

Property relations of the Hmong in Laos

Lilao Bouapao

Introduction

State intervention in rural areas such as the implementation of the policy of shifting cultivation stabilization and land and forest allocation programme, many upland and highlands people have been shifted from living in the high mountains to the foothills or plain valleys with a different system of agricultural practices—from upland to lowland mode of production, which also represents the transformation from subsistence agriculture to cash crops. This paper will attempt to describe the *change* in property relations of the Hmong in Namon Neua, Laos, and to show how land sharing, a form of redistribution and coping strategies, can help with *environmental protection* as well as *building and maintenance of social relationships*. Properties discussed in this paper include lands and forest.

This will be done based on the findings in Namon Neua, a Hmong village under Vang Vieng district, Vientiane province, Lao PDR. In 2000, the village has a total population of 954 persons, in 133 households, and 121 houses. There are 9 clans. The majority is animist. Most of the population (80 percent) practice wet-rice (*naa*), the remainders are shifting cultivators, and wage labourers.

Property “in established Western theoretical and academic usage property is not an activity or a thing at all, but the rights that people hold over things which guarantee them a future ‘income stream’. They ‘own’ only incorporeal rights, not the thing itself. Property relations are therefore better seen as social relations between people” Hann (1998:4-5). In the policy context of property in the Lao PDR, it is officially recognized that properties such as lands, forests, and water are ‘national’ property. Individual can not own these but has the right to use them. You can not buy/sell lands, but you can buy/sell the right to use them. Property relations means “ultimately a relationship between people in relation to ‘thing’” (Macfarlane, 1998: 112-113). However, in the context of Southeast Asia, there is discussion on relationships between people and property such as between “people and land” which is, for example, the relationship between “degrees of population growth and therefore degrees of land pressure” (Keen, 1983: 298). At the micro level, property relations constitute the numerous ways in which people construct their social identities through holding and using a variety of things in their environment while at the macro level property relations are concerned with the issues of political power and control over the distribution of thing in society (Hann, 1998:3). In the context of this paper, property relations include both horizontal and vertical (administrative) relations.

Although lands and forests are legally recognized as national property, for the purpose of analysis in this paper, I use the term public/communal, collective and private to distinguish the ownerships to property. “A clear distinction is sometimes drawn between that which is the property of an entire people or their state and that which belongs to the members of a specified group, such as a collective farm” (Hann, 1998: 7).

Classification of property

Practically public/communal lands and forest in Namon Neua includes protection forests, regeneration forests, preservation forests, consumption forests, and cemetery forests while private lands and forest include agricultural and housing lands. Public/communal lands are distinguished by accessibility of any people, while only

limited people/groups can get access to collective lands. In this sense, collective property can also mean private property with the only difference in that collective properties are owned by a group of people rather than a single people or family. Agricultural lands (shifting cultivation, grazing, and wet-rice lands) can be both communal and private lands. Shifting cultivation sites are private lands when the lands are being used.

While this is true in Namon Neua, it is not applied to the whole country. For example, in None Hai, Feuang district, Vientiane province, shifting cultivation sites belong to the people who first use it. Further use of the lands by other people, hire is needed. This is to follow the policy of the local authority regarding shifting cultivation rotation. A family has the right to own 5 pieces of lands for rotation purposes, suggesting a rotation period of 5 years.

Naa (wet-rice field), *suan*, and housing lands are private properties. A document certified by local authority regarding land ownership is known as “land title” (*bai ta din*). Although there have been attempts of the local authority, not yet every household receive *bai ta din*.

To follow the subject of discussion, this paper is broken down into 3 sections. Section 1 provides an overview of the Hmong in Laos. Landmarks of change are provided briefly in Section 2. Detail discussion of property relations at present conditions is provided in Section 3. It highlights property relations between and within families, and inter-communities. Special attention is given to land sharing- as a coping strategy as well as a form of redistribution, and environmental protection.

1. An overview of the Hmong in Laos

Hmong population and participation in decision-making

Hmong in Laos account for 6.9 percent of the total population of the country in 1995. The number of which is significantly less than Hmong in Vietnam, but has a higher number compared to Hmong in Thailand (See Table 1).

Table 1. The Hmong in Laos, Thailand and Vietnam

	Male	Female	Total
Laos (1995)	158,055	157,410	315,465
Thailand (1997)	63,869	62,431	126,300
Vietnam (1999)	N/A	N/A	787,604

Source: NSC, 1997,

Central Census Steering Committee 2001 quoted in Thang, 2001.

Social Welfare Department of Thailand, 1997

To show the degree of participation in the decision making processes of policies, programmes, and plans that affect livelihood of the Hmong as a minority in the country, it is helpful to see the government policy on ethnic minorities and involvement of the Hmong in various positions of political and administrative systems. There are several policies on this including the Lao Constitution that states a policy of unity and equality among Lao citizens, (NAL 1991), and the Ethnic policy that requires equity among ethnic groups in socio-economic development (LPRP, CPBP 1981, Central Party Committee 1992).

