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Rubber, rights and resistance: the evolution of local struggles against a Chinese rubber concession in Northern Laos

Karen E. McAllister 

Over the past 10 years, transnational land grabs for rubber tree plantations have proliferated across Laos. Plantation concessions are being established on village lands that are represented as ‘degraded’ and legally classified as ‘state forests’, expropriated by government officials in the name of poverty alleviation with promises that plantations will provide new wage labour opportunities for those dispossessed. This contribution examines the evolution of various forms of resistance by a small, ethnic-minority Khmu community against a Chinese-owned rubber concession awarded on over half of their territory. Villagers combined different tactics of resistance to undermine the concession, including anonymous acts of sabotage, refusal to work for the company, identification of powerful allies in the government and civil society, and recourse to law and state institutions. They also appropriated the dominant state development ideology as a strategic representation to assert their territorial claims. By working within state structures rather than by open confrontation, the Khmu have stalled the establishment of the plantation on their lands. Khmu resistance to the concession evolved in response to shifting experiences of injustice and perceptions of risk and opportunity, and is one of many examples of resistance that are erupting in response to land deals across Laos.

Keywords: Laos; resistance; rubber; Khmu; ethnic minorities; land grab; large-scale land acquisitions; Chinese investments

Over the past decade, the area planted with rubber trees in Laos has expanded rapidly from approximately 900 ha in 2003 to 28,574 ha in 2007 (Douangsavang, Thammavong, and Noble 2008), and reaching an estimated 261,000 ha in 2014 (Vientiane Times 2014). In Northern Laos, Chinese companies are the main investors and are establishing monoculture rubber plantations in contract farming and concession-like arrangements (Alton, Bluhm, and Sananikone 2005; Manivong and Cramb 2008; Shi 2008; Thongmanivong et al. 2009). Chinese investment in rubber increased rapidly from the mid-2000s as part of a wider phenomenon of transnational enclosure motivated by Chinese international development policy which encourages overseas investment, trade and migration (*‘zou chu qu’* – ‘to go out’) (Shi 2008; Cohen 2009). At this time, the demand for natural rubber to fuel national industrialisation had increased, while the production of rubber within China had stagnated and was constrained by limited land resources (Alton, Bluhm, and Sananikone 2005; Shi 2008; Cohen 2009). Global prices for natural rubber were rising and were predicted to continue to increase over the next decade (Vongkhamor et al. 2007; Manivong and Cramb 2008; Douangsavang,

Thammavong, and Noble 2008). In addition, in 2004 the Chinese government linked opium replacement projects with its international development policy. Chinese rubber plantations in Laos are promoted as development projects and opium replacement strategies targeting sources of illegal drugs into China (Shi 2008; Cohen 2009). Chinese companies are therefore subsidised with loans and tariff exemptions by the Chinese government.

Chinese commercial interests in developing rubber concessions in Laos intersect with Lao government policies to use natural resources in order to fuel national development and to encourage foreign direct investment (FDI). Rubber trees are planted mainly on 'mountainous' lands legally designated as 'state forests' but which are inhabited and farmed under various forms of customary tenure. State policies for developing these highland areas promote commercialised agriculture and the eradication of traditional subsistence-oriented shifting cultivation, which is perceived as 'backwards', wasteful and a cause of poverty and forest destruction (Minister of Agriculture and Forestry 1999; Government of Lao PDR 2005; Rigg 2005). Rubber trees are seen as a promising option to help meet these objectives as well as to alleviate poverty by providing wage labour opportunities for highland communities. Because tree plantations are classified as a type of forest in Lao law, rubber concessions are sometimes promoted as supporting national environmental goals for reforestation (Government of Lao PDR 2005). Transnational rubber concessions are also facilitated by the concurrent implementation of policies to resettle remote highland villages to roadsides, to zone forest lands for different purposes, and to allocate village usufruct rights within limited areas within 'state forests' (Vandergeest 2003). These policies can be (mis)applied to appropriate village territories for lease to companies. Ethnic minorities, who account for approximately 50 percent of Laos' 6.8 million people, have been disproportionately affected by rubber concessions and contract farming arrangements because many live in remote villages in 'state forests' and practice various forms of shifting cultivation, and therefore their lands are often targeted. Furthermore, most rubber is being planted in the north and south of the country where the populations of ethnic minorities are comparatively high.¹

This contribution focuses on the evolution of local resistance against transnational land acquisitions for rubber plantations in Laos. The study is based on ethnographic fieldwork conducted in villages in Pak Ou District, Luang Prabang Province, northern Laos, between 2006 and 2007 with a follow-up research trip in 2012. The research coincided with the introduction of commercial rubber trees from China into the district. Taking the

¹Data detailing how different ethnic groups are affected by land deals in Laos is incomplete and often not available. The most comprehensive and reliable study on land deals (Schönweger et al. 2012) suggests that the Lao-Tai (the dominant and most populous ethnic group) are the most affected by all types of land deals. However, the study indicates that rubber plantations affect Mon-Khmer ethnic minorities disproportionately relative to their population. This is likely because most rubber 'concessions' are granted in the South of Laos where the Mon Khmer represent a greater percentage of the population and because they tend to live in coveted forest lands, rather than because they are specifically targeted because of their minority status. Even so, the data likely underestimate the percentage of minority groups affected by rubber investments. Almost half of the land deals identified by the study lacked spatial information and so were excluded from this analysis. Furthermore, over 50 percent of rubber in Laos is planted in the Northern provinces, where ethnic minorities make up a very high percentage of the population. Most land deals in northern Laos are classified as contract farming arrangements, even though many are concession-like in their impacts on local land and labour relations. Contract farming arrangements were excluded from the study. Therefore, the proportion of ethnic minorities affected by rubber deals is likely much higher than reliable data suggest.

case of Ban Samsun,² a small ethnic-minority Khmu³ village facing territorial dispossession by a Chinese-owned rubber concession, I outline official justifications for expropriating village lands, and the evolution of various forms of resistance by which villagers attempted both to defend their land rights and to negotiate better conditions of employment with the company. Khmu resistance to the concession evolved in response to shifting experiences of injustice and perceptions of risk and opportunity, and is one of many examples of rural resistance that are erupting in response to land deals across Laos.

