead 1993, Richards 1993, Scott 1998). Agriculture practice can be seen as a 'performance in time and place', as continual and evolving in-time adjustments and fine-tuning of crop management and practice according to fluctuations in weather, soils, pests, and so on. This understanding of agricultural knowledge challenges the assumption that cultivation practices are the result of a fixed set of techniques and knowledge, and incorporates the notion of an intentional and dynamic 'adaptation' of agricultural systems and resource management that draws from both articulated and embodied knowledge of techniques, beliefs about the environment, and social systems, but which is underpinned by the talent to perceive, adapt and experiment (van Beek 1993:56). Knowledge in this sense is both situated (Haraway 1998) and '*grounded in multiple domains, logics and epistemologies* ' (Ellen and Harris 2000:17-18), embodied in the individual and therefore linked with social identity and how individuals are socially 'emplaced' with respect to their cultural activities and their interactions and experiences with nature. This is the knowledge of *'improvisational capacities that can be called forth by the needs of the moment* ' (Ellen and Harris 2000:17-18), which Scott refers to as *metis – 'knowing how and when to apply rules of thumb in a concrete situation'* (Scott 1998). Like with representations of customary and formal institutions governing land rights, local agricultural knowledge can be abstracted through articulation of what people do, but in practice it is much more fluid and adaptive to particular circumstances.

Conceptions of 'indigenous knowledge' often assume shared and bounded cultures and cosmologies that are different from other 'indigenous groups' and from western knowledge. This model does not fit with the historical and contemporary context of Laos or Southeast Asia, where multiple ethnic groups live side by side, where ethnic boundaries blur across time and space, where different religious beliefs coexist and are combined unproblematically, and where there has been a long history of mobility. Furthermore, the local is becoming increasingly globalised, and all of these different knowledges are incorporated and given meaning within local understandings. Far from being a 'culturally bounded' system, local knowledge and the practice of agriculture is a mix

and match of different ideas and practices that farmers come into contact with; it is 'syncretic' in the same way that Theravada Buddhism has been mixed with the cult of *phi* as described in chapter five and in the same way that customary and formal laws governing resource rights articulate. The following section describes the performance of agriculture by Sombath, a farmer who had been actively involved in IUARP as well as with a number of other development and research projects. The case illustrates how Sombath's own process of experimentation, which combines various sources of knowledge, including scientific approaches gleaned from the IUARP project, in his attempts to adapt to the ecological and livelihood constraints presented by the LFAP. As will be seen, far from being a hegemonic and dominating knowledge, the technologies introduced by IUARP are only one of many sources of knowledge that he applies creatively to adapt his agricultural system.

Olarm: Syncretic knowledge(s) and the performance of agriculture

> *Olarm* (n) A thick stew made of a mixture of wild foods (tree bark, leaves, roots, mushrooms, wild pig) gathered from forest. A specialty of Luang Prabang, Northern Laos.

Early one Saturday morning, I went to help Sombath's family plant rice on one of their upland fields. When I first arrived in Pak Ou District, Sombath, a Lao man in his mid-40s, was the elected headman (*naiban*) of Houay Lo, and my research assistant and I stayed in his home when I was working in the village. The son of a teacher, Sombath came from a fairly educated family and had brothers and sisters living and working in Thailand and Vientiane. However, his own education had been disrupted by the war. Sombath's household consisted of his wife, three teenage sons and daughter, his brother Bounleau, who had been accidentally shot in the leg by a hunter and was lame, and a big orange pet cat. Like his brother, Bounleau was also recognised as a leader in the community. Before he was shot, he had travelled widely in Laos and Thailand, and had spent some time living in Vientiane and Oudomxay. He spoke Lao, Lue, and Thai as well as some Khmu and Hmong, and was skilled at fixing small electronic appliances like watches, clocks, radios and cassette players. However, Bounleau was most renowned as the local fortune teller, and people from many villages and ethnic groups would visit the house both for his services as a repair man and for his fortune telling skills, bringing him watches to fix while consulting him on a variety of issues ranging from auspicious days to plant rice or help to identify a thief. As described in chapter five, Bounleau had learned his fortune telling skills from various villages and elders, and had

documented his knowledge in a hand-written book. He was also adept at reproducing notebooks in English (which he did not speak) documenting in detail the teams, players and scores for the World Cup soccer games that were a popular source of entertainment and discussion in the village.

Sombath's role as headman meant he was involved in the various development projects that came into the village. He had been sent on many study tours to learn a variety of agricultural techniques, teaching these to other villagers when he returned. Sombath was a key contact for researchers from the IUARP project and was actively involved in the farmer-researcher experiments and trials being undertaken in Houay Lo. He was concerned with fairness and feared that others might be jealous because he was constantly chosen to go on field trips with various projects. Indeed, when his apparently healthy pigs died unexpectedly, there was some concern that they had been poisoned intentionally by a jealous villager. Sombath tried to share these opportunities with others in the village, but because he was especially bright and conscientious, project workers preferred to work with him. Although being village headman allowed him these benefits, this role was very time consuming and took away from his productive activities, so he was relieved when his term had expired and a new headman was chosen.

Sombath's modest two-story house, with a well-compressed dirt floor, had concrete walls and a wooden upper story, which comprised the sleeping quarters, was always a den of activity where villagers gathered with the family to chat and watch television. Sombath had built the house himself, and was planning to improve the upper level when he had more money. Bounleau maintained his electronics workbench near the front door and kept a motley collection of radios, clocks, wires and tools. Half-woven fishing nets were strung from nails on wooden boards crossing the ceiling, and, while watching television or taking a break, Sombath, Bounleau or one of the sons would knot the cotton string and add length to the net until it was finally completed, after which they would dye it with the sap of a tree to stain the cotton dark so the fish would not see it. A bookshelf with the television and DVD player occupied a central position along the back wall, and held a number of books, Sombath's notebooks documenting the results of the project agricultural experiments and administrative information related to his headman work, Bounleau's fortune telling books, a few decorative items, and a plastic bag full of the model houses made by Bounleau. Pheth, Sombath's wife, loved to dance traditional '*Lamvong Lao*[134]', and along with the other

[134] The '*lamvong Lao*' is a dance in which couples move in a slowly rotating circle, neither looking at each other nor touching each other (or even smiling), but circling slowly with other couples while moving their hands in a manner

paraphernalia on the shelf was a Lao 'learn to dance Latin' DVD in which young Lao couples – the women dressed in traditional long silk *sin* skirts – held each other awkwardly at arms length and stiffly demonstrated the steps to the salsa, meringue and tango as it was explained slowly by the Lao dance instructor. Sombath himself was an amateur musician and singer, and apparently played a dulcimer-like instrument quite well. A certificate from a workshop on pig management that Sombath had attended was proudly framed and hung on one wall, while on another wall hung a Lao educational poster from a European Union project on animal management, which depicted photos of sick and healthy pigs, types of pig feed, and a large bald white man in a lab coat who the villagers joked looked remarkably similar to the pale pink European pig he was vaccinating. Village pigs in Laos are usually black.

The kitchen area, located on the opposite side of the main room to the TV, consisted of a large fire pit above which hung a variety of blackened pots and pans, a large cupboard with an array of dishes and cloths, and the ceremonial *baci* table. Although generally kitchen activities are considered to be a women's domain, because this was a house of many sons, all the men and boys helped with kitchen duties including the cooking and cleaning. Next to the kitchen area Sombath stored his agricultural and woodworking tools, large bags of seed for various crops and different rice varieties that were being tested by the IUARP project for distribution to interested farmers, a variety of baskets that he had woven himself, and his small basket of *khang* (sticklac) which he intended to attach to some pigeon pea shrubs during the following rainy season as part of an experiment with the IUARP project. Project researchers had taught him how to attach the *khang* to the branches. He had been instructed to collect the *khang* from the forest, but Sombath explained that it was difficult to find and he had asked one of the project staff for more *khang* if it grew well. If the *khang* worked well, Sombath planned to plant only *khang* and no more fruit trees on his land. Unbeknownst to project researchers, Sombath was also planning to experiment with attaching the *khang* to another tree (*Mai Kenthai)* because he noticed it had similarly sticky sap to pigeon pea, and thought the *khang* could be stuck to the sap. Between the lively family members, the people gathering in the house during the evenings to watch World Cup soccer or Thai soap-operas and super-natural dramas on the television, the villagers and project officials visiting Sombath in his

that mystery novelist Colin Cotterill accurately describes as resembling a slow swatting of mosquitos. This dance is popular across villages, clubs and towns in Laos. It is about as different from Latin style dancing as possible.

role as headman and project liaison, and the steady stream of clients of various ethnicity seeking Bounleau's mechanical and fortune telling skills, the house was a busy place.

My description of Sombath's household is intentionally detailed to highlight the number of random and diverse sources of knowledge and types of ideas and world views to which he and his family were exposed. In the increasingly globalized world of the Lao village, notebooks written in English documenting the scores of World Cup Soccer sit side by side with notebooks filled with details of Lao astrology and notebooks documenting results of agricultural scientific experiments. Salsa, science and spirit huts share the same space. The random assortment of information from different sources informs and transforms local understandings and practices. 'Western' development ideology, scientific knowledge, and epistemology do not necessarily operate hegemonically to replace local knowledge, but are part of a complex patchwork of different sources of information that are woven together to inform practice in ways that are locally and individually specific. These serendipitous encounters and idiosyncratic mixtures of global and local knowledge(s) are like '*olarm*', the thick stew made up of an assortment of forest products, from flavourful tree bark to forest vegetables, leaves, herbs, roots and mushrooms, unique to each household and shifting according to what is gathered that day, which is considered a specialty of Luang Prabang. Anna Tsing refers to such encounters between global and local knowledge as a 'friction', highlighting the creative (but also potentially contentious) interactions, as rubbing together two sticks creates flames (Tsing 2005). I prefer *'olarm'* as a metaphor because this endows the individual with the creative agency of what to add to the mix, according to what he or she has on hand on that particular day. Also, because like sweet and sour, different and apparently contradictory knowledge(s) and world views are sometimes mixed together in new ways and applied without apparent conflict. Indeed, the creative mixing and matching of ideas, beliefs and even ethnic identities has long been a feature of the different cultures in Southeast Asia (King and Wilder 2003, Sprenger 2008, Scott 2009, Sprenger 2011).

In his role as headman, Sombath was the village representative for managing the interventions of the IUARP project, for hosting meetings between researchers and other villagers, for distributing seed contributed by the project, and for organising interested villagers to participate in project activities. He was therefore one of the villagers most involved in the project, and had attended many training sessions and workshops, visited model farmers in other villages and districts, and had a solid understanding of the project experimental and scientific approach.

The Land and Forest Allocation Policy (LFAP) had restricted Sombath's access to land. When land was redistributed, he had been forced to give some of his upland fields back to the community to be taken by another household or merged with village common land. Sombath did not own lowland paddy fields, and now had access to only three upland plots, meaning the land could only be left fallow for two years under swidden rotation or be cultivated continuously. He also had a small plot of land used as a 'garden' on which he planted pigeon pea and where his wife had planted two cotton trees, spinning the 'low quality' cotton into balls of string to be used for tying souls during baci ceremonies. In addition to cultivating swidden, the family kept two large pigs in cages within the village (both of which died suddenly and unexpectedly). After attending a pig management workshop with the New Zealand livestock specialist working with CIAT, Sombath had created a 'Lao' version of a water tap to provide the caged pigs with clean drinking water – adapting a large pottery jar traditionally used for *lao hai* alcohol by the Khmu. Sombath's sons enjoyed fishing, and although they did not own a boat, they were able to borrow other boats or join other fishermen.

The LFAP had compelled Sombath to intensify his cropping system and therefore he was an ideal representative to test the feasibility of some of the technologies introduced by IUARP to promote sedentary agriculture and help farmers cope with reduced fallow. When I met him, Sombath's rice yields were declining and weeds, particularly imperata (*nya kha*), were becoming an increasing problem. He was trying various approaches to adapt to these new labour and environmental constraints, borrowing from a variety of sources of knowledge, including (but not limited to) strategies introduced by IUARP and those he had learned from his farmer-farmer fieldschool visits. The following paragraphs describe Sombath's performance of agriculture, land use decisions and practices; his personal *'olarm'* in which he mixes and matches different sources of knowledge and understandings of the environment in order to try to adapt to increasing ecological constraints.

On the Saturday morning when Somphet and I went with Sombath and his family to plant rice in one of his upland fields, there were eight of us helping out, Sombath, Pheth, their four children, Somphet and myself. Sombath's two eldest sons had returned from Luang Prabang and Pak Ou towns where they were boarding to attend high school, in order to help the family plant rice that weekend. Early in the morning, Sombath had gone to the field himself to build a spirit hut, which he considered necessary for the rice to grow well. When we arrived, one of his sons

carefully placed *taleao* where the footpaths entered the boundary of the fields. Sombath explained that the *taleao* are positioned on the paths entering the field because, like rice, people also have souls (*khwan*), and the *khwan* of people entering the field will help the rice grow well. The *taleao* would help the *khwan* find their way into the field. Rice and people have *khwan* because they are alive, he explained, and land, forests, houses, etc. have spirits, but these are not same *khwan*.

We started planting the rice at the bottom of the steep slope, working our way up the hill as the Sombath and his two eldest sons poked holes in the dry soil with their metal-tipped wooden dibble sticks, and the rest of us followed behind sprinkling rice seeds into the holes, about ten seeds per hole I was instructed. Sombath had decided not to hire or exchange labour for planting that year, because he 'wanted the rice planted properly'. He complained that sometimes when people exchanged labour, they were less careful and didn't always drop the seeds into the holes, but spread them around. Sometimes the planting was done very quickly and sloppily, because the boys tried not to let the girls catch up to them and there was a lot of flirting, so it became a game. Also, the Sombath explained that the dibble sticks they were now using in the village were only wood. Farmers no longer attached a metal point on the end, which made more precise holes, so seeds sometimes spilled out of the holes. Farmers in Houay Lo had stopped using the metal tip some years ago because the rice wasn't growing well and they thought that perhaps this could be a contributing problem. Also, because the soil was easier to make holes in now 'that it was no longer so good for growing rice', they didn't need these. However, that year Sombath wanted to test whether rice would grow better if he controlled more of the planting by using metal tipped dibble sticks, by relying only on family labour and by controlling the number of seeds per hole. He thought this might help improve yields. He had also been watching the Hmong plant rice with some admiration and was planning to emulate some of their practices. The Hmong had been resettled nearby about three or four years earlier and he had noticed that their rice tended to grow well, better than the rice in Houay Lo. He observed that they were still using the metal tip on their dibble sticks, and planted slowly and carefully, making a line and using wood to cover the rice with soil so that ants or other things wouldn't eat it. He had also noticed that the Hmong's soybeans were growing well, and had discovered these were a traditional variety they had brought with them from their home village. If he decided to plant soybean in the future, he planned to ask the Hmong for seeds. However, he wasn't sure he wanted to plant soybean because it itches when working in

the field and is also very difficult to thresh. He explained that the Hmong worked hard, but they didn't force anyone. If they wanted to work, they just worked.

When we arrived to plant the rice, the bottom part of the hill had already been planted with Job's tears, and Sombath had also planted about 2000 teak saplings on the upper part of the hill. We planted rice between the teak saplings that we had to be careful not to step on. Sombath had decided to plant teak because the imperata (*nya kha*) had become bad on that field and he was worried it would get worse. This was young fallow and it was the second time the field had not burned well because there were no longer any big trees. It used to be that people had to leave the field when it was burning, Sombath explained, but now the burning was so poor they could stay in the fields. Although he realised that in about two years when the teak grew taller he would no longer be able to use this land for rice, he was worried that he would not be able to get anything from the land if he did not make this change.

That year, Sombath had also started to use herbicide to control the imperata. The field also had a lot of *Nya Kiloh* weed, which was not a problem because they just broke it off and left the leaves in the field, explaining that it was good fertiliser. One of his other fields had even more imperata, and he hoped to use it for animal pasture since it was becoming difficult to cultivate. This would leave Sombath with only one field for rice once the teak grew tall. I asked him if he was concerned about this, since it seemed very risky, and the teak would not be profitable for many years. Although livestock are being heavily promoted as a livelihood option to replace upland rice cultivation, livestock husbandry is currently risky because animals are susceptible to epidemic diseases. Although he was well aware that one field for upland rice is not sustainable, he did not seem particularly concerned and also felt he had little choice given the ecological constraints he was facing.

The slope of the field varied, but in general was about 25-30 degrees, steeper in some places. The land had been left fallow for two years. There were some large termite mounds, and Sombath explained that rice on these would grow very well if there was a lot of rain, but not very well if it only rained a little. Pheth had a bag strapped over her shoulder to gather any herbs and vegetables that were already growing up in the field, and was also pulling some of the problematic weeds while leaving others to grow in order to protect the newly planted seeds from being washed away if it rained. I was warned to be careful not to rub my face because the seeds were coated with some

sort of pesticide to keep ants from eating them. Other than this, the only chemical that had been used was herbicide on a small part of the field where imperata weed had been growing.

While we were planting, Sombath and Pheth discussed between themselves where they would plant the remainder of the Job's tears and the different varieties of rice. They decided to plant Job's tears in the parts of the field that had the worst problem with imperata grass, because Job's tears do not 'choose the soil', but the rice does, and Sombath felt that rice would not grow well in this area. They were planting two varieties of glutinous rice on different parts of the field that year, *Khao Sukian Nyai* ('Big' *Khao Sukiang*) and *Khao Laboun*. Most of the field would be planted with *Khao Sukiang Nyai* because this variety has very large grains and grows well. Sombath explained that *Khao Sukiang Nyai* is a new rice variety, which had appeared spontaneously about two years ago in the field of one of his cousins who had planted *Khao Sukiang*. Nobody knew where it came from, but they really liked it because it had large grain and was aromatic, so they had carefully selected the seeds from the field of *Khao Sukiang*, stored them separately, and planted the new variety in a larger area the following year. Usually when he collected seeds for planting the next year, Sombath explained that he chose part of the field where the rice grew well and harvested this area after he harvested the rice for food because he wanted the seed to be older but not too old. The seeds were then dried in the sun and kept in sacks in the house. About four or five farmers in Houay Lo had started to grow *Khao Sukiang Nyai*. Because it was a new variety, Sombath observed, it did not yet have a proper name, so for now they were calling it *Khao Sukiang Nyai*, because it had large grain and had shown up in a field of *Khao Sukiang*.

The other rice variety he was planting on the field was *Khao Laboun*, which he got from the IUARP project after seeing it growing in one of the Participatory Varietal Selection (PVS) trials organised by the project in the village. Sombath had chosen to plant *Khao Laboun* because he saw that it was growing well on soil that was similar to his own, but because this was the first year he was growing this variety, he planted it in a small area to test as part of the mother-baby trial, to see how well it grew before deciding to plant it in a larger area. From my work with the project, I knew that *Khao Laboun* had been ranked very low in the PVS trials in Pak Ou, while another rice variety, *Khao Nok*, had been ranked very highly by farmers. When I asked Sombath why he had not chosen to plant *Khao Nok*, he explained that the soil on his field was too good. He showed me that his soil was black and moist near the surface, explaining that it 'held water well'.

The locally popular varieties, *Khao Pé* and *Khao Nok*, grow well on poor soils, and he had chosen *Khao Laboun* because it suited his soil type.

It was a hot day, and when we reached part way up the hill we stopped to take a break from planting under some banana trees, to drink water that we had carried with us from the village. Sombath explained that although they usually boil their drinking water at home, on the day that you plant rice it is not good to boil water for drinking because it is like boiling the rice, and the rice will not grow well[135]. He wasn't sure if he believed this or not, but just in case, he and his family never boil water on the day they plant rice. Most people believed this, and some farmers had tested it and had drunk boiled water on the day that they planted, and their rice had not grown well and therefore took this as evidence of causality. While we were taking a break, Sombath's eleven-year old daughter Kangeun teased her older brothers, chasing them and painting their faces with black soot from the pans which had been carried to the field for cooking lunch.

We planted rice the entire day, from about 8 AM until about 5:30 PM when we headed down from the fields before the sun set. As we were heading back, I looked over the mountain vista and commented to Sombath's son how beautiful it was. He responded that it was no longer beautiful because there were no longer any trees and forests.

Conclusion

The various ways in which informal practices influence outcomes of 'scientific' rural development projects are often hidden beneath sanitized reports which highlight successful interventions, evaluate methods and outcomes, present technologies developed, and document 'packages' of local knowledge and practice. These representations of 'objectivity' and 'neutrality' are simplifications that belie the politics and informal (often non-empirical) processes through which the results were produced. Like 'maps' and 'classifications', such documents create disembedded 'representational' knowledge of the products and practices of 'science for development' that may not reflect reality. Representations of agricultural knowledge as sequences of technical interventions that can be replicated across time and space undermine its performative place-based character and the broader systems of meaning in which it is embedded. Sombath's

[135] Sombath's family is not alone in not drinking boiled water on the day of planting rice. I spoke with a Khmu couple in Houay Lat, who were boiling drinking water as I was interviewing them. They also would not drink boiled water on the day of planting rice, because then the rice doesn't grow well.

'performance of agriculture' as he attempts to adapt to the deteriorating conditions of swidden systems clearly illustrates the experimental capacity of farmers and how such experiments are conducted within their own cosmologies and understandings of causality, drawing on multiple sources of knowledge. Experimental design is applied to make empirical observations that not only test the benefits of new rice varieties or whether or not a different kind of tree will work with *khang*, but also determine whether or not drinking boiled water on the day of planting rice, using a metal-tipped dibble stick or building a spirit house (which farmers were also testing as described in chapter five) will make a difference to rice yields. Broad notions of causality are therefore integrated into 'rational' objective scientific experimental design. Sombath draws concurrently from multiple and diverse understandings of agriculture and change to create his own individual *olarm* which is the product of adaptative innovation in a particular time and place. He combines his beliefs in supernatural *phi* and *khwan* intelligently and unproblematically with his practical experiences with different soil types, planting practices and crop and seed varieties. In the context of a degrading ecological system, where he is faced with declining yields and increasing problems with weeds, he attempts to adapt through conscious experimentation with different crops, different ways of planting, and also with different spiritual practices. Some of this knowledge has been learned from the IUARP project, but he also draws from his observations of the practices of other ethnic groups. Far from being a dominant knowledge and practice that submerges and destroys local knowledge in its wake, as has been argued by critics of development (Appadurai 1990, Banuri 1990, Hobart 1993, Escobar 1995, Grillo 1997), scientific knowledge from development projects provides but one source of ideas integrated into a continuum of pre-existing local systems of meaning and causality. In such cases, technical development knowledge is neither a 'battlefield between actors and their life worlds' (Long and Long 1992) nor a 'struggle over values', but simply one many options and ideas from which farmers draw or reject.

How different was the experimental process pursued by 'objective' scientists involved in the IUARP? The technologies produced by IUARP were also situated within the 'world views', understandings of causality and the ideologies of the scientists. Rather than being based on objective, impersonal, modern, rational and legible scientific knowledge, these model technologies were the products of the illegible practices, relations of power and ideological frameworks in which they were produced. The overarching belief that swidden is environmentally degrading framed the kinds of experiments and technologies tested – some of which were ecologically more

damaging than the swidden systems they were intended to replace. Furthermore, the technical knowledge produced by IUARP in the end was highly political and not evidence-based, and self-consciously embodied the state policies for transforming swidden cultivators into cash cropping farmers with private land holdings. The pressure on state researchers to comply with this mandate resulted in positive reporting and the recommendation to extend certain model technologies that the researchers themselves knew were insufficiently beneficial to meet farmers' needs or were not realistic within the current farming system. Furthermore, although these were excluded from project design, IUARP scientists also had their own spiritual beliefs. Many of the Lao scientists will believe in *phi* and most were Buddhist. Some may have feared local magical practices, as did my research assistant, although I did not ask about this. *Baci* ceremonies were held in most of the villages at the beginning and the end of the project. Some of the foreign scientists working for IRRI were fundamentalist Christians and had their own strongly held spiritual beliefs. In one particular case, a newly arrived foreign scientist refused to participate in the Lao welcoming *baci* ceremony because it was against his religion. Although spiritual beliefs were not incorporated into project design, the blindness of 'secular science' to local spiritual understandings of environmental change, particularly the spiritual importance of rice to many of the villagers, ignored local understandings of causality which might have helped scientists understand how farmers made decisions about new technologies.

Of greater concern is the 'rendering technical' of development knowledge and of local knowledge itself, which ignored both the broader socio-political context influencing problems faced by swidden farmers (i.e. state policies that restricted access to land), as well as the place-based socio-political context that influenced how farmers were able to make management decisions on their particular land parcels. Testing the technologies on a plot-by-plot basis ignored the land tenure issues that made practical adoption of the technologies difficult. Furthermore, the need to develop technologies that could be extended to many farmers in different areas meant that their value in specific micro-environments, which is of interest to the farmers, was overlooked. Although the place-based contextual nature of farmer knowledge is often recognized by agricultural researchers, there is a concomitant and somewhat contradictory requirement for projects to disembed, 'universalize' and 'disseminate' indigenous knowledge beyond the context in which is produced.

