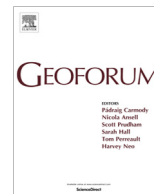




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The security exception: Development and militarization in Laos's protected areas

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ABSTRACT

Because of the role that peripheral forest landscapes played in postwar nation-building, the Lao military has long played a significant, even if often hard-to-see, role in the administration of the country's protected areas. This role is becoming increasingly apparent as transnational market-based forest governance efforts begin to threaten military administration of protected areas. As a consequence, the multi-dimensional nature of security – both defensive in the classic military sense, but also increasingly economic and complex – is coming to light through uses of what we describe as the security exception: the invocation of national security, in this case by military actors, to manage the reach and efficacy of emerging forest governance efforts. Projects to reduce climate-related emissions from deforestation and forest degradation (REDD+) have been especially prone to trigger the security exception due to their focus on forest measurement and change over time, and are examined here in two cases from protected areas in western and southern Laos. We suggest that even as conflicts over forest management may be interpreted through the lens of foreign domination and the loss of domestic sovereignty – indeed the security exception feeds on such interpretations – these conflicts are better understood as struggles *within* the Lao state and society over the how to manage and use forest resources in a context of economic uncertainty and persistent underdevelopment. In such a context, the role of conservation NGOs and Western donors as gatekeepers to ongoing transnational governance efforts is nonetheless highly significant.

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1. Introduction

In late 2011, hopes were high. A Lao-German effort to pilot REDD+¹ had just hit the ground running in a remote corner of north-western Laos, roughly 120 km from Vientiane in the rugged mountains along the Thai border. An effort to combine climate change mitigation, elephant conservation and pro-poor livelihoods assistance, the project had been in development for over two years, and the hard work of community outreach and baseline forest measurement was finally getting underway. The hitch came just two weeks in, as the forest inventory teams were switching from training mode into the quality control efforts they would need to prove the project's eventual carbon sequestration to third-party validators. It

came as a phone call: “You need to put things on hold for a minute.”² A trip to the provincial capital followed; there, the project staff were informed that a new security decree had come into effect a few months earlier, and that except in established urban areas, it prohibited foreigners from working within 15 km of Laos's international border (Dwyer and Ingalls, 2015; cf. GoL, 2011). Negotiations ensued over the year that followed, at times reaching the highest levels of Lao-German cooperation. But the security order stood. The project lost two field seasons, and eventually left the province completely in favor of activities elsewhere.

This putative heightening of security efforts presented a puzzle. Mainland Southeast Asia's transition “from battlefields to market-places” had, by most accounts, taken place decades earlier, as the Cold War wound down and the benefits of economic integration began to overpower the frictions that had Balkanized the region for four decades (Chanda, 1986; Innes-Brown and Valencia, 1993; Hirsch, 2001). Even as isolated insurgencies continued to smolder

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¹ This paper assumes that readers are generally familiar with REDD+, an umbrella term for efforts to reduce climate-related emissions from deforestation and forest degradation currently being piloted throughout the global South upon recommendation from the United Nations Framework Convention on Climate Change (UNFCCC).

² Anonymous interview with first author, November 2014; for longer interview passage, see Dwyer and Ingalls (2015).

in the odd periphery (e.g. Woods, 2011), throughout much of the region, peace had begun to pay off. Laos in particular had a thriving field of foreign investment, with high economic growth driven by capital that had flocked to the government's policy efforts to "turn land into capital" during the boom decade of the 2000s (OECD, 2013; Dwyer, 2007). Laos was already well on its way to joining the World Trade Organization (WTO) and the ASEAN Economic Community (AEC); these promised even greater access to global and regional markets. Moreover, Lao forestry officials had been major participants in regional REDD+ dialogues over the past two years. Embracing forest policy change and actively courting donors (Sawathvong, 2010; DoF, 2010), the Lao government seemed to be working hard to establish its leadership in the region in making REDD+ a reality on the ground.³ The invocation of a security threat to shut down a major bilateral effort to do just this – not to mention conjuring insecurity more widely throughout the country's border regions – seemed a step in precisely the opposite direction.

In this paper, we suggest that the invocation of such a *security exception* – a suspension of everyday governing to defend the state against a putatively grave threat – may not be so surprising after all, and may actually signal a growing trend in the forests of the global South. As transnational natural resource governance efforts continue to push into traditional arenas of state rule, opening practices like forest management and extraction to ever more global observation and (potentially) interference, the relationship between state sovereignty and territorial administration continues to grow more complex. As this happens, the economic dimensions of security continue to expand in importance, and traditional guardians of state security – especially when they also play a role in controlling important commodity networks, as in Laos with the military's role in forestry (Stuart-Fox, 1997, 2006; Walker, 1999; Anonymous, 2000) – find themselves in ever more contradictory positions. In such situations, we see it as inevitable that internal debates about how to manage territory in the national interest will proliferate, and as they do, will manifest in contradictory events like the one recounted above.

By examining two recent such struggles involving REDD+ projects in Laos's protected areas, this paper examines this emerging security landscape and, in doing so, theorizes why it is that traditional, state-centric notions of security continue to trump broader and potentially competing interpretations of security, such as more the human-centric conceptions (Tadjbakhsh and Chenoy, 2006) that underlie, *inter alia*, many rural development and conservation interventions. In using REDD+ projects as a window into the politics of security in contemporary Laos, our purpose is essentially methodological: due to their emphasis on spatially explicit forest measurement and decision-making, these projects exemplify a suite of transnational approaches to landscape governance and development that seek to make natural resource management more internationally transparent, whether for purposes of commodifying new environmental goods (e.g. carbon emissions) or creating the conditions under which traditional commodities like timber can be produced and traded more sustainably (e.g. under the European Union's Forest Legality and Trade initiative [FLEGT]; European Commission, 2012). The transnational and politically plural nature of these landscape-scale governance efforts suggests why state authorities might be concerned about the implications – indeed, perceived threats to sovereignty were part of the early opposition to REDD+ (Jagger et al., 2012). But these *potential* concerns do not in themselves explain why governments, once they have begun to participate enthusiastically in efforts like REDD+, choose to exit or drastically rearrange them in the name of security. Making sense of these more localized, landscape-scale

struggles over sovereignty in practice requires an approach that is theoretically explicit with respect to security's changing dimensions, but that is also historically and geographically attuned to local circumstances.