Resistance against dispossession is simultaneously a claim to possession and is part of a broader struggle over land rights waged between rural villages and the Lao state. Hall, Hirsch, and Li (2011) identify four ‘powers’ that influence exclusion from land: (1) regulation (formal and informal laws, land zoning, rules of land access and use); (2) force (violence and the threat of violence); (3) the market (prices and incentives for commercial land transactions and for individualised land rights); and (4) legitimisation (moral discourses, narratives and counter-narratives justifying competing claims). These are deployed by powerful and less powerful actors alike in struggles for land control in the context of land deals. Khmu villagers combined various tactics of resistance and ‘legitimising narratives’ to maintain their land and to seek better terms of employment with the company. They pursued ‘rightful resistance’ (O’Brien and Li 2006), and used regulation, formal laws and official channels to support their claims, seeking assistance from concerned state and elite actors. They also engaged in disorganised, covert and anonymous ‘everyday forms of resistance’ as are commonly enacted by marginal groups in situations where outright confrontation is risky (Scott 1986, 1990). Villages are divided by different interests and different groups are affected differently by land deals (Bernstein 2010; Borrás and Franco 2013), and therefore the emergence of collective resistance by the Khmu against the concession is not a given and needs to be explained.

Faced with territorial dispossession, communities often unite around an ideological discourse and forge a collective ‘resistance identity’ as a political positioning to strengthen their claims to land (Hall 1996; Li 2000). Many autochthonous peoples such as the Khmu organise around the trope of ‘indigeneity’ in order to ally with environmental and indigenous rights activists ‘against’ the state. However, because of their specific political situation, the Khmu framed their resistance ‘within’ state ideologies and institutions rather than against them. The following case study describes the processes through which the rubber concession was established in Ban Samsun, and the evolution of different forms of individual and collective local resistance against the project. I outline how district government officials justified the expropriation of Khmu land in the face of local opposition, and explore how the Khmu strategically applied ‘public transcripts’ (Scott 1990) – the legitimating discourses and ideologies used by the state to justify authority – as resistance against perceived injustice in an attempt to hold those in power to the ‘meaning’ of their own rhetoric.

Introduction of rubber into Pak Ou District

According to provincial government officials interviewed in 2006, Chinese companies had plans to establish 20,000 ha of rubber in Luang Prabang province as plantation concessions

²The names of all villages described in the paper have been changed.

³The Khmu are classified as a ‘Mon Khmer’ ethnic group and are included in the Lao government category ‘*Lao Theung*’ (midland Lao).

and contract farming arrangements, targeting the neighbouring districts of Pak Ou and Nambak. Rubber trees were introduced into Nambak district in 2003, and the area planted with rubber in the province expanded from approximately 300 ha to 2500 ha between 2005 and 2006 (Vongkhamor et al. 2007). In March 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, granting joint-venture concession rights in Nambak and Pak Ou Districts (Vongkhamor et al. 2007). That year, the Governor of Pak Ou District approved a 40-year lease of 7000 ha of 'state forest land' to the 'Sino' company for the development of a rubber plantation. The concession encompassed the territories of five neighbouring ethnic minority Khmu villages, all of which were located in the mountains and inaccessible by road. The area covered stretched to the border of Nambak district, enabling the establishment of a contiguous 14,000-ha plantation comprised of 7000 ha of land in each district.

Ban Samsum, a small Khmu village of 54 households located a two-hour hike from the main road, was chosen as the pilot site for the plantation. The Khmu are widely considered to be the most impoverished ethnic minority in Luang Prabang province, and Ban Samsum was one of the poorest villages in the district. Class and wealth differences within Ban Samsum, while they existed, were less significant than the differences between the Khmu and the neighbouring Lao and Lue communities along the road. Village livelihoods were primarily subsistence-based, organised around shifting cultivation for upland rice and some cash crops like sesame, paper mulberry (*posa*) and Job's tears. The majority of villagers were rice short every year, balancing precarious yields by selling labour to better-off neighbouring ethnic groups, by hunting and gathering for subsistence and sale, by selling *posa* bark and cash crops, and by keeping small livestock in the forest-fallow. 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'. As a poor, small and remote village, Ban Samsum was a prime candidate for the state resettlement policy that had forced the relocation of many neighbouring communities to overcrowded areas along the road. Villagers were acutely aware of their vulnerability to various state development policies.

In early 2006, Lao district officials and Chinese company representatives held a meeting in Ban Samsum to promote the establishment of a rubber plantation on village land. The plantation was advocated as a new opportunity for wage labour and cash cropping. Some villagers initially misunderstood that they would be entering into contract farming arrangements and were interested in cooperating with the company. However, when it became clear that the company would take their land and own the trees, most villagers opposed the concession. Three meetings were held in the village to gain local consent, and village leaders repeatedly rejected the proposal because they did not want to give away their land to the company. Eventually, the District Deputy Governor went himself to Ban Samsum and, according to villagers, 'slapped the table' telling them 'if you don't agree to let the Chinese plant rubber here, then you will always be poor'. Village leaders feared resettlement and felt they could not say no to the government, so the rubber plantation was approved with 'official' local consent. The most fertile half of the village territory was allocated to the company, and many households lost most or all of the fields to which they held customary cultivation rights.