Participatory research approaches have been justly critiqued as instruments through which certain ideas get promoted and followed over others. They have been critiqued as a method of ensuring compliance to and gaining consent for project activities rather than promoting local empowerment as they claim to do. Participatory research has been critiqued as a method of 'governmentality'; a tactic to *'educate the desires of villagers and reform their practices'* (Li 2007b:196). The instrumental application of participation 'to get farmers to do what the project wants' is illustrated unselfconsciously in the name of a conference organised by one of the main international research organisations that was involved in IUARP; *'Working with farmers: the key to adoption of forage technologies'*. I would argue that the primary impact of projects such as IUARP is less related to the technologies developed and introduced than to the ideologies they transmit. Such projects endorse a specific type of 'model farmers' or 'model village', and this in itself is a message and an intervention that reaches beyond the immediate project area. The specific messages and ideologies promoted by these models – market integration, cash cropping and sedentary agriculture – are embodied in the technologies. The practical impact of the technologies introduced may be of less consequence than the impacts the ideologies promoted by such projects have on the subjectivities of villagers.

There have been numerous accounts about how new agricultural technologies, such as tree plantations and bench terracing, are applied politically by villagers seeking to claim preferential and individual rights to land against competing claims. In the context of IUARP, local social and property relations were more likely to constrain the adoption of technologies than the other way around. Furthermore, the physical practices and technologies introduced by IUARP provided little recourse against the graver livelihood insecurities that were outside of the scope of the project, such as resettlement of remote villages and displacement from land by rubber plantations. In the Lao context, where land rights are being reorganised and villagers are insecure in retaining their territorial rights against the state itself, how one uses land is important for articulating one's rights to the land. It is the messages and ideologies embodied within the technologies – the concept of what is implied by a 'model farmer' – rather than the technologies themselves that have become integrated into local contestations over property rights. This will be discussed further in the next chapter, which examines the introduction of rubber into Pak Ou district, and local resistances to displacement.

Chapter 9: Rubber, rights and resistance: the evolution of local struggles against a Chinese rubber concession

As I was walking down the path from the hills above the Khmu village of Houay Leuang where I had been conducting interviews in the upland fields, two women planting their lowland rice seedbed beckoned to ask for help with planting. By this time, I had gained a reputation as a free (if somewhat inadequate) source of agricultural labour – while my assistant was both eager to help out and skilled. The women were from Ban Phai, a fairly well-off Lue village located along the road, where that year a Chinese company had established contract farming arrangements for rubber. I asked them what they thought about the rubber project and whether or not they planned to participate. One of the women told me her son had already dug about 400 holes in preparation for the saplings. She explained that she wanted to plant rubber because she had been planting rice for many years and now wanted to be 'up to date'.

> If I am up to date, then I will have more income and I can buy a car or a motorbike or have a big house. We plant rice every year and we eat rice every year. Now we want to plant rubber trees because we want to be up to date.

My fieldwork coincided with the early introduction of commercial rubber into Pak Ou District and the villages where I was working, and with the very beginning of a rubber bandwagon that has since taken off in Laos. At the time of my research rubber was being heavily promoted by the Lao government for its promise to transform traditional upland agriculture from subsistence to market production. There was a widespread assumption that rubber would increase foreign investment and national income, and at the same time would alleviate poverty by providing wage labour and new cash crop opportunities, and would replace shifting cultivation to encourage more 'modern' and ecologically sustainable agriculture in highland communities. Currently, most provinces in Laos include rubber plantations in their provincial development plans[136]. The introduction of rubber coincided and intersected with a number of on-going policy imperatives of the Lao government, as well as with local and national desires for economic development. Villagers' responses to rubber ranged from reckless enthusiasm, cautious acceptance to outright resistance, depending on the process through which the trees were introduced.

[136] Lyttleton (2004) reports that 680 ha in 16 Akha villages in Muang Sing have planted rubber under contract farming arrangements with 8 Chinese companies, and there are plans to expand this area to 2500 ha. Provincial and district authorities are promoting rubber as an alternative to opium cultivation in highland communities.

The desire to become modern and 'up to date' – and the feeling that upland rice is 'old fashioned' or 'out of date'– was a common sentiment among farmers in Pak Ou District. This presents an alternate vision to the traditional and widespread belief in Laos that rice has a soul (as was described in chapter five) and that farmers are risk averse, tradition-oriented and reluctant to adopt new cash crops. The idea that rice is 'out of date' is also reflected in state discourse, which presents upland rice cultivation as backwards and a cause of poverty. Rubber is seen by some farmers as a promising crop that will allow them to become modern and enjoy the perks of development, as well as enable them to comply with state policies. Increasing local desires for consumer goods, such as cell phones, motorcycles, cars, televisions, large houses, and the like, as well as images of modern cities and urban people portrayed on Thai television, are important driving forces that are encouraging rural people to make drastic changes in livelihoods and sometimes to take enormous livelihood risks. Such aspirations for change are in part driving the voluntary adoption of rubber in communities in Pak Ou District. At the same time as farmers are voluntarily investing in rubber, the state with its own modernising agenda is leasing large tracts of 'state forest' land for rubber concessions, resulting in widespread displacement of highland villagers from their territories.

This chapter examines how the global and regional economic forces that are encouraging transnational 'land grabbing' intersect with ongoing national and local struggles over resource rights and desires to become 'modern' and 'developed'. How does the Lao government justify the expropriation of village lands for lease to trans-national companies? How do local people resist or comply with these dispossessions? Taking the case of Houay Kha, a small ethnic minority Khmu community affected by a rubber concession owned by a Chinese company, I outline how the district-level practice of implementing the Land and Forest Allocation Policy (LFAP) had the perverse effect of undermining the policy goal of providing secure local tenure. I trace the evolution of various forms of local resistance by which Khmu villagers have thus far been able to stall the expansion of the plantation on their territory, and how they appropriated Lao state ideologies and tropes of modernity and consciously applied these to resist the expropriation of their land in the name of their own development. Idealised imaginings of modernity and development are used in narratives to both justify and resist dispossession. This case is placed in context of spontaneous eruptions of local resistance to displacement by concessions occurring in different parts of the country, and an emerging 'double-movement' by which the central state has

attempted to assert better control over the unregulated practices of local state authorities granting concessions in the provinces and districts. Underlying the various forms of resistance that are emerging at different scales are struggles over property rights, as local people, the state, and international commercial enterprises apply competing representations of the natural environment, appropriate resource use, and development in order to legitimize and enforce claims to (or resist dispossession from) natural resources.

The chapter begins with a brief history of smallholder rubber cultivation in Southeast Asia and in Laos, followed by an account of the current situation of transnational plantation concessions in Laos. These concessions are displacing villagers in the name of development, and are provoking various forms of local resistance. I present a theoretical framework for understanding resistance of subaltern groups, and then describe the introduction of commercial rubber trees by Chinese companies into Pak Ou District. I focus on how District officials have deployed the Land and Forest Allocation Policy (LFAP) to expropriate land from Ban Houay Kha for a rubber plantation, under the radar of the central state, and examine state narratives legitimizing the appropriation of village lands and the evolution of various forms of resistance by which the Khmu attempt to resist their dispossession from territorial resources. This case study is situated in the context of the emergence of small-scale resistances across Laos as highland villagers face displacement in favour of commercial rubber plantations, and as the central state attempts to manage the chaotic situation of informal granting of concession rights by district and provincial officials.

Smallholder rubber in Southeast Asia

The rubber tree (*Hevea brasiliensis*), indigenous to Brazil, was introduced into Southeast Asia by the British, who smuggled seedlings into Singapore in 1876 (Eaton 1952, cited in Dove 1996b:54). Rubber quickly spread across colonial Southeast Asia, becoming an important agriculture commodity and today most of the world's natural rubber is produced in Indonesia, Malaysia and Thailand. Although initially introduced as a plantation crop, rubber trees were rapidly adopted by smallholder farmers, particularly indigenous swiddeners of Borneo who successfully integrated it into their swidden systems (Dove 1993, Cramb 2007). By combining subsistence rice and rubber production, swidden cultivators were able to balance the precariousness of the swidden rice crop with the risks of market volatility (Dove 1996b, Cramb 2007) and were able to out-compete European plantations that were completely dependent on the

market. Farmers would often tap more intensively when prices were low in order to meet cash or other household needs, rather than tapping more when prices were high to accumulate surplus (Freeman 1970, Dove 1993, Cramb 2007). Their priority remained subsistence rice cultivation, and it was the possibility of integrating rubber trees into swidden systems *without* compromising rice production that brought about its success.

Smallholder adoption of rubber in Malaysia and Indonesia has been promoted as a model for successful integration of rubber into swidden systems in Laos. However, the context is very different. The success of smallholder rubber cultivation in these countries depended on access to sufficient land so that rubber did not compete with rice production, and the amount of land devoted to rubber trees remained a relatively small percentage of total village territory[137] (Dove 1993, Dove 1996b). Rubber was planted next to the current swidden plot, giving each household an average of five small (approximately one hectare) rubber gardens (*kebun*) located in different parts of the territory (Dove 1993). Households collected latex according to their swidden rotation, tapping only those trees located near their cultivated field and leaving the other rubber gardens alone sometimes for several years. Rubber trees were integrated into flexible customary tenure systems, eventually enclosing land and leading to increased privatisation of land rights, reduced household interdependence, and increased socio-economic differentiation[138] (Dove 1996b, Cramb 2007). In Laos access to land was already restricted and land rights were already becoming privatised prior to the introduction of the trees. As described in chapter four, because of limited access to land, rubber cultivation competes directly with rice production and animal husbandry even on land where the trees are not planted. Furthermore, rubber is being introduced as a monoculture crop, often in plantations that displace villagers from their territory. Success of smallholder rubber under situations of more restricted land access has been accomplished in Sipsongpanna, China and in Northern Thailand, but in both cases this was accompanied by significant state support in the form of subsidies, low-cost credit, technical inputs, a supportive regulatory framework, and in the case

[137] Dove reports that in one Dayak longhouse where he conducted fieldwork, each household owned approximately 52 hectares of land, and less than 10% was planted with rubber (Dove 1996:56). A study of the Ma'anyan of South Kalimantan highlighted that rubber covered only between 2.5-4.4 percent of total community territory (Hudson 1967 cited in Dove 1996b).

[138] Among the Kantu Dayak, the introduction of rubber trees transformed social relations and undermined some of the traditional mechanisms for collectively dealing with subsistence risk of swidden cultivation, such as reciprocal household labour exchange for agricultural work and exchange of rice for labour, since rubber did not require labour exchange and income from rubber was used to cover shortages in rice production and decreased the need to rely on other members of the community (Dove 1996).

of China, a “Grain for Green” campaign which provided rubber cultivators with subsistence grain for eight years while the rubber matured (Fox and Castella 2013).

Under conditions of sufficient land resources, rubber is an ideal crop for swidden farmers. Once established, rubber trees do not require maintenance and can be abandoned during periods of high seasonal labour or for several years if the prices are low. Leaving the trees alone for periods of time and allowing vegetation to grow up between them actually improves production by providing a more humid environment which facilitates quicker bark renewal and allows the trees to recover between tapping (Dove 1996b, Cramb 2007). This low-management approach, referred to as ‘jungle rubber’, gives smallholders higher latex yields than the more intensively managed plantation estates. Tapping and maintenance requires little skill, output is easily processed and sold, there is good market potential and prices, while volatile, are often relatively high (Barlow 1990). The successful incorporation of rubber into smallholder swidden systems in Borneo was achieved in spite of active discouragement by state policies enacted to protect the interests of colonial plantations (Dove 1993, Dove 1996b, Cramb 2007). Flexible customary tenure systems, abundant land resources, and the ability to plant small gardens of rubber near the swidden fields in order to balance labour for tapping with labour for rice production all contributed to this success.

Rubber in Laos

Rubber was introduced into French colonial Indo-China in 1897 as a plantation crop from British Malaya, and plantations began to expand rapidly by about 1907 (Murray 1992:46). Colonialists referred to rubber as ‘white gold’ at the time because of the high economic value of natural latex, elevated in part because of the growing automobile industry in Europe and America (Murray 1992:60). Most French colonial rubber plantations were developed in the remote and scarcely populated regions of Cochinchine (now Vietnam), with some in Cambodia (Murray 1992). Although highland communities collected and sold wild natural rubber from the forests, Laos was relatively untouched by this early boom, and rubber was not introduced until 1930 with the establishment of small-scale colonial plantations on the Bolaven plateau in Champassak province in the south (Tate 1979). Rubber did not take off as a major cash crop in Laos until the mid-2000s when foreign companies began to invest in rubber plantations and contract farming arrangements in response to rising global demand for natural rubber. In the north, international investment in

rubber is dominated by Chinese private companies (Lyttleton 2004:42), while in central and southern Laos investment in rubber is primarily from Thailand and Vietnam respectively.

Prior to the rubber boom, Hmong villagers in Luang Namtha Province, northern Laos, began to plant rubber in the early 1990's after observing the success of farmers just across the border in Sipsongpanna, China where rubber had been established at least a decade earlier (Vongkhamor, Phimmasen et al. 2007). The Hmong village of Ban Hat Nyao, Luang Namtha province, which adopted rubber in 1994, is considered the first village in Laos to do so and has since been declared a 'model rubber village' by the Lao government (Alton, Bluhm et al. 2005, Vongkhamor, Phimmasen et al. 2007, Manivong and Cramb 2008). A number of reasons have been given to explain the unique success of rubber in Ban Hat Nyao, largely related to strong village leadership, cohesive village structure, and pre-existing social and political networks. It has even been suggested that specific ethnic characteristics of the Hmong (such as clan relations and leadership institutions) had an important influence (Alton, Bluhm et al. 2005, Chanthavong, Xayleuxong et al. 2009).

> It is clear that the success of rubber production in Ban Hat Nyao is related to their Hmong ethnicity and its concomitant societal structure and its culture. The traditional community organization exhibits a great deal of solidarity behind its leadership once decisions are made…The Hmong work ethic is renown, which seems compatible with labour requirements for para rubber tree cultivation. (Alton, Bluhm et al. 2005:74).

Ban Hat Nyao was a site of immigration that incorporated Hmong immigrants from China who had connections and experience cultivating and tapping rubber trees in Sipsongpanna (Alton, Bluhm et al. 2005). The importance of trans-national and national ethnic and kinship networks for successful smallholder adoption of rubber trees in Northern Laos has been well documented (Alton, Bluhm et al. 2005, Vongkhamor, Phimmasen et al. 2007, Shi 2008). The decision to plant rubber was made independently of state intervention and was managed under the strong leadership of a well-educated village headman, who encouraged debate and arranged for some villagers to visit Sipsongpanna to see rubber cultivation first-hand before a collective village decision was made to plant the trees. Villagers eventually decided to plant rubber because they had limited land suitable for paddy rice and felt their experience tapping opium poppies could translate into tapping rubber (Alton, Bluhm et al. 2005). They zoned some of their upland rice fields for rubber trees, fenced them off to protect from livestock and created a fire-wall to separate the trees from the rice. This prevented conflicts with rice cultivation and livestock husbandry. Because rubber was introduced prior to the enforcement of the LFAP in 1997, it is likely that the more flexible community tenure

arrangement facilitated land zoning and reduced land use conflicts. Rubber trees were owned by individuals but managed under a community-defined system of rules, obligations and penalties (LSUAFRP 2003:5, Alton, Bluhm et al. 2005, Chanthavong, Xayleuxong et al. 2009). In addition to support for technical knowledge and inputs from relatives across the border in China, Ban Hat Nyao had support from the district government. The District Vice Governor was Hmong and facilitated access to low interest loans, trans-border training and technical support (Alton, Bluhm et al. 2005, Manivong and Cramb 2008).

Villagers in Ban Hat Nyao began tapping for latex in 2002, and the transition to rubber trees has proved an economic and livelihood success, and villagers have been able to repay their loans. However, this success was not repeated in other villages in the area. Khmu and Akha villages that also had trans-border ethnic networks, were given training and loans, and had organised systems to manage conflicts between animals and crops were unsuccessful in integrating rubber into their agricultural systems (LSUAFRP 2003:5, Alton, Bluhm et al. 2005). In December 1999, frost killed many of the young rubber trees in Luang Namtha, and many villagers then allowed the land to revert back to fallow and rice swidden (Alton, Bluhm et al. 2005). Government officials and Hmong entrepreneurs have sometimes attributed the failure of rubber to inherent ethnic flaws of the Khmu (Alton, Bluhm et al. 2005).

In Laos, rubber is planted in upland fields after clearing and burning the swidden fields, in most cases under situations of restricted land access. On sloping lands, bench terraces – meter-wide flattened ribbons cut along the contour of the hillside – are built so that the trees are planted on levelled land. Generally, rubber is planted in between the main rice crop during the first year, and intercropping[139] for rice and other crops (e.g. Job's tears, maize, groundnut, pineapple, cardamom or sesame) is possible during the first few years before the rubber grows taller and shades out the other crops (Vongkhamor, Phimmasen et al. 2007). However, once the trees are planted farmers can no longer burn the field and therefore rice cultivation becomes more difficult because of problems with soil fertility and weeds. Farmers in Ban Hat Nyao have tried raising honey bees in the rubber plantations, while farmers in Yunnan have had some success

[139] Intercropping describes a system in which one or a few crops are grown in the same field to complement production, diversify income sources, and reduce household risk to fluctuating yields and prices of a single crop. Intercropping can be ecologically beneficial since often monocultures require application of fertilisers and pesticides in order to maintain soil fertility and maintain yields. Agroforestry can be seen as a complex type of intercropping in which tree crops are planted on the same land as agricultural crops or where livestock are kept.

intercropping rubber with Chinese litchi trees, passion fruit and teak, all designated for the market (Fu, Guo et al. 2005). Intercropping with other longer-term cash crops alleviates some of the risk of being dependent only on rubber. However, in Laos rubber tends to be managed as a monocrop tree plantation after the first three years of establishment, making the land unproductive until the trees are ready to be tapped.

Rubber takes about 7-8 years before it produces latex. Once a rubber tree is mature, latex can be tapped for about 25-30 years, after which the tree can be cut for timber and used for furniture. Tapping is done in the very early morning (3 AM until 6 AM), and collection of the latex at about 9AM, which has a potential consequence for disrupting sleep patterns (Vongkhamor, Phimmasen et al. 2007). The waiting period for rubber trees to generate income poses potentially serious livelihood concerns for Lao swidden farmers who plant rubber on their limited land holdings. Although farmers generally do not use all of their land for rubber trees, since land resources are restricted to three upland plots by the LFAP, unless they gain informal access to additional land, farmers will be forced to cultivate their other fields more frequently leading to ecological and labour problems and increasing vulnerability to food insecurity and debt. Farmers facing such constraints may sell their rubber trees in order to meet subsistence or immediate cash needs, eventually leading to piecemeal displacement of villagers from their land. Such a process of displacement and class formation resulting from the introduction of permanent tree crops has been described by Tania Li (2002c, 2014) in upland Sulawesi, Indonesia, where planting of commercial cocoa in swidden systems led to enclosure of land, piecemeal sale of trees (and land), and the eventual dispossession and formation of a landless class of villagers who worked as labourers for their neighbours. Dispossession from land through the sale of teak trees has already occurred across Pak Ou District, and it is likely that rubber trees will result in similar process of accumulation and dispossession. In Luang Namtha, where rubber was introduced earlier, piecemeal dispossession of rubber trees has already occurred, in spite of provincial support for smallholders.

Farmers planting rubber in Laos face a number of risks. Although rubber prices were continually increasing when rubber was introduced in the mid-2000s, and were predicted to increase steadily over the next decade in response to demand by rapidly industrialising China and India (Vongkhamor, Phimmasen et al. 2007, Manivong and Cramb 2008), the market for rubber is highly volatile and the price is influenced by the price of oil and synthetic latex. In 2006, Thai

rubber farmers protested to gain government support to protect producers and institute a minimum price for rubber in response to a 60% drop in price over a few months (Boonchote 2006, cited by Vongkhamor, Phimmasen et al. 2007). Similarly, during the economic recession of 2008, rubber prices dropped by 30% within one month (from September to October 2008), prompting Chinese businesses to default on the purchase of more than 10,000 tonnes of rubber from Southeast Asia because of slowing industrial growth in their country, primarily in the automobile industry (Reuters 16 October 2008). The drop in rubber prices coincided with an extreme rise in global food prices, and the price of rice in Laos was unprecedently high (Chanpheng Sengmanykeo, personal communication). Rubber prices in Luang Namtha also drop when traders offer lower prices if there is a local 'oversupply' (VT 2012, Sept 7). During my fieldwork in June-July 2015 in Luang Namtha, farmers were not tapping mature rubber trees because the prices for latex were so low, and in some districts in the province, mature rubber trees were being cut down and replaced with banana trees, also for Chinese companies. Such price volatility highlights the dangers of complete dependency on rubber and on one particular buyer. In the context of rising food prices, such defaults, even in the short term, may be devastating for small rural producers and impel the sale of land and trees. Furthermore, shifts in trans-national trade agreements also pose potential market problems. Temporary closure of border trade between Laos and China in 2006, a Chinese response to the growing informal import of latex from Laos, had a negative impact on rubber farmers of northern Laos who were 100% dependent on the Chinese market (Vongkhamor, Phimmasen et al. 2007, Manivong and Cramb 2008).

Planting rubber in Northern Laos is also risky because the climate and ecological conditions are not ideal. In 1999, a heavy frost killed many rubber trees in Luang Namtha, and since most rubber is planted in high altitudes (above 700 masl) the risk of this occurring again is high (Alton, Bluhm et al. 2005, Manivong and Cramb 2008). In Luang Prabang province, newly planted rubber trees died because of cold temperatures, root damage from termites and moles, and possibly also lack of water (Vongkhamor, Phimmasen et al. 2007). The environmental impact of rubber is an additional concern. Villagers have expressed worry over the impact of monocropped rubber plantations on local hydrological systems and water availability for their other crops (Alton, Bluhm et al. 2005:52). Furthermore, evidence suggests that communities and companies are clearing forest lands and very old fallow for rubber, often areas designated as conservation or community forests. Because plantations are legally defined as forests, this destruction of 'natural'

forests can be represented as reforestation. It is also likely that villagers who plant rubber will clear new land to plant rice, which will increase the area affected by rubber. In spite of the problems, detailed analysis of the economic benefits of rubber in Ban Hat Nyao which take into account risks, market uncertainties, alternatives, and likely future market conditions indicate that, overall, indicate that smallholder investment in rubber cultivation in northern Laos is economically worthwhile (Manivong and Cramb 2008).

Although there has been widespread smallholder investment in rubber in Laos, a considerable amount of rubber has been planted as plantation concessions by international companies, part of the increasing transnational process of 'land grabbing' by foreign companies in poor countries with weak protection for local land rights and lack of transparency in governance. The following sections describe the situation of land concesssions in Laos and the impact this has had on highland villages.

Situation of land concessions in Laos[140]

Since the mid-2000s, Laos has experienced a steady increase in foreign investment, primarily in mining[141], hydropower, and agriculture. A recent report based on preliminary analyses of data collected from across Laos estimates that about five million ha, approximately 21% of the total territory of Laos, have been leased or conceded[142] to foreign and domestic enterprises (Wellmann 2012). The Lao government has approved 4,470 investment projects, in total worth approximately US$24.4 billion, of which about US $19.4 billion comes from foreign investments (VT 2012, June 26). In the agricultural sector, foreign investment accounts for about 85% of land concessions, primarily for plantations of rubber, eucalyptus and sugar, with recent interest in jatropha for biofuels. About 50% of this investment comes from China, followed by Thailand, Vietnam, Korea and India (Wellmann 2012).

In spite of a comprehensive legal and policy framework intended to centralise control of concession allocation in Laos, the actual practice of granting concessions is chaotic and non-

[140] Parts of this chapter were prepared as a paper for the Land Deal Politics Initiative (LDPI).
[141] Mining exploration projects account for about 85% of conceded area (Wellman, 2012).
[142] Article 2 of Prime Ministerial Decree 135 on 'State land leases and concessions' (2009) differentiates between land leases, which authorise organisations, individuals, and or juridical entities etc. with *rights to use land* based on conditions and terms of contract *with no minimum time duration*, and land concessions, which authorise individuals or juridical entities *the right to operate business using state land within a specified time frame* and according conditions outlined in the contract. Concessions have a minimum duration of five years.

transparent, involving various state departments and different scales of government, which do not always communicate about what is occurring on the ground. Concession projects do not necessarily comply with laws and regulations, terms of contract are often violated, and land zoned for other purposes or under local or other legal claims is conceded, sometimes concurrently to more than one company for different purposes (Nanthavong, Schoenweger et al. 2009). There have also been allegations that some concessions are cover-ups for logging, and the land is left idle once the trees are cleared (Barney 2008, Schuettler 2008, VT 2012, Aug. 14), and state officials have expressed concern that plantations are becoming a prime cause of forest clearing (VT 2011, Sept. 16). Accusations of corruption are emerging, as some state officials have allegedly benefitted from conceding or leasing land to companies in contradiction with national legislation (Nanthavong, Schoenweger et al. 2009, Baird 2011, VT 2012, July 27, Smith 2012a, Smith 2012b). Although, legally, plantations are supposed to be established in areas zoned as 'production forest', a study of concessions across Laos found that twenty-three percent of all types of land deals were established in areas categorised as 'protection forest' (Schönweger, Heinimann et al. 2012). Because of the dynamic and chaotic situation on the ground, the actual amount of land involved in agricultural concessions is unclear. However, it is estimated that the area planted with rubber trees has expanded rapidly over the past ten years, from approximately 900 ha in 2003 to 28,574 ha in 2007 (Douangsavang, Thammavong, et al. 2008), to an estimated 261,000 ha in 2014 (VT 2014, Oct. 9). The national government has made a series of attempts to assert greater control over the allocation of leases and concessions in the country through revising legislation and enforcing a series of moratoriums to contain the situation, the most recent of which was announced in June 2012. In addition, attempts are being made to keep track of the situation of land concessions in the country. Between 2009-2011, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) funded a project under the National Land Management Authority (NLMA) (which has since been absorbed into the new Ministry of Natural Resources and the Environment (MoNRE))[143] to undertake a comprehensive national inventory and spatial mapping of land concessions in Laos (Schönweger, Heinimann et al. 2012, Wellmann 2012). In addition, the Land Issues Working

[143] The study was undertaken by the Land and Natural Resources Research and Information Centre (LNRRIC), under the NLMA between 2009 and 2011. On 24 June 2011, the government established the new Ministry of Natural Resources and Environment (MoNRE), merging the NLMA, the Water Resources and Environment Administration (WREA) and the Geology Department under one ministry. The LNRRIC was renamed the Natural Resources and Environment Information Centre (NREIC) to reflect a broader mandate (see Wellmann 2012).