Hmong in Laos are involved in all socioeconomic and political activities. Hmong can be found in almost all positions of the political party and government administrative system ranging from members of the central committee (except for the politburo, which is the highest political position), Ministers, Governors of provinces and districts, not to mention the many professional positions in various governmental institutions/departments. All these show a certain degree of participation in the decision making processes of policies, programme, and plans affecting the Hmong livelihoods. Unlike Laos, Hmong in Thailand can hardly be found in the positions at a higher level than “head” of the village. Although there are some Hmong professionals working with some institutions, they are hardly recognized by Hmong names. In Vietnam, a few Hmong can also be found in various positions of the government.

Regarding property rights, there is no difference between property rights of different ethnic groups in the Lao PDR. Everyone regardless of ethnicity is equal socially and economically under the law. Hmong people have the right to use lands, inherit land, and have the Lao citizenships—a significant passport for land title. There is no restriction of time for land use required by law. In Vietnam, generally, land rights for individual use is limited to 15 years for household to grow annual crops, and 30-50 years for planting perennial trees (Thang, 2001: 107). Also unlike Laos, Hmong in Thailand experience problems of citizenships. For example, many Hmong in Ban Maesa Mai, a Hmong village under the Mae Rim District, Chiang Mai Province, Thailand, remain without Thai citizenships although there were attempts by the government such as the Thai Nationality Act of 1911 that gave Thai citizenship to all people born in Thailand including any ethnic group, and the changes in 2000 that give the district officer more significantly authority in granting citizenship, that have led to many hill people being naturalized (Renard, 2001: 53, 55). This can have dramatic impacts on the land use rights such as land title. However, for people of such village as Ban Maesa Mai, this does not make any difference in relation to land title because of the fact that Ban Maesa Mai is located in a National park.

Hmong names and geographical locations

Hmong live mainly in the Northern and central parts of Laos which is quite similar to that of the Hmong in Thailand and Vietnam although in these two countries there are quite less Hmong living in the central parts. The lowest part of Laos in which Hmong live is Khamuan province.

So far Hmong in Laos have gained three names throughout three distinct periods (prior 1975- Meo, 1875-1995-Lao Sung, and 1995-present Hmong) although today sometimes these names can still be heard interchangeably. At present, the term “Meo” have become almost disappeared and “Lao Sung” has become rarer in official use. The term “Hmong” has been officially recognized and used since 1975 by the Lao government, which is earlier than the official recognition of Hmong name in Vietnam (in 1980).

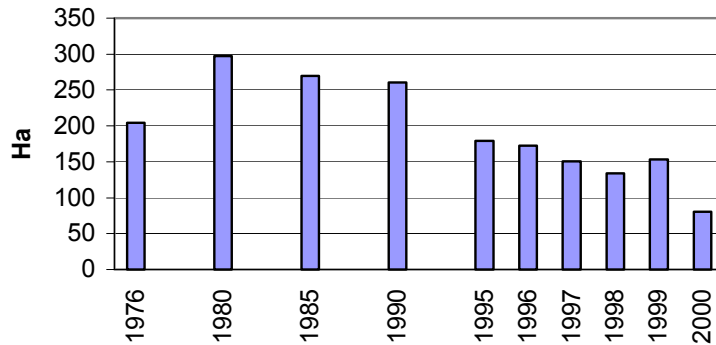
Becoming rarer use of the terms “Lao Sung” is, perhaps, because of its vague definition. Criteria for the division are very broad, based mainly on people’s geographical location of resettlement. There is no clear definition as to Lao Sung group is. Lao Sung means Highlanders in contrast to middle Landers (Lao Theung or Lao Kang) or low Landers (Lao Loum). However, the real life is that people do not often recognize the name of “Lao Sung” and so do the other two. Most of the terms by Lao Loum, Lao Theung and Lao Sung are often understood as or referred to such groups as Lao, Khmu and Hmong respectively. In 1995, almost 53 percent of the total population were Lao, 11 percent Khmu and roughly 7 percent were Hmong. The total

of these 3 groups accounted for already more than 70 percent of the population (data from NSC, 1997). When asked what peoples' ethnic groups are, the answers often are that of their actual ethnic groups' names: Hmong, Lao, or Khmu, but rarely Lao Loum, Lao Theung or Lao Sung.

However, the categorization of such three broad groups is not groundless. National Survey suggests that these groups have their distinct characteristics. The Lao live mainly along the Mekong River and its lower tributaries. They practice mainly lowland rice. They are more mechanized than other ethnic groups and use more mineral fertilizer. Generally, the Khamu live at middle altitudes practicing mainly upland rice farming with the raising of livestock such as cattle, buffaloes, pigs and chickens. The Hmong, in general, live in higher altitudes and practice upland agriculture and raising livestock (ACO, 2000).