Villages are divided by different interests related to class, wealth, ethnicity, gender, livelihood and so on, and different groups are affected differently by agrarian change (Bernstein 2010). In the context of land deals, some groups resist dispossession while

others seek better terms of inclusion – better wages, employment conditions and compensation (Borras and Franco 2013). In Ban Samsum, men were initially divided about whether or not to support the concession. Shifting cultivation is arduous work and increased land pressure had contributed to declining rice yields. Some men were interested in the new opportunity for wage labour and supported the project, intending to clear new land farther from the hamlet if they lost their fields to the company. The Khmu have long worked as agricultural labourers for neighbouring communities, and wage labour was not a new concept. The headman himself thought that the plantation could be beneficial if the wages provided greater livelihood security:

When I am working for myself, in some years I have a good yield or a bad yield and I get a good or a 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, sometimes from early in the year. Every year some households in Ban Samsum are short of rice.

In contrast to the men, women were unanimously against the concession. However, village decisions in Ban Samsum are made by men, and most women were not present at the meetings. Women's interests are represented by the head of the village women's union (an official government post), who explained:

The village headman's word was not for the women. The women did not want the rubber. The men decide on what we are doing – the men. Sometimes women have to deny them. The Chinese rubber – we denied that this should happen because this is a Khmu village and we don't have lowland rice paddies. We are worried about the future and where we will plant rice. The women do not want to plant rubber. Some men wanted it, some did not. Those who thought about the future did not want the rubber. However, they could say no to the Chinese, but not to the government.

Women's collective opposition to the concession may be related to the gendered division of labour, and their role in subsistence production. Khmu women are primarily responsible for weeding and maintaining crops once they are planted. The concession would enclose the most fertile fields close to the village and create new land constraints, resulting in shorter fallow periods and increased weed infestation. This, combined with longer travel time if villagers were forced to clear swidden fields farther from the hamlet, would increase women's workload specifically. Although they could potentially earn an income from weeding the rubber area, women's objection to the concession highlights the priority they placed on subsistence rice production.

Many villagers who had not attended the meeting blamed the headman for agreeing to the concession, accusing him of being paid to let the company take the land. However, village leaders repeatedly emphasized that they had no choice. All were concerned about future livelihood insecurity once their access to land was restricted, lamenting that there would be 'no land to eat' (*bo mee din kin*). Some Khmu were considering leaving the village.

State justifications for land grabbing

Confronted with local resistance, officials from the District Agriculture and Forestry Office (DAFO), who were tasked with establishing the concession once the agreement had been approved, used various narratives and legal arguments to legitimise the expropriation of

village territory. They emphasised that the Khmu were short of rice every year and that the rubber plantation would alleviate poverty by providing new wage-labour opportunities. The legal status of Ban Samsum territory as 'state forest' was also given as a justification for choosing the village as the pilot site for the plantation. Beginning in the 1990s, a national Land and Forest Allocation Policy (LFAP) was initiated across Laos to demarcate village territorial boundaries, zone village lands and forests for specific uses, and institute more privatised forms of land tenure within village boundaries. The final step of this policy involves allocating usufruct rights to three land parcels of approximately one ha each per household labourer (often interpreted in practice as three plots per household) within village territory zoned as 'degraded forest'.⁴ The goals of the LFAP are to formalise customary claims and to provide secure private rights to a limited number of fields. This is intended to motivate farmers to grow cash crops and to confine highland villages within specific territorial boundaries in order to restrict (and eventually eliminate) shifting cultivation, enabling the remaining 'forest land' to be protected or used for commercial production by the state. In Pak Ou District, DAFO officials began implementing the LFAP in 2000. By 2005, the process had been completed in roadside villages. However, in remote villages such as Ban Samsum, only village territorial boundaries had been demarcated. The headman had been instructed to allocate three land parcels per household, but land within village territory continued to be used under customary tenure. District officials argued that because the LFAP had not been fully completed, Ban Samsum's land still belonged to the state. Ignoring customary claims to specific fields, they deployed the final stage of the LFAP to redefine village boundaries by allocating private household rights within only half of village territory, thereby legally freeing up the most fertile village land for lease to the company. As one district official 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 consent for the 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 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 contracts directly with the Chinese 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*) [i.e. a permanent crop]. 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 combined with national policies to eliminate swidden rice cultivation and encourage cash crops in the uplands are implicated in the appropriation of village territories for rubber concessions (see also Barney 2008). Titling programmes advocated to improve tenure security, to motivate more 'productive' and 'sustainable' land use, and to provide secure assets to enable access to formal credit also open up new processes of land accumulation and dispossession. Market processes and pricing may displace the poor, land grabbing occurs during programme implementation, and political decisions about what types of land are eligible or

⁴Two parcels of one ha each are allocated to households that own paddy rice fields.

not eligible for formal title influence whose rights are made secure and whose are undermined (Bruce 1993; Zoomers 2010; Hirsch 2011; Adnan 2013). The application of the final stage of the LFAP constituted a land grab on behalf of both the district and the plantation company. However, the openness of this district cadre complicates a simplistic analysis that positions him as legitimating state land appropriation at the expense of local people. Rather, it illustrates the pragmatic practice of bureaucracy in compliance with national policy, told with assurance that the process was a legitimate development intervention. District officials are under pressure to comply with national mandates to eradicate shifting cultivation and to develop cash cropping systems in the uplands. Rubber trees were seen as a promising solution to help villagers comply with state policies, and would also enable district officials to meet their obligations. According to the official, the plantation would not only provide wage labour for impoverished villagers but would also be a model that the Khmu could emulate to modernise their own agricultural system. The facts 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, were overlooked. In villages in the district where the LFAP had been fully completed, land rights were respected and villagers were encouraged to voluntarily enter into contract farming arrangements with Chinese companies. Thus, the policy was implicated in creating both security and insecurity of local land rights, depending on how it was interpreted and implemented locally.