For us, such an approach relies on understanding the complex relationship between security and development – and in particular *insecurity* and *underdevelopment* – in contemporary landscapes such as those found in Laos. We argue that important clues for why the security exception continues to hold such sway even as security becomes more complex and multi-sectoral are to be found in the local histories of insecurity and underdevelopment in the landscapes where REDD+ has been piloted, and in the ways that these histories articulate with contemporary political economies of resource extraction. Such an approach draws on the Copenhagen School perspective on security, which considers security as an inter-subjective question whose meaning is produced through negotiated speech acts (Buzan et al., 1998), as well as on more historically oriented perspectives which emphasize the importance of context for making sense of why particular invocations of security carry more political weight than others (McDonald, 2008). More broadly, our work suggests that the power of the security exception as we have observed it – as invoked by the Lao military, and involving activities that, while actively detrimental to the environmental and economic security of large portions of the population, can nonetheless continue to be framed as development – must be understood in a *national* context where histories of underdevelopment and national insecurity were closely entwined and long-lasting (Peluso and Vandergeest, 2011). These stemmed from how the Cold War was grounded in mainland Southeast Asia, and in particular in the forested peripheries of Laos. Ironical though it may be, this means that the security exception's continued resonance draws on memories of underdevelopment and insecurity, even as it helps to perpetuate new versions of the same.

We develop this argument sequentially. Sections 2 and 3 elaborate the concept of the security exception more completely, first locating our use of this term in the literature on security, state territoriality, and development (Section 2), and then tracing these ideas into the historical and geographic literature on Laos (Section 3). Sections 4 and 5 then present two case studies of the security exception in practice, focusing on its manifestation at the landscape scale in two REDD+ projects; the first presents the case of the Xe Pian National Protected Area, located in southern Laos along the Cambodian border, while the second returns to the incident presented above, in the Nam Phouy National Protected Area along Laos's border with Thailand. Two concluding sections (6 and 7) then argue that the security politics on display in the case studies should be interpreted through the lens of domestic struggles over governance, territorial management and development. Only with an approach that is both historically attuned and attentive to contemporary development concerns is it possible to critically understand not simply the (ab)use of security as a discursive trump card against addressing other (and arguably more pressing) dimensions of human security, but also to move beyond the idea – increasingly prevalent among some international observers – that the blame for this continued state of affairs lies with the Lao population itself.⁴

2. The security exception

In the literature on modern political practice, the role of the sovereign exception (Schmitt, [1922] 1985) – the suspension of

⁴ The analysis presented in this paper is based on a combination of key informant interviews, document-based analysis and historical research conducted since 2013. The first case study also draws on long-term ethnographic research by the second and third authors.

³ David Ganz, interview with first author, Bangkok, May 30, 2014.

social and/or legal norms by a sovereign actor due to a stated emergency – has figured centrally. In some cases, the sovereign exception helps scholars make sense of particular regimes where state-sanctioned violence has been central to the mode of rule, as in Nazi Germany (Agamben, 1998) or the post-2001 United States War on Terror (Agamben, 2005; Bigo, 2006). In other cases, studying the practice of the exception has helped scholars theorize more generally the role that violence plays in states' efforts to develop toolkits with which to govern amidst a range of often-competing challenges, ranging from the vagaries of agrarian production to the postcolonial trifecta of economic instability, enforced austerity and regional military conflict (Foucault, 2004; Mbembe, 2001; Geertz, 2004; Hansen and Stepputat, 2006). In focusing on the ways that the invocation of security allows particular state actors to shift governance out of the register of normality and into one of emergency or exceptional intervention, Buzan, Waever and colleagues from the so-called Copenhagen School (McSweeney, 1996) make explicit this link between security's discursive dimension and the maneuvering that surrounds the often fuzzy line between normal and exceptional rule (Waever, 1989; Buzan, 1991; Buzan et al., 1998). Our notion of the security exception, as illustrated briefly above, owes much to these literatures.

We nonetheless use two important additions. The first stems from a critique of the Copenhagen School, which as noted by McDonald (2008), has trouble accounting for why some invocations of security are more effective than others. This highlights the need for contextual approaches that examine particular invocations of security with reference to not only the actors and circumstances involved, but more importantly to the relevant historical processes and conditions that have given those actors the agency (or lack of agency) they currently possess. Such an approach highlights not only the importance of local conditions in shaping the nuanced politics of security, but also of the role that internal frictions within the state plays in shaping how security manifests in practice; this attention to ongoing state formation as something that occurs in parallel with, and spills over into, international relations is essential to making sense of struggles over securitization, as illustrated in the case studies and discussed in the concluding sections below.

A second piece of our approach follows from the first. In examining the contextual factors that allow military-focused versions of the security exception to trump other approaches to security, we pay special attention to the way in which economic dimensions of security have been – and continue to be – constructed by key state actors. Despite moderate progress in some sectors, Laos has long suffered from what is termed human insecurity (UNDP, 1994; Tadjbakhsh and Chenoy, 2006): health and education indicators are relatively low (UNDP, 2013), and the modest safety net provided by direct access to land and forest resources has been increasingly undermined by state-mandated resettlement and rural industrialization projects such as land concessions and coercive contract farming schemes (Baird and Shoemaker, 2008; Schoenweger et al., 2012; Dwyer, 2013). These projects are often rationalized as development, despite their questionable record of translating economic growth into local economic development (Glofcheski, 2010). As elaborated below in Section 3, Laos's particular mix of territorial insecurity during the Cold War and, more recently, the expansion of the military's economic mandate as part of its "dual mission" of defense and development, help to explain why the security exception has continued to flourish even as other dimensions of human (local economic, environmental and social) security have floundered.