Currently it is, however, not totally correct to generalize that the Khamu and the Hmong live in the middle and the higher altitudes and mainly practice upland agriculture, especially of upland agriculture. It is likely that this has been *left behind from the past*. This can be seen in the light of the policy on shifting cultivation stabilization, which preserves the forest and *resettles many upland and highland people in lowland areas practicing lowland agriculture*. For example, almost all the Hmong in Vangvieng district, Vientiane province, live in the plains practicing lowland agriculture. More of such resettlements and agricultural practices can also be found in almost every province where there are Hmong, except for some hilly provinces such as Bokeo or Phongsaly, but this applies to all groups, not just Hmong. Namon Neua, a Hmong village, the village of this case study is located in lowland with 85 percent of the total households that practice lowland agriculture.

Figure 1. Upland Rice Area



Source: NSC, 2000

Look at a broader picture, National statistics shows that the harvested area of upland rice has decreased dramatically from almost 300 thousand hectares in 1980 to only 80 thousand hectares in 2000 as a result of the government's efforts to stabilize shifting cultivation. This figure indicates that many Khamu and Hmong, to some extent, have changed their way of life, from living on the high mountains to moving to the plains, and from practicing shifting cultivation to permanent lowland agriculture compared to the past few years (see Figure 1). In Vietnam too, Hmong have been relocated from top mountains to foothills practicing wet-rice cultivation due to the policy of fixed

cultivation and settlement. This has occurred already since 1960s (Thang, 2001: 17, 22).

2. Landmark of change in Namon Neua

Property relations changed from time to time due to the change in socioeconomic and political systems. In Namon Neua significant changes have occurred during the changes in 1) the political regime in 1975, 2) the cooperative policy during the late 1970s, 3) the redistribution of land due to the failure of the collectives' policy in the early 1980s, and 4) the land and forest allocation policy during the 1990s. Before the change in political regime in 1975, according to many elders in Namon Neua, most of the common such as lands and forest were managed by the clan (*seem*) leaders. At that time, in Laos, most of Hmong villages were single clan. Utilization of lands and forests was based on consensus such as marking lands for next crops and penalties for breaking the customary rules such as exploiting lands that have already been marked by others intentionally. Although families own some lands especially during the utilization of the lands for production, the lands are controlled by clan. This can be seen from the fact that if a family leaves for other places, the family's lands (eg. wet rice fields) automatically becomes clan's property. In Namon Neua, *Pho Youa Neng Lor*, one of the oldest persons in the village, has at present a few pieces of lowland paddies because of the fact that these lands were his clan's lands. The owners left for other places.

Prior to the collapse of the former political regime in 1975, in Namon Neua, there was limited interaction between Namon Neua residents and the local authority in terms of resources. However, there were already representatives of the government administration to control over the natural resources reflecting in the activities for tax per head (showing some forms of ownerships of lands). These representatives were the heads of the village that were nominated by the local government authorities.

After 1975, under the new Independent State, particularly in 1978, the village became a multi-clan village increasing from just *xeem lauj* to 9 *seem*¹ the majority of which is *seem laujr* followed by *xeem vaj* and *yaj*. Although clan leaders are still playing an important role in the leadership for each clan, overall management is not the same as before. Clan leaders have still an influential role within each clan although their power in the community as a whole becomes less due to the fact that there are more clans in the village. However, their leaderships in a manner of memberships in a village committee known as "elder group" is an important part of the village power in decision making and social management.

A key difference of this period from the period before 1975 is the decision-making and management process affecting the Hmong property relations. Organizational structure through which people exercise their power is more complex. The former period involved decision making process through only the head of the village, in most cases who is also clan leader, with his representatives role or in consultation with his people, while decision-making process at the latter period involved those of the former plus the party unit, and other recognized mass organizations such as the elder groups, the youth union, and women' union. Decision making process in both periods involves decision based on consensus with the exception of directives from the top.

It should be of note that during this period, in Namon Neua there was a battle over lands between the Hmong and the Khmu. This is because in Namon Neua, there

¹ These include *seem lis, vaj, yaj, muas, lauj, hxooj, thoj, qhab, kwm*

have been residents of 5 major ethnic groups and approximately 20 sub-groups including Hmong and Khmu.² Consequently these two groups have similar reasons for claiming to live in Namon Neua. Finally, the Hmong had more valid reasons and they won the conflict over the village. The reasons were that the existing wet-rice fields (*naa*) and irrigation canals (*muang fai*) were the works of Hmong, the Green Hmong, not Khamu. Also the Hmong had a reasonable leader, *Pho Pa Thong Lee*, who was on the staff of the district, and had proved to be a good wet-rice farmer (*pho naa*). He had practiced *naa* wherever he had lived and consequently he would be a good example and leader for practicing *naa* in Namon Neua.