DAFO is responsible for allocating land to highland farmers, for encouraging cash cropping and for finding land to lease for plantations. State officials responsible for implementing the LFAP are often the same individuals in charge of securing land for plantation companies. Therefore, these two policies are integrally implicated in processes of ‘frontier capitalism’ (Barney 2009) through which lands that are deemed ‘empty’ or ‘degraded’ are emptied of their original inhabitants and granted to lucrative business ventures. This process of dispossession is given legal legitimacy in the 1996 Lao Forest Law which was the framework for forest management at the time, which stipulates that forest land ‘is owned by the state, however if an individual or organisation (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). Lao legislation stipulates that concessions should be granted only for land classified as ‘degraded’ or ‘barren’ production forestland – the same type of ‘forestland’ to which villagers are granted usufruct rights⁵ (Lao Forestry Law 2007; Government of Lao PDR 2009). The negative legal classification of village swidden land as ‘degraded forest’⁶ also obscures its importance for local livelihoods and helps justify its reallocation for tree plantations which can be portrayed as economic and environmental improvements (see also Barney 2008). An important modification in the 2007 Lao Forestry Law is that plantations are defined as a legitimate type of forest,

⁵A study of concessions across Laos indicated that one third of all the land area granted for all types of land deals was legally designated as ‘forest land’. Although, legally, plantations are supposed to be established in ‘production forest’, the study found that 23 percent of all types of land deals were established in areas categorised as ‘protection forest’ (Schönweger et al. 2012).

⁶The 1996 Forest Law distinguishes between five different types of forests: ‘production forests’ (for timber and other forest products), ‘conservation forests’ (for conserving plant and animal species), ‘protection forests’ (to protect watersheds and prevent soil erosion), ‘regeneration forests’ (young fallow areas which should be left to regenerate into mature forests, and ‘degraded forests’ (areas deemed heavily damaged, to be allocated to villagers and organisations for agriculture, livestock grazing and tree plantations). These categories have been merged into three categories (‘production’, ‘protection’ and ‘conservation’ forest) in the more recent 2007 Forest Law, but the concept of ‘degraded’ forest remains the same.

while shifting cultivation is categorised alongside illegal logging as a culprit of forest destruction, and is being made illegal.

Everyday forms of village resistance

Following their unsuccessful attempts to formally reject the concession, villagers in Ban Samsun enacted various forms of resistance in an attempt to undermine the plantation. Villagers were instructed to clear and cultivate adjacent swidden plots within the concession area that year, and company representatives were to come later to teach them how to prepare their fields for rubber trees. During the first year, the trees would be intercropped with upland rice, but subsequently villagers would not be able to use the land for grazing livestock or for cultivation. Both men and women were paid for clearing the land, and most villagers intentionally chose to plant that year's rice crop within the concession area in order to earn money. Although villagers had started to refer to the area as 'Chinese land', in choosing where to clear and plant rice that year, customary tenure rights prevailed and villagers generally were paid for clearing those plots to which they had claims. Some villagers intentionally cleared away from the other fields hoping to prevent their land from being taken, while others did not realise their land was in the concession area and would have chosen to clear elsewhere had they understood that they would lose their land. Villagers who owned fields that were considered too steep for rubber trees but were within the concession area were disappointed because they were not paid for clearing the land, but would still lose rights to cultivate their fields once the rubber was established. Wages for clearing the land were low, ranging between 2 and 400,000 kip⁷ (USD 20–40) per hectare depending on the type of tree cover, and were calculated for the area cleared rather than per labourer, and therefore had to be shared. In some parts of Ban Samsun, primary forests were cut down to make way for rubber.

Wage labour, presented by officials as the primary benefit (and justification) of the plantation, became a source of intense conflict and an avenue of local resistance. Rubber needs to be planted on level soils for tapping, so once land is cleared, bench terraces need to be constructed along the contours of sloping land (Alton, Bluhm, and Sananikone 2005). After this, holes must be dug and refilled with softer soils immediately prior to planting. The villagers initially waited for the company to return to teach them how to construct terraces before they planted their rice. However, the company arrived later than expected, by which time the fields had already been planted and the Khmu refused to uproot their crops. Withholding labour was an attempt to protect their crops, to negotiate for better wages and to resist the company appropriating their land. Faced with an uncooperative labour force, company representatives brought in Lue labourers from Nambak district to construct terraces through the cropped fields. Ban Samsun villagers protested openly and convinced the labourers not to destroy their rice crop because it was a 'sin'. This was a potent argument because in local cosmologies rice is believed to have 'souls' similar to people (Tambiah 1970; Simana and Preisig 1997; Évrard 2006). Caring for the souls of rice and people is considered important so that the souls don't leave their hosts, which would cause poor yields in rice and illness in people. In protesting the destruction of their rice crop, Ban Samsun villagers drew on spiritual understandings of reciprocal obligations between people and rice, in addition to local notions of moral justness. Their arguments were persuasive, and the labourers built terraces around the rice and refused to

⁷The US dollar values are estimated according to the exchange rate at the time of the research.

destroy the crops. Frustrated, company representatives returned with a new group of Lue labourers, and eventually about one third of Ban Samsum's crops were destroyed to make way for rubber. No compensation was given and villagers were concerned that they would not be able to meet their subsistence needs that year. An older Khmu couple described what happened when the second group of labourers destroyed the crops to build the rubber terraces:

Woman: When the Chinese arrived the rice had grown about knee-height. Then they took it off. I was very angry. My husband didn't let me see because he was afraid that the Chinese would tie me up because I was very angry. A lot of people were very angry – men and women were angry. The headman and his wife were also very angry. Everyone was crying. People here scolded the Chinese, but they didn't listen. We tried to stop them, but they didn't stop ... I am upset that people took my rice off, because I had planted already ... I tried to stop them. I said 'Oh, we are very old. We are short of energy. We will be short of rice, and you will have sin'. But the Chinese, they didn't listen. They paid us for digging the rice off and clearing the fields. But this was not enough to replace the rice lost.