In the sections that follow, we focus specifically on Laos's protected areas, given their role in highlighting contemporary conflicts over the appropriate meaning of security and development. As a particular type of political forest (Vandergest and Peluso,

1995; Fay et al., 2000; Peluso and Vandergest, 2001), protected areas pose difficult questions about sustainable territorial administration in poor and institutionally pluralist countries like Laos (Tsing, 2005; McElwee, 2006; Barney, 2009). While market-based conservation, whether via eco-tourism or newer approaches like payment for environmental services (Brockington and Duffy, 2010), has been heavily promoted globally, protected areas in Laos continue to generate much of their *actually commoditized* value through extractive rather than in situ uses (FSCAP, 2014; Robichaud, 2014; Vientiane Times, 2014a,c,d). While these uses are often technically illegal, many are sanctioned locally, whether by state authorities seeking to finance infrastructural needs through timber sales or by local communities struggling to secure their livelihoods in the face of limited options and declining control over the land they occupy (Baird, 2010b; Dwyer, 2011; Dwyer and Ingalls, 2015). The rise of external demand for Lao timber – both high-value hardwoods like rosewood (*Dalbergia* spp.) and the other furniture-quality timbers upon which neighboring countries' wood processing sectors depend – have thus articulated with earlier modes of patronage and state-territorial control (Anonymous, 2000; Stuart-Fox, 2006), bringing extractive forestry into increasing tension with the use-restrictive model of conservation formalized in the 1993 establishment of Laos's protected area system (Robichaud et al., 2001; Baird, 2010b; Barney and Canby, 2011; To and Canby, 2011; Singh, 2014; FSCAP, 2014; To et al., 2014). Laos's forest estate thus exemplifies the contradictions of political forests elsewhere in the region (Li, 1999; Peluso and Vandergest, 2001, 2011; McElwee, 2006), harboring both significant wealth in situ, but also large and growing extractive pressures due to the historical conditions that have placed this wealth in the midst of substantial structural poverty, ongoing state formation and, increasingly relevant in the context of market-based governance mechanisms, limited effective demand (at least so far) for more sustainable alternatives.

3. Insecurity and the Lao Forest Landscape: The Historical Nexus of Insurgency, Underdevelopment and Conservation, 1961–present

To grasp the full dimensions of Laos's current forest management struggles, however, it is essential to understand the role that forests, and particularly borderland forests inside protected areas, have played in the armed conflicts in which Laos was implicated between the early 1960s and the 1990s. While most of these conflicts are now long since passed, their legacies remain relevant because they shape local conflicts in particular ways, inflecting contemporary economic security issues with sensitivity above and beyond the fact that military actors are involved (Baird, 2014b; Dwyer, 2014).⁵

The "Secret War in Laos" (Conboy, 1995; Warner, 1996) resulted from a confluence of Laos's official neutralization in 1962 and its military-territorial importance, for all sides, in the geopolitical conflicts of the day. The United States had provided significant support to the Royal Lao Army after the French defeat in 1954 at Dien Bien Phu. In the years that followed, as a rocky political détente emerged and Laos joined the community of Non-Aligned nations – exemplified by the country's neutral status being officialized by the 1962 Geneva Accords – US support transitioned into a more clandestine form. Picking up where French anti-communist efforts had left off (Fall, 1964; McCoy, 2003), American military support operated through the Central Intelligence Agency

⁵ A small number of Hmong insurgents continue to operate in some isolated areas in northern Laos (Baird, 2014a); this paper does not focus on these areas, although their existence reinforces the points made here.

(CIA), which from 1961 onward expanded a series of targeted alliances (begun in the 1950s) with upland minority populations whose frictions with lowland groups could be strategically exploited (Blaufarb, 1972; Warner, 1996; McCoy, 2003). As both sides of the Second Indochina War – the Americans and their Thai allies, as well as the Viet Minh, for whom eastern Laos's "Ho Chi Minh Trail" provided an essential conduit around central Vietnam's demilitarized zone – continued to secretly violate the neutrality agreement of 1962, Lao forest landscapes experienced a progressive intertwining of remoteness and insecurity (Conboy, 1995; Baird and Shoemaker, 2008; Dwyer, 2011). These tensions only expanded as the Indochina conflict took a new turn with the fall of Saigon, Phnom Penh and, more subtly, Vientiane in 1975.

The Lao People's Democratic Republic (Lao PDR) was officially established in December 1975, but continued to face wartime-like challenges to both state and human security as resistance to the new government (Gunn, 1983; Stone, 1980; Baird, 2012, 2014a) and ongoing regional conflict hamstrung postwar recovery efforts (Chanda, 1986; Dwyer, 2011). In the immediate postwar years, pockets of domestic armed insurgents and cross-border intrusions from Thailand – many led by Lao who had fled postwar "re-education" efforts (Evans, 2000; Kremer, 2003; Bouphanouvong, 2003; Thammakhamty, 2004) – diverted state energy away from recovery, hampered what nascent development efforts existed,⁶ and led postwar reconstruction to be consistently framed in terms of "two strategic tasks" (Dwyer, 2014: 387): not simply building socialism, but also defending the country. In such a context, development efforts and associated human security remained compromised as Laos's geostrategic position as the "key-stone" separating Thailand, Vietnam, Cambodia and China (Dommen, 1985) kept it in the crosshairs of cross-border intervention. Anti-government resistance was supported first by Thai security operations aimed at maintaining a buffer between Thailand and Vietnamese military forces in Vietnam and Laos,⁷ and then, following the Sino-Vietnamese-Cambodia conflict of 1978–79 (Chanda, 1986), by the Chinese government, again for the purpose of undermining the Vietnamese. These efforts created substantial tensions along Laos's international borders with Thailand, China, and Cambodia throughout the decade of the 1980s, and hindered development efforts generally at the same time as they induced population displacement from particular border regions. As elaborated below, many of these same areas would later be classified as national protected areas.