Group (LIWG), a subgroup of the Lao international NGO network, is currently compiling a data base of the situation of concessions and their impact on local people, based on submissions by development workers and researchers working in different parts of the country.

Transnational agro-industrial investments in Laos intersect with the broader policy goals of the Lao government for 'modernisation' and development, and the objective to shed Lao's status of Least Developed Country (LDC) by 2020, to be accomplished in part by increasing direct foreign investment in the country. This has been described in chapter two. Tree plantations form an important component of the national forestry strategy, as a way to bring highland farmers into the market and to manage forestlands for national economic development and conservation[144] (GoL 2005). For about two decades, a major goal of the state has been to modernise and sedentarize highland farmers practicing shifting (or swidden) cultivation and to utilise upland resources to fund national development, essentially turning 'land into capital' (Dwyer 2007). As described in chapter two, these mountainous areas make up about 80% of the country and are legally designated as state forests regardless of actual tree cover or use (Lao Forestry Law 2007) . Highland farmers, often ethnic minorities who make up about 50 % of Lao's population, live and farm in these 'political forests' under various forms of customary tenure. Because these forest-farm landscapes legally belong to the state, highland farmers have historically had little recourse to negotiate for their territorial rights in the face of more powerful commercial interests. The expropriation of village lands is further legitimised because the government equates shifting cultivation, with 'backwardness', wasteful use of resources, and forest destruction, and assumes a causal association between swidden cultivation and poverty (MAF 1999, GoL 2005, Rigg 2005). This constructs highland farmers as targets for state and development projects intent on improving their well-being, but which sometimes act to their disadvantage.

As described in previous chapters, the Lao government has implemented various policies intended to eradicate shifting cultivation and modernise highland villages. Upland farmers are being encouraged to grow cash crops for the market and the cultivation of swidden rice is being actively discouraged. Remote villages and those with less than fifty households are being resettled to roadsides with the rationale of providing better access to services, increasing land pressure along

[144] At the time this document was released (2005), it is clear that the government was not anticipating the rapid expansion of tree plantations in the country. Rubber, which has become probably the largest plantation crop in the Laos, is mentioned only in a footnote in the document.

roads (Vandergeest 2003, Baird and Shoemaker 2007). Landscapes have been ecologically zoned according to slope rather than land use or forest cover, and the 'Land and Forest Allocation Policy' (LFAP) has been deployed to demarcate community boundaries, zone village lands for specific forest types and uses, and transform customary communal tenure systems into more clearly defined private property rights (Vandergeest 2003). These various policies can be seen as forms of *governmentality* (Foucault 1991), through which the state intervenes to improve the 'wellbeing' of the population, to structure how people perceive and interact with their environment, and to influence the 'appropriate' use of resources within its territories. Such policies also act to increase 'legibility', state bureaucratic knowledge about people's activities, populations and environments, in order to improve state planning and increase control over peoples and territories (Scott 1998). The combination of the various state policies in the highlands has restricted village territorial resources and increased livelihood hardship for highland farmers by making swidden systems less viable (Lestrelin and Giordano 2007, Lestrelin 2010). Furthermore, these policies legitimize expropriation of village lands and intersect with the push to increase foreign investment in concession agriculture. Highland villages are subject to the constant threat of displacement, often in the name of their own development or for the 'good of the nation'. The idea that social disruption is an unfortunate but necessary cost for longer term national development is widely accepted by state officials (Baird 2011). Agrarian transitions from subsistence to 'capitalist' modes of production generally involve land enclosure, dispossession, and social resistance. The dispossession of highland villages to make way for rubber plantations has provoked piecemeal small-scale resistances in a country where open critique of the government is risky and participating in overt social movements are dangerous. The following section provides a theoretical framework for understanding the emergence of resistance of marginal peoples in the face of power.

Concessions and resistances

> Relations of domination are, at the same time, relations of resistance. Once established, domination does not persist of its own momentum. Inasmuch as it involves the use of power to extract work, production, services, taxes against the will of the dominated, it generates considerable friction and can be sustained only by continuous efforts at reinforcement, maintenance, and adjustment. A good part of maintenance work consists of the symbolism of domination by demonstrations and enactments of power. Every visible, outward use of power – each command, each act of deference, each list and ranking, each ceremonial order, each public punishment, each use of an honorific or a term of derogation – is a symbolic gesture of domination that serves to manifest and reinforce

> hierarchical order. The persistence of any pattern of domination is always problematic, and one may well ask what, given the resistances to it, is required to keep it in its place. **(Scott 1990:45)**
>
> Dear colleagues; I see that it is a pity for all Lao peoples around the country, because everywhere government authorities are preserve all land which owned by villagers from long times and compensate a very low cost to the villagers and then these authorities sell it to the foreign investors with higher price; The end of every project or investment is become by villagers have not owner land and place for living and they become a labour to foreign investor example: in Nambak district, Louangprabang province; Therefore I think now it is time for every body to fight for our justice and freedom; (*sic*) **(Message from Lao development worker, posted to LaoFab Listserve, August 2, 2013)**

It is estimated that about 13% of villages in Laos have at least one concession within their boundaries (Wellmann 2012). The negative impact of land concessions on local populations has been documented in case studies published in academic articles (Barney 2008, Baird 2010, Baird 2011), in grey literature published by international non-governmental organisations working in Laos (Dwyer 2007, Shi 2008), and in increasingly critical articles in the Vientiane Times, Laos' English newspaper, which until fairly recently was highly controlled and rarely published critiques of government policy. In the June 2012 meeting of the Lao National Assembly (NA)[145], which meets each year and allows citizens to phone a hotline and submit petitions to raise grievances, land disputes were the main issue of concern (VT 2012, July 27). Illegal encroachment on village lands, inadequate compensation paid to villagers who have lost lands to concessions, and unfulfilled promises of local benefits made by companies were common complaints (VT 2012, July 27).

Over the past ten years, isolated cases of overt local resistance to foreign-owned concessions on village land have begun to emerge in different parts of the country, some of which have gained the attention of national and regional media and have become topics in informal on-line discussion networks of Lao and international development workers. However, resistance is not always overt and easily recognisable, and can be ambiguous, difficult to classify, and may appear as compliance (Scott 1990, Amoore 2005, Turner and Caouette 2009). Because of the potentially risky consequences of open protest in Laos and the slim chance of resolutions in favour of villagers, it is likely that there are many cases of 'quiet' local resistance occurring throughout the country that are going unrecognised.

[145] The NA enables villagers who have been unable to resolve their concerns with their district and provincial government representatives to have their complaints investigated and dealt with by the NA or referred to appropriate government agencies.

What constitutes resistance? Conventional binaries between compliance/resistance, state/non-state, and global/local fail to capture the complexity of multiple, fragmented, contradictory, and situated forms of resistance. Theories of resistance highlight its different qualities, ranging from 'hidden' everyday resistance embedded in local socio-cultural life and daily practice, to overt large-scale social movements, from peaceful non-compliance to outright confrontation and violence. Resistance by 'marginal' or subordinate groups evolves according to local world views and material experiences of domination, influenced also by exposure to regional, national and international political narratives, ideologies and movements. These supra-local linkages act to constrain and/or open up new spaces and ideas for non-compliance and for local confrontation of unequal power relations. With increasing linkages between the local, national and global, forms, discourses and actions of resistance interact and overlap. Some key theorists of resistance include Polanyi, Foucault, Gramsci and Scott, each of whom presents important ideas about how and why resistance emerges and the various forms that resistance takes. The following section provides an overview of the main arguments of these writers. I further attempt to connect theories about resistance to the struggles over property, resources rights and labour that are at the heart of local struggles against transnational land grabs for rubber concessions in Laos.

As described in the introduction of this thesis, Polanyi (2001 [1944]), in his examination of industrial capitalism in Europe, focuses on resistance to capitalism and to the impact of unfettered free markets on nature (land), people (labour) and money (capital). For Polanyi, resistance emerges from both the state and civil society in response to capitalist forces, which encourage the exploitation of people and nature with the goal of generating surplus. When not contained, market forces treat land, labour and money as pure commodities to be valued only according to market principles. However, these are 'fictitious commodities' because they have social functions and their main purpose is not to serve the market. The expansion of capitalism incites a 'double-movement' – the establishment of laws and institutions by the state and society designed to regulate, protect and resist market exploitation of land, labour and money in order to protect their social value.

Power relations are at the core of resistance, and different forms of resistance are contextual, emerging within specific constellations of power and shaped by different but interacting worldviews and meanings. According to Foucault, power is never abstract but is exercised through all social encounters, practices and institutions as a relationship between

domination and subordination. Power always includes the possibility of resistance, which emerges 'right at the point where relations of power are exercised' (Foucault 1972:142). Forces of resistance and domination are thus mutually constituted, evolving and continually renegotiated to shape and reshape each other – resistance itself makes concealed power relations visible (Foucault 1994). However, power is often exercised through routine practices that render it invisible to its subjects, generating unconscious compliance (Foucault 1991).

Foucault's ideas about how power operates through everyday practices of domination resonates with the work of Gramsci (2008 [1971]) who also problematizes the distinction between the articulated interests of the ruled and the rulers and between compliance and resistance by looking at how those in power socialise the subordinate class. Gramsci seeks to explain why subordinate classes do not collectively organise against their economic exploitation. He argues that state and elite interests are served by hegemonic ideologies and practices, promoted within state and non-state institutions, policies and media, which shape the values of subordinate groups so that they comply. Resistance by subaltern groups does not initially emerge from a clear ideology or 'collective class consciousness', but arises 'spontaneously' in response to specific material circumstances and place-based experiences of exploitation, and is expressed through local meanings and understandings of the world – local 'common sense'. Because the subordinate class is fractured by different interests, identities and particular experiences of exploitation and because broader class consciousness is submerged by the dominant hegemony, Gramsci argues that the emergence of a collective social movement needs to be explained not by adherence to an abstract ideology, but by how these various spontaneous in-place resistances become unified and articulated under one collective 'theoretical consciousness'. Multiple and dispersed wills with different goals are welded together under a single purpose and common philosophy through the emergence of 'organic intellectuals'.

> The unity between 'spontaneity' and 'conscious leadership' or 'discipline' is precisely the real political action of the subaltern classes, in so far as this is mass politics and not merely an adventure by groups claiming to represent the masses. (Gramsci 2008 [1971]:198).

Unlike Foucault, Gramsci argues that subordinate groups sporadically recognise their exploitation by and relative position with those in power, but because they are not a homogenous group and are fractured by multiple and shifting interests and identities, their resistances are fragmented and situational and they fail to recognise broader collective class interests. Compliance and resistance coexist, and resisting groups and forms of resistance are contingent and transitory, conforming,

cooperating or resisting depending on particular situations and constellations of power. Stuart Hall's work on the articulation of group identity as a contingent political positioning in the context of particular situations of conflict or oppression builds on Gramsci's ideas of the emergence of resistance (Hall 1996, Li 2007b). In the context of globalisation, transnational ideas, narratives and actors with overlapping (but not identical) interests collaborate creatively in forging group identities and possibilities for resistance in the face of oppression.

James Scott also situates the emergence of resistance in the place-based experiences of subaltern groups, but focuses on what he refers to as 'infrapolitics' and covert 'everyday forms of resistance' in the face of intimate and immediate relations of power, often provoked in defence of subsistence and material interests (Scott 1976; Scott 1986; Scott 1990). Actions like pilfering, foot-dragging, gossip, clandestine sabotage, and so on, undermine the authority and productive enterprises of perceived exploiters or groups with relatively greater power when the risk of outright resistance is too great and chances of success are low. Scott emphasises that actions that benefit subordinate groups materially, such as theft of grain from a wealthy landowner, should often also be seen as a form of resistance against exploitation and inequity. These acts of resistance function to balance power between subordinate groups and the dominant elite by constraining exploitative relationships. They also act as a foundation for the formation of collective consciousness directed against perceived oppression and for more visible and collective acts of resistance. Scott argues that subaltern groups retain a self-conscious awareness of their exploitation in face of hegemonic discourses and institutions and are pragmatic about the possible costs and benefits of outright resistance. While they may appear to overtly accept exploitative situations, their compliance is a performance enacted in the face of power. This is different from Foucault and Gramsci, who both argue that subordinate peoples are blinded to their situation by hegemonic discourses and processes of governmentality. According to Scott, in order to perceive resistance in the face of subordination, one needs to examine 'hidden transcripts', encoded acts of insolence and anonymous actions rather than overt confrontation (Scott 1990).

Scott (1990) highlights how subdominant groups utilise 'public transcripts' – the dominant discourse used by the elite to legitimize their power – to appeal for better treatment (and as resistance against mistreatment) by holding those in power accountable to the 'meaning' of their own rhetoric. For example, if state power is justified by 'caring for' the population, then this argument can be used to challenge policies that create hardship, holding those in power

accountable to their word. This theme is expanded by O'Brien and Li (2006) in their description of modes of resistance in China where outright resistance can have severe repercussions. Applying what O'Brien and Li refer to as 'rightful resistance', Chinese peasants identify and exploit divisions within the state, employing national laws and the 'values' proclaimed by state discourse and policy to constrain actions of corrupt local officials and economic elite. This is a kind of resistance is 'partially sanctioned' and stays within the boundaries of legality while putting pressure on those in power to scrupulously adhere to the laws and values they profess to support. Rightful resistance uses pre-existing channels of contention while at the same time transforming these channels. By holding local state representatives accountable to the 'dominant state discourse', policy and law, peasants in China have been able to resist localised conditions of oppression by corrupt officials and elites.

In the case of transnational land grabs in Laos and elsewhere, local resistance emerges in response to new contestations over access to land, and therefore intersects directly with on-going struggles over property and resource rights. Resistance against dispossession from land or resources simultaneously involves a claim to possession of these resources. In this way, theories of resistance merge with theories of property rights. Hall, Hirsch and Li (2011) emphasize the 'double edge' of exclusion[146], arguing that 'all land and access requires exclusion of some kind' (Hall, Hirsch et al. 2011:4). They identify four central 'powers' that influence exclusion – regulation (formal and informal laws, policies, land zoning, and rules of land access and use), force (violence and the threat of violence), the market (prices and incentives for individual land rights) and legitimation (moral claims to land, justifications for regulation, market and force, including narratives and counter-narratives justifying competing claims) (Hall, Hirsch et al. 2011). I argue that everyday forms of resistance and 'everyday forms of retribution' can also be considered forms of force because, while such practices may not necessarily involve violence, they act to influence the behaviour of others and undermine more powerful claims on land and labour. Because resistance to dispossession is at the same time a counter-claim to possession, these various forces are also often at play in overt and covert processes of resistance. Claims to perceived rights from which subalterns are excluded (whether these are for land, fair wages, employment, social services,

[146] Hall, Hirsch and Li differentiate between exclusion as a condition (that poor do not have access to land, resources, services, etc.) and exclusion as a process (that poor are actively dispossessed or evicted from the resources that they did own by powerful actors).

respect, etc.) and struggles against dispossession from 'held' rights are often at the root of both struggles over property and the emergence of various forms of resistance. Seen through the frame of resistance, regulation can act both to expropriate resources from less powerful people, but also can act to support their resistance against dispossession by protecting their rights and interests (as argued by Polanyi and O'Brien and Li). Counter-claims to property in the face of dispossession are a form of resistance to exclusion, and may take the form of legitimating narratives to support rights, as well as actions through which local people attempt to assert more exclusive land claims and keep others out. Collective local identities articulated to assert claims as 'legal citizens', as 'indigenous peoples', and so on are often forged in the face of threats of dispossession, and can be seen as 'resistance identities' which are constructed according to specific historical trajectories and constellations of power and in context of exposure to particular discourses or ideologies circulating at the local, national and transnational scales.

The remainder of the chapter describes the case study of the introduction of a Chinese rubber plantation into Houay Kha, and the various processes by which the Khmu attempted to resist the appropriation of their land.

Introduction of rubber into Pak Ou District

In northern Laos, the main concession crop is rubber, and the rapid expansion of rubber trees introduced through plantation concessions, contract farming arrangements, and independent adoption by highland farmers seeking to improve their livelihoods has transformed social relations and landscapes (Manivong and Cramb 2008, Mann 2009, Thongmanivong, Fujita et al. 2009, Ziegler, Fox et al. 2009). Rubber in northern Laos is being introduced primarily by Chinese companies as part of a wider trend of trans-national expansion of Chinese commercial interests that are enclosing natural resources in less developed countries around the world. China has all but exhausted the possibilities for expanding rubber plantations within its own borders[147]. Most rubber in China is produced in Yunnan, on the border of Laos. Although considered to be economically successful, rubber in Yunnan was introduced in a protected environment in which markets were guaranteed and prices were fixed, which does not reflect the situation in Laos. Furthermore, the intensive method of cultivation has resulted in severe erosion so has likely undermined future

[147] Possibilities for growing rubber in China are limited by its colder climate, so it's only a suitable crop for the southern provinces.

sustainability of rubber production in that province. This is the same management system currently promoted in Laos. The investment in Laos is an example of China's 'international development policy', which is centred on encouraging overseas investment, trade and migration (*'zou chu qu'* – 'to go out') (Cohen 2009). Chinese interest in developing rubber concessions in Laos and other parts of Southeast Asia is driven by the need for resources to fuel China's rapid industrialisation, as well as by the average increase in global prices for natural rubber in the past ten years, and predictions for continued price increases over the next decade (Vongkhamor, Phimmasen et al. 2007, Douangsavang, Thammavong et al. 2008, Manivong and Cramb 2008). Although clearly a commercial enterprise, rubber plantations in Laos are promoted by the Chinese government as a development intervention to improve incomes of upland communities, and particularly as an opium replacement strategy that targets the source of illegal drugs imported into China (Cohen 2009). Thus, Chinese rubber enterprises are subsidised with loans and tariff exemptions by the Chinese government.

According to the Luang Prabang Provincial Agriculture and Forestry Extension Services (PAFES), Chinese companies have submitted plans to plant 20,000 ha of rubber in the province, targeting the neighbouring districts of Pak Ou and Nambak. Rubber planting in Nambak district began in 2003, and by 2005 rubber plantations and contract farming arrangements had already been established. The area planted with rubber trees in the province expanded rapidly between 2005 to 2006, from about 300 ha to approximately 2500 ha in that year alone (Vongkhamor, Phimmasen et al. 2007). At the time of my research, rubber was being newly introduced into Pak Ou District under three main management schemes – leases of state land for rubber plantations, contract farming arrangements, and independent adoption of rubber trees by interested farm households. In all cases, the companies involved were Chinese or Lao-Chinese joint ventures.

The management systems for commercial rubber production in Pak Ou District are similar to those described for other parts of the country (Dwyer 2007, Manivong and Cramb 2008, Shi 2008, Thongmanivong, Fujita et al. 2009)[148]. Each management system implies a different distribution of costs and benefits between farmers, companies and the state, and different

[148] In Luang Namtha, an additional approach is through farmer associations, in which the farmers are organized in groups and land is allocated to individual farmers who are members of the group. Farmers share labour for planting and each farmer has to sign an agreement with the association about caring for the trees. If some farmers ignore the agreement, in principle their areas of planted rubber trees will be handed over to other farmers for continuous care and maintenance. This system had not been introduced into Pak Ou District at the time of the research.

implications for village property rights. In all cases, the government will earn money from levying taxes on rubber production. The exact amount of tax is unclear (rubber was not yet being produced in Pak Ou District), and District officials had conflicting understandings of how much the government would gain. Some expected that farmers would be charged at the same rate as if they had planted lowland rice (16,000 kip/ha), while others explained that the government would take a percentage of the profits (as described below). What was clear was that the government stood to benefit financially more from rubber than from upland subsistence crops.

The first management approach involved large-scale concessions, in which the district government formally granted long-term leases of 'state forests' to Chinese companies for the development of rubber plantations. The land conceded was most often legally defined as degraded state forest, although used for upland rice cultivation under customary rights, but formed part of village territory, leading to contested claims and various forms of local resistance against displacement. This model is known as '4+1' with the Chinese company providing 1. Capital and technologies (saplings, tools for tapping the rubber trees, transportation, etc.), 2. technical expertise for plantation rubber, 3. a market for the latex, and 4. land on which the trees are planted (leased from the Lao state). The farmers provide labour. While most profits from rubber go to the company, farmers were anticipated to benefit from new wage labour opportunities (planting, digging holes for the trees, clearing land, caring for and maintaining the trees, and eventually for tapping the rubber), and the district government would benefit from income earned through renting or taxing the land and from a percentage or tax on the profit once the rubber trees begin to produce. According to the district office in Pak Ou, the Chinese company initially wanted to bring its own employees from China to care for the rubber plantations, but the government did not allow this. This is supported by the Law on the Promotion of Foreign Investment (1994), which requires foreign companies to restrict the number of foreign labourers to 10% of the workforce, that is intended to secure local benefits to wage labour from the plantation and other foreign enterprises in the country. Local wages for particular tasks were specified in contracts held by the province and the district.

The second main management approach is contract farming, in which farmers sign individual contracts with the Chinese company, agreeing to plant and manage rubber trees on their own lands and to sell the latex to the company once the trees become productive. The farmers maintain ownership of their land, and continue to grow other crops and maintain livestock on their

other fields. This model is locally referred to as '2+3'. The farmers provide land and labour (for cutting the trees, digging holes, planting, caring for the trees and eventually for tapping the rubber). The Chinese company invests capital, provides technical expertise and a market for the latex. In Pak Ou District, according to DAFO, the profits are to be divided 65% to the farmers, 30% to the company, 2.5 % for village microcredit, and 2.5% for DAFO to cover technical support. This is similar to contract farming arrangements reported elsewhere, which range between 60 to 70% of profits for farmers and 30 to 40% of profits for companies, depending on the specific contract. According to district officials, a percentage of total profits is taken by the government for taxes before the profits are divided, but the officials interviewed were reluctant to tell me the exact percentage.

The third management approach is the informal and independent adoption of rubber by farmers independently of the company. In this case, farmers use their own capital to purchase saplings and learn the cultivation techniques themselves, under the assumption that they will eventually be able to sell latex to the Chinese company at a better price than if they were tied into a contract. In Houay Kha, where contract farming with the Chinese was not promoted as an option, eight households had planted rubber independently. Three of these were resettled Hmong families who had obtained seeds, technical knowledge and capital from relatives who had experience with rubber in other parts of the country. Five were Khmu households who had planted rubber under an informal contract arrangement with the Yao business man from Luang Prabang who also had planted teak in the village. He had supplied the Khmu with capital in exchange for their land and labour, but as with the teak trees (described in chapter four), three of the Khmu households had borrowed money from the man, and had repaid their debt by giving him the trees and possibly the land as well. In the northernmost parts of Luang Prabang Province, a significant proportion of farmers who have planted rubber have done this independently of the company (Vongkhamor, Phimmasen et al. 2007).

The choice of management system under which rubber was introduced to different villages in Pak Ou District depended on which stages of the Land and Forest Allocation Policy (LFAP) had been completed. As explained earlier in this thesis, all stages of the LFAP had been completed in the villages along the road and villagers had been formally allocated private usufruct rights to individual land parcels. In these villages, contract farming arrangements were promoted, but villagers could choose whether or not to plant rubber. The conflicts that arose from planting highly

flammable rubber trees into swidden systems already experiencing land shortage have been presented in chapter four. Paradoxically, the deployment of fixed private land holdings may have had the perverse effect of making it more difficult for farmers to individually plant rubber on their private landholdings because of less flexibility in the tenure systems which might have made it easier to deal with these conflicts.

In remote villages, where only the first stage of the LFAP (the demarcation of village boundaries) had been implemented, district officials argued that the land still belonged to the state, so applied the final stage of the LFAP (the allocation of private rights to individual land parcels) to redefine village territorial boundaries so that these encompassed a smaller area than originally demarcated, in order to legally free up land for lease to Chinese rubber companies. This process will be described below in more detail. Thus, even though the privatised rights provided by the LFAP are only usufruct rights (represented by Temporary Land Use Certificates) and do not confer full ownership (the land is still legally considered to be state forest), these rights did provide farmers with some security against outright dispossession by rubber concessions.

The following case study provides an account of ongoing local resistance to a Lao-Chinese joint venture rubber plantation introduced into Ban Houay Kha. Villagers creatively combined different types of resistance in their opposition to the company, and had been able to successfully obstruct the expansion of the plantation within their territory and maintain hold of most of their land. This case is likely representative of small-scale struggles against dispossession by land grabs which are happening across the country, but which do not make national headlines. It differs from the reported cases of overt resistance in Laos (which will be described near the end of the chapter), since these have rarely met with success.