Man: I spoke with other people and talked with the headman. The headman tried to stop them, but they didn't listen. The headman tried to stop them from cutting rice in every field. The Chinese only planted on the side with the rice fields. He asked them to plant on the other side. Not many people plant on the other side, only on this side. I went to the meeting. We didn't want the rubber, but we had no choice. We had no choice. Our land, they will take it, and next year we will be short of rice again. Because the government agreed with this, so we couldn't say no. This is state land, so we have to 'sell' it to the Chinese. We knew it was state land before the Chinese came. We knew it was state land because the government came and told us then. After we cleared the fields, they came and told us. If I had known they would take that piece of land, I would not have cleared land on this side, but on the other side. Next year I will plant on the other side, but only 2–3 *kalong* [not much land]. I have land on that side, but a lot of the villages use that area. It's good land, but not as good as on this side.

These narratives are representative of villagers' accounts of resisting the destruction of their crops. Some villagers, like the woman above, also emphasised their particular vulnerability to food insecurity in seeking to protect their particular field. One widow asked the labourers to spare her crops and to only take land 'where there was both a husband and a wife'. Villagers were primarily concerned with their inability to meet their subsistence needs that year.

After the bench terraces had been constructed and the crops had already been destroyed, some village men consented to dig holes for the company since they were short of rice and were losing an opportunity to earn wages to labourers from outside of the community. The local wages were 2500 kip/hole (USD 0.25) for digging the holes and 250/hole (USD 0.025) for filling them. At the time, the average wage for agricultural work on rice fields in the area (for planting, weeding, etc.) was between 10,000 and 15,000 kip/day (USD 1–1.50/day) depending on the task and on whether the employer provided food for lunch. The wages provided by the company were considered to be poor and were lower than what was originally promised and written in the official contracts. It is likely that some of the wages were appropriated by a middle man, since the wages paid by the same company to villagers in Nambak district were apparently slightly higher and conformed with the contracts. Before submitting to work for the company, the men tried unsuccessfully to negotiate for higher wages, demanding 4000 kip/hole (USD 0.40). Villagers also disliked working for the company because the managers yelled at them, did not allow them to take breaks to smoke and did not provide lunch as is customary for local

agricultural labour. Furthermore, the company withheld wages until the entire job was finished, which caused anger because rice supplies were low and the Khmu were accustomed to being paid daily in order to buy food. Many villagers waited for payment for clearing land that had been completed 1–2 months earlier. By the time the company returned to the village to pay the wages and plant the rubber, the entire village was short of rice, and hostile. In protest to their poor treatment, some villagers and labourers from Nambak who were employed as porters to carry sacks of rubber saplings from the road to the village secretly dropped some into the streams or hid them in the forest *en route*. Saplings were planted upside-down when managers were not paying attention and those growing along paths were kicked, anonymously trampled or uprooted over time.

The ability of villagers to withhold labour as a means of resistance against dispossession and/or poor labour conditions is contingent on the ease with which companies can bring in labour from elsewhere, and on whether locals have been left with sufficient land to meet their livelihood needs. Unlike concessions elsewhere in Laos where villagers have been left with so little land that they are forced into wage labour in order to reproduce their households (Baird 2011; Kenney-Lazar 2012), villagers in Ban Samsum maintained enough land to survive without working for the company. Villagers who are not dependent on wages from plantations are difficult to control and are often depicted as ‘lazy’ by companies (Li 2011). 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). Vietnamese and Chinese plantation companies in Laos would prefer to hire labourers from their own countries who are perceived to work harder for lower wages (Vientiane Times 2011; Baird 2010, 2011). However, the Lao Labour Law (2004, Article 7) dictates that companies can only hire foreign labourers if there are no appropriately qualified Lao, while the Law on the Promotion of Foreign Investment (1994) stipulates that Lao workers must be given priority and restricts the number of foreign labourers to 10 percent of the workforce. DAFO officials in Pak Ou were aware of these regulations and had prevented the company from bringing in labourers from China. However, these laws are not always followed, and what counts as ‘appropriately qualified’ is open to interpretation. According to the *Vientiane Times*, there are approximately 200,000 illegal foreign workers in Laos, mainly from China, Thailand and Vietnam. The government has difficulty controlling illegal immigration because of concern for maintaining cordial relations with neighbouring countries. This, combined with pressure from companies to be allowed to import labour, has prompted the Lao government to consider providing permits to illegal workers in the country (Vientiane Times 2012a). Furthermore, these laws do not regulate movement of labour from elsewhere *within* the country, which may undermine wages and jobs for those displaced by concessions if other groups are considered to be better qualified or more disciplined. This has particular implications for the Khmu, who during my interviews with state officials and other ethnic groups were regularly derided as ‘lazy’, backward, dishonest and dirty, and were often blamed for their poverty. Furthermore, although rubber requires a relatively large amount of labour compared with other tree crops,⁸ once it is planted little labour is required for maintaining the trees. Jobs do not materialise until 7–8 years after planting when the trees are mature enough to tap for latex, so villagers need to be able to survive in the meantime. This is a concern for contract farming arrangements, since farmers who are not left with enough

⁸Baird (2010) estimates that the amount of labour for tapping rubber trees ranges between 150 and 200 days/ha/year.

land to meet their subsistence and cash needs while the rubber matures are unlikely to be able to maintain ownership of their trees.