After the official authorization to the Hmong, the lands were divided into pieces for different clans. Each piece was divided into sub-pieces for each family. In some cases different clans can share the same lands. But in most cases, this was possible through marriage relationships or sharing the same origins of migration. It is noted that lands that were divided into pieces for the new comers, were not taken from landlords, because the village was almost empty when this groups of Hmong were authorized to come to the village. By then there were very few families who had lived earlier. These families could have the lands they had had earlier. Also the lands that were divided into pieces were for the new comers were not well developed. Division of lands for each group does not include shifting cultivation sites. Traditional rules of marking/booking of lands were used for obtaining lands for swidden purposes.

Cooperatives

Not long after the arrival of the Hmong in the village, a policy of collective was heard. Although cooperative policy at the National level occurred during the late 1970s and continued to mid 1980s, this happened in Namon Neua from 1979-81. Individual household lands were transferred to the use and management of the cooperative. In order words, private lands become public/communal lands. Each household had no private agricultural lands except for small kitchen gardens. Both low and uplands belong to the collective. Chair person of the cooperative played a decisive role in the control of the common although clan leaders were also involved in the decision making processes. There was no booking/marking of lands for the next crops in the shifting cultivation sites because this was done collectively. Individual household worked together and the production results were distributed evenly in accordance with the workdays contributed. Like other cooperatives, rice produce was little and was insufficient to meet their basic needs. Cooperative then although was able to expand more lowland areas, upland rice was still needed. Consequently cooperative had also influence on the forest clearing. Similar pattern occurred with the Hmong in Vietnam during 1962-1986 (see Thang, 2001: 22-23).

Returning lands to farmers

Due to the failure of the cooperative policy, in 1982, paddy lands were returned to each individual household. Initially the collective lands were returned to each clan or groups. Each location was under the control or management of the responsible clan. Then the lands under the control of each clan were further divided for each household.

² These include the Lao, Thai Dam, Thai Deng, Khamu, and the Hmong including Green and White Hmong. The subgroups (clans) of the Green and White Hmong are Yang, Vang, Lee, Lao, Moua, Xoing, Thao, Kha and Kue.

However, generally each household who had had *naa* prior to the cooperative policy implementation got back what they had. This created the conditions for each household to own not only *naa* but also forestlands located nearby. Some forest areas become privately owned. In the shifting cultivation sites there are booking/marking again. Agricultural activities then were more productive compared to the cooperative period. Rice shortage decreased. However, rice production was still based on both upland and lowland paddies.

Land and forest allocation programme

After more than 10 years, a project came under the name of water supply, but with a strange objective “to preserve the forest”. The objective is, in fact, a component of the programme so called “Land and Forest Allocation Programme”- as a response to the forest degradation and aiming at a more effective management of land and forest. Although land allocation programme had been born for a longer period, its implementation in Namon Neua occurred in 1997. Hmong in Namon Neua have no objection to the land allocation programme. They say that “even though there is not such a policy, the village itself has performed the activities of forest preservation”. For example, there are areas of big trees in some watershed areas and in the village center itself.

The community has the full right in the forest management and use. But use of forest has to be operated in the right place such as consumption forests, but not protected areas. However, despite of the fact that local people are encouraged to obey and cooperate with the administration, management of many areas such as protected and preservation forests are felt to leave to the management of the local authority, representatives of the State. This gives a room for ineffective management, which results in the reduction of some resources such as rattan and some illegal cutting down of trees.

In Namon Neua, concerning demarcation of the village boundaries there were no problems claimed by villagers, but there have been problems in other communities. According to the findings of a Lao national-scale project called “Participatory Poverty Assessment” implementation of this programme have had adverse effect particularly on ethnic minorities of whom had different culturally-based practices and livelihoods systems dependent on localized conditions particularly in relation to land tenure. It did not take into consideration of traditional cultural practices. There were problems because of gains and losses causing continuous dissatisfaction and conflict. There have been problems between new and old villages because the new villages are almost perceived as infringing on the territory and livelihood of the old villages and response of the new villages would be ‘we did not want to be here, but were placed here by the government’ (Chamberlain and Panh, 2002:31-32).

Ban Nasom, a Hmong village under the same administration as Namon Neua, is an example of the impact. Due to security issue, Ban Nasom was relocated from its original place which is about 3 hours walk. Although villagers of Ban Nasom have moved to a different location, they continue to commute to their former village territory for farm activities. They have still *naa*, *suan*, and developed grazing lands. This is because there are *too little* land in the new village that are suitable for such agricultural activities. However, when demarcation occurred, agricultural lands of the old village were allocated to a lowland Lao village that is located nearby. Ban Nasom is allocated only the areas that it is newly located, which is, according to the villagers, *too small* area for livelihoods. There have been attempts of negotiation between the two communities, and the relevant government authorities, but villagers say that

problems still continue. Such a problem caused by the implementation of land policy is not new. Already in 1987, in Thailand, a land title programme also had “negative and contradictory results because the issuance of land titles did not effect only land holdings and land use but also touched upon all aspects of rural villagers lives” (Anan Ganjanapan, 2000: 14-15).