Following the tumultuous decade of the 1980s, in 1989 the new Thai Prime Minister announced a foreign policy devoted to improving regional diplomatic and economic ties by "turning battlefields into marketplaces" (Innes-Brown and Valencia, 1993). Although local Thai military leaders along the border with Laos initially hesitated or only partially followed this instruction (in some cases leading to flare-ups of the sort that would later justify security-related territorialization), by the early 1990s the Lao insurgency had weakened significantly due to a lack of Thai government support (Baird, 2012). In its place, cross-border relations between Laos and its neighbors increasingly took the form of economic cooperation. Thailand's 1989 logging ban created new demand for Lao timber and, in the years that followed, cooperation in the timber sector expanded significantly, leading both proponents and critics of the battlefields-to-marketplaces transition to emphasize the fact

that peace in the region was increasingly articulating with the Lao government's own efforts to pursue market-based development in the face of declining Eastern Bloc aid (Hirsch, 2001; Dwyer, 2011).

It was in part to control this emerging post-conflict extraction boom that Laos's system of protected areas was created. As the Lao government began to enact economic reforms and open its economy in the late 1980s, the World Conservation Union (IUCN) started to cooperate with the Lao Ministry of Agriculture and Forestry to develop the country's biodiversity conservation planning. IUCN hired a Canadian advisor to work with the Lao Department of Forestry in Vientiane in 1988, and in the next few years the outlines of Laos's protected area system emerged, first through a needs and priorities assessment (Salter and Phantavong, 1989), then via a more refined proposal for an actual protected area system (Salter et al., 1991). This process involved a number of selection criteria, including the presence of key species of conservation significance, good habitat conditions and low degree of disturbance, and at least 500 km² of contiguous forest per protected area (Berkmüller et al., 1995); the last of these, as described by the advisor mentioned above, was particularly influential.⁸ In 1993, eighteen National Biodiversity Conservation Areas (NBCAs) were established by Prime Ministerial decree (Robichaud et al., 2001), and another five were added in the intervening years – two in the 1990s (to facilitate a World Bank forest management project; Robichaud et al., 2001), and three more during the 2000s. The official label NBCA was also replaced with "National Protected Area" (NPA), presumably in an effort to complement wildlife preservation with a more explicit focus on forest management (Sawathvong, 2000; Robichaud et al., 2001). Laos's NPAs now number 23 in total and cover more than 30,000 km² (Fig. 1).

The geography of the Lao NPA system is such that even though it was designed on putatively ecological grounds (Salter and Phantavong, 1989; Salter et al., 1991), its overlap with security issues was significant. This was initially due largely to the selection for sparsely-populated, remote areas, many of which occur along or near international borders. While some of these regions (e.g. in the Annamite Mountains that run the Laos-Vietnam border) lay far from insurgency-prone areas, other forested areas, especially those near Thailand, Cambodia and China, as well as in the interior of north-central Laos, were precisely the sorts of areas where anti-government insurgency flourished during the 1970s and 1980s (and in some cases into the 1990s and beyond). Some insurgency-prone areas were eliminated during the design phase; a German advisor involved in the process recalled being aware of security issues in some of the proposed protected areas, and being explicitly instructed to stay away from the Phou Bia massif,⁹ the highest mountain in Laos and a well-known center of Hmong Chao Fa resistance (Baird, 2014a; Thao, 2010). Elsewhere, however, the overlap was unavoidable. The two cases presented below show how histories of insurgency in protected areas make contemporary invocations of the security exception, if not wholly convincing, nonetheless difficult to openly challenge. The pattern also applies more broadly: in addition to Xe Pian and Nam Phouy, a number of other NPAs, including Phou Khao Khouay, Phou Xang Hae, Xe Bang Nouane and Phou Xiang Thong (see Fig. 1), have histories of occupation or frequenting by insurgent groups.¹⁰ In some cases this has given rise to explicit military management of NPAs, for example in strategic forest areas close to Laos's national capital. Elsewhere, as the next two sections show, the militarization of forest management has been more of a below-the-radar occurrence.

⁶ These were themselves limited due to minimal Western support for the new Lao government on account of its ongoing "special relationship" with Vietnam (see Chanda, 1986).

⁷ General Saiyud Kerdphol, former chief of the Internal Security Operations Command in the 1960s and 1970s, and Supreme Commander of the Thai military from 1981 to 1982, personal communication with the third author, July 31, 2013.

⁸ Richard Salter, personal communication with the third author, August 2014.

⁹ Klaus Berkmüller, personal communication with the third author, August 2014.

¹⁰ Third author, unpublished material.