The imposition of the concession, the dispossession of the villagers from their best land, the inability to negotiate for fair wages, the delay in payment and the destruction of their crops combined to threaten the subsistence security of the Khmu and united the village in collective hostility against the concession. This merged with frustration with other government actions that were negatively affecting local livelihoods. One major concern was the policy to eliminate shifting cultivation for upland rice. District officials keen on complying with national policy were attempting to force the transition from subsistence to market production by requiring villagers to sign 'formal' contracts in which they agreed to stop planting rice by a specific year. These contracts were a district adaptation to enforce agricultural commercialisation and were not advocated by higher levels of government. The Khmu were concerned that their rice crops would be destroyed if they did not meet their contract obligations, because officials had destroyed opium poppy fields several years earlier. The mounting frustration against the combination of state interventions that threatened local food security was 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 ... 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 seems to invoke violence against the state, it should be interpreted as an expression of bravado and frustration against the injustice of state policies rather than an actual plan of action (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 seen as a source of 'protection' and services as well as a 'threat'.

Local counter-claims and the construction of resistance identities

Everyday forms of resistance such as those enacted by the Khmu are often considered to be non-threatening to the status quo. However, more overt resistance in Laos is 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 the world, local counter-claims to

territory against 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, 1999; Brosius 1997; Li 2000, 2002; Peluso and Harwell 2001). Such essentialised 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). This has facilitated collaboration between marginalised peoples and transnational environmentalists, providing both groups with political power to act while obscuring different and sometimes-conflicting goals. Such fragile alliances create new possibilities for social resistance and have been described as the 'hopeful edge of a political project' (Tsing 1999:162).

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 mobility and all groups can arguably be considered indigenous. In such situations, 'indigenous' identities are sometimes constructed strategically in response to struggles over resources (Li 2000), and can be seen as 'resistance' identities formed as part of a legitimating narrative to assert preferential claims to resources and to resist dispossession. However, the use of 'indigeneity' as a basis for territorial claims implies that villagers have been exposed to these international discourses and are able to articulate their identity in a way that is recognisable and usable by their advocates (Li 2000). This is not the case for all marginal groups, many of whom, like the Khmu, live in remote areas and/or 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 ethnicity (Li 2000). Furthermore, unlike in some parts of Southeast Asia, Laos does not have a history of legal pluralism which grants certain ethnic groups special autonomous 'native rights' based on customary law – rights that are distinct from the legal rights of 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 2007).

The Lao government voted in favour of the United Nations International Declaration on the Rights of Indigenous Peoples in 2007; however, it does not recognise any one ethnic group as more indigenous than another. Imaginings of 'indigenous peoples' who have a special long-standing attachment to place and an ethic of environmental conservation are not part of popular discourse. This identity would be complicated as a basis for territorial claims in any case, given the continued mobility of the population and the relatively recent displacement of people during the Second Indochina war. Since taking control in 1975, the communist Pathet Lao government has been preoccupied with a nationalising agenda that incorporates ethnic minorities into the country as 'equal citizens' (Lao Front for National Construction (LFNC) 2005), and has followed a policy of assimilation that holds the politically dominant Lao-Tai as the standard. The 49 recognised ethnic groups are classified into three nationalising identities based on stereotypes about livelihood and topographical location: the *Lao Loum* (lowland Lao, including the politically dominant Lao-Tai), the *Lao Theung* (midland Lao including the Khmu), and the *Lao Sung* (upland Lao including the Hmong). Although given equal status in law, ethnic minorities living in mountainous areas are marginalised by state policies because their livelihoods do not fit the increasingly hegemonic image of what it means to be a modern Lao citizen.

Government ideologies of development are promoted to rural communities through policies designed to reshape local livelihoods, and through roadside billboards, local media,

political speeches, and agricultural and health extension services. Road signs draw attention to 'modern sanitary villages' located near the road, which have a village water pump. In roadside 'model ethnic villages', villagers practice lowland rice cultivation and sell 'ethnic' handicrafts. 'Model farmers' and 'model villages' have abandoned swidden rice cultivation for cash crops. Field trips are organised to bring farmers from other areas to visit these model villagers, encouraging them to follow their lead. Such models impart not only development lessons for how to improve livelihoods but also ideas about how to be a better 'Lao'. 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 and cash crops in the uplands, and to have water pumps and a school. Ethnic minorities practicing shifting cultivation for upland rice find themselves positioned outside of this ideal.

The Khmu are widely acknowledged as the 'original owners of the land', and to have special authority over territorial spirits (Aijmer 1979; Holt 2009). Although this could support a group representation of 'indigeniety' (regardless of histories of mobility), the 'resistance identity' that has been constructed by villagers in Ban Samsum in their struggle against the concession has taken on a different character. The axis of difference that frames their 'political' identity is the divide between the uplands/shifting cultivation/backwardness and lowlands/sedentary farming/modernity. Because the policies promoting resettlement and the rubber plantations that threaten to displace them are being deployed in the name of their own development, Ban Samsum villagers have framed their counter-claims to land by representing themselves as 'good', 'deserving' and adequately 'developed' Lao citizens, mirroring various state ideologies and values for modernity.

Khmu leaders emphasised that the state had officially recognised their territorial claims when the community boundaries were demarcated by the LFAP in 2003, and stressed that households paid taxes on three private land parcels as evidence of compliance with the final phase of the policy. They further highlighted that villagers had adopted cash crops such as teak, pineapples and paper mulberry trees that had been introduced by a government-run project several years earlier, and were now being asked to remove these because they were planted within the concession area.

We didn't have paper mulberry (*posa*), and the governor told us to plant this. Then when we have *posa*, the governor tells us to cut it. I will go to the governor about the *posa*. I want to keep my *posa* garden.