The land and forest allocation programmes and other development activities such as the road construction project, indeed, have had an impact on the land value. Before the arrival of these activities housing lands in the village had no cash value. People were given for free. But after the arrival of these development activities, no lands that have no cash value. This also implies that clan control over lands will decrease because of the fact that lands can be bought by and sold to non-clans/relatives.

3. Property relations

3.1 Inter-household relations-land sharing and other property distribution

To respond to the land limit due to the division of lands into categories, sharing of lands is a way to cope with such a pressure. This is not just to cope with the change, but to help with it in terms of forest protection in addition to other advantages such as maintenance/building of social relationships and increase security. Sharing is found in all societies and is not a form of exchange (Woodburn, 1998:61, 62). Woodburn writes that sharing is “much better classed as a form of redistribution than as a form of reciprocity...their transactions are defined more by political pressure than by personal choices”(1998: 62). Sharing of lands in the village is not only to produce for consumption, but also for cash such as groundnuts and melons although it is still at a subsistence level.

Sharing land in the dry season is a form of redistribution because all the people in the village have the right to claim for the lands and it is very unusual that the landowners refuse unless there are valid reasons such as the use of lands for secondary rice (*naa xeng*) and small fish raising, which are more conditional due to the fact that such practices deteriorate soil conditions. It is by customary rules and emotion rather than by choice.

The most obvious feature of land sharing in the dry season occurred in the early 1990s when there was a project called dry season cropping promotion with the emphasis of soybean production. This project created the ideas of growing crops in *naa* in the dry season. Before this time, crops were grown in shifting cultivation areas and/or in small kitchen gardens. After the market failure of the soybean project, Namon Neua villagers grow other crops to replace the soybean. Application of this notion of growing crops in *naa*, more types of crops, vegetables are grown in *naa*. Small fish raising (*luk pa*) and practicing *na xeng* also continue. However, the largest parts of these activities are vegetables. All the households in the village can practice dry season cropping in the dry season regardless of *naa* possession and relatives. The crops are grown during December current year to March next year.

How lands are shared?

Any villager/household regardless of land ownerships or relatives status can share lowland paddies in the dry season without fees. However, in order for one to get the lands that one desires the most, one may need to talk to the land owners earlier to confirm if the land one wants for the dry season crop has not been booked. Then the person's family can help with the harvest to tell other people that he/she has booked

the area and consequently he/she has the right to use it. A family said “I helped with the harvest in order for me to be able to get a good piece of land, if I did not do this the other families would do so, and I would lose the chance”. It is a form of competition over temporary lands. This way, the local people can get the lands that they prefer. If such contribution is not provided, the land borrowers can still get some portion of land in term of scale they need, but may not be the place they like. Relatives are exceptional to this practice.

Why lands are shared?

Land sharing brings about a number of benefits to the *environment* as well as to the *society*. These include forest conservation, management of water quantity and maintenance of fish population, maintenance of social relationships, and other benefits.

Forest conservation

More people growing crops in the lowland paddies by sharing lands means that pressure on the forests for growing such crops reduces. There is no recorded data on crop areas available. But from the fact that during the period prior to 1991 when lowland crops were not practiced, each household usually needed to have a plot of land in the forests areas for growing temporary crops, which were grown separately or in a mixed manner although these were also commonly planted in small kitchen gardens or on riverbanks, ponds, or wells. However, today these crops are grown mainly in *naa*. Obviously, as the number of households using plots in uplands for crops reduces, the lands cleared for such plots also reduce proportionately.

Today forests have significantly recovered compared to the last 10 years, not all of which is the result of the ban on the tree felling. It is because of the land sharing in the dry season. There is almost no clearing of forest for growing temporary crops except for a small proportion for cassava, banana, and pineapple.

Save more water for the main stream, and more fish population

Sharing lands can also help with saving more water quantity for the main stream as well as more fish population. In Namon Neua, growing crops in dry season in the past in some years, especially when dry season crops were grown separately in different locations, water quantity become less because main streams that are already shallow in the dry season are further divided into several locations. As a result, fish population also experienced reduction. By limiting the use of water into fewer locations water quantity is less irrigated from main streams. There is of course water that leaks from paddies to the main stream again, but this is too little because significant amount is missing during the transition in the paddies. It is also dirty. There were cases when there was so little water for the downstream irrigation water users because of the upstream uses. Thus, by sharing main stream rivers become deeper with the hope that pressure on the fish population also becomes lesser.