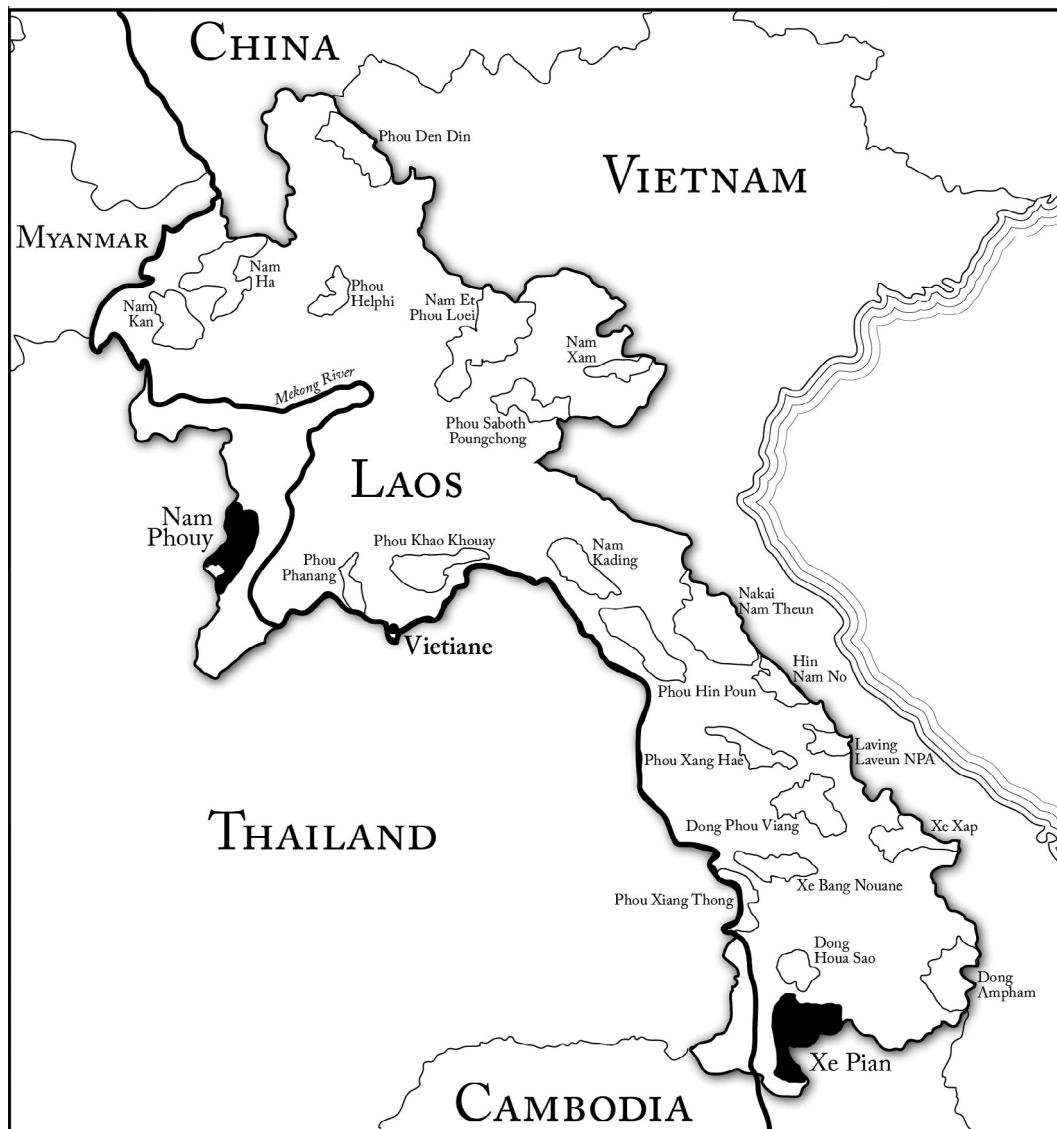


Fig. 1. Lao National Protected Areas.

4. Militarization, fragmentation and the erosion of community control: Piloting the security exception in Xe Pian

In the late 1970s, the area that would subsequently be gazetted as the Xe Pian NPA (Fig. 1) was partially occupied by anti-government insurgents, including some who were being armed by Khmer Rouge soldiers across the border. Located in a forested border zone at a time of substantial regional upheaval, the area experienced significant human dislocation and associated hardship; some communities were forcibly relocated out of forest areas by Lao authorities in order to prevent their collusion with insurgents, while others avoided these areas due to fear of insurgents themselves or out of desire avoid being branded as sympathizers. These dynamics created a relatively depopulated area, especially along the Lao-Cambodian frontier in what is now Xe Pian's southern flank, and contributed to high rates of localized poverty. As elaborated below, this pattern of settlement continues to influence management dynamics in the NPA by providing an uneven human-geographic landscape in which the security exception is able to flourish.

Xe Pian is one of Laos's flagship protected areas. Covering 240,000 ha of largely contiguous dry dipterocarp and

semi-evergreen forests (and adjacent to a large additional forest area in Cambodia), Xe Pian was one of Laos's original nineteen NBCAs established in 1993, and home to the country's first large-scale IUCN-supported biodiversity survey (Timmins et al., 1993). In the years since, the protected area has been supported by a range of conservation, development and livelihood improvement efforts, and remains regarded as one of Laos's most significant NPAs for biodiversity value (Robichaud et al., 2001; Poulsen and Luanglath, 2005). The NPA today supports more than 10,000 local residents, including ethnic Lao as well as Mon-Khmer ethnic minorities such as Brao (Lave) and Jrou Dak (Sou), who utilize the area for rice cultivation, timber extraction, hunting and the collection of Non-Timber Forest Products (NTFPs) for consumption and sale. Most of these communities live in 65 villages located in the NPA's northern and western zones, at some remove from the Cambodian border for reasons described above (WWF and OBF, 2014).

While the military security risks that depopulated the border region in the 1980s had significantly declined by the time the NPA was established, the border remained an area of security-related tension for years, partially because the Khmer Rouge were still active along the Cambodian side of the border (Baird, 2010a). Early on, this contained elements of both political and economic

security as the military's involvement in the area's resource governance became solidified. When Xe Pian's borders were being initially debated in 1993, an area with more forest and lower population density was proposed by district forestry officials on biodiversity and management grounds, but was rejected due to military interest in developing logging operations there.¹¹ Later in the same year, foreign research teams carrying out biodiversity surveys were abruptly evicted from the protected area by provincial officials based on reports of insurgency activity, but they also noted the movement of logs along roadways near the Cambodian border along with the heavy presence of military personnel in the area (Timmins et al., 1993). Over time, reports of insurgency became used as a way to discipline population movements, whether by foreigners or local residents. Throughout the 1990s, local residents were told to avoid certain areas of the NPA due to the risk of insurgents,¹² even as the military threat had largely disappeared by the end of the decade.

During the 2000s, as the military's role in economic affairs became increasingly public (Fig. 2), the economic dimension of security issues became increasingly prevalent. Much of this concerned areas along the Cambodian border which, having been made "remote" by earlier conflicts, were becoming increasingly at risk to cross-border timber harvesting. The global trade in high-value Siamese rosewood (*Dalbergia cochinchinensis*), driven primarily by markets in China (Singh, 2014; Baird, 2010b; EIA/Telepak, 2008), penetrated Laos on a large scale in the mid-2000s. Significant timber stocks of rosewood in Xe Pian became both an opportunity and a liability in this context, as coordinated timber-smuggling networks began to develop in northern Cambodia, involving local communities, police and border officials (Baird, 2010b; Singh, 2014). The remoteness of the forested areas in southern Xe Pian, the lack of road access, and social and ethnic relations spanning the international border made it increasingly difficult for Lao authorities to control the movement of valuable timber across the border into Vietnam.