Village leaders visited various district government offices to protest their rice being uprooted, to complain about low wages and to negotiate to keep land within the concession zone on which they had planted tree and cash crops in compliance with government policy. Some teak trees had been planted in cooperation with a businessman from the town, who had supplied capital while villagers had provided land and labour, with the intention that the profits would be shared. By appealing for his support, villagers had stalled the removal of teak trees growing within the concession 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 to protect their trees, they were told that any in the concession needed 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 intention of increasing the population of the 54-household village in order to encourage

state investment in infrastructure and to make the village less of a target for the resettlement programme. This programme, aimed at consolidating and relocating remote villages of less than 50 households to roadsides, was justified as providing villagers with better access to services such as schools and health clinics. The headman had welcomed more than 10 new households into the village within the previous two years, and was actively encouraging more immigration. The acceptance of new families created conflicts within the village since some households were expected to cede their customary land rights; however, the intension was to increase the security of the territorial claims of the village as a whole.

To solidify the presence of Ban Samsum, village leaders also petitioned to improve the schoolhouse and attempted to arrange a formal contract with a businessman to build water pumps and a road to the village in exchange for some valuable hardwood trees. The contract needed to be approved by the district government, and, when it was rejected, villagers accused 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' Lao village. They strategically appropriated state ideologies deployed to justify their dispossession into a discourse to secure their territorial claims. '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).

Emergence of rightful resistance

I returned to Ban Samsum in June 2012, anticipating finding an impoverished village relying on inadequate wage labour and an expanded rubber plantation encompassing four adjacent Khmu villages. However, the proletarianisation which has occurred in other parts of the country (Baird 2011; Kenney-Lazar 2012) had not transpired. Villagers continued to resist the plantation by withholding labour, working for the company only when convenient. They could do this because they had retained enough land to cultivate their own crops and to gather forest products for sale, and could continue to sell their labour locally. Villagers were able to earn better incomes from other local activities and from new wage opportunities in the town. In 2008, Ban Samsum was granted official permission to use some of their valuable hardwood trees to pay a private company to construct a road and several water pumps. The new dirt road had an enormous impact on village prosperity. Traders could enter the village with trucks, creating more competition and better prices for village produce. Some Khmu had become traders themselves. The road also facilitated trade in valuable timber. The increased income resulting from these various activities had enabled many households to convert their small bamboo huts into concrete houses with tin roofs, and to purchase motorbikes, satellite dishes and televisions powered by small hydroelectric generators in the stream. This had the side effect of giving the village more permanence, since concrete houses cannot be easily dismantled like their traditional woven bamboo counterparts.

Villagers' ongoing resistance by anonymous sabotage and withholding labour had undermined the success of the rubber plantation, which had not expanded beyond the initial 93 ha. The company occasionally brought in outside labourers but, possibly because of lack of regular maintenance, the rubber trees in the concession area were

small, skinny and neglected, and many had died. This contrasted with rubber trees owned by the eight village households who had planted rubber themselves, which were growing well. Although the land was still legally leased to 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 accidentally spread into the rubber plantation while villagers were burning weeds along the road, they did nothing to prevent it from destroying some of the trees, as they would have done if the rubber was 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, villagers refused to pay the compensation demanded by the company, arguing that it was an accident. Following this incident, a Chinese company representative was stationed in the village in order to better manage the rubber plantation and to deal with some of the local conflicts. While villagers accepted him, they continued to resent the plantation itself.

The company had also attempted to expand the plantation into the neighbouring Khmu community Ban Theung, which was also part of the concession. Like Ban Samsum, these villagers had rejected the concession, hoping instead to engage in contract farming arrangements. As one villager explained, 'I didn't want to sell labour for 40 years because I would be a slave to the Chinese for a long time'. Seeing what had happened in Ban Samsum, these villagers refused to allow the rubber to be planted, claiming that their land had not been properly surveyed as is required by law. Representatives from both villages met with a newly appointed district governor to negotiate getting their lands back from the company. Villagers felt that the previous governor had been paid 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 have to be returned to the original owners. If the company wanted to keep the land, they would need to revise the contract officially. Their argument had a legal basis since Lao legislation stipulates that concession contracts are cancelled and assets are reclaimed by the state if the 'industrial farm' is not completed within seven years (Government of Lao PDR 2009). The new governor acted in support of local claims and wrote a letter to the National Assembly on behalf of the villagers, arguing that the concession had not gone through the proper channels. Similar to accounts of 'rightful resistance' by Chinese villagers (O'Brien and Li 2006), the Khmu had identified potential allies within the state and had started to deploy legal narratives and official channels to resist the concession and reclaim their land. I do not know whether they learned about their legal rights from their interactions with the new governor, from popular radio broadcasts, from word of mouth with other communities facing similar problems or from elsewhere.

Opposition to concessions in Laos

The evolving conflict in Ban Samsum is one of many local land disputes resulting from transnational concessions that have been presented to the National Assembly (NA) over the past several years.⁹ Dispossession, illegal encroachment, inadequate compensation,

⁹Baird (2011) documents an early case of local resistance in Champassak in 1992 against a Thai tree plantation which had enclosed the territories of 19 'ethnic minority' villages, preventing their access to grazing and forest resources. Villagers set fire to some of the trees. The Ministry of Agriculture and Forestry intervened and retracted 4000 ha of concession land, but instead of returning the land to the locals, conceded it to a different company. The plantation eventually failed because of the Asian Financial crisis in the late 1990s.