Maintenance/building of social relationships

Sharing in Namon Neua is to help people to maintain and to develop relationships between households, and communities. Most frequent answer to the question “why share without fees?” is for “*kev shib hlub*” (friendship or love and care). Also some farmers said “if we don’t give this land for them to grow the crops, they would move to other places, and we will have fewer neighbors”. Also many villagers say that “we

need to help them so that they stay with us because they feel protective and helpful”. Without “help” or “cooperation” villagers feel far away from each other. In this sense, giving lands for other people to grow temporary crops means also “cooperation”. It helps with solving the problems of hardship and difficulty in addition to the economic (income) problems. Practicing lowland crops is more comfortable and closer in comparison with upland with long distance. It is usual that when one is helped to solve a problem, s/he appreciate it.

One of the factors affecting the social relations is the increase income by sharing lands. Most common crop grown in the dry season for sale is groundnut and fish that are greatly marketable. Other lesser marketable crops are melon and water melon. In the context of Namon Neua, income earned from the lands of other people creates the feeling of debt. It is generally recognized that material debt can be compensated within a certain period of time, but spiritual debt (*boun khoun*) cannot be all returned in life. Giving lands for free for other people to grow crops or do other valuable things is considered to belong to the “*bou khoun*” group.

Sharing is a way to give people more opportunities to see, greet, and talk to each other more frequently and thus bring about more understanding and sharing of comforts and hardships. Also information or rumour reaches each other faster. An old villager says “relationships need to be maintained and/or built everyday”. However, sharing of course sometimes causes misunderstanding and conflict. But, in Ban Namon Nuea, there have not been significant conflicts during the past few years. There were only some minor conflicts over the distribution of water. Sometimes water is not equally distributed causing water insufficiency or flood. But this is quite rare. In general, from observation and interview, people cooperate very well ranging from experience exchange and physical help.

One example to show the importance of “sharing as a way of developing and maintenance of social relationships” can be found from the way in which the Hmong share meals ranging from meals prepared from killing of big livestock to ordinary meals. If one kills a big livestock, he/she invites all the neighborhoods and relatives to join the meal. Also if one meets a meal unintentionally he/she is invited to join that meal. All these are done automatically, but with the meaning of maintaining relationships between people and households. There is no doubt that this pattern of sharing also applies to land sharing.

Another way of maintenance and building of social relationships is through share or cooperation in hard work such as irrigation construction or maintenance. Reasons for sharing of such hard work are similar to that of land sharing. Villagers say that the purpose of helping each other in the irrigation construction/ rehabilitation is to 1) build relationships between clan, non-clan, and households within the community, 2) to exchange for labour (to prepare for such kind of similar activities or other absolutely different activities), 3) to create an environment in which can keep people to stay, not move out, so that the village can be warmer. The more people, the more they feel warmer especially during hard and difficult times such as accidents and funeral.

Other most common forms of cooperation throughout the village history have been attending traditional ceremonies such as wedding and funerals, and labour exchange-a form of direct parity reciprocity. Attending ritual ceremonies remain important, however labour exchange become less common as the mode of production shifted from uplands to lowlands and the transition policy from subsistence agriculture to cash crop production, a policy of the New Economic Mechanism.

Cooperation at the community level occurs with the works considered to have impacts on the community as a whole or parts such as building of schools, clearing path ways, and other major construction such as irrigation canal construction (although this may benefit not all households).

Other benefits

Besides, sharing can also increase security, decrease fence lengths, and add more fertilizer. Villagers say that there is more stealing when crops are grown separately from others by individual household compared to the time when they gather together for growing crops in the same place. This is because there are more frequent people in the crop field allowing for little gap for thieves to take action. Growing crops in separation experience more thieves.

Also it is said that because of the time and labour consumption for fence building, sharing can help a lot to reduce this allowing time for them to do other things. Generally, there are two cases of fence length: constant and non-constant. Constant length is defined as the fence length that remains unchanged even though land used increases while the non-constant fence is the fence that changes as land area grows. The latter case may change proportionately to the land expansion or may change only slightly.

Besides it is recognized by the villagers that the landowners can gain benefits from sharing because of fertilizer added by the crop growers. Crops/vegetables grown in paddy require much natural fertilizer such as manure (*foun khok*). Landowners believe that the fertilizer remains for rice in the rainy season.

3.2. Redistribution and management of other resources

Implementation of the land and forest allocation programme and the effects of other development activities such as the road construction project that links the village to the main stream society have contributed to the change in the way in which people use and manage their common such as firewood, grazing lands, and water.

Firewood

Modern time has created the environment in which people manage and utilize their natural resources in a different way. The allocation programme has divided the local community into groups unconsciously constituting groups mostly in the same clan. Although firewood can be collected in all areas/sites of consumption forests, not all villagers collect firewood in every location. This is because collection of firewood requires clearing and arranging path ways for trolleys or two-wheel tractors for transportation. Consequently people tend to choose to collect firewood in the areas they have had input in. But these are usually done by the same clan or groups who are close to one another through lineage or marriage. Although these may involved those neighboring households, again neighborhoods are usually relatives.