An event in 2006 helps to illustrate the security exception's transition into its current, largely economic, form. Late in the year, a large supply of rosewood was confiscated from Cambodian smugglers by the Lao military in a remote corner of the protected area. Military and other government officials proposed that a road be developed along the Cambodian border in order to both access these (substantial) stocks of confiscated timber and to allow this remote border area to be better patrolled in the future. Conservation advocates and some local communities, however, opposed the proposed roadway due to both the direct impacts of road development through the conservation area, and the loss of local community autonomy that would likely result.¹³ The Ministry of Defence went so far as to send a formal request to the Lao Government – a letter that would be cited subsequently when the Prime Ministerial decree mentioned in section 1's opening vignette was issued. At the time, however, the proposal languished, although even as the rosewood trade continued to develop (Baird, 2010b; Barney and Canby, 2011; Singh, 2014).

Half a decade later, when decree 111 was issued, the rush was on, as skyrocketing foreign demand for rosewood led to the expansion of military-related logging on an unprecedented scale.¹⁴ A forestry official in Champasak Province, reflecting on the timber rush in Xe Pian, highlighted the way in which security rhetoric provided a means to access the resources of the protected area:

Businessmen could not just ask to log in the NPA – that would not have been approved. So they started cooperating with the military. The military claimed that the road was being built for security purposes, but in reality the businessmen are behind the plan. The military asked for the land for security reasons and then asked to bring development to the area as well. This justified the road and the associated logging.¹⁵

These events articulated roughly with conservation efforts in the area. In 2010, the Worldwide Fund for Nature (WWF) and the Lao Ministry of Environment and Natural Resources (MONRE) had begun to assess the feasibility of a REDD+ project in the NPA. From the beginning, military activities complicated field access, leading to temporary travel restrictions by survey teams in some areas, and permanent restriction from border areas. By 2012, following the decree-enabled timber rush described above, the military's role in the NPA had become pervasive, restricting not only the activities of foreign conservation and development organizations, but even those of the state forestry administration. Military encampments were established in many areas of the NPA, well outside of the approved zone, while logging concessions were granted to at least two companies within the NPA (WWF, 2012). MONRE retained control of the official checkpoints leading into Xe Pian, but the military controlled its own checkpoints deeper inside; these excluded forestry officials entirely.¹⁶ One researcher working for MONRE and WWF concluded, "[the] highest power controlling the NPA is the military... even the head of the NPA has to ask permission from the military" (WWF, 2012).

Persistent access restrictions and a growing concern that military-controlled forest areas would be impossible to manage led WWF to exclude all areas within the NPA within five km of the border from the REDD+ project design, thus reducing the proposed project area by approximately 43,000 ha (WWF and OBF, 2014). While no alteration resulted in the NPA's official boundaries, this exclusion covered roughly a fifth of the NPA, and was in effect a spatially-explicit concession to the military for economically extractive "development" and border protection. This reconfiguration highlights how the interests of international conservation have come into conflict with Lao military interests, and how the vision of security pursued as a result has been geared toward border protection and extractive economic uses.

The impacts of this process, and the associated friction, on communities have been substantial. As a village elder explained to one of us, "For many, many years we have protected this forest. They told us that it was our duty to the nation. But now they are taking all of it. If they will no longer protect the forest, then we do not see that we have a responsibility to continue doing so."¹⁷ While communities on both sides of the border benefitted vicariously from military-supported logging activities, tension between security agencies, forestry officials and communities have increasingly mounted. In the early months of 2013, several men in one village were arrested by border military for cutting timber which, according to village authorities, was approved for the construction of a new house.¹⁸ That same year saw a number of other arrests of local villagers by military and border police.¹⁹ The head of the Women's Union in one village lamented that even the village forest belonged to the military.²⁰ Contestation for resource ownership and authority was not limited to timber, but extended much more broadly to the management of other forest resources including NTFPs. The chief

¹¹ Attapeu Province forestry officials, personal communication with the third author, 1993.

¹² Local resident, interview with the second author, October 2014.

¹³ Villagers in Pathoumphone District, personal communication with the third author, 2006.

¹⁴ Champasak Province Forestry Official, personal communication with the third author, July 2014.

¹⁵ Champasak Province government official, personal communication with the third author, July 2014.

¹⁶ Provincial forestry official, interview with the second author, March, 2013.

¹⁷ Interview with the second author, June 2013.

¹⁸ Village chief, interview with the second author, March 2013.

¹⁹ Local respondent, interview with the second author, March 2013.

²⁰ Village resident, interview with the second author, March 2013.



Fig. 2. "The army and economic development" (2007, just west of Xe Pian NPA; photo by the first author).

of an ethnic Brao village complained, "In the past, if people from other villages wanted to come and collect things from the forest, they would come to us and ask. Now the military has taken over. They told us 'this forest belongs to the army now.' Now people from other villages don't even ask us anymore, they just talk to the army."¹⁸ The human insecurity implied by these narratives is palpable, and contrasts strongly with the version of security propagated by military control.

5. Nam Phouy: Formalizing the security exception

If the territorial exclusion described above piloted the security exception in a de facto sense, the exclusion of the Lao-German REDD+ project from Xayaboury province's Nam Phouy NPA made it official. The basic outlines of this event were described in the paper's opening vignette, which centers on a donor project's encounter with a piece of quasi-legislation issued early 2011, while it was preparing to transition into the fieldwork process that gives REDD+ its purchase (literally) on actual landscapes. Through an examination of both the Nam Phouy landscape and the decree that was invoked to justify this exclusion, this section expands the examination of the security exception begun in Section 4 in two ways. First, it shows the substantial flexibility that it can entail in practice, as the exceptional dimensions of governance are calibrated to local circumstances. And second, it shows the extent to which the security exception is itself in the process of being formalized and normalized in the governance of protected areas; as this takes place, the tension between exceptions and rules grows substantially, raising a set of issues that are in turn examined in Section 6.