Rubber in Houay Kha

Sitting on the floor of a small woven bamboo hut in Ban Houay Kha, a group of villagers and I concentrated on a large piece of white paper spread out across the floor between us. The conversation was lively as Ponsak the village headman took a large blue marker and drew a rough map of the village, pointing out where the different resources and crops were located. He focused on drawing the hamlet and houses, then on the winding streams and valleys, followed by the tops of mountains and large limestone karsh formations within the village territories. The map included

multiple perspectives, but no boundaries were drawn around the village perimeter. While drawing, he explained:

> We had land allocation in the village. Before, the government gave individual households three places for cropping, but this was not permanent…. We had land allocation, but no allocation with paper. They said they would, but they didn't do anything, just made the order. Before, when we had land allocation, we were told that we owned the area with the rubber. Before, we cropped on both sides of the stream.

Then, using a thick red marker, Ponsak drew a perimeter around the forest and cropland that had been taken that year for a Lao-Chinese rubber plantation. It comprised more than half of the most fertile village land and forest. In subsequent interviews with the different households in Ban Houay Kha, it became clear that the land which had been given as concession had the best soils, was under customary forms of tenure, was the area that was most often cropped by farmers, and was the land on which some farmers, in compliance with state policy and with encouragement of other development projects, had begun to grow more permanent cash crops such as paper mulberry, teak, pineapples and fruit trees. The lands that were being left to the people of Ban Houay Kha had poorer soil and problems with imperata grass *(nya kha)*.

Throughout the interview, Ponsak emphasised that land allocation had already been enforced in the village and that the community boundaries had been defined by the state. After the village boundaries were defined, the people of Houay Kha had understood that the land belonged to them (rather than to neighbouring villages) and that, apart from logging (which is banned by the state for commercial purposes, although local people are permitted to cut trees for houses), they would have some say in how it would be used. State officials had informed them that they needed to allocate three upland fields per household in order to comply with the Land and Forest Allocation Policy (LFAP) (as described in chapter six). In practice, however, people in Houay Kha continued to manage their land resources under customary forms of tenure and so land allocation at the level of individual households was never implemented. At the same time, there was clearly an understanding in the village that, after the territorial boundaries were drawn through the land allocation process, their land rights were more or less secure and had been formally recognised by the government.

In 2005, with the permission of the district governor, Chinese companies began to survey soils and land in Pak Ou District in order to identify areas that were ecologically suitable for rubber trees. Following the survey, the governor of Pak Ou District called upon the District Agriculture

and Forestry Extension Office (DAFO) staff to promote rubber to farmers in the district. DAFO staff organised meetings in villages across the district and accompanied representatives of the Chinese companies to promote 'rubber' as a potentially lucrative cash crop and as a viable option to replace subsistence cultivation of upland rice. The initial plan was that villagers would be presented with the potential benefits of rubber, then would debate among themselves whether or not they wanted to engage in contracts with the Chinese company. The adoption of rubber was therefore to be the voluntary choice of individual farmers and villages. The ultimate goal was to reduce poverty by bringing predominantly subsistence farmers into a 'modern' cash economy by transforming rice into rubber.

On March 28, 2005, the Division of State Assets under the Provincial Finance Office, with the approval of the provincial governor, signed a contract with the Chinese owned Sino-Lao Jinrun Development Company and their Lao subsidiary company (operated by the former governor of Luang Namtha Province), granting the company joint-venture concession rights in Nambak[149] and Pak Ou Districts (Vongkhamor, Phimmasen et al. 2007). That same year, the District Governor of Pak Ou approved a 40-year lease of 7000 hectares of 'state forest lands' to the Sino-Lao company for the development of a mono-cropped rubber plantation. The concession area encompassed the territories of five neighbouring ethnic minority Khmu villages (Houay Kha, Nasavanh, Houay Kho, Houay Kun and Na Noi), all of which were located in the mountains and inaccessible by road. The area covered stretched to the border of Nambak district where rubber plantations had been established several years earlier, enabling the establishment of a contiguous 14,000 ha plantation comprised of 7000 ha of land in each district.

The village chosen as the pilot site for the rubber plantation was Ban Houay Kha, which, as described in chapter three, is a small Khmu village of a mere 54 households (at the time of this research) located a two-hour hike along a narrow path into the mountains from the main road. The Khmu are widely considered to be the most impoverished and marginalised of the ethnic minorities in Luang Prabang province, and Ban Houay Kha was among the poorest villages in the district. Village livelihoods were primarily subsistence-based, organised around shifting cultivation for upland rice along with some cash crops such as sesame and Job's tears. The majority of villagers

[149] Vongkhamor, Phimmasen, et al. (2007) also report that the Sino-Lao and its subsidiary company had been conceded 7000 ha of land to develop a rubber plantation in Nambak as early 2002. Certainly rubber had been established in the province before 2005.

were rice short every year, balancing precarious yields by selling labour to better off neighbouring Lao and Lue villages and by hunting and gathering products from forest and fallow lands for sale and consumption. Although livestock husbandry had been important in the past, epidemic diseases had killed all the buffalos and cows, and only a few villagers kept pigs, which were allowed to roam wild in the forests to forage for food. Villagers often referred to themselves as '*ban nok*', which holds a negative connotation of backwardness similar to 'hillbilly', and expressed desires to become 'up to date', developed and modern. As a poor, small and remote village, Ban Houay Kha was a prime candidate for the state resettlement policy that had forced the relocation of many neighbouring communities to overcrowded areas along the road. Village leaders were acutely aware of their vulnerability to various state development policies.

In early 2006, Lao district officials accompanied Chinese representatives from the Sino-Lao Company to meet with the villagers of Ban Houay Kha to promote the creation of a rubber plantation on their territory. The plantation was advocated as a new opportunity for wage labour which would help alleviate poverty in the village, and also as a means for villagers to comply with government policy to switch from planting subsistence rice to cash crops in the uplands. Several meetings were held in the village to gain local permission for the concession, and each time the villagers rejected the proposal. They were not opposed to rubber, and many households expressed interest in planting rubber trees if they themselves owned the trees, but they did not want to give away their land to the company. Eventually, the district deputy governor went himself to Ban Houay Kha and, according to village accounts, 'slapped the table' and threatened the villagers with resettlement if they did not comply, telling them '*If you don't agree to let the Chinese plant rubber here, then you will always be poor'.* The villagers felt that they could not refuse such a senior state official, so the rubber plantation was approved with 'official' consent of the village and approximately half of village territory incorporating the most village fertile land was allocated to the company.

> The governor of Pak Ou had gone to Nambak to see rubber there, and told the people in Houay Kha, 'If you don't agree to plant rubber here, then you will always be poor'. But, then when the rubber came, they found that their land got less and less. The people in the village knew that the Chinese would get their land, but they cannot say no to the people in the District. And if the headman agreed, then the people in the village cannot do anything. I don't know why the headman agreed. **(Hmong man who moved to Houay Kha 3 years ago after his old village was resettled).**

Villagers were instructed that year to cut and clear adjacent swidden plots within the concession area, and Chinese company representatives were to come to the village on a later date

to teach the villagers how to prepare their fields for rubber, including the construction of bench terraces along the contours of the hillsides, the digging and spacing of holes, and the planting of the small trees. Farmers were to be paid a set wage for each task. Farmers would also be paid for clearing the land, something they needed to do anyhow for planting their upland rice crop, and therefore most villagers intentionally chose to plant rice that year within the area designated for the rubber concession. During the first year, the rubber would be intercropped with the upland rice crop. After this, the land would revert to company control for 40 years, and villagers would no longer be able to use it for forest products, grazing livestock or for cultivation. Even though the land had been officially reallocated to the Chinese so had become locally referred to as 'Chinese land', customary rights (as described in chapter six) prevailed, and because they were being paid, farmers only cleared those plots to which they had priority claims. On 'village' land not under household claim, any villager could help clear. Wages for cutting the trees and clearing the land ranged between 2-400,000 kip[150] (US $20-40) per hectare, depending on the type of trees and how difficult these are to clear. The wage was lowest for clearing fallow, at 300,000 kip/ha (approximately US $30.00), and higher for cutting forest (350,000 Kip/ha) (US $35.00). The highest wage was paid for clearing land with bamboo (400,000 kip/ha) (US $40.00) because it has thorns and is difficult to cut. Because the wages were calculated by land area cleared and type of vegetation and not per labourer, they were to be shared between those involved in clearing the land. In some parts of Ban Houay Kha, primary forests were cut down to make way for rubber. It is somewhat ironic that there is an officially recognised wage for clearing forest for rubber, since one of the major goals of transforming upland system from shifting cultivation to cash crops such as rubber is ostensibly to protect forests.

State justifications in the face of local resistance

District officials themselves are under pressure to comply with national mandates to eradicate swidden cultivation and to develop cash cropping systems in the uplands, and rubber was seen as a promising solution to help villagers comply with these national policies. In the face of local resistance to the concession, district officials used a number legitimating narratives and legal arguments to validate the expropriation of Ban Houay Kha territory. They emphasized that the Khmu

[150] These values are given at the exchange rate at the time of the research, when 10,000 kip was approximately the equivalent of US $1.00.

were impoverished and short of rice every year, and the rubber plantation would alleviate poverty by providing them with new wage labour opportunities. The ambiguous legal status of Ban Houay Kha was also given as a justification for choosing the village as the pilot site for the plantation.

As described in chapter two, mountainous areas in Laos are officially zoned as 'State-owned forests'. Highland farmers are formally given usufruct rights to these lands through the Land and Forest Allocation Policy (LFAP), which has been described in detail in chapter seven. In Pak Ou District, officials from DAFO began implementing the policy in 2000 however the execution of the process was spatially fragmented. By 2005, the final step of allocating individual land parcels to households had been completed in roadside villages, while in remote villages such as Ban Houay Kha, only territorial boundaries had been demarcated. In 2003, after the demarcation of village boundaries, the Houay Kha headman had been instructed to allocate three plots per household but this initiative had not been formally overseen by the government. In fact, land within village territory continued to be used under customary tenure. District officials argued that because land rights had not yet been allocated to individual households, the land still officially belonged to the state. In contradiction to its original purpose of providing tenure security to farmers, DAFO deployed the final stage of the LFAP to redefine village boundaries by allocating private household rights to only half of village territory, legally freeing up the remaining village land for lease to the rubber concession. The most fertile land was conceded to the company. As one district official pragmatically explained;

> It was the governor who gave the Chinese permission to plant rubber in these villages. These five villages haven't had land allocation yet, so it is still the government's land. We asked the farmers first (for their agreement to the rubber plantation), but there's no land allocation yet. So we will make land allocation first, then what is left over, the governor will give to the Chinese company to rent for rubber. If the area where the rubber will be planted has lowland rice, fish ponds, or gardens, then we won't take this. We will only take the places where there are no crops (permanent crops) or teak. In places where there is upland rice or fallow, then the government will take the land and give it to the Chinese.
>
> [In villages where] there has already been land allocation and the farmers want to plant rubber, then the farmers will make contacts directly with the Chinese. In villages where there has been land allocation, the village will have a place for animals, a preservation forest and land for cropping. If the area is [zoned for] reserve forest, then rubber will be planted in the flat area. But preservation forest and land for animal grazing is in the high mountains, where it is steep. Rubber areas and cropping are at the foot of the mountains, not the top.
>
> …The target of the government for land allocation is that villagers have three more years during which they can plant rice, and after this, then the land should become a garden (*suan*). If they keep planting upland rice after three years and they haven't yet made a garden, then the government will take back the land, because the government wants farmers to stop growing upland rice.

This statement illustrates how the implementation of the LFAP – initially designed to formalise village land rights – is implicated in the appropriation of village territories for rubber concessions. The application of the final stage of the LFAP constituted a land grab on behalf of both the district and Chinese company. The (mis)use of the LFAP as a means to legally enclose and free up village lands for plantations rather than supporting village territorial rights is not unique to Ban Houay Kha, and has also been described by Barney (2008) in his case study of eucalyptus plantations in Khammouane Province. As described in chapter seven, the use of the LFAP by high-ranking district and provincial authorities has also provided a model for its deployment for smaller-scale land grabs by lower ranking officials. However, the openness of the district cadre complicates a simplistic analysis that positions the official as legitimating state land grabs at the expense of local people. Rather, it illustrates a pragmatic practice of bureaucracy in compliance with national policy, told with complete assurance that the process was legitimate and appropriate as a development intervention and move towards modernising the country. According to district officials, the plantation would not only provide wage labour for impoverished communities, but would provide a model that the Khmu could follow to modernise their own production systems. The fact that the company had enclosed the most fertile half of village land and that the Khmu had neither access to credit nor capital to invest in rubber on their own was overlooked. For villages where land allocation had been fully completed, land rights were respected and villagers were being encouraged to voluntarily enter into contract farming arrangements with the Sino-Lao company, as described in chapter four. Thus, the LFAP is implicated in creating both security and insecurity of local land rights, depending on how it is interpreted and implemented locally.

DAFO is responsible for allocating land, for encouraging cash cropping, as well as for finding land to lease for plantation companies. The state officials responsible for implementing the LFAP are often the same individuals in charge of finding land to lease to rubber companies. Therefore, these two policies are integrally implicated in processes of 'frontier capitalism' (Barney 2009) through which lands that are deemed 'empty' or 'marginal' are emptied of their original inhabitants and granted to lucrative business ventures. This process of dispossession is also given legal legitimacy in the 1996 Lao Forest Law, which was the framework for forest management at the time the plantation was established in Ban Houay Kha. This law stipulates that forest land *'is owned by the state, however if an individual or organization (with permission from the state) invests capital in the land in order to reforest it, then they can gain rights to the land'* (Lao Forest

Law 1996, Article 5). Furthermore, the negative legal classification of village swidden land as 'degraded forest'[151] obscures its importance for local livelihoods, not only for cropping, but also as village commons for grazing and collection of forest products, and helps justify the reallocation of this land for mono-culture tree plantations which can be portrayed as an economic and environmental improvement (see also Barney 2008). Such narratives of environmental improvement are often claims *on* (rather than *for*) the environment (Galaty 2000), by state authorities seeking to legitimize processes of state 'territorialisation' which enclose village lands in the name of development, economic productivity and conservation.

In the new Lao Forest Law (2007) and Prime Ministerial Decree 137 on State Land Lease or Concession (GoL 2009), which are central for determining what types of land can be allocated for concessions, the forest classification system is reorganised slightly from the 1996 Forest Law. However, these legal documents also clearly state that plantation concessions or leases are to be granted only for land classified as 'degraded' and/or 'barren' forestland[152], which are the same types of 'forestland' to which villages are granted household usufruct rights. Companies seeking to lease or concede forest lands are required to conduct a survey of the land, a study of socio-economic information of the site, a social and environmental impact assessment, a technical and economic feasibility study, a land use plan and map, and a work plan which outlines procedures for preservation of the environment, village development, sharing of benefits, and so on. One important feature of the 2007 forest law is that plantations are defined as a legitimate type of forest, while shifting cultivation is categorised alongside illegal logging as a culprit of forest destruction, and is being made illegal.

[151] The different forest classifications are outlined in chapter seven.

[152] The PM Decree 137 states that concessions can be granted for waste land and denuded land, which it classifies under the category of 'degraded forest land' in accordance to Article 69 of the 2007 Forest Law. The 2007 Lao Forest Law defines *Forest* as 'a precious natural resource of the nation and its specific ecology consists of biodiversity, water sources, and Forestland with various trees growing naturally or planted in the areas of Protection Forest, Conservation forest and Production Forest. Within these classifications are included '*degraded forest*', which is defined as 'forestland areas where forest has been heavily damaged such as land without forest or barren', '*regeneration forest*', defined as degraded forest areas such as young and secondary forest designated for regeneration to become old fallow and natural forest, '*fallow forest*', which includes areas where shifting cultivated has been practiced or has been under various forms of encroachment for many years, but which can become natural forest, and *village use forest*, which includes areas of village territory allocated to village management, use and preservation according to the LFAP. Village use forest includes 'non-classified' land to be used for production, presumably meaning sedentary agricultural activities. The law distinguishes between 'forest' and 'forestland', the latter being defined politically rather than ecologically, as 'all land plots with or without forest cover, which are determined by the State as Forestlands'. Within this broad classification, '*degraded forestland*' is defined as 'areas where forest has been heavily and continually damaged causing the loss of balance of organic matter which prevents natural regeneration to become rich forest again, while '*barren forestland*' is defined as forestland without trees caused by natural and human destruction.

Everyday forms of resistance:

> DAFO says that this is the Chinese survey, that the Chinese will hire labour. DAFO says that now this is State land. And now we have only a small area of land where we will crop. How about in Mok Chong, Nasavanh, etc. in these villages? How will we survive, this village, now that we have only a small piece of land? **(Deputy headman, Houay Kha)**

Following their unsuccessful attempts to formally reject the concession, villagers in Ban Houay Kha enacted various forms of 'everyday resistance' (Scott 1985) in their attempts to undermine the plantation. Wage labour, presented by district officials as the primary benefit (and justification) to the villagers for the plantation, became both a source of intense conflict and an avenue for local resistance. By the time the company arrived to manage the construction of terraces in preparation for the rubber trees, the rainy season had already started and the fields had been cleared and were already planted with upland rice. Some of the rice crop would need to be uprooted for the construction of the terraces, which the villagers refused to do. Withholding labour was both an attempt to protect their growing rice crop, as well as a way to resist company appropriation of their lands, as some villagers flatly refused to work for the company, regardless of their alternatives. Faced with an uncooperative labour force, the company representatives left Ban Houay Kha and returned with ethnic Lue labourers from Nambak District to do the work. Ban Houay Kha villagers protested openly, and convinced these new labourers not uproot their standing rice crop because it was a 'sin'. This was a particularly potent argument, because in local cosmology rice is not only the main subsistence crop, but is believed to have souls or 'life forces' (*khwan*), similar to people and a few specific animals, such as elephants and water buffalo (Tambiah 1970, Simana and Preisig 1997, Évrard 2006). As described in chapter five, caring for the souls of both rice and people is considered important so that the souls don't leave their hosts, which would cause poor yields in rice or illness in people. In protesting the destruction of their rice crop, Ban Houay Kha villagers drew on spiritual understandings of reciprocal obligations between people and rice, in addition to notions of moral and social justness. Their arguments were persuasive, so labourers built terraces where rice was not growing, but refused to destroy the standing crop. Frustrated, the company representatives left the village again, to return with a different group of labourers, who were eventually coerced into destroying about one-third of Ban Houay Kha's standing rice crop to make way for rubber. No compensation was given, and villagers became increasingly concerned that they would not be able to meet their subsistence needs that year.

Some of the men from Ban Houay Kha eventually consented to work for company since they were short of rice at the time, needed money and were losing an opportunity to earn wages to labourers from outside the community. Rubber needs to be planted on level soils for tapping, so once land was cleared, bench terraces needed to be constructed along the contours of sloping land (Alton, Bluhm et al. 2005). After this, holes of about 60 cm^3 must be dug, after which these are refilled with softer soils immediately prior to planting. The local wage for digging the holes was 2500 kip/hole (US $0.25) and for filling the holes was 250/hole (US $0.025). At the time of this research, the average daily wage for agricultural work on rice fields in the area (planting lowlands, weeding, etc.) was between 10,000 00 -15,000 kip (US $1-1.50), depending on the particular task and whether or not the employer provided food for lunch. The wages provided by the Chinese were not considered to be good wages by the Khmu, since they were lower than what were originally promised and what was written in the official contracts. It is likely that some of the wages were being appropriated by a middleman – either within the state or within the company – since the wages paid by the Sino-Lao company to villagers in Nambak district were slightly higher and concurred with the contracts held by the province and district. Before submitting to work for the company, villagers tried unsuccessfully to negotiate for higher wages. Ban Houay Kha villagers also did not like working for the company because the managers were strict and yelled at them, did not allow them to take breaks to smoke, and did not provide lunch, as is customary for local agricultural labour. Another source of conflict was that the company withheld wages until the entire job was finished, which caused significant anger because rice supplies were low and the Khmu were accustomed to being paid daily so that they could buy food. Although the first farmers who had cleared land in the concession area had been paid, most farmers were still waiting for payment for work that had been done 1-2 months earlier, and they were especially angry because their rice stocks were gone and they needed this money for food. Chinese company representatives had also accumulated debts in some of the small village stores, for beer, coke and other goods. In protest against their poor treatment, some Ban Houay Kha villagers and labourers from Nambak who were being paid as porters to carry sacks of rubber saplings from the road up the steep paths to village secretly dropped some bags into the streams *en route.* Saplings were planted upside-down when the Chinese managers were not paying attention. Over time, most of the rubber saplings growing along the paths were anonymously trampled or uprooted. Such forms of everyday

subvert and overt resistance by subaltern groups in the face of powerful actors that threaten local livelihoods have been well described by James Scott.

Even though the concession was disliked by the villagers, the possibility of new opportunities for wage labour was appreciated by some of the men. Shifting cultivation for rice is arduous work, and increased land pressure had contributed to declining rice yields. Furthermore, the Khmu had long been selling labour to neighbouring communities to make up for rice shortages, so wage labour was not a new concept. The headman himself expressed that the rubber plantation had the potential to be good for the community if wage labour provided greater livelihood security.

> When I am working for myself, in some years I don't get a good yield or have a bad yield, then I get a good or bad income. However, if you work for a company, then you can get money for a long time. I am happy that there will be ways for people in the village to earn money by weeding, planting, etc. If you work for yourself, then some years you get a lot, and some years you don't get anything. When you don't get anything, then you are short of rice. Some years you get no rice, and are short of rice from early in the year. Every year some households in Ban Houay Kha are short of rice.

However, the destruction of their rice crop, the inability to negotiate for fair wages and the delay in payment contributed to increased resentment of the concession, which merged with frustration with other state policies that were negatively affecting livelihood security. One major concern among the villagers was the policy of eliminating shifting cultivation for upland rice. District officials keen on complying with this policy were attempting to force the transition from subsistence to market economy by requiring villagers sign formal contracts agreeing to stop planting upland rice by a specific year (in 2006, the final date was 2010, but this has since been extended and farmers were still growing rice when I visited in June 2012). Villagers were concerned that their rice crops would be burned if they did not comply because district officials had burned opium fields several years earlier after this was banned, and they did not perceive the difference between these crops which were both important for livelihood. The mounting frustration against the combination of policies that were threatening local livelihoods is expressed well by one Khmu farmer,

> The government asked us to stop growing rice, and to grow pineapples, paper mulberry, sesame, or Job's tears instead. To grow lowland rice. Not to work in the hai (not to grow swidden rice in the uplands). I am afraid that the government will come and cut down the rice like they cut down the opium crop. Then what will we eat? If the government people come and cut down the rice crop, maybe I will shoot them.

> If the government people come to cut my rice field, I will just sit quietly in the field and wait for them. I will talk to them nicely in a quiet voice, and then when they start cutting the rice, I will shoot them with my gun and take the rice stalks that they've cut and stuff them in their mouths.
>
> We signed a contract with the government that we would stop growing upland rice by the year 2005, but the government didn't stop us because they didn't give us any alternatives. Then we had to sign a contract again – this time to stop planting upland rice by the year 2010…This time the government will say that they have given us an alternative with rubber. They will say that we can work on rubber and get wages from the Chinese instead of growing rice.
>
> But if we work for the Chinese, we will be poor and we still won't have enough rice to eat. The Chinese came with a bag of money and said they would give us the money if we worked for them. And at first, they gave us the money. But then, they said that they would come back to plant rubber in 10 days after the people had dug and filled the holes, but they haven't come back yet. The Chinese owe us a lot of money, but they haven't paid yet, and now we are short of rice.
>
> Working with the Chinese, we will be poor and still short of rice. But we won't be able to grow upland rice anyhow, because our land has been given to the Chinese.

While this narrative appears to invoke violence against the state, it should be interpreted as an expression of bravado and frustration against the injustice of certain policies rather than an actual plan of action, since this would never be enacted in reality (see Scott 1990 on the use of narrative by subaltern groups as an expression of resistance). Villagers were very concerned about maintaining good relations with the government, which was also seen as a source of 'protection' and services.

The provision of local wage labour opportunities as a means to reduce poverty is often used as a legitimating narrative to justify appropriation of local lands for transnational agricultural investment by agencies such as the World Bank (2010), by companies, and by governments. However, the potential of local wage labour opportunities arising from these large-scale plantation investments has been fairly challenged, particularly since the goal of most companies is profitability and access to land and resources rather than local job creation. Li (2011) points out that projections for promised labour opportunities from commercial plantations are overly optimistic and that the amount of labour required for most tree plantations is both limited and seasonal. Although rubber requires a relatively high amount of labour compared to other tree crops[153], once the rubber is planted little labour is required for maintaining the trees, and these jobs don't materialise for about 7-8 years once the trees grow mature enough to tap. Furthermore, smallholders often earn more from growing commercial crops themselves rather than from promised wages from concessions, which undermines the rhetoric of poverty alleviation.

[153] Baird (2010) estimates that the amount of labour for tapping ranges between 150-200 days/ha/year.