This implies that each group manages and controls the firewood areas that they have constructed path ways to. Thus firewood collection approach, a result of Land and Forest Allocation Policy and other development activities such as the road that links villagers to wider public infrastructure and services, has divided the local community into sub-groups. In other words, the consequence of the external interventions contributed to the management and utilization local resources in a more explicit way of collective action and management compared to the time before the arrival of the many development projects.

Grazing lands

Undeveloped grazing lands³ in Namon Neua is expanding and following former shifting cultivation sites. This causes problems for upland rice producers. Grazing lands are expanding while the upland crops (*hai*) are rotating. The *hai* farmers will experience problem when they come back to the former sites because the sites already become grazing lands. The question is “who will build the fence?” Some villagers say that there is the tendency that in such a case the upland rice producers will have to build fence to prevent livestock from eating rice because rice/crops will be grown in grazing locations. This may be true because in other places of the country, it is those who grow rice and crops build fence, but not those who raise livestock unless the livestock are in a developed grazing area.

Water distribution and management

Distribution of water for *naa* is based on the need. There is usually no problem of water insufficiency. Management of water is carried out through a head of water users. Selection criteria of the head are simple. The water user head must be the one whose paddy is the very bottom. This is because he is affected the most by too little or too much water. Significant decision on the water user system is based on consensus, but the water user Head has the power to supervise, monitor, and request for minor or major maintenance. There is no pay for his service.

Similar mechanism is applied for downstream and upstream users. For example, if water is too much irrigated to the upstream users, then the downstream can tell the upstream users or could regulate the stream directly in case of emergency. The systems are operated in a ‘compromising basis’-‘*phon phane kaan*’ or ‘*phone saan phone nyao xeuang kaan le kaan*’. Such a mechanism of irrigated water distribution and management has proved to work effectively in terms of water sufficiency. There have not been significant conflicts except for one special case.⁴

³ Grazing lands can be in almost all types of the community lands. There are two types of grazing lands in Namon Neua: the developed and undeveloped grazing lands. These two are owned by groups of people rather than individuals. Both types are owned collectively with sizes ranging from 4 to 23 households. Developed grazing lands are lands that has defined boundaries and officially recognized by the local authority. Paying tax is compulsory. There are 4 recognized grazing lands in Namon Neua, of which only 1 area that need to pay land tax. This is different from the others in terms of tax required due to its clear defined boundary and use rights. Undeveloped grazing lands are areas with vague boundary defined. These are orally and locally recognized. Mostly this is the case where there are some fences but this is to prevent livestock from entering into rice fields only. There are also open grazing areas, which mean that livestock can be free in any place. In this way, households that do not have grazing lands can also raise livestock.

⁴ 5 out of 6 irrigation systems in the village work effectively in terms of water distribution and had no problems while the other experience difficulties and problems. However, it is reported by the people involved in this irrigation system that the cause of such problems experienced by this system is that there is a constant pressure by only one influential person. This is one of the oldest people in the village but is often not fully respected because of his emotional personality in resolving conflicts. His decision has been made by emotion and with little participation of others. This has often caused troubles for others in terms of water redistribution and maintenance. It is noted that irrigations in the village are managed individually by each water users groups rather than by general mechanism through the village authority.

Construction and maintenance of Hmong irrigation systems in this village is similar to that of the lowland Lao that is written by Ireson (1995). Hmong in Namon Neua help each other in the construction of new irrigation canals and weirs regardless of possessing *naa*. They also help each other when there is significant maintenance. However, it is noted that in many cases, most active helpers are those who also have *naa* and irrigations. The help aims also at exchange. Small maintenance does not require participation from non-members of each irrigation system.

3.3. Property relations at the household level (between sexes)

In discussing property relations, it may be helpful also to see it from property relations at the household level, particularly between men and women. Although household property belongs to both men and women, it usually carries men's names. Examples of this can be seen from household property certificates for such things as lands, houses, and bank account. Some villagers explain this that "women are less capable of managing such properties". However, in fact this has something to do with culture and custom. There is the link with property inheritance that goes mostly to men rather than to women although nowadays things have slightly changed. In some cases inheritance also goes to daughters though this is less frequent.

There is a critical reason explaining this. Women usually become or get into other clans through marriage. Only men who maintain the same clan and offer worship to the spirits of the ancestors and therefore obtain property inheritance rights. This indicates the lack of basis property rights of women. This also prevents some women from being confident and proactive toward decision-making and management. In Namon Neua decision-making is still made mostly by men and rarely by women although recently there has been more consultation with women.

It is noted that there is family cooperation. Examples of family cooperation include the share of products such as rice, crops, livestock, etc regardless of labour contribution of each member of the household based on the ideology "from each according to ability, to each according to need" (Cooper, 1884: 102). Sons and daughters who got married and live separately still help their parents without calculation of returns. Clan level cooperation occurs in such cases as construction of a new house, and practicing traditional rites such as shamanism.