The Lao-Thai border region experienced considerable insurgent activities from 1975 until well into the 1980s. In southern Xayaboury province, which sits west of the Mekong River and abuts Thailand via a mountainous and forested border, these activities were particularly intense and lasted into the 1990s. Of particular importance were the Hmong Ethnic Liberation Organization of Laos (EOL, or *Chao Fa*), led by the ethnic Hmong Pa Kao Her (Baird, 2014a), and the Lao Front for United Lao National Liberation Front (ULNLF) (*Neo Hom Pot Poi Xat* in Lao), led by another Hmong, Major

General Vang Pao. In 1989, the ULNLF established an oppositional government in an area – in Ban Pong Na, Xayaboury Province – inside the area that would subsequently be gazetted as the Nam Phouy NBCA. Shortly thereafter, the Chao Fa also tried to establish a stronghold in Xayaboury after being forced out of Thailand by the security services there; while both insurgencies were eventually overrun by Lao and Vietnamese military forces; this history, as in Xe Pian, played a significant role in de-populating the area, and helps explain why there were so few communities in the area at the time Nam Phouy was gazetted.

The protected area planning report issued in 1991 noted "only one currently occupied village (Ban Naven)...within the area, although there are other, now abandoned sites within the proposed boundaries" (Salter et al., 1991: 39). A decade later, a senior Lao forestry official went even further, linking the area's conservation value to its post-conflict militarization and associated de-population:

Much of the conservation value of Nam Pui [Phouy] – and its long-term prospects as a conservation area – stems from its strategic location adjacent to a sealed, though no longer hostile, border. Some 25 military camps are scattered in and around the NBCA. Parts of the reserve are unsafe due to land mines and village settlement has been discouraged. In all, about 70% of the NBCA have no village claimants and are designated as a 'Totally Protected Zone'. This is an unusual situation in Lao PDR, where co-management with villagers normally covers most or all of an NBCA.

[Sawathvong, 2000: 21]

The Nam Phouy NPA – like Xe Pian, part of Laos's first tranche of NBCAs formed in 1993 – covers 177,660 ha of rugged mountainous terrain of mixed deciduous forests in along the Lao-Thai border (Fig. 1), and is the home to a number of wildlife species of conservation significance. More than 20 mainly ethnic Lao villages are located adjacent to the NPA, and today only two villages sit within its borders; there is also a small population of semi-nomadic forest-dwelling (ethnic Mrabri) people who live inside the NPA's forests (Moore et al., 2011; Sawathvong, 2000). Unlike Xe Pian, relatively few international organizations have worked in the area.

WWF began doing so in 2010, in support of the conservation of native elephant populations through a mix of human–elephant conflict prevention and law enforcement and patrolling activities aimed at conserving habitat. German development cooperation (GIZ) had a history in the province and, around the same time, began to investigate Nam Phouy as a site for its nascent REDD+ project. It selected the area, along with a second NPA in northeastern Laos, in 2010, focusing (like WWF) on a mixture of livelihood activities and law enforcement efforts (Dwyer and Ingalls, 2015).

Doing REDD+, however, not only entails a series of activities designed to reduce deforestation and forest degradation, but also a synoptic and intensive monitoring effort designed to measure the efficacy of those activities (Meridian Institute, 2011). The REDD+ effort that emerged for Xayaboury centered primarily on two areas: (i) a settlement in the northern part of the NPA; this was Ban Naven, the village identified above, into which a substantial population had moved, and whose expanding agricultural footprint therefore threatened the NPA (Moore et al., 2011); and (ii) a road stretching from Ban Naven to the district capital at the southern end of the protected area. Initially built in 1989 “for the purpose of national security,” the road had fallen into disrepair, but plans to upgrade it in the next five years were reported (Moore et al., 2011: 28). This plan, as project proponents pointed out, threatened to expand an illegal timber economy that had been observed in preliminary project research, and that involved not only unnamed businessmen and local communities, but also the military and possibly members of the local government:

Besides villagers and “businessmen”, [interviews] suggested that the military in Ban Naven was also logging illegally, both to satisfy their own construction needs and for on-sale. Due to the presence of the military at the village meeting in Ban Naven it was not possible to verify this information. Anecdotal evidence, however, suggests that a degree of illegal logging greater than that stated by villagers and government staff is occurring within the NPA. A close inspection of high resolution (0.6 m) 2009 Quickbird imagery ... confirms the presence of logging roads and logging decks ([reference to high-resolution map]). This suggests a high level of reasonably organized logging activity that both village and local government are aware of. This is an issue that will need to be clarified and discussed openly during the design of the REDD project if this driver is to be successfully addressed.

[Moore et al., 2011: 26]

Given this degree of candor, and the spatial precision that accompanied it – the document included geo-referenced satellite photos showing log landings inside and adjacent to the NPA – it is perhaps not surprising that the project ran afoul of the military.²¹ WWF ran into similar problems at around the same time, and only managed to continue its elephant conservation work in exchange for eliminating activities related to patrolling and law enforcement.²² Clearly, these sorts of data-driven, semi-transparent approaches to resource governance and law enforcement do not square well with ad hoc, opaque and arguably illegal resource extraction. On the other hand, cynicism of this degree may be premature, as it presumes a fixity of power relations that are, in practice, likely to be in flux (Stuart-Fox, 2009). Forest loss has long been recognized by state officials as a threat to large-scale hydropower development, disaster preparedness, and central government revenue collection efforts (Goldman, 2005; MAF, 2005); and logging – both its practice and its revenues – have long been at the heart of struggles over technocratic versus patronage-

based rule (Walker, 1999; Anonymous, 2000; Stuart-Fox, 2006; Hodgdon, 2008; Baird, 2010a). As present-day conservation and economic value-adding efforts in the forestry sector lag far short of planned objectives (FSCAP, 2014; Chokkalingam and Phanvilay, 2015), the current mode of extractive timber use is increasingly at odds with central government efforts to make the country's reliance on resource-heavy development a bit less burdensome, both to the nation as a whole and to specific sub-populations who live in resource-extractive areas.²³ What is clear from the controversy over Nam Phouy is that the vision – that is, both the mode of management and the specific actors involved in regulating it – involved in bringing a forest program like REDD+ into operation is in significant conflict with the vision outlined in the decree that formalized the basis on which REDD+ was ultimately excluded from Nam Phouy.