The ability of villagers to withhold labour as a means of resisting the expropriation of their land or in defiance of poor wages and working conditions is contingent on the ease with which companies can bring in labour from elsewhere, and as well as on whether locals have been able to maintain access to sufficient land resources to meet their livelihood needs. Unlike concessions described in other parts of Laos (Baird 2011, Kenney-Lazar 2012), where processes of 'primitive accumulation' have been more complete and have left villagers with so little land that they are forced into wage labour and capitalist relations, villagers in Ban Houay Kha have maintained enough resources to subsist without working for the company. Li (2011) points out that villagers who are able to maintain some land and are not dependent on wages from the plantation are difficult to control, and are often depicted as 'lazy' by companies. By representing local people as unskilled or lazy, and by selecting areas with low population density, plantation companies are able to justify importing 'hardworking and skilled' labour from elsewhere (Li 2011). Baird (2010, 2011) reports that Vietnamese and Chinese companies involved in plantation development would often prefer to hire labourers from their own country who are perceived to work harder for lower wages (see also VT 2011, Sept. 16). Although there are laws in place to protect Lao labourers, these can be interpreted to allow the import of 'skilled' labourers from elsewhere. The Lao Labour Law (2004, Article 7) dictates that companies can only hire foreign labourers if there are no appropriately qualified workers available in Laos, however what counts as 'qualified' is open to interpretation. In addition, the Law on the Promotion of Foreign Investment (1994) stipulates that foreign companies must give priority to Lao workers, and restricts the number of foreign labourers to 10% of the workforce, with the idea of protecting local employment opportunities. DAFO officials in Pak Ou were well aware of this law, and had prevented the Sino-Lao company from bringing in labourers from China, which it had initially requested. However, these laws are not always followed. Baird (2010) notes that Vietnamese workers have been hired illegally by a Vietnamese rubber plantation in Bachieng, Southern Laos, while company practice has restricted which local people have been able to benefit from promised employment, excluding middle-aged and older villagers. According to the Vientiane Times, there are approximately 200,000 illegal foreign workers in Laos, mainly from China, Thailand and Vietnam, and the government has difficulty controlling illegal immigration because of concern for maintaining cordial relations with neighbouring countries. Because of the numbers of illegal labourers already in Laos as well as pressure from companies to be allowed to import labour, the Lao government is considering

providing permits to illegal workers in the country (VT 2012, March 26). Furthermore, these laws do not regulate movement of labour from other places *within* the country, which may undermine wages for those displaced by concessions if other groups are considered better qualified or more disciplined. This could potentially disadvantage the Khmu particularly, since they are widely stereotyped as being lazy.

Counter-claims and the construction of resistance identities

Everyday forms of resistance such as enacted by the Khmu are often considered to be non-political and nonthreatening to the status quo (Amoore 2005). However, spaces for more overt and open resistance in Laos are limited and risky (Stuart-Fox 2004, Barney 2008, Baird 2011). How can vulnerable groups such as the Khmu challenge powerful state claimants to their lands and resist displacements that are legitimised in the name of their own development? In some parts of Southeast Asia and other parts of the world, local counter-claims to protect territory against powerful state and commercial interests have been framed through specific representations of 'indigeneity'. These 'counter-narratives' link indigenous identity with a specific territory, with place-based ecological knowledge (or wisdom), and with an ethic of environmental conservation (Tsing 1993, Brosius 1997, Brosius 1999, Tsing 1999, Li 2000a, Peluso and Harwell 2001, Li 2002b). Such essentialized representations of 'indigenous people' are often constructed in collaboration with outsiders, mirroring romanticised western imaginings reminiscent of the 'noble savage' that are advocated by international indigenous rights and environmental movements (Brosius 1997). These strategic simplifications have facilitated collaboration between marginalised people and environmentalists, providing both groups with political power to act, however they also obscure different and sometimes conflicting goals. Local people are often motivated primarily by the desire to keep hold of (but not necessarily conserve) their land, while environmentalists often advocate for forest conservation and traditional livelihoods, which may contradict local desires for development and change (Galaty 2000, Li 2000a). Nevertheless, such fragile alliances create new possibilities for social resistance and have been described as the 'hopeful edge of a political project' (Tsing 1999).

In Laos, as in much of Southeast Asia, 'indigeneity' is an ill-fitting construct. Different ethnic groups have long lived intermingled or in close proximity, ethnic boundaries are permeable, there has been a long history of migration and mobility, and all groups can arguably be considered

as indigenous. In such situations, 'indigenous' identities are sometimes constructed strategically in response to struggles over resources (Li 2000a). As such, these can be considered 'political' or 'resistance' identities, formed as part of a legitimizing narrative to assert preferential claims to resources and to resist dispossession. However, the use of 'indigeneity' as a basis for territorial claims implies that local people have been exposed to these international discourses and are able to articulate their identity in a way that is recognisable and usable by international environmental advocates (Li 2000a). This is not the case for all marginal groups in Southeast Asia, many of whom, like the Khmu, struggle with piecemeal territorial displacements on a daily basis that do not attract international attention and who do not necessarily form a 'collective consciousness' of resistance based on identity. Furthermore, unlike in some parts of Southeast Asia, Laos does not have a history of legal pluralism which grants certain ethnic groups (such as the Dayak of Indonesia and Iban in Malaysia) with special autonomous 'native rights' (*hukum adat*) based on customary law and group identity – rights that are distinct from the legal rights of peasants and other citizens (see for example Cramb 2007, Davidson and Henley 2007, Potter 2009). Some ethnic minorities have successfully linked 'native rights' to discourses of indigeneity in their struggles for territorial claims (Li 2000a, Li 2007a). However, narratives of indigenous land rights are only powerful if the state will recognise 'indigenousness' as a valid category.

In socialist Lao PDR, imaginings of 'indigenous' or 'native peoples' who have a special long-standing attachment to place and an ethic of environmental conservation are not part of political or popular discourse. This identity would be complicated as a basis for territorial claims in any case, given the high mobility of all ethnic groups in most parts of the country and the relatively recent displacement of many villages during the Vietnamese war. As described in chapter two, since 1975 when the communist Pathet Lao took control of the country, the Lao government has been preoccupied with a nationalizing agenda that incorporates ethnic minorities into the country as 'equal citizens' (Lao Front for National Construction (LFNC) 2005:a) according to a policy of assimilation that holds the politically dominant Lao-Tai ethnic group as the standard. The diverse 49 recognized ethnic groups in the country have been classified into three simplified nationalizing identities (*Lao Loum, Lao Theung,* and *Lao Soung*) based on stereotypes about livelihood and geographic/topographical location. Although given equal status in law, ethnic minorities living in mountainous areas are socially marginalized by the state because their livelihoods and villages do not fit the increasingly hegemonic image of what it is to be a modern

Lao citizen. As Lao citizens, these groups are therefore subjected to policies and programs intended to improve them, to make them better fit into the vision of development that is projected by the Lao state. However, as *marginal* Lao citizens, they are integrated into the wider state development project from a position of disadvantage and vulnerability.

Government ideologies of development and modernisation are promoted to rural communities not only through policies designed to reshape local livelihoods, but also through roadside billboards, local media, political speeches, and agricultural and health extension services. Prominent road signs draw attention to 'modern sanitary villages', located near the road, which have a village pump for clean water. Likewise, 'model ethnic villages' have lowland rice fields and residents sell ethnic handicrafts along the road. 'Model farmers' and 'model villages' are those who have switched from producing subsistence rice to cash crops for the market. Field trips are organised to bring farmers from other areas to visit these model villages, encouraging them to follow their lead. What is presented through such messages are not only development lessons for how to improve livelihoods, but also specific ideas about 'acceptable' or 'better' ways of being Lao. The corresponding not-so-subtle message is that there are also 'less acceptable' ways to be Lao. There are no 'swidden cultivation model farmers' or 'remote mountain model villages'. To be a good rural Lao citizen in a model Lao village is to live near the road, to plant paddy rice in the lowlands, to plant cash crops for the market in the uplands, and to have a good water pump and a school. The many highland ethnic minorities practicing shifting cultivation for upland rice find themselves positioned outside of this Lao ideal.

The Khmu are widely acknowledged to be the 'original owners of the land' by the Lao and in local myths of origin (Proschan 2001). They are recognised as autochthonous people who have special authority over the territorial and nature spirits of the area (Aijmer 1979, Holt 2009). Although these characteristics could lend themselves to group representations of 'indigeniety' (regardless of histories of mobility), the 'resistance identity' that has formed among the Khmu in Ban Houay Kha in their struggles against state policies and the rubber concession has taken on a different character. The axis of difference that frames their practical identity is the divide between the uplands/shifting cultivation/backwardness and lowlands/sedentary farming/modernity. Because policies such as resettlement and rubber plantations that threaten to displace them are being deployed in the name of their own development, Ban Houay Kha villagers have framed their counter-claims through representations of being 'good', 'deserving' and adequately 'developed'

Lao citizens, mirroring various state messages and values for modernity. Like the district officials, the Khmu strategically apply state discourses and narratives as a way of legitimizing their claims to land and resisting displacement.

In challenge to the assertions of district officials that Ban Houay Kha territory legally belongs to the state, the Khmu leaders countered that land allocation had already been implemented when the district government demarcated community boundaries in 2003, and therefore their territorial claims should be supported by the state. Furthermore, leaders claimed that each household paid yearly taxes for three private land parcels in the mountains, in compliance with state policies. In spite of *de facto* adherence to customary tenurial practice, the payment of taxes for three private land parcels was held up as evidence of local compliance to the final phase of the land allocation policy. Villagers further emphasized that they had been complying with state policies mandating greater integration into the market. Many had successfully adopted cash crops, such as teak, pineapples, and paper mulberry trees that had been introduced by the IUARP project several years earlier, and were now being asked to remove these because they were planted within the concession area. The irony that they had successfully applied a government-sponsored intervention only to have their land taken away for a new intervention was not lost on villagers. Village leaders visited the district government offices to protest their rice being destroyed, to complain about low wages, and to negotiate to keep land on which they had planted tree and cash crops that was located in the rubber concession zone. As described in chapter six, some of the teak trees had been planted through an informal agreement with a Yao businessman from the town who had supplied the capital for the trees, while the Khmu had provided the land and labour. Although the initial plan was that the profits would be shared once the teak was large enough for sale, many of the Khmu had borrowed money from the business man, and had given him full ownership of the trees when they were not able to repay. The trees were therefore either co-owned or fully owned by the businessman, and by appealing for his support, villagers had managed to stall the removal of some of their tree crops within the rubber area. Although DAFO officials stated that permanent crops such as teak would not be taken by the concession, when villagers sent a delegation to the district governor's office urging officials to protect their trees they were told that any in the concession would need to be cut down. It was not clear whether or not compensation would be paid.

In order to give the village a more legitimate presence in the eyes of the state, the village headman had initiated a policy of accepting new immigrants into the community with the specific intention of increasing the population size of the village to make it less of a target for resettlement. As mentioned earlier, remote highland villages with populations of less than fifty households are subject to state resettlement programs that relocate them to land near major roads. Residents of a small village of a mere 54 households located some distance from a road, the Khmu in Ban Houay Kha were keenly aware of their vulnerability to forced resettlement. As described in chapter three, the headman had welcomed more than ten new households into the village within the previous two years, and was actively encouraging more immigration. The acceptance of these new families created new land conflicts within the village, since some households were expected to cede their customary land rights, but the intention was to increase the security of the territorial claims of the entire village.

Village leaders also attempted to fast track overt markers of village development by petitioning to improve the schoolhouse and by establishing an informal contract with an independent business man, who agreed to build a road to the village and several water pumps in exchange for some of the village's valuable hardwood trees. The contract needed to be approved by the district government, and when it was rejected, the villagers accused the district authorities of wanting to benefit from the timber themselves. In summary, rather than emphasising their indigenous rights to place, Khmu counter-claims to territory and resistance to displacement took the form of fast tracking the markers of development that were locally recognised as symbolic of a 'model modern' Lao village. 'Being developed' therefore took on a dual-meaning, both as a desired right to be claimed of the state (as the legitimate entitlement of a good Lao citizen) and as a 'resistance identity' through which to strengthen claims against the state in the face of resettlement or displacement from resources in the name of development (as 'adequately developed' good Lao citizens).

Resistance revisited

When I returned to Ban Houay Kha in June 2012, I anticipated finding an impoverished village relying on inadequate wage labour and an expanded rubber plantation encompassing not only Ban Houay Kha but also the other four Khmu villages in the concession area. Indeed, the village had been completely transformed, but the proletarianisation of the Khmu which I had

Figure 9.1 Hardwood tree roots for the Chinese market

anticipated and which has occurred in other parts of the country (Baird 2011, Kenney-Lazar 2012) had not transpired. Instead, villagers had continued to resist the plantation by withholding their labour and only choosing to work for the company when it was convenient for them. They were able to do this because they had retained enough land on which to cultivate their own crops, could continue to sell their labour locally, and were able to subsidize (and improve) their livelihoods with the sale of forest products. Furthermore, the wages paid by the company were still low – 300,000 kip per ha for weeding – and most villagers were able to make as much or more money from other local activities. Some of the older members of the community were earning income from renting out land to which they had privileged customary claims, something that had been very rare four years earlier. Other villagers had gone to work in a new tobacco factory close to Luang Prabang town, and most of the young unmarried women and teenage girls had left the village and were working as prostitutes in town centres, something increasingly considered an option by young Khmu women squeezed by development processes and seeking to improve their material circumstances (Lyttleton and Vorabouth 2011). In addition, in 2008 Ban Houay Kha was given official government permission to trade some of their valuable hardwood trees to a private timber company to pay for construction of a road and several water pumps in the village. The narrow dirt road had an enormous impact on village prosperity. Traders could now enter the village with trucks, creating more competition for village produce and better prices for farmers. Some villagers had become traders themselves. The road also facilitated trade in timber, since wood could be transported more easily. Much of this trade was for the enormous stumps and roots of valuable hardwood trees such as agarwood (*Mai Kethsana*) and rosewood (*Mai Doo, Mai Kha*), which had already been cut down and left in the fields by earlier logging or by the road company (see figure 9.1). These roots were in high demand by Chinese merchants, and men working to dig out and cut these roots could earn between 70,000-

200,000 kip per day, depending on their strength and age. Even small pieces of wood which before held little value were collected and sold to small furniture stores in Pak Ou District or to the Chinese merchants. Because of increased income resulting from better trade and transport conditions and new labour opportunities, many households had been able to convert their small woven bamboo huts into concrete houses with tin roofs, and had purchased motorbikes, satellite dishes and televisions powered by small hydroelectric generators in the stream. These more permanent concrete houses were a desired symbol of 'modernity' and perceived greater comfort, but also unintentionally acted to solidify the presence of the village in the eyes of the state, since they are not so easy to dismantle and move as traditional woven huts.

Villagers' ability to continue to resist the concession by withholding their labour had undermined the success of the rubber plantation, which had not expanded beyond the initial 93 hectares in Ban Houay Kha. The company occasionally brought in Lue labourers from Nambak district for weeding and planting, but possibly because of lack of regular maintenance, the rubber trees on the concession were small, skinny and neglected, and many had died. This contrasted to the trees owned by the eight village households who had planted rubber themselves, which were growing very well. Although the land was still legally owned by the company, villagers had effectively reclaimed it, and were using it for swidden rice cultivation.

Resistance to the plantation had also begun to take more active forms. When fire accidently spread into the rubber plantation when villagers were burning weeds along the road, they did nothing to prevent the fire from destroying some of the trees, as they would have done if the trees were owned by a local farmer. Under customary rules, farmers who set fire to someone else's crop, or whose animals destroy a crop, are responsible to pay compensation. However, when the company demanded compensation from those who had started the fire, the villagers refused to pay. Following this incident, one of the Sino-Lao company directors visited the village to check on the situation, and a company representative was stationed in the village in order to better manage the plantation and to deal with some of the local conflicts. While villagers accepted him, they continued to resent the plantation itself.

The Sino-Lao company had improved the roughly built road in order to transport more rubber seedlings to plant, and in 2011, the company attempted to expand the plantation into the neighbouring Khmu community, Ban Nasavanh, which was also part of the concession. Seeing what had happened in Ban Houay Kha, these villagers refused to allow the rubber to be planted

within their territory, claiming that the land had not been properly surveyed as is required by law. The rubber saplings were brought back to Ban Houay Kha, and used instead to replace the trees that had died. Following these incidents, village representatives from Ban Nasavanh and Ban Houay Kha went together to visit the newly appointed district governor to negotiate getting their lands back from the company. Villagers felt that the previous governor had been paid by the Chinese to allow the plantation although there is no evidence that this occurred. Furthermore, villagers maintained that the contract required the company to plant 1000 ha of rubber before the end of 2012, or the land would be returned to the original owners. If the company wanted to keep the land, they would need to revise the contract officially. Indeed, Article 36 of the PM Decree on State Lease or Concession (GoL 2009) does stipulate that if the concession holder does not complete the establishment of the 'industrial farm' within seven years of signing the contract, the contract is cancelled and assets are reclaimed by the state without any compensation, with exception for 'reasonable cases' which are considered individually. The new governor acted in support of local claims, and wrote a letter on behalf of the villages arguing that the concession had not gone through the proper channels to be approved, which was submitted at the June 2012 National Assembly. My recent discussions with the villagers of Ban Houay Kha and Ban Nasavanh indicate that they are increasingly aware of their legal rights, and are now deploying legal narratives to resist the concession and reclaim their land. I am unclear whether this awareness has been gained from their interactions with the new governor, from popular radio broadcasts, or from elsewhere. The exploitation of division within the state, and the holding of corrupt district officials to the values and letter of the law is an example of 'rightful resistance' (O'Brien and Li 2006).

The spread of rubber throughout Pak Ou District, which appeared to be inevitable in 2006, has not materialised. Even the neighbouring roadside village of Ban Lattahae, where, as described in chapter four, many villagers had signed contract farming arrangements with the Sino-Lao company in 2006, rubber had not been planted, and villagers had recently become involved in new contract farming agreements for jatropha, which was planted in the area initially zoned for rubber. One senior provincial authority was surprised when I mentioned that there was rubber planted in Pak Ou District, saying the Sino-Lao company was planting mainly in Nambak District, and that the district must have been in charge of what was happening in Pak Ou. He acknowledged that it was quite common for districts to undertake activities without informing provincial authorities,

and it was difficult to keep track of what was happening on the ground in so many villages when resources are limited.

Cases of overt local resistance to land acquisitions in Laos

The unfolding conflict between villagers and plantation concessions in Ban Houay Kha is but one of many local grievances concerning land conflicts that have been presented to the National Assembly over the past several years. Discussions about social injustice related to foreign land grabs were also prevalent on a popular call-in radio show, 'Talk of the News', which allowed locals to anonymously air their complaints. The program ran for four years until it was shut down in February 2012, allegedly in response to too much open criticism of state policy (Smith 2012c). In spite of potentially negative consequences of outright protests in Laos, isolated cases of overt village resistance against land concessions have popped up spontaneously in different parts of the country. It is likely that there are also many more cases of 'quiet' resistance, similar to that described in Ban Houay Kha that have not caught popular attention. However, while villagers in Ban Houay Kha have (so far) been able to stall the expansion of the plantation on their lands, these open protests by villagers have not been successful in helping resolve land conflicts in their favour. In summer of 2012, debates about land conflicts were becoming more overt, particularly as senior government officials had publically expressed their concerns. At the same time, open critique was still risky and constrained, and many cases become known through rumour and informal discussions among networks of concerned Lao and international officials, development workers and researchers. Here, I will give a brief account of several specific cases of overt resistance that have made local and regional news or that have been documented in academic publications[154].

The impact of concessions on local livelihoods first reached the attention of the Lao media in August 2006, when the Vientiane Times published a series of articles, surprisingly critical for the time, describing a conflict between farmers and a Chinese concession over rights to traditional grazing land in Nambak District, in the north of Luang Prabang Province. The farmers had

[154] Baird (2011) documents an early case local resistance in 1992 to a Thai commercial tree plantation in Paksong District, Champassak Province in the South of Laos, which resulted in the enclosure of the territories of 19 'ethnic minority' villages and clearing of their forest lands, preventing their access to common property grazing and forest resources. Some villagers protested the expansion of plantation by setting fires and destroying some of the trees. Although the Ministry of Agriculture and Forestry (MAF) eventually intervened and retracted 4000 ha of concession land, instead of returning the land to the locals, it was conceded to a different company. The plantation eventually failed because of the Asian Financial crisis in the late 1990s.

Figure 9.2 *'A waterbuffalo is not like a cell phone'*. Articles in the Vientiane Times highlighting conflicts between Chinese rubber plantations and farmers with water buffalo in Nambak District, Luang Prabang Province

organised a petition against the rubber company because they were being fined when their water buffalos destroyed the unfenced rubber trees (VT 2006, Aug 14, VT 2006, Sept. 11). Although the company initially fenced the rubber trees to keep free-roaming water buffaloes out of the plantation, as the area of rubber trees expanded they found the cost of fencing too expensive and began fining farmers if their water buffaloes ate the rubber saplings. Farmers argued that the company was responsible for fencing the trees to keep them safe from free-roaming livestock, while the company argued that the farmers should tether their animals. District authorities supported the rubber company and issued an official notice that farmers had to pay the company for any damages created by their water buffaloes, supporting their action with the argument that it was national policy to protect the interest of foreign investors and rubber was a priority for the district. The company began confiscating the buffaloes that were damaging the trees, and farmers were paying fines of 700,000 – 800,000 kip ($70-80.00) to recover their animals. Villagers contested the justness of district actions, arguing that they had been grazing water buffaloes in that area for hundreds of years. In the pointed words of the village headman that highlight local perceptions of the 'ignorance' of the office-based officials who make decisions about farmer's livelihoods,

> ‘A herd of buffaloes is not like a cellular phone that you can easily carry with you. We cannot accompany the buffaloes while they are grazing. We are busy with other kinds of work on our farms’ (VT 2006, Aug 14).

In a rare form of political protest, the villagers took their complaints to the national level and planned to file a grievance with the National Assembly if the district did not shift its policy. Farmers were eventually forced to stop raising livestock because of the fines (VT 2010, 11 May). Subsequent articles report disputes arising from local dispossession from land and resources emerging across the country, one citing the governor of Champasak Province who claimed that *‘investors destroyed crops and teak owned by villages to make way for rubber plantations without informing them first’* (VT 2007, 10 May). Others such as *‘Luang Namtha to protect ecotourism from industrial plantations’* (VT 2007, 30 July) highlighted the conflict between rubber concessions and other economically lucrative industries.

Most cases of overt resistance have emerged from villagers in Southern Laos where concession plantations are more common[155]. In 2008, leaders of a village in Attapeu province in southern Laos, who had observed the impact of rubber concessions in a neighboring province, refused to approve a land survey by the provincial government and the Vietnamese company Hoàng Anh Gia Lai (HAGL), who were attempting to acquire their land for a rubber concession. When HAGL employees tried to clear-cut village lands with bulldozers, they were stopped by village leaders and armed village police, and were forced to pay a fine for destroying village land and breaking the law. However, in spite of continued local resistance, most of the area was eventually cleared for rubber (Kenney-Lazar 2012). In neighboring Champasak Province, villagers have become more open in protesting against a Vietnamese rubber company, and, although there has not been any violence, several villagers brought along their hunting guns to protect their land from company bulldozers. Exaggerated rumors were spread that a Vietnamese had been shot and killed, although in fact no shots had been fired (Baird 2010).

In another evolving case in Champasak Province, villagers in Paksong protested against Outspan Boloven, a Singapore coffee company branch of the large agri-business Olam International, which had been granted a concession for a coffee plantation in 2010. The initial 150 ha concession was approved by a provincial authority from a powerful political family, but the company expanded the plantation to 1,460 ha, and requested permits for 3000 ha from the national

[155] In the Northern provinces, although concessions exist there, provincial officials more often promote contract farming arrangements since these are considered to be more beneficial for local people.

government. Villagers claim they were not consulted and did not sign any agreements with the company, that their land was taken illegally, their coffee trees uprooted and valuable hardwood forests burned without compensation, and their graveyards and shrines destroyed, and made allegations of government corruption. Villagers submitted their complaints along with documents supporting their land claims to the Lao National Assembly requesting legal intervention on their behalf (Smith 2012a, Smith 2012b). Frustrated by lack of official intervention, they sent a delegation to Vientiane in February 2012, where they were interviewed on the call in radio show 'Talk of the News', which was shortly thereafter taken off the air (Smith 2012c). The dispute is ongoing.

In Thataeng District, Sekong Province, villagers have been actively protesting against a Vietnamese rubber concession since 2006, demanding better compensation by submitting a petition and letter of grievance to the National Assembly. Promises made by the company to return some of the land to the local people, to invest in infrastructure like schools and roads, and to provide employment were not met, in spite of pressure from the province. Furthermore, the project brought in labourers from outside the community, so locals did not benefit from promised employment, and used herbicides for weed control, endangering their health (VT 2010, July 17). Apparently, in disregard of Lao investment laws, the investors sold shares to other companies without informing local authorities, and the new shareholders argued that they are not responsible for the promised infrastructure. In June 2012, seven villagers from Thataeng who were on their way to present their case to the National Assembly were 'detained' in Sekong for several weeks, although all have since been released (RFA 2012, June 29).

These cases have been widely discussed informally among concerned Lao and international workers. As in Ban Houay Kha, these protests have emerged in a 'Gramscian' manner, erupting in response to particular material conditions, power relations and experiences of social injustice. While most acts of resistance are not framed by a wider collective ideology, there is evidence that some villagers, such as in Pak Ou District, are becoming more aware of the national laws and state institutons that protect their rights, and are articulating their resistance/claims in legal terms. In some exceptional cases, international and recently formed Lao NGOs (known as Lao Non-Profit Organisations (NPAs)) have worked with villagers to teach them their legal rights, as in the case in Bachieng (Baird 2010). The mounting pressure of these isolated local protests, increasing critiques by concerned international and national NGOs, and numerous local grievances being

submitted to the NA are having an impact on national policy, prompting the beginnings of a Polanyi-type 'double movement' to protect the people and nature of Laos. By summer 2012, there was increasing open criticism by individuals within different levels of government about the value of plantation concessions for national development, and concern about their negative impact on local people[156].