3.4 Relations between communities

The same pattern of land sharing also applies to external people although it is less frequent.⁵ In 2000, there were a few young people from Ban Sisavath, a nearby village, who come to borrow paddies in Namon Neua for dry season cropping particularly for peanut, melon and water melon. They were allowed to do so with no fees. Note that these were also Hmong people. There were no Lao, perhaps, because of the fact that most of the Lao neighboring villages such as Ban Namon Tai and Ban Sisavath possess *naa*.

Another sign of inter-community relations in relation to common property is grazing lands for livestock particularly cattle and buffaloes. Livestock from other neighboring villages, almost all are Lao communities, are free in any areas of the village territory and beyond. In exchange, livestock of Namon Neua are free in the territory of the surrounding communities.

In term of lands for agricultural purposes, outsiders cannot practice swidden in the village territory unless permission is sought and agreement is reached. Meanwhile,

⁵ This is partly because of distance. It is 4 km from the nearest village (Namon Tai).

lands (*naa*, housing lands) can be purchased and privately owned in the areas other than the village territory.

Use of natural resource between villages is also common. This includes forest and forest products (wild vegetables, bamboo shoot, mushrooms, rattan, etc), river, and fish. These natural resources can be exploited by other villagers, but with limits. Other villagers can cut down some small trees, collect some wild vegetables, fish, but they are not allowed for firewood collection. Despite of such restriction of exploitation of natural resources, there has been extensive collection of wild vegetables and firewood resulted in significant reduction in some species such as firewood and rattan. According to village leaders, much forest in the South-West of the *Phou Nyang* (Mountain) has been cleared for firewood and household consumption by both Namon Tai and Namon Neua since access was available. Also birds, rats, crabs, fish have been reduced dramatically although hunting has been banned by the government. The consumers were also from the near by villages.

Exploitation of forest and forest products in such a way is difficult to control. Although the impacts are brought about by development activities particularly the road project that links the village to a wider society, control and management of such issues rest on the local administration. There has been suggestion that "...the project team involvement has to be extended into the utilization phase" (Munns and Bjeirm, 1996:86).⁶ However, indeed, following up is needed. A combination of external and internal auditing is and will continue to be important because this is a form of participation and empowerment to ensure that the local needs are met and the government policy that covers a more picture is respected. In the case of development activities in Namon Neua, there have hardly been any follow up at the post-project phases. There are two main reasons for slow follow up processes: a shortage of budget and officials. Most of the projects are funded by external development agencies, and after the external funding period, the government often short of budget and staff to effectively follow up. Although there have been directives from the central planning committee, such as the Directive of the Chairman of the SPC, dated 14 October 1999, regarding organization for the implementation of the 1999-2000 social and economic plan, which states that development projects together with relevant development departments are to monitor and follow up not only the implementation phase but also operation and maintenance stages, there was little evidence regarding such follow up found in the case study projects conducted in Namon Neua in 2000. Further enforcement needs to continue.

Conclusion

Property relations have changed from a form of collective action, management, and use of the common properties (through clan) to another form of collective use and management of resources (through cross-lineage), from more control of lineage/local people to more control by the state. Notably the change is partly caused by various external forces such as the change in politics, policies, and programmes such as the implementation of the land and forest allocation programme and the new economic mechanism (NEM) that orients at market economy. It is also because of the changing pattern of resettlement, from one clan to several lineages, and due to self development of the community.

⁶ Munns and Bjeirmi (1996:84) define utilization phase as the stage when the client makes use of the finished project

Coping strategies such as the sharing of lands that provides more earning, preserving more forest, save more water, and promote warmer or maintain a warm atmosphere of social relationships; and the management of firewood areas that can avoid conflicts and more sustainable use of forests show a certain level of success and need to be encouraged.

Although abilities of the local community in dealing with change have been quite successful, the control of the representatives of the State in such areas as protected and regeneration areas needs more attention. These areas are much left out to the management of the local authority alone, which is not the same as the management of the clan members as before resulting in less effective management and more exploitation. This does not suggest that former traditional management system needs to be restored. It is impossible to do so due to the fact that a village today is far different from a village at the earlier time in terms of cultural diversity. One of the solution is that the role of clan leader need to be always recognized and their opinions need to be taken into account for decision making.

Some solutions to this issues over exploitation of the natural resources such as rattan may be to promote more income generation such as cash crops, but this has to come out from the communities themselves with the provision of market information, rather than advised by outsiders, because local people know best what is locally marketable and needed) to replace the exploitation of forest products for food and cash of the community and its neighborhoods. Examples include the failure of coffee components in Paraveck, Viantiane province, and soybean in Namon Neua, that were recommended by the projects. The issue of overlapping of grazing lands and shifting cultivation sites in Namon Neua suggests a need of “developed” grazing lands.

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