unfulfilled promises of local benefits and employment, and exploitative labour conditions are common grievances (Vaenkeo 2012). Companies have fined villagers when their water buffalos destroyed rubber trees planted on traditional grazing lands (Phouthonesy 2006a, 2006b). Village lands have been illegally appropriated without consent and their crops, forests, graveyards and shrines have been destroyed (Smith 2012a, 2012b). Companies have brought in foreign or outside labourers (Shi 2008; Sengdara 2010) and have used herbicides for weed control instead of providing promised jobs (Sengdara 2010). In resistance, villagers from across the country have written letters and/or travelled to Vientiane to present their grievances to the National Assembly (Vaenkeo 2012). They have organised petitions against concession companies (Phouthonesy 2006a, 2006b), withheld their labour (Shi 2008), prevented land surveys, threatened company bulldozers with their hunting rifles, enforced fines when companies broke the law, and spread rumours of violence against foreign workers (Baird 2010; Kenney-Lazar 2012). Some villagers aired their complaints on a national talk-in radio programme, which was shortly thereafter taken off the air (Smith 2012c). In one reported case, villagers were detained in their province to prevent them from presenting their grievances to the NA (Radio Free Asia 2012). Unlike in Ban Samsum where the Khmu have thus far been able to stall the expansion of the plantation on their lands, protests by villagers elsewhere in the country have not resolved land conflicts in their favour. However, it seems that villagers across Laos are becoming aware of the national laws and institutions that protect their rights, and are articulating their claims in legal terms and contesting injustices through formal channels, bringing their cases to the attention of the central government. International and recently formed Lao non-governmental organisations (NGOs; known as Lao non-profit organisations or NPAs) are beginning to work with villagers to teach them about the law (Baird 2010). It is possible that villagers are forming a collective resistance identity, demanding their recognition as Lao citizens with legal rights.

The mounting pressure of these isolated local protests, combined with national and international criticism of the unregulated allocation of concessions, has influenced national policy, prompting the beginnings of a Polanyi-type 'double movement' to protect the 'nature' and 'people' of Laos from exploitative market processes (Polanyi [1944] 2001). 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) their unregulated allocation by the provinces and districts. In 2008, provincial authorities in Luang Namtha banned large-scale rubber concessions in favour of contract farming arrangements that seemed more beneficial for farmers, although many of these devolve into concession-like arrangements over time (Shi 2008). Since May 2007, the President of Laos has announced a series of moratoriums and decrees intended to increase central government control and limit the authority and size of land concessions granted by the provinces and districts (Vientiane Times 2007, 2009b, 2009a; Government of Lao PDR 2009). Although these have not been very effective, they illustrate the government's desire to better regulate the situation. The most recent moratorium was announced in June 2012 and is to be maintained until December 2015 (Vaenkeo 2012; Vientiane Times 2012b).

Conclusion

Since 2000, land deals across all sectors of the Lao economy have increased by 50-fold, and are conservatively estimated to cover more than 1.1 million ha, or 5 percent of Lao

territory¹⁰ (Schönweger et al. 2012). In spite of a comprehensive legal and policy framework, the practice of granting concessions is not transparent and involves various departments and levels of government that do not necessarily communicate with each other. Local officials do not always understand or implement the laws in which they operate, laws are manipulated to empty land of its rightful owners, concession projects do not always comply with legislation, terms of contract are violated, there have been accusations of corruption and land under local or other legal claims has sometimes been conceded concurrently to more than one company for different purposes (Nanthavong et al. 2009; Vaenkeo 2012; Smith 2012a, 2012b). Some concessions are cover-ups for logging (Barney 2008; Vientiane Times 2012c, 2011). These 'land grabs' are promoted in the name of poverty alleviation but are having devastating effects on villagers. They are being driven by the intersection between transnational commercial interests and national economic development policies.

The case of Ban Samsun illustrates how politically marginalised ethnic-minority villagers attempted to resist disposessions undertaken in the name of their own development, in the face of highly unequal power relations and in a political context in which open resistance is risky and unlikely to be successful. Khmu villagers combined various tactics of resistance to undermine the concession, including anonymous acts of sabotage, foot-dragging and refusal to work for the company, appropriation of the dominant state development ideology as a strategic representation to assert territorial claims, identification of powerful allies in the government and civil society, and recourse to law and state institutions. By working within state structures rather than by open confrontation or acts of violence, the Khmu have thus far been able to stall the establishment of the plantation on their lands. Such hidden resistances are likely occurring across Laos, unnoticed and unrecorded because they transpire in remote areas and/or don't appear as resistance and therefore don't attract public attention.

Although debates about land conflicts were becoming more open at the time of this research, the serious risks of advocating for villagers' rights and promoting an alternative approach to development were tragically brought to the world's attention with the abduction of Lao NGO leader Sombath Somphone in Vientiane in December 2012. This generated fear and effectively silenced many Lao village rights advocates. The question of how to assist marginal groups such as the Khmu and their Lao supporters in their struggles against injustices related to land deals is becoming increasingly important. Although claiming recognition as an 'indigenous people' could potentially provide a platform for an ethnic minority like the Khmu to advocate for their land rights by providing alliances with international actors, this would require state recognition of their distinct 'indigenous' status relative to other ethnic groups, and could potentially disadvantage ethnic minorities who were later migrants and who could be represented as 'less indigenous', such as the Hmong. Furthermore, such an identity would not assist the many marginal *Lao Loum* villagers that are also affected by land deals. The cases of village resistance that are erupting across the country indicate that villagers of all ethnic groups are beginning to use legal discourses and are seeking support from within (rather than against) the state to frame their claims to justice. The state is both the problem and the solution. It is perhaps by providing support for sympathetic Lao

¹⁰This estimate is based on verifiable spatial data and excludes the many deals which are not well documented, and does not include concessions for mining exploration which account for another 1 million ha, hydropower projects or contract farming arrangements.

officials, development workers and researchers to provide legal education to villagers and to advocate for the territorial and social rights of all ethnic groups as ‘constitutionally’ equal Lao citizens that the international community can best assist groups such as the Khmu.

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