Double-movement and a shifting legal and policy framework

The central government has expressed concern over the chaotic and unregulated situation of concessions in Laos and has attempted to increase control over how concessions are allocated by the districts and provinces, and to respond to growing local complaints to the National Assembly. Furthermore, some district and provincial officials, seeing the negative impact on local livelihoods, had become more openly critical of concessions, and these critiques were increasingly published in the Lao media, providing spaces for more open resistance at the local level (Baird 2010, VT 2011, Sept. 16). However, the relative freedom for open critique ended abruptly in December 2012, with the abduction of the well-known Lao NGO worker Sombath Somphone from the streets of Vientiane, with possible police or state involvement. Sombath was influential among young Lao development workers and had been promoting a more equitable form of development, which protected the land rights of villagers and minority groups. In spite of international pressure and offers of assistance, there has been no serious investigation into his disappearance and he has not been seen since. Sombath's abduction created fear among the newly vocal Lao, who are now even more afraid to be openly critical of some of the development practices in the country.

The government has put in place a number of laws to control land grabbing for concessions in the country. In 2008, provincial authorities in Luang Namtha banned the granting of large-scale concessions for rubber plantations in the province, preferring instead to promote contract farming arrangements since these seemed to be more beneficial for farmers. Furthermore, since the mid-2000s, the legal and policy framework for foreign land acquisition in Laos has been continually readapted both to promote concessions and to constrain (or at least keep up with) the wild-west frontier nature of how concessions and leases are being allocated in practice in the provinces and districts. In May 2007, the President of Laos announced a national moratorium on granting permits

[156] See Baird (2010) for an excellent and detailed account of the emergence of official resistance to rubber plantation development in Bachieng, Champasak Province.

for large scale concessions of over 100 ha, citing growing concern about the speed at which ecologically diverse forest-farm landscapes in the mountainous north of the country were being converted into commercial mono-cropped rubber plantations (VT 2007, 9 May). However, the moratorium was never strictly implemented, and did little to stop district and provincial approval of plantation concessions. It was revoked in 2009 (VT 2009, June 16), to be replaced by a weaker version a few weeks later (VT 2009, July 2). The most recent decree (PM Decree 137 on state land lease or concession) denies districts the right to grant concessions, but allows provinces to grant concessions for industrial plantations of up to 150 ha for as much as 40 years, and authorises the National Land Management Authority (now absorbed into MoNRE) to lease up to 10,000 ha for up to 50 years (a maximum of 70 years for 'industrial agriculture'), with the possibility to request an extension. Any area larger than this must be approved by the National Assembly Standing Committee (GoL 2009). These attempts to legally control land acquisitions are not necessarily successful, since many laws are ignored or manipulated, and district officials may not be aware of the legal framework in which they operate. The Lao government has again tried to assert control over the situation by recently announcing yet another moratorium on new foreign land concessions for mining and eucalyptus and rubber plantations as a response to the large number of local complaints about land conflicts made to the recent NA meeting in June 2012 (VT 2012, July 27, VT 2012, June 26). This moratorium is to be maintained until December 2015 in order to provide time to review policies and problems associated with existing projects, survey and re-examine land rights, and review compensation policies for villagers who are asked to give up their lands.

Conclusion

The case of rubber concessions in Laos illustrates how the Land and Forestry Allocation Policy (LFAP) is deployed in practice by district officials in such a way that undermines its intention to protect local land rights. It the face of new economic opportunities that increase the value of upland areas for capital accumulation, laws are manipulated by the more powerful to 'legally' create 'empty' lands and gain access to village resources. Narratives of economic development and modernisation and abstract representations of land as state forest when it is in practice used for agriculture are deployed to justify such dispossessions so become implicated in processes of 'primitive accumulation'. The response of the Khmu to the introduction of the rubber concession in Ban Houay Kha likely represents one of many small-scale, uncoordinated and

‘spontaneous’ cases of local resistance provoked by displacement by industrial tree concessions that are occurring across Laos. As emphasized by James Scott in his many writings, resistance by subordinate or marginal peoples in the face of power is generally piecemeal and anonymous, occurring under the radar of media and falling short of outright coordinated social revolt. At the time the rubber concession was introduced into Ban Houay Kha, rubber was being heavily promoted by the national government as a means of poverty alleviation and modernising upland agriculture. Resistance to the concession in Ban Houay Kha therefore unfolded within a political environment in which rubber plantations were seen as an optimal use of upland resources, and in which specific ideologies of modernising highland areas were hegemonic. Highly unequal power relations and suppression of open critique of state policies, combined with national ideologies of development, transmitted to local people through state policies and images of ‘model villages’, influenced the approaches by which the Khmu attempted to maintain claims to their territory, resist dispossession by the concession, and frame a ‘resistance identity’ through which to make counter-claims to their resources. Over the past five years, the eruption of spontaneous local resistances across the country against dispossession by large-scale land acquisitions has reached national attention, and has provoked a ‘double movement’, as the government attempts to contain the situation by adapting and readapting laws to protect the people and lands of Laos, while concurrently facilitating moving forward with the goals of national development. Public debate about the pros and cons of plantation concessions, although still restricted, has gradually become more open, brought about by a combination of local protests, discussions among concerned international and Lao NGO workers, researchers and officials, and by more critical reports in Lao media. Through a variety of networks, villagers have become more aware of their legal rights, and are increasingly framing their materially-motivated resistances and counter-claims to resources in legal terms, under a broader ‘philosophy’ of having legitimate rights through their identity as Lao citizens.

Conclusion

> Unrecognized producers, poets of their own affairs, trailblazers in the jungles of functionalist rationality, consumers ... trace 'indeterminate trajectories' that are apparently meaningless, since they do not cohere with the constructed, written, and prefabricated space through which they move. They are sentences that remain unpredictable within the space ordered by the organizing techniques of systems. Although they use as their *material* the *vocabularies* of established languages (those of television, newspapers, the supermarket or city planning), although they remain within the framework of prescribed *syntaxes* (the temporal modes of schedules, paradigmatic organisations of places, etc.), these 'traverses' remain heterogenous to the systems they infiltrate and in which they sketch out the guileful ruses of *different* interests and desires. They circulate, come and go, overflow and drift over an imposed terrain, like the snowy waves of the sea slipping in among the rocks and defiles of an established order **(de Certeau 2013 [1984]:34).**

> 'How am I able to follow a rule?' – if this is not a question about causes, then it is about the justification for my following the rule in the way I do. If I have exhausted the justifications I have reached bedrock, and my spade is turned. Then I am inclined to say: 'This is simply what I do.' **(Wittgenstein 1968[1953]:point 217).**

On one sunny afternoon at a busy intersection in Luang Prabang town, cars waited patiently while a truck pulled across the flow of oncoming traffic into the opposite lane to deliver crates of Lao Beer to a small corner store. This parking manoeuver, while officially illegal, is typical of customary driving practices in Luang Prabang. For motorcycles and sometimes cars as well, left hand turns are often made by moving across oncoming traffic to reach the left-hand edge of the road in advance of the intersection, and then after the turn is completed, creeping back again across oncoming traffic to the right side of the road. This is one example of customary driving practices that are illegal on the books yet are the social norm. Anyone who closely adheres to the legal traffic rules is subjected to annoyed or puzzled stares and potentially dangerous situations. Furthermore, the formal traffic laws themselves are ambiguous and contextual, and local knowledge and practice are also applied to negotiate these. In Vientiane, there are some corners where you are allowed make a right hand turn on a red light and some corners where you are not. This is sometimes indicated by a green arrow light, but these do not always work. A better indicator is the existence of a manned police box on the corner, in which case turning right is usually wrong and the amount of the fine is negotiable. In addition to following the customary rules of the road, many drivers tie cotton strings around the side mirrors of their motorbikes, cars or trucks, including their vehicles in *baci* ceremonies in order to help protect against accidents. Safe driving in Laos relies on a combination of customary practices, negotiation of legal ambiguities and spiritual beliefs.

On that afternoon in Luang Prabang, as the delivery truck pulled across the road, two speeding motorbikes driven by very drunk men who had just come from a party skidded and tipped over on the space of pavement that the truck had just vacated. The men were saved from collision and serious injury by the 'illegal' movement of the truck, but were themselves violating official traffic laws. Speeding and driving drunk are both illegal and subject to fines, although drunk driving is relatively common, particularly during festivals. By chance, one of the drunken motorcyclists was a senior provincial state official in the department of transportation and was responsible for issuing drivers licenses in the town. Licences are required in Laos, although many drivers don't have one and those who do may have bought it rather than passed a formal test. My friend who had watched this event unfold confided that he himself did not have a license for driving his motorcycle, explaining that if he had a licence and a policeman caught him violating a traffic law, he would be fined more money because 'he should know better'. Without the licence, he was only fined for not having a licence. Another friend, who had recently failed her driving test because she could not reverse, bought the examiners a crate of Lao beer and was promptly issued a licence. This document gave her the authority to drive the large four-wheel drive land rover belonging to a well-known international development agency.

In the case of the beer delivery truck and the drunken motorcyclists, something had to be done since there had been an accident which involved a number of traffic violations, a senior state official, and many witnesses. So, as expected by the people watching the event unfold, the official fined the truck driver for pulling into the opposite lane, even though all recognised that the illegal turn had saved his life. Witnesses were highly entertained by the irony of the event. On a later date, the small store where the beer had been delivered was robbed. The police were called to investigate and made a report. Meanwhile, the store owners also consulted a local fortune teller who, through astrology, divination and 'magic spelling', identified the robbers. The thieves were caught and forced to return the stolen goods and to pay a fine, all outside of the formal legal system.

One might question why I have chosen to conclude a thesis concerned with agrarian transformations, enclosures and dispossessions, and negotiations over rights to and uses of natural resources in the highlands of northern Laos with an anecdote about formal traffic rules versus informal driving practices in an urban setting. However, these two themes are not as separate as it might seem and this short anecdote illustrates well the complexities of embedded place and people-based situations in which allegedly impersonal 'modern' and 'formal' laws, institutions and

policies articulate with local informal institutions and traditional systems of power, knowledge and practice. Presumed dualities between formal and informal, legal and illegal, compliance and resistance, modern and traditional are so intertwined in practice that they become almost inseparable. This does not mean that people do not classify these differently (what is officially legal or illegal, for example, is often clear in the abstract) but that in practice, the boundaries become so blurred that they become integrated as part of one hybrid system. Essentially, the assumed 'disembedded' impartiality and legibility of law, policy and planning that are represented as the basis of a modern society and are fundamental to development programming become re-embedded in highly personalised local politics, traditions and practice.

The modern state is conceived as following a universalistic reason and rationality and creating boundaries between formal law (what is legal as defined by the state) and the operations of personalised practices and customary ethics (Das and Poole 2004). This creates conceptual boundaries between 'state space and practices' (under state jurisdiction and deemed legitimate) and 'non-state space and practices' that are considered illegitimate.

> Inherent in this imagination of the figure of law was the creation of boundaries between those practices and spaces that were seen to form part of the state and those that were excluded from it. Legitimacy, in turn, emerged as a function of this boundary-marking effect of state practices…. In this vision of political life, the state is imagined as an always incomplete project that must constantly be spoken of—and imagined— through an invocation of the wilderness, lawlessness, and savagery that not only lies outside its jurisdiction but also threatens it from within (Das and Poole 2004:7).

The state is expressed as a symbolic whole, yet is enacted and experienced as a set of bureaucratic processes along with the variable practices of the different officials who represent the state and enforce the laws and policies. The 'impersonal' and rational policies and laws are interpreted and negotiated through interactions with people within particular situations, personalising them and rendering them illegible. 'Non-state' spaces and practices within nation-state boundaries are often conceived of as 'margins', a relational construct associated with their social and/or spatial distance from central state power, development and control (Tsing 1993, Li 1999). State margins may be understood as physical spaces, such as the swidden-forest mountain areas of Laos and other parts of Southeast Asia, where 'marginal' people are stereotyped as 'other' 'backwards', 'primitive', 'underdeveloped', and 'unruly', and where territory is associated with 'wildness' and 'disorder' (Tsing 1993, Li 1999). Governments attempt to bring these areas under their authority, to manage resources and people, through deploying technologies of government such as mapping and

legislation as well as projects intended to improve the population/territory and/or to support national development. State margins may also be perceived in the unorthodox situated practices within 'organised' or 'disciplined' state-space, where government rules, institutions, and representations are interpreted, resisted, and adapted by citizens and state representatives themselves, such as the traffic example described above. These practices create hybrids between formal abstract systems supported by the 'modern' state and on-going customary, context-embedded action. The persistent interpretation, resistance and renegotiation of impersonal formal laws and policies within pre-existing informal customs, habits and self-interested practices challenges the triumph of state ideological 'hegemony', legibility and governmentality.

Lefebvre (2000 [1991]) points out that socio-spatial relations are comprised of an interacting triad – representations of space (abstract conceptual space intended to order and dominate, such as instrumental 'state space'), spatial practice (production of social and physical space through human action in particular localities), and representational space (space 'as lived through associated images and symbols' – the meanings people give to space). One form of space-making is not given priority over another. Bounded representations of space proposed by planners (be they states, development or conservation agencies) are intended to redefine and dominate local spatial practices and are often ideals imagined by planners, bureaucrats and scientists. However, these influence but often do not reflect space-making practices and symbolic meanings on the ground. Similarly, de Certeau ([1984] 2013) and Bourdieu ([1990] 2006) point to the gap between articulated rules and norms, and the multiple and creative practices through which they are interpreted and refashioned in particular contexts by individuals. One goal of governance is to educate the desires and habits of citizens and state officials so that they comply with the laws and goals of the state without the exercise of force. However, people retain their own ideas and interests, and practices that resist or reinterpret laws and goals challenge the notion of state hegemony.

Anthropologists have focused on the space-making and classification practices of people of different cultures, contesting the untenable boundaries westerners often construct between nature and culture (Latour 1993, Basso 1996, Hviding 1996), as well as the social boundaries often constructed between ethnic groups (Moerman 1965, Leach 1997 [1954], Rousseau 2006). Boundaries around groups of people, territories, the 'supernatural', cultural and natural are fuzzy and malleable, constructed and dismantled through daily practices and shifting perceptions of difference and sameness within particular contexts and understandings of the world. These may

be influenced by or may challenge the abstract representations and categories constructed by the state. Similarly, local institutions and laws governing natural resource management, customary tenure, and agricultural practice are embedded within and constitutive of particular ecologies, socio-cultural systems and cosmological understandings of the world (Geertz 1972, Lansing 1995, Mosse 1997).

The magical promise of modernity and the quest to become a globally 'up to date' country are fueling state programs to transform agricultural systems in highland areas and to increase government control over people and territory with the goals of national and local economic development. This is deployed through attempts to restructure socio-ecological space, agricultural practices, and motivations of swidden communities to meet the interests of the government, through the imposition of new land and forest categories, laws and regulations for land ownership and use of natural resources, and scientific projects promoting agricultural commercialization and intensification. This thesis has examined agrarian transformation in highland Laos and the impacts that state development policies, laws and projects have had on the lives of highland villagers of different ethnic groups. I have described a number of programs that have been designed to transform subsistence-oriented extensive swidden livelihoods to become more sedentary and market-oriented and to bring people and territory under greater state control. I've further illustrated how these programs articulate with pre-existing agricultural practices, struggles over resources and relations of marginality and power. The programs examined include: a) land formalisation and titling, intended to restructure local and national land use and coordinate land transactions under a central authority, as well as promote private property, facilitate the use of land and property as collateral, and support market transactions, b) regulations restricting forest use such as prohibitions on logging, rules limiting hunting, and regulation of trade in forest products, c) participatory scientific projects designed to develop agricultural technologies and land uses approved by the state, and d) agro-industrial plantations promoting foreign investment that are argued to decrease poverty by providing labour opportunities and at the same time to contribute to national economic development. Throughout the specific case studies, I have illustrated how these various programs and projects promoting modernisation and development are not implemented as anticipated or intended, but are reinterpreted, renegotiated and resisted in particular contexts through the practices, diverse motivations and resistances of state officials and villagers alike.

Lao government documents and state-approved billboards and newscasts are filled with narratives and images conveying the need to become modern, and these intersect with local desires for better lives. It is this desire for development that is driving agrarian transformation in Laos. The recent *Sam Sang* (three builds) policy promotes standardized 'model' villages that conform to national goals for market production and integration within a 'legible' central system of law and governance. Newspaper articles in the Vientiane Times highlight success stories of individual farmers, villages and state programs that fit within the Lao government's specific vision of development. '*Highlanders happy with lowland lifestyle'* (VT 2003, 18-21 July) promotes the benefits of resettlement and of abandoning swidden agriculture, while ignoring the major problems that the resettlement programs have created. *'Poverty reduction program a success'* describes the establishment of 'new style development villages' outside of Vientiane, as part of a program to reduce poverty (VT 2005, 22 December). '*Crop provides seeds to combat poverty'* (VT 2005, 22 December) describes how farmers in Luang Prabang Province are 'absolved from poverty' by giving up shifting cultivation for rice and adopting the cash crop Job's tears, while ignoring that this crop is usually cultivated alongside rice in swidden systems, often on degraded land where rice no longer grows well, and that the market price is volatile, potentially increasing livelihood insecurity. Such newspaper articles provide only part of the 'development' story, specifically and intentionally highlighting the positive aspects of developmental changes desired by the state while ignoring the negative impacts of national policies that displace villagers and/or force them to make difficult livelihood choices. The double-edge of economic development – the coproduction of poverty with wealth - is concealed when positive models of individual farmers who have managed to successfully adapt to their changing situations are highlighted. Alongside these successful models of development, large numbers of villagers are displaced to make way for the hydropower projects and rubber plantations which fuel the growth of Lao's GDP, and marginal groups such as the Khmu face piecemeal dispossession by their better-off neighbours who are better able to take advantage of development interventions and market opportunities. Such articles represent the way in which the Lao government wishes the country to be perceived and provide insight into what the government imagines a 'developed' Laos to look like.

Rags to riches development narratives that highlight model farmers and villages that are 'lifted out of poverty' upon following state prescriptions for agricultural development are promoted in billboards, newspapers and farmer field schools, and are implied in agricultural

projects, extension services and national policies. These justify state authority based on improving the welfare and 'modernisation' of Lao citizens and are also used to justify dispossessions in the name of national economic development. These form part of the 'hegemonic' apparatus through which the government's modernising ideologies are presented to the population. They provide hopeful ideological models representing what it means to be a 'good' Lao citizen and a model Lao village for the population to emulate, which are bolstered by globally circulating media images that transmit 'symbols' of modernity and inspire local desires for change and for becoming 'up to date'. Villagers express aspirations for development and for better futures, often outside of farming. As expressed by one Khmu farmer from Houay Kha;

> I have one son and two daughters. I would like to support my children to study. Maybe they will get jobs and they won't have to work in the uplands again. Two of my children study in Houay Kha (Grades 2 and 3), and one studies in Lattahae (Grade 4). I hope they get jobs. I want them to learn about finance, agriculture or medicine. I use the money I earn from selling Job's tears, sesame, etc. to support my children to go to school.

Rural villagers are searching for options to improve their livelihoods and are dreaming of different 'up to date' futures for their children, while at the same time their livelihoods are threatened by the same modernising processes that are providing them with new hopes. Concurrently, state officials face difficulties in addressing problems of poverty and the increasing local demands for development in the context of a constrained financial situation, powerful neighbouring countries, and lack of capacity to monitor and control how policies are deployed at the local level. The various programs for 'developing' highland swidden communities and resources are driven by multiple and sometimes competing interests and motivations. Villagers are not opposed to a transition to more market oriented agricultural systems, and indeed many are seeking changes that they perceive will lead to better livelihoods. Farmers readily adopt new market oriented technologies and crops when they perceive these to be potentially valuable even without state interventions. However, new technologies, land rights systems, and crops associated with agrarian transformation interact with pre-existing land uses that have evolved over time through ongoing dynamic interactions between social practices, cultural understandings and particular ecologies. New property regimes, crops or agricultural practices and technologies therefore require renegotiations about land use within and between villages and generate new struggles over resources.

The agricultural and resource management practices of swidden communities in Laos are embedded within and constitutive of their socio-ecological environments. Natural, cultural and

supernatural environments intermingle in farmers' environmental knowledge, decisions about land use and agricultural practice, and in the local rules, institutions and norms that govern rights to and struggles over natural resources. New technologies, rules and representations of land, property rights and territory introduced by agricultural development projects and state policies are interpreted through and hybridized with pre-existing practices, understandings of the world, and relations of power. In Laos, the proximity of multiple ethnic groups living side-by-side facilitates exposure to and sharing of different ideas and practices, which are adopted and adapted between peoples, created syncretic customs and beliefs and both reinforcing and dismantling boundaries between ethnic groups. Modernising and development knowledge and new practices and rules therefore comprise but one of many sources of knowledge that farmers adapt within their ongoing agricultural practices and systems of understanding. One example presented in the thesis is the creation of rice biodiversity in swidden systems, which is generated through farmers' decisions that are influenced by complex interactions between dynamic and site-specific ecological conditions, labour requirements and the characteristic of the land available to a particular household, the choices of other farmers and need for cooperation, and the unpredictable actions of other species like pigs, ants and rats, which prefer specific rice varieties over others and are more populous in certain fields depending on their ecological characteristics and context. In addition to individual preferences for the taste and texture of particular rice varieties, all these various factors combined play into farmers' choices of what types of rice to plant on their particular fields in a particular year. Different rice preferences and planting and ritual practices are also interpreted as markers of ethnic difference and help reinforce distinctions and boundaries made between groups of people. Successful rice production is seen as dependent not only on ecological conditions, agricultural knowledge and social practices but on the agency of spirits and the rice soul, thus breaking down boundaries between human agency, the natural environment, and the supernatural. Spiritual beliefs and practices are locally contested and are not identical within a particular group, and groups defining themselves as ethnically different often share similar practices and beliefs – creating a continuum of unbounded hybrid or syncretic belief 'systems'. New technologies and property rights systems introduced by governments and development agencies are negotiated and adapted within these pre-existing practices of upland rice cultivation.

Local rules, norms, and institutions for governing access to and management of natural resources are also aspects of the construction of socio-ecological space that emerge organically or

are consciously and creatively adapted according to changing social and ecological conditions. These rules and practices are both constitutive of and embedded within changing socio-ecologies, and as with 'formal state laws', they may be consciously articulated and recognized locally, yet are renegotiated in particular contexts, ecologies and social situations. Some rules and institutions emerge over time through repeated practices that become accepted as 'rules' or 'norms' and are able to be articulated in the abstract, yet these shift and are renegotiated as conditions shift, new technologies or laws are introduced and new issues emerge. Changes in rules may occur through collective discussion and debate or spontaneously in response to particular situations of conflict, drawing on preexisting local practices, norms and conceptions of morality. For example, customary institutions and rules for managing conflicts related to crop cultivation, burning fields, and livestock grazing on fallow lands, described in chapter four, emerged in response to increased land pressure in swidden systems. These were adapted again with the proposal to introduce relatively flammable rubber trees into the system, and new rules to manage conflicts associated with permanent enclosure swidden land with rubber trees were decided in village level discussions prior to the trees being planted. Decisions about how to manage this transition differed between villages, depending on particular historical trajectories, ecological conditions and livelihood practices and within within a broader moral framework that influenced which (and whose) livelihood activities took priority in the context of conflict.

While local patterns of practice may evolve into rules and institutions, and villagers may be able to articulate their rules of tenure and resource access in the abstract, all rules are embedded, interpreted and applied within particular contexts – they provide 'rules of thumb' rather than rigid prescriptions determining the action and agency of individuals. Furthermore, perceived or articulated differences in rules and practices may be locally interpreted as markers of ethnic difference, and may act to reinforce territorial and ethnic boundaries, as was illustrated by the practice of dividing hunting shares described in chapter six, in which villagers followed Hmong customary rules for animals caught in 'Hmong' village territory, but followed Khmu customs in territory recognized as belonging to 'Khmu'.

Development and government programs guiding the transformation of dynamic subsistence-oriented swidden communities to become sedentary farming communities that produce primarily for the market are doing this through the imposition of new 'impersonal' laws and abstract categories that rezone landscapes and shift villagers' access to and use of resources,

as well as through scientifically-informed projects intended to develop new technologies and crops to help intensify agricultural production and support the production of commodities. These programs are intended to reshape local socio-ecological space through the imposition of new rules and regulations, but are imposed upon a continuum of pre-existing 'hybridized' socio-spatial practices and epistemologies that draw from and combine multiple sources, which include the knowledges, practices, motivations and beliefs of different ethnic groups, villagers and state officials. Although intended to completely dominate customary conceptions of space and reform informal practices to comply with state laws, as has been illustrated in the example of traffic in Luang Prabang and in cases presented throughout this thesis, all formal laws and state categories are negotiated through pre-existing customary practices, norms and particular interests of those who enforce and are subjected to them. The result is that supposedly 'impersonal' and 'abstract' systems of modern state law, classification and knowledge are not hegemonic, but are hybrids that are reinterpreted and resisted within pre-existing systems of knowledge, custom and practice.

The practices of Lao government officials who were tasked with implementing state laws and regulations often interpreted or applied these in ways that undermined their 'ultimate' purpose, sometimes to meet their own interests, sometimes to confer with larger state policies, and sometimes to support the interests of villagers. Some district officials applied the land and forest allocation policy to free up land for themselves or for powerful investors rather than for the originally-stated purpose of providing more secure village land rights. Logging restrictions were enforced after the trees had already been cut down, enabling local officials to benefit financially by fining the culprits and claiming the illegally logged timber themselves. Government scientists promoted new technologies for intensifying and commercialising farming systems as 'evidence based', yet these were chosen primarily based on the political need to produce successful models that supported state policies in order to please senior officials and higher-ranking government departments rather than for demonstrated livelihood or ecological benefits. The researchers were well aware that the policies themselves were creating livelihood hardships for farmers and that many of the expectations were unrealistic, but were compelled to fit their research to support these policies and were struggling to develop viable options that would help villagers adapt and improve their livelihoods and meet their desires for development and also to please senior officials.

The informal actions of state actors in how they interpreted and implemented laws also sometimes supported villagers' rights. There has been much criticism of the informality and

personalisation of practices of Lao officials, which highlight how corruption, self-interest and patronage politics influences how laws and policies are implemented (Stuart-Fox 2006, Singh 2012, High and Petit 2013). However, there has been less focus on how the informal practices of state officials can also act in favour of social justice, as was illustrated by the by the actions of the provincial official from the department of finance described in chapter seven. Instead of following the formal regulations, this official followed his own moral principles and acted to protect villagers across Pak Ou district from being dispossessed of their land when they didn't follow the law and applied principles of the informal credit economy to the newly introduced formal system, ceding their titles to a savvy businessman from the town. Furthermore, villagers around the country seek support of sympathetic officials who will act in their interests and who will contest the actions other officials who facilitate expropriation of village territories for foreign plantation companies. They also act in compliance with state policies, and in cooperation with more powerful state allies, apply their knowledge of laws and legislation to contest illegitimate practices of corrupt officials. Lao villagers experience the 'state' not just as a 'symbolic' authority, but through the capricious practices of different state representatives at different scales, who alternately support or undermine village interests depending on the particular situation and individuals involved. The practice of seeking help from government officials in face of injustices imposed by other officials is common in Laos. Such divisions within the state, whereby laws and policies are interpreted and enacted differently by different individuals, challenges the notion of ideological hegemony and the 'impersonal' nature of rational laws and policies of a 'modern' state.

New state policies, laws and development interventions provide new narratives and mechanisms for villagers and officials to lay preferential claims to contested lands and are incorporated into ongoing struggles over natural resources. The deployment of a new system of land rights articulates with prior customary practices and institutions of land use and access, creating confusion and providing new opportunities for land grabbing at different scales, within and between villages, as well as by state officials and entrepreneurs from urban areas. This is exacerbated when the implementation of land formalisation programs is spatially and temporally fragmentation, as was the case with the Land and Forest Allocation Policy (LFAP) in Pak Ou District, since this creates areas of 'unallocated' land managed under customary systems that are not backed by the state alongside areas where land rights have been formalised and are at least 'theoretically' managed and supported by the state system. Land that is not yet formally allocated

is sometimes perceived as available, creating a frontier zone (or margin) where a mix of customary and formal arguments are deployed to assert preferential claims. For example, with the implementation of the LFAP described in chapters six and seven, Houay Kha villagers began to assert private rights to land using the land allocation policy as justification for excluding others in the community who had overlapping customary claims from access to swidden fields, even though the policy had not been fully implemented in the village. In addition, district officials strategically deployed the LFAP to legally free up village lands in Houay Kha and other Khmu villages where it had not yet been formally allocated, by providing villagers with formal household rights to fields located within only part of their original territory. Because it had not been formally allocated, they claimed the land belonged to the state. This enabled the officials to legally expropriate Khmu territory for plantation concessions and business interests, including their own. In villages where the LFAP had been fully completed and household rights to specific land parcels had been formalised by the government, the livelihood constraints created by the land restrictions imposed by the policy were partially offset by appropriating land in neighbouring Khmu villages where the policy had not yet been enforced. This was accomplished through on-going informal land transactions such as purchases and accumulation of land in lieu of debt repayment that were not recorded in the formal state system. Land rights continued to be reshuffled informally within and between villages, dismantling the 'state-constructed' boundaries between village territories and making *de facto* land use and rights 'illegible' to state authorities, as formally documented land titles and maps no longer reflected actual land rights on the ground. The practices of state officials themselves made these formal titles literally illegible as the records and maps on which they were documented were lost or damaged by water or rats.

Processes of accumulation and dispossession inherent in agarian transformations proceed through this articulation between new formal laws, land classifications and market-oriented crops, and pre-existing property rights systems, practices and relations of power. However, these do not occur on a level playing field, and act to benefit some groups at the expense of others. Relations of social and economic marginality influenced who was able to accumulate land and who was dispossessed by the land formalisation and other agricultural development programs implemented in Pak Ou District. The Khmu living in remote or resettled villages were disproportionately affected negatively by the LFAP and the promotion of plantation concessessions, in part because the implementation of the LFAP was delayed in remote areas, making this land more susceptible

to appropriation by state officials and better-off Lao and Lue roadside villagers who perceived unallocated land as available. However, their prior economic and social marginality, and their representation as especially 'backwards' impoverished swidden cultivators who practiced an environmentally destructive form of agriculture in 'state forests' made them particularly vulnerable to various processes and policies leading to their dispossession. As the most impoverished ethnic group in the district, who often inhabited remote villages that were inaccessible by road, the Khmu were disproportionately affected by resettlement policies, making it more difficult for them to accumulate capital and more likely to accumulate debt. Most families incurred debt from traders when they ran out of rice for subsistence, paying back after harvest when prices were at their lowest. Those villagers who were forced to resettle often borrowed money from traders to support their relocation. Debts were sometimes paid for with land if their crops didn't produce well enough after harvest that year. Local traders who regularly purchased agricultural and forest products from the Khmu were primarily relatively well-off Lue and Lao farmers living in roadside villages, where their own agricultural production had been negatively affected by land use restrictions imposed by the LFAP. These middlemen represented the wealthier households in roadside villages, who had been required to cede rights to some of their many fields during implementation of land allocation, and therefore had an additional incentive to demand land from Khmu who were indebted to them in order to offset the negative impacts of the policy on their own agricultural production. Although farmers in roadside villages where the LFAP had been enforced were complying with the property system imposed by the policy within village boundaries, those who had the means were accumulating land informally from neighbouring Khmu villages. While these land transactions would likely have occurred without the LFAP, the policy increased incentives to acquire land in lieu of financial repayment.

The development dreams of highland villagers are supported in promises made by state modernising narratives even as these villages are being dispossessed *en masse* by state modernising projects and on a piecemeal basis as some villagers are dispossessed during the transition to more privatised land rights and capitalist forms of agriculture. The representation of swidden farmers and livelihoods as 'backwards', 'impoverished', 'environmentally degrading' and 'not-modern', and the zoning of the forest-farm landscapes in which they live as 'State forest' or 'degraded', places a large number of Lao citizens - particularly ethnic minorities such as the Khmu – in a position of considerable vulnerability within the national modernising project. Such

negative representations are deployed to legitimize the appropriation of village lands for capitalist enterprises in the name of improvement and poverty alleviation. By obscuring their pre-existing rights and by not recognising the livelihoods of swidden cultivators as legitimate, such classifications have facilitated large-scale dispossessions of village territories to make way for foreign-owned industrial tree plantations which are deemed more economically productive and even framed positively as 'reforestation' in spite of the negative impacts of monocropped plantations on biodiversity and watersheds. These representations, coupled with the strategic 'mis'-implementation of 'impersonal' laws to formalise land rights in mountain areas arbitrarily zoned as state forests, have enabled the legal theft of land by those with capital, a process which David Harvey refers to as 'accumulation by dispossession' (Harvey 2006). The negative social costs of national economic development are considered justified by the end goal, while the promotion of a dominant modernization ideology and local dreams of becoming 'up to date' facilitates a level of acceptance of this type of development by the population. Because of highly unequal power relations and a political culture that prevents highland villagers (and even Lao elite) from openly contesting these injustices, villagers have undertaken various forms of everyday resistance to try to protect their territorial rights. In Houay Kha, the Khmu have adapted various forms of resistance within these highly unequal power dynamics. In addition to enacting everyday forms of resistance, they have cleverly appropriated the state's modernizing ideology and models by framing themselves as 'adequately developed' and law abiding good Lao citizens in order to resist large-scale territorial dispossession in the name of their own development and to hold the government accountable to the values it professes to support. This pithy approach has allowed them to profess open support for state authority and development goals while at the same time resisting the state when these development goals are applied to legitimize their dispossession. At the same time, their position of economic marginality combined with desires for better lives means that Khmu villagers are either compelled or are complicit in piecemeal dispossession of their lands. Development policies and projects seeking to hasten agrarian transformation and at the same time benefit economically vulnerable groups such as the Khmu articulate with pre-existing social and spatial practices, systems of meaning, and relations of power and marginality and often unintentionally exacerbate processes of dispossession of the very people they claim to support.

Appendices:

Table A1: Wild foods and products gathered from the forest and fallow

Item	Comments	Village
Pak Lak (Lao), *Pak Naw* (Lue)	Grows in the fallow and the field between the crops. Women collect this from the field during planting/weeding etc. Used in soups along with bamboo shoots, or fried	Houay Lo
Posa (paper mulberry)	Grows up wild in the fallow and is also planted. The leaves are used for pig food.	Houay Lo Houay Kha
Banana leaves from wild bananas	Houay Lo Houay Kha	Houay Lo Houay Kha
Pak Ileut (Lao) *Pak Ké* (Lue) (Betel leaf)	Leaf for eating, gathered from everywhere near streams (Houay Lo) Found in wet areas in fallow. Used to make *meng* (as wraps for rice noodles, nuts, and sticky rice)	Houay Lo
Pak Lin Hao	?	Houay Lo
Pak Oot Ngong	?	Houay Lo
Mushrooms (*He*t)	Collected from forest for food (Every year in Laos rural people die from accidentlly eating poisonous mushrooms. Although I had not heard of this happening in the villages where I worked, people spoke about this, and it was mentioned on local radio broadcasts).	Houay Lo Houay Kha
Het Poep (termite mushroom	Houay Kha. They collect in months 9 and 10, from the field. They can eat this when they are planting rice. This mushroom grows when the rainy season begins.	Houay Kha
Dti Muai (Khmu name for type of mushroom)	Houay Kha. Grows in the trees. From the dead trees. Is available all year. Villagers eat and sell these. In some places there are a lot, in some places not many. If they clear old forest, then they find a lot. If clear young fallow, then less. Now there are fewer of this kind of mushroom, but before there were many. They sell it in the market – (in Houay Wang or Lattahae). Not expensive. They wrap the mushrooms in banana leaves and sell for 1000 kip per package. Get only 2-3000 kip from selling this - enough to get noodle soup to eat when they are in the market.	Houay Kha
Dti your (Khmu name for type of mushroom)	Houay Kha. Collect this at the same time as the termite mushroom (*Het Poep*). There is a lot of these mushrooms, but they cannot sell because nobody will buy them. Very delicious but can't sell because there are many – in Lattahae there are also a lot. Month 9 is when they get this mushroom.	Houay Kha
Dti Krok (Khmu name for type of mushroom)	Collect this from dead trees along the stream. In month 5. Only can get this for 1 month. Very delicious and sweet. Collect for food. There are many, so they can't sell these.	Houay Kha
Dti Ka! (Khmu name for type of mushroom) (*Het P*a – forest vegetables, forest mushroom?)	Get from the dead trees. Between months 8 and month 9, during weeding time. There are not many of type of mushroom – sometimes not enough to eat. The amount has not changed over time. They don't sell this kind.	Houay Kha
Yos schiow	Leaves for eating, can be used to eat with mango salad. Gathered from fallow (during planting, etc.). (Houay Lo)	Houay Lo
Tzum Kun	Gathered from fallow. Lemony flavour, bitter, sour. People eat this in the field. (Houay Lo)	Houay Lo

Kah	Type of wood/root – similar to ginger or galangal (perhaps wild galangal). Find it in the fallow/field and also people growing this in the village. Use for cooking. Collect from fallow and replant in village near the houses.	Houay Lo
Oi-phong	Like wild sugar cane, plant around field hut in order to eat while harvesting	Houay Lo
Wild Banana flowers	Banana flowers are eaten as vegetables. Older women gather banana flowers to sell in Lattahae in the market. Go very far into the forest – at night or early morning. ½ sack of banana flowers sells for 3000 Kip. These are eaten as vegetables. These are easily available, and can collect these all year around to sell in the market in Lattahae. The price is 1000 kip for 3 banana flowers. Both men and women collect and sell these.	Houay Kha
Bamboo shoots	Wild in forest (common property) Mainly for food and sale Houay Kha – selling bamboo shoots doesn't give much money – only 3-4000 Kip if sell. Only in the rainy season until they harvest Khao daw (from june-july until Oct/Nov) Types of bamboo: ngaw lai, ngaw bon, ngaw hua/hok	Houay Kha Houay Lo
Cardamon		Houay Kha
Khem (Broom grass)	Grass, used for making brooms, collected for sale to middlemen, who send the dried grass to Thailand, where the brooms are made. This is collected in most villages in Pak Ou, also in Xieng Ngeun District. 2000 Kip/kilo during the season (March)	Houay Kha
Sarati	Eat in soup (fried)	Houay Kha
Mak Buat	? some sort of fruit	Houay Kha
Mai Bong	Type of bamboo collected in forest in Houay Kha. Hard to find, have to go far from village. Used for making baskets.	Houay Kha
Mai Doo	Tree from forest. They use the bark and boil it to make a black dye, and use this to stain the fish nets so that the fish do not see them	Houay Lo
Mai Ou	Tree. Value of 250,000 Kip stumpage tax (?)	Houay Kha
Mai Kha	Tree. Value of 250,000 Kip stumpage tax (?)	Houay Kha
Mai Tatawah	Tree	Houay Kha
Maibong	Bamboo rattan for making baskets to sell (Houay Kha)	Houay Kha
Mai Chandai	Wood, like like a kind of coconut tree. Aromatic. Houay Kha – lots of Mai Chandai on the mountain. People collect it from the preservation forest, and people from Lattahae buy it. The price is 1800 kip/kilo, and if collect all day can get about 100 kilo. Depends, some days they find a lot, other days less. Need to cut the tree and get it from the inside. Most people in Houay Kha collect this.	Houay Kha
Yought mak buap	Top of gourd, squash. Late Sept-Oct (vegetable) Houay Kha	Houay Kha
Yought mak nam tau	Top of Kind of squash harvested at the end of September (vegetable)	Houay Kha
Mak tua	Beans, collect only when young – ready in September (vegetable)	Houay Kha
Yought mak phat tung	Pumpkin (greens) planted and harvested (when?) (vegetable)	Houay Kha
Pak Mon	From Lowland in april or may (a kind of leaf) (vegetable)	Houay Kha
Pak Ooot (Pak Goot)	From the stream, get when go fishing. Doesn't grow all year around. Starts in month 12 and there is a lot until 5th month.	Houay Kha
Pak Bong	Morning glory. planted in lowland rice fields (not by people of Houay Kha). Don't need to buy because get wild morning glory – can just pick it up all year around.	Houay Kha
Pak Nawa/Nawg	In the lowland rice fields. Collect this to eat, all year.	Houay Kha

Pak Nam	Watercress. In the stream, wild. Collect from the stream all year long.	Houay Kha
Pak When/Vhen	In the lowland rice field. After they harvest the lowland they collect this. Anyone can take it. Grows on the land, not in the water in the middle and the edges of the lowland fields Needs moist or wet soil.	Houay Kha
Pak Wan (means sweet vegetable)	When they clear the field they eat this. Months 5-6 then it is gone. Grows in the forest at this time, after this there is none.	Houay Kha
Ngaw (Bamboo) shoots)	Houay Kha. Bamboo is not called a vegetable – only called bamboo. Bamboo shoots are collected when they weed in the fields until harvest time). Until the 5th month of the Khmu calendar, then no more (June until Nov). They eat bamboo shoots from about the beginning of when they start to weed the fields (from June until the end of November in the international calendar is my estimate).	Houay Kha

Table A2: Species hunted in forests and caught in streams, Houay Lo and Houay Kha

Item	Comments	Village
Birds/owls	Hunt in rice fields, eat these (Houay Lo)	Houay Kha Houay Lo
Thun (Large rodent, a bit like a gopher or groundhog)	Live in the rice fields. Hunt for consumption and sale. Sell these in Luang Prabang. More expensive if sell them with teeth still because the restaurants can keep them alive until someone asks for them. Without teeth 12,000 Kip, but easier to carry because they don't bite or chew their way out of the bag.	Houay Kha Houay Lo
Lizards		Houay Kha
Crabs	From the stream in Houay Kha. Only from about August to end of October they can catch one type of crab (at the end of the rainy season when the water is high I suspect). For the kind that lives in the water, they can catch them the entire year. They catch 2 kinds of crabs – *Pu Pheng* – found in streams (small streams) when have rain. Only get these when it rains – for about 2 months (both men and women collect these). The other kind of *Pu Na*. These live I lowland rice fields, but people don't have this in Houay KHa because not a lot of rice paddies.	Houay Kha
Fish – *Ka!* In Khmu		
Ka! That	Can catch this all year. Small and big (big is hand-sized, small is ½ of two finger size). There are not a lot, only sometimes can they catch a lot. These are caught only for food. Men catch this. If they want to eat big fish, the men wil get it. They will use a cast fishing net. (the net is bought in town for 50,000 – 60,000 kip.)	Houay Kha
Ka! Momme	Small and large size, depending on maturity. Men catch these using cast nets. Available all seasons.	Houay Kha
Ka! Lée	Very small. Found in streams. Men and women both catch this. Both go because these are small fish (men catch big fish – men go fishing often). The men use a 'throw net' to catch these because the fish are very small. If use a fishing net, the holes are too big and cannot catch. (the women use a scoop net).	Houay Kha
Types of bigger fish caught in Houay Kha using traps: *Ka! Lée* *Ka! Mon* *Luen* *Pa Duk* (cat fish) *Ka! That* (Chat)	People in H Kha use traps as well to catch fish. They dam the river/stream to make the water deeper and then use *saloh* and *joh* (types of traps). The traps are used to catch bigger fish. They usually only get a few fish. Traps are used only at the end of the rainy season, during harvest time until month 12 (so only for about 1-2 months). Men use traps, not women. Women don't know how. Men make the traps as well. Usually men make the baskets and traps, not the women.	Houay Kha
NOTES ON HOUAY KHA FISHING	Notes on Houay Kha fishing. Q. When do they go fishing? They go fishing during the day. For setting the traps, they do this in the evening, then the next morning get fish from the traps. For crabs, they catch these in the daytime (the women) For crabs, they also go at night – the men go at night. It's the same in the day or night. Some people are good at catching crabs – get a lot. Some people are not so good, get less. At night it is better for fishing. If go at night, will get a lot. Only 1-2 people go. If not afraid, can go alone. If afraid, go with 2-3 people together. Only some people fish at night.	Houay Kha

Table A3: Fish species caught in Pak Ou River and streams, Houay Lo.

Note: Large fish species are caught during month 5-6, using long lines. Small fish are caught during the rainy season.

Fish species	Comments	Season
Pha Keung (catfish)	Pak Ou River Catch with long lines with hooks along the river 30,000 Kip/kilo	5-6 month
Pha Mang	Pak Ou River (catch with nets) Small fish, the size of two fingers 15,000 Kip/kilo	Only during the rainy season (this season – July)
Pha Nai	Pak Ou River Catch with long lines with hooks along the river 25,000 Kip/kilo Pak Ou River. Has scales so cheaper than fish with no scales	5-6 month
Pha Pia	Pak Ou River Catch with long lines with hooks along the river 25,000 Kip/kilo Pak Ou River. Has scales so cheaper than fish with no scales	5-6 month
Pha Pick Deng	Pak Ou River (catch with nets) Small fish 15,000 Kip/kilo	Only during the rainy season (this season – July)
Pha Pick Luang	Pak Ou River (catch with nets) Small fish 15,000 Kip/kilo	Only during the rainy season (this season – July)
Pha Wah	Pak Ou River Catch with long lines with hooks along the river 25,000 Kip/kilo Pak Ou River. Has scales so cheaper than fish with no scales.	5-6 month
Pha Khang	From streams Bait fish, very small	X
Pha Duk	From streams Bait fish, very small	X

Table A4: Upland fallow weed and foliage species mentioned by farmers

(Scientific and English names for the weeds mentioned by farmers were identified by consulting scientists at IRRI and by using a 'weed identification' manual (Galinato, Moody et al. 1999)**).**

Weeds (Lao and English names)	Comments of villagers	Village
Kerphit	They classify this as a vine, not a weed, but they weed it out of the fallow. This vine grows in areas where there are no trees, but is not the result of young fallow but a wild 'forest' plant.	Houay Kha
Nya Falang *(Conyza sumatrensis)*	The name means 'French weed'. It has thorns, so sometimes people don't weed this and let this stay in the field.	Houay Leuang
Nya Kabpee *(Nya Kabpi hyai)* Tropical spiderwort (*Commelina benghalensis L*.)	This weed grows on rich, black soils. It is very hard to get rid of – it doesn't die when it is pulled up and grows back again in the rain. It regrows from any roots left in the soil, so they have to remove it from the field completely. Even if it is uprooted, they need to remove the plants from the field or it will grow up from the broken plant.	Houay Kha Houay Lo
Nya Kha Cogon Grass, *Imperata cylindrical* (L.)	This grass is very difficult to weed because the roots are deep. It is an indicator of young fallow. Farmers sometimes leave areas of the field that are overrun with imperata in hopes that large trees will grow back and shade out the weed. Some farmers who can afford it, have begun to apply herbicides to parts of the field infested with imperata. The grass is also used for making roofs.	Houay Lo, Houay Kha
Nya Khay	Farmers in Houay Kha complained about this weed because it itches. It is a relatively new problem on their fields that has emerged in the last 2-3 years. Before, there was some around, but only on young fallow land.	Houay Kha
Nya Kiloh Eng. Siam Weed *Chromolaena odorata (L.)*	Nya Kiloh grows on soils where rice will grow very well – so is an indicator of soil fertility. It is not a huge problem for weeding, and farmers break it off and leave it on the field where it acts as fertiliser for the growing crop. Nya Kiloh is also used as a medicine by all the ethnic groups – for stopping bleeding if someone is cut or has a nosebleed and for burns and skin ailments. A Hmong man I interviewed used 'water from the top of the weed', mixed with salt or sugar as a remedy for stomach ache. They also refered to this as 'Vietnamese weed'.	Houay Lo Houay Kha
Nya Kotot Maa	The name means 'dog fart weed' because it smells very bad.	Houay Lo
Nya Nyung Mosquito grass	The name means 'mosquito weed'	Houay Kha
Nya Phet		Houay Kha

Nya Way (Vai)		Houay Kha
Nya Khiu Tropic Ageratum *Ageratum conyzoides L.*	Just grows up by itself. The weed grows and has seed - when it gets old and ready to spread the wind comes and will spread quicky when plant. All fields in that area have problem with this weed. Have this because young fallow. Houay Leuang – this grows on black soil	Houay Lo (2 farmers) Houay Leuang

Table A5: Upland rice varieties grown in Ban Houay Kha

RICE VARIETY	No. farmers growing and year	Ethnic Group of farmer growing variety	Origin of variety	Duration	Land and soil type	Taste and seed	COMMENTS (and household (HH) number)
1.*Blé Blau Dah (Khao Neao Luang*)	1 2006	Hmong	TV[157] Hmong variety from Houay Lat	X[158]	X	Sticky[159]	HH 36: Yellow grains
2. *Blé Kgeh*	1 2005 (stopped)	Hmong	TV Hmong	X	X	non-sticky	HH 36: Very short, Awned, itchy. Planted only in 2005 but stopped planting because itchy.
3. *Blé Pa Song*	1 2006	Hmong	TV Hmong from Mok Chong	Pi (late)[160]	X	non-sticky	HH 54: High yielding. Hmong farmer brought the seeds with him from Mok Chong when he moved to Houah Kha
4. *Blé Tzao Pue*	1 2004 (stopped)	Hmong	TV Hmong	Pi (late)	X	non-sticky	HH 45: Hmong farmer planted this during his first year living in Houay Kha but stopped because it didn't grow well

[157] TV implies Traditional Variety cultivated by farmers (as opposed to MV which indicates Modern Variety – one that has been bred and created in a research station for distribution to farmers. Alnost all of the varieties grown in swidden systems are traditional varieties, and many of the varieties introduced by the IUARP project are traditional varieties taken from other areas or villagers for testing.

[158] X implies that there is no information.

[159] Sticky rice is glutenous rice (*Khao Niao*) while non-sticky rice is non-glutinous rice (*Khao Chao*)

[160] I suspect that farmers don't always differentiate between medium and late duration – sometimes mix these together in comparison with early maturing rice.

							on the soil. The soil in his field was very bad
5. *Blé Tzua duh (dah)*	2 2006	Hmong	TV Hmong, one farmer (Houay Lat).	Daw (early)	X	non-sticky	HH 45: Hmong farmer brought the rice seeds with him from his village (Houay Lat) when he resettled in Houay Kha. He says it is a good variety because has a good yield and get enough rice to eat. He has planted this variety on the same field/plot for 3 years in a row. HH 36: Hmong farmer traded seeds with another Hmong family in Houay Lat rather than trading for seed with Khmu in Houay Kha because he prefers Hmong varieties and is afraid that if he tried Khmu varieties he might not have enough rice to eat.
6. *Blé Tzug scheii*	1 2005 (stopped)	Hmong	TV Hmong	X	X	Sticky	HH45: Hmong farmer stopped growing this because it was not good for the soil in Houay Kha. He tried it for one year and it didn't grow well.
7. *Khao Chao daw* (gen)	1 2004 (stopped)	Hmong	TV Hmong	Daw (early)	he planted it on very bad soil	non-sticky	HH 45: Hmong farmer planted this for 1 year (2004), but stopped because it didn't grow well. It was planted on poor soil.
8. *KhaoChao Lao Sung* (generic name for Hmong variety given by Khmu farmer)	1 2006	Khmu	TV Hmong	Pi (late)	Planted K. pi at top of field, on black soil, normal soil, cleared from old forest that year. Very steep.	non-sticky	HH 56: A Khmu farmer was growing this rice, but it is a Hmong variety. He bought ½ the seeds in Houay Kha and ½ in Mok Muang. Normal yield, not yet harvested, but normal.
9. *Khao Chao* (generic name for non-sticky rice)	1 2006	Khmu	TV HOUAY Kha	X	Planted on good soil, steep, long fallow, far from the village	non-sticky	X

10. *Khao daw* (probably Khao Lasoun)	1 2006	Khmu	TV	Daw (early)	Planted on good soil (black, not red) rice grows well. Cleared from forest this year (new plot)	Sticky	X
11. *Khao Deng* (There is K. Deng noi (small seed), nyai (large seed) and khang (medium)	1 2003-5 (stopped)	Khmu	TV	Daw (early) or khang (medium)	Cleared on top of HOUAY Kha stream and planted on top of field. Good soil, black soil with a little red with some small stones. Bamboo fallow/forest.	Sticky	HH 39: 2003-2005 Planted for 3 years, then stopped. *'we don't have this now because nobody plants this.'*
12. *Khao Dam* (Black rice)	1	Khmu	TV	X	X	X	Used to make Khmu Lao beer (*Lao Hai*) and for sweets (*kanom*)
13. *Khao Hin Nyai* (IUARP project variety)	1 (stopped)	Khmu	IUARP seed. He got it from his father who was part of IUARP	X	Yellow soil, not good soil	Delicious, soft but not good for soil, so stopped growing this.	HH 56: The farmer who planted this variety explained that this was project rice (*Khao kongkan*). His father was part of IUARP. He planted all of his field with project rice because he had no seeds of his own (got the seeds from his father). The rice was normal - not good, not bad. He is no longer growing it because not so good, he thought it might not suit the soil on his field.
14. *Khao Kongkan* (Project Rice – generic name)	1 2006	Khmu	IUARP PVS trials	Khang (medium)	Good soil, black, near village. Flat land, could be used for lowland rice.	X	X
15. *Khao Chao Pé*	1 2004 (stopped)	Hmong	TV Hmong	X	Very dry soil, white soil, like	not sticky	HH 45: Only planted the first year he was in the village.

					sand. Not steep (almost flat)		
16. *Khao Kham (maybe K. Khan)*	1 2006	Khmu	X	Pi (late)	Near stream, red soil, fallow did not burn well so planted late, so rice does not look good. Young fallow, steep.	Sticky	Can plant on any soil, but if plant in good soil, it grows very well. Large seed, tall K. Pi (K. Khang) (medium-late) same delicious as other not awned many people plant this
17. *Khao Khao* (*pi)* (White rice)	5 2006 and earlier. 1 farmer stopped in 2005	Khmu	TV	Pi (late)	All farmers planted this on good, black soil, on which rice will grow very well (if it burns properly)	Sticky	*'Chooses the soil'. If the soil has small stones, it doesn't grow very well. Usually plant this on old fallow or land cleared directly from forest. We still plant this, although less people plant this than before. Most people who plant this have fields very far from the village'.* *'Delicious, soft. If doesn't mix with other rice, it's more delicious than the others. Soft and tastes good.* Aromatic *'Smells nice. If we plant this and don't use pesticides, the ants will say 'Oh, this is my rice'. Ants like this better than the others. Pigs and rats like all this rice'.* HH 32: Farmer planted this on top of field, because is used to planting the top of his field with late rice (no other reason). Planted this variety because he likes it, and because it grows very well. Good soil, but didn't burn well this year. He plants this every year (along with K. Weck, which is a medium variety).

							HH 7: Farmer planted K. Khao (late) on good soil, and K. Manpu (early) on bad soil in his field. Planted these in different parts of the field because of the different soils. One year planted K. Khao on top of field, another year on bottom of field, both times on good, black soil. HH 29: K. Khao grows very well on good soil. HH 39: Planted a little K. Khao on black soil, mixed with small stones. First year he used was good soil, second time also good soil, 3rd time this year, not good because all the rice died. HH 62: He changed rice varieties because he didn't have seeds. Didn't plant K. Khao again because it didn't grow well last year, when he had planted it on red soil with young fallow).
Khao Khao (khang) (White rice)	1 2005 (stopped)	Khmu	TV	Khang (medium)		Sticky	X
Khao Khaw (khao) (White rice)	1 2005 (stopped)	Khmu	TV	Daw (early)	Near stream. Red soil. Steep. This year not good because planted rice very late. because the field didn't burn well because it was young fallow (2 year). He couldn't leave it fallow longer	Sticky	HH 62: He changed rice varieties because he didn't have seeds. Didn't plant K. Khaw again because didn't grow well last year.

					because he has no other area.		
18. *Khao Khon Theung*	1 2004 (stopped)	Khmu	TV	X	Good soil, black soil		HH 7: Good yield, planted in higher part of field. .
19. *Khao Lasoun*	2 households Khamee: 2006 HH 34: planted several years before 2005, stopped in 2006.	Khmu	TV	Pi (late)	Good soil, red soil or red and black soil.	sticky	HH 34: Farmer stopped growing in 2006, but grew for several years until 2005. But that year, some parts of the field did not grow well because young fallow. Planted with two other varieties.
20. *Khao Manpu (daw)*	21 HH 3 households stopped in 2006, but others planted every year	19 Khmu 2 Hmong	TV from Houay Kha (also grown by Khmu in Mok Chong)	Early (daw).	Planted on a variety of soil types (very good black soil, red soil, sandy soil, white soil with stones, poor soil) Planted on steep and flat lands. Planted on different kinds of fallow land (forest land, young or old fallow, different fallow or weed species, bamboo fields, etc.	Sticky Large seed	Good for any soil. Large seed Not awned (no hairs on seed) Delicious, soft rice. Normal height. Shorter than K. Sukiang so doesn't fall over. '*Very soon to produce harvest.'* HH 51: Farmer planted Khao Man Pu on the flat part of his field because it is not a very good variety. He planted K. Siu and K. Pe on steep part of fields because they grow very fast so didn't want them on flat, because the rain will go to the flat land, and the soil there will have more moisture. K. Man Pu doesn't choose the soil. It doesn't grow very fast, and grows on any soil…it will grow on the wet soil.

							HH 32: Stopped planting K. Man Pu. Only planted it for one year (in 2005) because he usually plants different varieties (K. Khao, K. Weck, K. Pi) because '1 kilo of these is heavier' (i.e. one sack is heavier) so he likes them better. HH 14: Plants this variety every year, including 2006. But in 2006 it all died so he replanted the field with Khao Pe. Last year (2005) the rice grew too well. It didn't produce any grain because it grew too well, and when it was flowering there was heavy wind and the rice was knocked down, and so no grain was produced. He lost a lot – it was planted on very good soil and it rained, so rice grew too well. Every year he plants K. Man Pu and K. Sukiang, because he is used to eating them and they grow well if the soil is good. This year (2006) was the first time he tried K. Pe. He planted twice in 2006 – first with Khao met nyai (K. Man Pu) and K. Sukiang, but 'the soil didn't like K. Man Pu', so he replaced it with Khao met noi (K. Pe). Second time didn't grow as well either. This is because the soil isn't good. (The soil on this field is Din khao - white soil. Not good soil). First he planted 2 varieties, but then only K. met noi. He used to plant this land before, and when there was rain, it grew well. But this year there was no rain and the rice didn't grow well. Last time had more than 20 sacks from this land.

							HH 34: Stopped growing K. Manpu in 2005. Before he had good soil, black soil. But last year when he planted this, some areas grew well, other areas did not grow well. Many people have used this land – has been young fallow for a long time. HH 23: Only plants K. Manpu. He only plants one rice variety, because if he plants many, it's difficult to wait when to harvest because they are not all ready at the same time. If plant only 1 variety, cut, finish, and thresh. HH 38: (2006, 2004) Only planted this variety because not enough labour for weeding. He doesn't plant more varieties or types of crops because he doesn't have enough labour and is old. If plant a lot of things, then no time to weed and will lose everything. If plant sesame, not a lot of labour to weed, but it is a lot of labour to harvest (which is why he didn't plant it that year). Job's tears are a lot of labour because need to weed it like rice - 3-4 times a year. HH2: In 2006, he only planted K. Man Pu (1 variety) of rice on this land, but planted other areas with Job's tears and sesame. On the area where he planted rice, if he planted job's tears it won't produce on that land (it grows too well). The rice is growing very well. HH7: In 2006, planted 2 types of K. Man Pu. Planted the early variety on the poor

							soil because it grows very well and he can harvest it early. HH 19: An older widow with not much labour, she doesn't plant K. pi (late) varieties because you have to weed 4 times before eating. For K. Daw and K. Khang only have to weed 2 times before eating.
21. *Khao Man Pu (khang)*	1 2006	Khmu	TV	Khang (medium)		Large seed, sticky rice	HH 7: In 2006, planted 2 kinds of K. Man Pu. Planted the early variety on the poor soil because it grows very well and he can harvest it early.
22. *Khao Leuankham*	0 currently, but farmers used to grow this	Khmu	TV	X	X	X	Farmers used to grow this in the past
23. *Khao Met Nyai* (Big seed rice) Generic name. Perhaps because 2 of the farmers interviewed were recent immigrants, so may not have known the varietal name, and the other was a woman who did not work herself in the field.	3 2 farmers in 2006 1 farmer planted in 2003, but then stopped because government told them to stop growing rice. Now he sells labour for money)	Khmu	TV	Pi (late)	HH 56: planted this (K. pi) at the top of field.	Large seed sticky	HH 56: Immigrant to Houay Kha (might explain why he uses a generic name). He planted 3 varieties, divided one piece of land into 3 parts. Planted K. daw on the bottom, K. pi on the top. Planted K. daw (early rice) on the bottom because plant this for when short of rice and can get rice earlier to eat, and don't have to pass through the other rice that is still growing when harvest K. daw. Also planted K. Chao Lao Sung because he didn't have enough rice seed to plant the entire field. He bought the seed from the Hmong for 20,000 kip/kalong – very expensive. Bought 1 kalong in Mok Muang and 1 kalong in Houay Kha, and planted 2 kalong of Hmong rice. He bought Hmong rice seed because Houay Kha had no rice left, and he had run out of planting seed.

							He would not have chosen Hmong rice, but had space left to plant rice and no seed left and there was no rice left in HOUAY Kha. HH 10: Farmer moved to Houay Kha from Mok Chong, but did not bring seeds with him, so bought seeds from HOUAY Kha. [This might explain why he used a generic rather than specific varietal name]. He exchanged labour in order to get the seeds – three times, planting, weeding and harvesting for the people who gave him the seeds. He had to give '3 days of 2-person labour' (6-person labour days) in order to get the seeds. He stopped planting rice in 2003because the government told them to stop planting rice. Now he makes a living from selling labour.
24. *Khao Niao* ('Sticky rice' – generic name, likely because planted by Hmong farmer not used to planting sticky rice)	1 2004. planted only 1 year then stopped	Hmong	TV	X	Poor soil		HH 45: Planted only one year in 2004 (first year he was in Houay Kha), and didn't replant after this.
25. *Khao Pé*	8 farmers 2006 and before. All continue to plant this.	Khmu (all)	TV, HOUAY Kha One farmer brought the seeds from HOUAY	Pi (Late)	Planted on different soil types.	Sticky Small seed (*met noi*)	Doesn't choose soil. Plant it on steep or not steep slopes. Small seed (same size as K. siu) K. khang (medium) Good, delicious, soft. Awned (has hairs) A lot of people plant this 'doesn't like K. Pe because small seed. Not many people like this one'.

			Leuang when he moved to HOUAY Kha.				HH 34: Planted this on Red soil. Soft soil. Rice doesn't grow well because it is soft soil, and when it is hot, the rice dies. HH 51: Planted K. man pu on flat part of field because not a very good variety. He planted K. Siu and K. Pe on steep because they grow very fast so didn't want them on the flat area because rain will go to flat area. K. Man Pu doesn't choose the soil – it doesn't grow very fast, and grows on any soil…it will grow on the wet soil. The soil is black, good soil HH 59: Uses K.Pe. If uses another variety it's not good. Most varieties are not strong. K. Pe is a strong variety because it spreads its branches (tillers). HH 50: Every year he plants 3 varieties of rice – always the same kinds. One early, one late and one non-sticky rice that is good for noodles. His household makes noodles to sell in HOUAY Kha, although stopped this year because his young daughter got sick and they used the money to go to the hospital. Next year after they harvest rice they will make noodles again. The first year, he planted this on good black soil, steep land, 2 hours away because no place near village to crop. Last year planted close to the village, but the yield not good. This year yield is quite good because the field is far away. He planted there because he has no places so

							can't choose where to plant. Next year he will have to move father than this because there is no area to crop and the fallow belongs to someone. If crop further away will get more rice and yield is good, so he won't be short of rice. Last year when he planted close to the village, the yield was not good and he was short of rice. He sells labour a lot because short of rice HH 59: Planted on red soil (*din daeng*). In years when it rains, it is good soil. In years when there is no rain, it is not good soil. This year it is OK because there has been rain. If no rain, when plant, the soil gets hot. If it rains afterwards, before the rice only grows a little, will get only a small yield. When plant, then it is sunny, after the rice almost grows up, and it is getting hot and sunny, then the rice dies. He also planted this in other years on his other field, which is good, black soil. HH14: planted this on bad, white soil, and rice is not growing well.
26. *Khao Siu* (late)	2 farmers 2006 and earlier.	Khmu	Got seed from IUARP project.	Pi (late) from IUARP)	Planted on black soil	Small seed	Comments on all K. Siu (late, medium and early) - any soil, doesn't choose - small seed - 1 kind is medium, other is early - delicious and soft - tall - awned (has hair on seed) HH 39: *K. Siu is very nice*. At first he though the rice from the project was not good and he used only a little bit, but after

							the rice grew up it grew very well, and so next year he will plant a lot.
27. *Khao Siu (khang)* Medium	1 2006 and earlier	Khmu	Got the seeds from his wife's parents TV - came from grand-parents		Planted on black soil	Small seed	HH1: Planted 2 varieties this year. Planted these varieties because others are not good when no rain, and also, their parents planted these varieties. Last year he stayed with his wife's parents (implies he helped on their fields), but this year he built a house himself, and his wife's parents gave them seeds.
28. *Khao Siu (daw)*	1 farmer	Khmu	Got from his brother, who was with IUARP project	Daw (early)	Black soil	X	HH51: planting 3 kinds of rice because his wife and he want different kinds of rice. She wanted K. Man Pu because used to use for a long time, but this year he wanted to try new varieties because young fallow.
29. *Khao Sukiang*	4 farmers (1 stopped) Hmong farmer planted only in 2004 (1st year he was in village), then stopped. Other farmers continue to grow in 2006 and earlier	1 Hmong 3 Khmu	TV HOUAY Kha	K. Khang (medium)	Planted on different kinds of soil (sandy, bad, white soil) and good (black) soil Red, soft soil. *'Can plant anywhere'* if plant this on steep areas, if it grows very well, it will fall down. But plant on steep or not steep slopes	Sticky Small seed	Small seed white, very delicious beautiful (ngam) Very tall. Can plant anywhere HH 45 (Hmong): planted this only for 1 year (2004). (first year he was in village). HH 14: All died early in the season – replanted in same year with K. Met noi. Was planted on white soil – very bad soil. Previous year grew on very good soil and rice grew too well. HH 34: 2006. Planted on soft red soil, and rice is note growing well because it is soft soil, and when it is hot, the rice dies.

							2005, planted on good, black soil – but when planted, some areas grew well and other areas did not grow well. He thought the land had been fallow for a long time and many people had used it. HH 17: Planted on good, red soil, but on other years on black soil. They plant this variety every year. Her husband chose the rice variety. *'Women don't choose the varieties, but they both like this one'.*
30. *Khao Tai*	1 2006 and earlier	Khmu	TV from HOUAY Kha. Got from great grandparent, and continued to cultivate. He got the seeds for this year from his wife's parents	x	Black soil	sticky	K. Tai is like Thai rice
31. *Khao Weck*	2 2006 and earlier. 1 farmer grew in 2005 but stopped in 2006	Khmu	X	Early/ Medium - a little later than K. Manpu	X	sticky	HH38: grew in 2005, but stopped because he had been ill and his son worked alone, so had poor yield and was short of rice.

32. *Khao Yap*	1 2006	Hmong	TV (Hmong)	X	Planted on good black soil.	Non-sticky	HH 45: Only 1 kind of rice on this field. Not sticky rice. If grow sticky rice, then can't get enough rice to eat.

Table A6: Upland rice varieties mentioned by farmers in Ban Houay Lo

Variety	Village and no. farmers	Ethnicity	Origin	Comments
Khao Deng	7 farmers. 6 farmers continue to plant this, 1 stopped.	Lao, Lue	TV local	TV Medium or early duration Large seed HH 2: (Lao) Planted this on 4-year fallow because before land allocation. But now that they have had land allocation, fallow will be shorter. Planted K. Khao first until ran out, then planted K. Deng. Planted two different varieties because they mature at different times so can stagger labour. K. Deng matures a little later than K. Khao, so can harvest immediately after. Planted Job's tears because matures after the rice, and not enough labour to harvest more than what they've planted. He did not choose to plant K. Pe because it wouldn't suit the soil and would grow too well. K. Pe has small seeds, wouldn't grow well on that soil because soil too nice – the rice seeds would not fill. HH 25: (Lao) This variety produces a lot. HH 8: (Lue) Planted Khao Deng and Khao Pe, because both can be patient in the sun. When the weather is hot they won't die, but other varieties will die. When finish harvesting K. Deng then start harvesting K Pe. Both varieties are medium but K. Deng is a bit earlier. HH 27: (Lao, older widow) She hasn't used K. Deng het for 2 years, because grains are very easy to take of the stalk – when cut they fall off. She doesn't like this because lose a lot.
Khao Deng doo (daw?)	1 farmer	Lao	TV local	HH 27 (Lao, older widow): She plants this rice every year. It's not the same as K. Deng khang. Many people plant this. She hasn't used K. Deng khang for 2 years, because grains are very easy to take of the stalk – when cut they fall off. She doesn't like this because lose a lot. Khao deng daw is strong, sticks to the straw. White rice. Has a large seed. Only uses this one variety because she is short of labour.

Khao Gham	1 farmer	Lue	IUARP project PVS trial	Medium duration HH 8: Got from project to test. The project gave the seeds to him for free for experiment – he has been with the project for 2 years. If it is good, he will keep it. The project varieties are good, but maybe they are old. When they produce, then they die. It is not as good as the local varieties. Local varieties don't die. If want to plant project varieties, have to harvest early because the rice is too old – when the rice is too old and harvest, then the seeds don't grow well. Have to harvest the seeds before the rice is ready to harvest, then rice for the next year will be OK. Not when trhe seeds are too old and harvested late. (If want to have good seed to plant next year, need to harvest early – then will get not get seed that is too old. Because the researchers harvested the rice late, so when they gave the farmers to plant, the rice was not good.
Khao Hinsoun	1farmer	Lue	IUARP project PVS trial	HH 8 (Lue): Got from project to test. The project gave the seeds to him for free for experiment – he has been with the project for 2 years. If it is good, he will keep it. The project varieties are good, but maybe they are old. When they produce, then they die. It is not as good as the local varieties. Local varieties don't die. If want to plant project varieties, have to harvest early because the rice is too old – when the rice is too old and harvest, then the seeds don't grow well. Have to harvest the seeds before the rice is ready to harvest, then rice for the next year will be OK. Not when trhe seeds are too old and harvested late. (If want to have good seed to plant next year, need to harvest early - then will get not get seed that is too old. Because the researchers harvested the rice late, so when they gave the farmers to plant, the rice was not good.
Khao Kha	2 people (1 father and his daughter	Lue /Lao	x	X
Khao Khao	4 farmers	Lao, Lue	TV Large seed	Medium (khang) variety all planted on good black soil One farmer said this produces a lot.
Khao Laboun	1 farmer	Lao	IUARP project	Medium (khang) Awned Easy to thresh Grows on any soil.

				HH 5: Has small hairs growing on the grain, so they wear long sleeves when they thresh because otherwise it makes their skin itch. Pigs don't like this kind because of the hairs, so will eat other varieties first. K. laboun is quite easy to thresh – grains come off the straw quite easily. Khmu farmer in Houay Leuang had tested K. Laboun in a PVS trial, and was the only variety he liked because it didn't choose the soil (grows on any soil) and also was easy to thresh. He is expanding area planted with this, and 5 other farmers have bought seeds or exchanged seed with him to get seeds from this variety (2 from neighbouring village Ban Phai, and 3 from Houay Leuang).
Khao Met Nyai (generic name for 'Big seed rice')	1 farmer	Lao	TV	HH 39: Can only plant this on good soil, not on bad soil.
Khao Nok	1 farmer 2006, first year.	Lue, Lao	IUARP variety, PVS trials Large seed	large seed medium (khang) or early (daw) soft and delicious and good smell Not awned (no hair) Grows on any soil Has a lot of straw HH 20: This is the first year he planted K. Nok because the project gave them the seeds this year. Project staff will come and look at it again after they harvest. Khao Nok grows very well, but has a good smell and he loses a lot to rats (Rats like Khao Nok). He lost about 1/3 of his crop because the rats ate it when it was growing – they ate this kind of rice only, not the other kinds. Got 10 kilo of seeds from project and has to return 10 kilo of seed. (Lao farmer in Hatsoa, a neighbouring village, had been involved in one of the early PVS trials. He liked K. Nok and other households also liked it. 'Has big seed and lots of straw and is early rice (K. daw). Doesn't choose the soil'. He had continued

				to plant it every year since 2002 and is still growing it and many farmers had asked him for seed) NOTE: Khao Nok was the highest ranked variety by farmers across villages in the district and other parts of the province in the PVS trials.
Khao Pé pi	HOUAY Lo: 1 farmer Lattahae: many farmers	Lue	TV Small seed Late	TV Late duration K. pe. Grows well on poor soil, but if planted in good soil, will grow too well and seeds/grains won't fill. Houay Leuang, Farmer 2 (Khmu): *'Most people in HOUAY Leuang are growing K. pe now because the soil is no longer good. Before we planted K. Met Nyai, but now are planting K. Pe'* '*In Lattahae, if you don't plant K. Pe, you won't get a good yield because the soil is not good and cannot use another variety. If they use other varieties, they cannot get enough to eat. The soil in Lattahae is bad because it's been used a lot, because the fallow is young and the soil gets dry'.*
Khao Pé (Khang)	8 farmers	Lue, Lao, Khmu	TV Small seed	Medium duration (harvest a little later than K. Deng) Awned: has hair on seed, and itches so rats don't like to eat. Small seed. HH 8 (Lue): Planted K. Pe at bottom because it grows very well. It would grow very high on the top of the field and would fall over, also because it is windier there. At the bottom of the field, the soil less good. Can be in the sun. When the weather is very hot, rice survives and doesn't die. Other rice dies when it gets too hot. This rice is 'patient' in the sun. HH 5 (Lao): Grows well on bad soil, so plant this on worse soils. It grows too well on his field. If it grows too well, then there won't be any grain.

Khao Peng	2 farmers (father and daughter	Lao, Lue	X	X
Khao Pu	HOUAY Lo: 1 farmer (Stopped planting)	Lue	X	HH8: This variety has a good smell, and rats like to eat. When it grows (when the rice is pregnant – when the seeds begin to fill), the rats like to eat it until it produces. He stopped planting this rice because of the rats, and also because it is not good for young fallow. This is the only variety that he used to plant regularly but stopped planting.
Khao Sukiang	2 farmers	Lao, Lue,	TV Large seed	Medium Not awned Farmer said he used this every year HOUAY Lat, Khmu farmer: K. Sukiang good for sunny and dry soil, doesn't matter if it rains or not, it will still grow.
Khao Sukiang Nyai	1 farmer (but others also grow this). He will stop growing this.		TV large seed, new variety that came up spontaneously in field of Khao Sukiang	TV (new variety) Aromatic Not awned (no hairs on seed) Good taste Large grain Medium-late variety Wild pigs like to eat them. HH 5: This variety was discovered growing in a field of K. Siu (so temporarily named *K. Siu met nyai* – 'K. Siu with the big seed'), and the farmer intentionally selected seeds to plant the following year. The variety has a nice smell, tastes good and large grain. The rice was growing very well, but wild pigs ate more than half of it when it was just about ready to be harvested. He still had the two other varieties he planted, which had already been harvested. He won't plant this again next year because wild pigs like it because of the smell and because the grains don't have small hairs on them (so it's not itchy). The pigs walked past all the other rice varieties that he and other farmers were growing and ate the area where his rice was growing very well and where it smelled good. They only ate the *K. Siu met nyai* and

				ignored the others. Pigs don’t like K. Laboun because of the hairs and choose to eat other rice first.

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