This decree began by outlining the goal of “ensuring that strategic areas of national security are protected, conserved and developed in accordance with the national defense strategic plan,” and of the need to:

guarantee the stability of the nation and the steadiness and strength of the political system, build favorable conditions for close links between social-economic development work and national security tasks, and contribute to the implementation of two strategic tasks of national defense and construction.

[GoL, 2011, Art. 1, emphasis added]

Development and defence are, in such a view, far more closely linked in practical everyday terms than they are in transparency-reliant efforts like REDD+. What does this mean in the bigger picture? Is such a view compatible with the vision of sustainable forest management intended by market-mediated, transnational approaches to forest governance? Should the view outlined in decree 111 be taken as representing the will of the state? Has the security exception been enshrined in law, or is its purchase far more tentative and provincial? These bigger-picture questions are examined in Section 6.

6. A rule of law state?

As shown above, the security exception has been invoked at various key moments when conflicts emerge between military-economic interests and internationally supported conservation efforts. It is perhaps tempting, therefore, to interpret these events through the lens of national sovereignty. In a limited sense, this may be correct. The revision of project boundaries and exclusion areas in Xe Pian and the expulsion of a high-profile project in Nam Phouy staked a national claim to forest resource use against the threat of foreign-led governance intervention, unequivocally reminding international donors of the Lao state's sovereignty within its own borders. Such a message can hardly fail to have been heard.

Perhaps more importantly, however, this reminder was not only for conservation organizations and bilateral donors. State forest administrators and other government actors were also duly reminded that the military's entwined mandates of economic and political-administrative security ultimately trump their own management responsibilities. The invocation of the security exception thus resonated within a long-standing and ongoing domestic debate about what forest governance actually means in the context of diverse and overlapping mandates within state administration (Walker, 1999; Anonymous, 2000; Stuart-Fox, 2006; Hodgdon, 2008). It may be significant that this trump card was played when foreign actors were conspicuously involved. Without the spectre of

²¹ Anonymous development professional, interview with first author, November 2014.

²² WWF staff, personal communication with the second author, January 2013.

²³ Misc. interviews with the first author, early 2015; also see Dwyer and Ingalls (2015).

adverse foreign interests in border regions – harkening back to days when foreign-assisted insurgencies threatened not only Lao territory but the Lao state itself (see Section 3) – the invocation of the security exception may have fallen flat, and military economic goals succumbed to the interests of Laos's civilian (and donor-assisted) forest bureaucracy.

Further, it is perhaps tempting to view the conflicts described above as simply opposition between market-based resource allocation and classical processes of state-territorial control. The opportunities and liabilities of so-called traditional versus novel forms of regulation have been widely discussed in the literature on globalization and sustainable development (Jessop et al., 2008; Gavelin et al., 2009; Bolin et al., 2013); these provide one way to understand the cases presented above. We caution against such a reading, however, on the grounds that *both* approaches to protected area management examined above (for despite its irregularity, the security exception is a form of management) rely on a mix of state- and market-based approaches. In the abstract, this almost goes without saying; Polanyi's (1944) assertion that *laissez faire* was planned is by now a familiar observation. More concretely, however, the hardnosed economics involved in both scenarios are worth pointing out. The issues at stake relate both to distributional issues – the very different types of controls that operate over the rents derived from protected areas under REDD+ versus under military-controlled extraction, and the types of human versus elite security they promote – and overall market value. Since carbon offset prices have been especially low in the last few years (Eickhoff et al., 2012), it is unrealistic to expect REDD+ to compete on the open market with alternative forms of commodity production (Karsenty, 2012). This seems likely to continue in the near future. Even the substantially higher carbon prices that some expect under a future compliance market may not compete favorably with the dollars-per-volume generated by high-value timber for those who can control its harvest and bring it to market.²⁴

We thus think it makes the most sense to understand the conflicts described above both through the lens of internal sovereignty (Agnew, 1994) or ongoing state formation (Eilenberg, 2012), and through the longstanding perceived problematic of underdevelopment and transnational assistance. We take these in turn, though recognizing that they are related.

Under its accession to the World Trade Organization (WTO), the Lao government has committed itself to transitioning into a “rule of law state” in the coming years (Wong, 2006; MOJ, 2009). The timing of this transition has recently been called into question, as initial commitments to achieve the transition by 2020 have been hedged by government statements to the contrary (Vientiane Times, 2014b). More important, however, is the *content* of what a rule-of-law state might look like in a context where basic legal instruments – from court processes to standards and mechanisms of legal interpretation to judicial independence – are still in the process of being formed (or, in some cases, actively resisted). The degree to which the security exception described above is normalized and replicated is thus, we argue, critical to the shape that governance will take as Laos's putative rule-of-law transition continues, as well as in defining in whose interests it will operate. The trade-offs are by no means simple or predetermined. The Lao military is a major public-sector employer to which many middle and lower-class Lao families are connected and on which they depend; it should not be seen simply as a “purely private” actor which funnels public resources into private hands. But what is fairly certain is that the ways in which security-exceptional forms of territorial management are handled – and the extent to which

they inform the re-drawing of Laos's political forest map – are likely to have major impacts not only on communities within or near protected areas, but on Lao society more broadly.

This also has implications for the international donor community. Laos's ongoing struggle to define normal modes of territorial governance, to disentangle diverse and overlapping mandates of state forest agencies and the military in the governance of protected areas and other political forests, and to define and elaborate by whom and for whom forest-related development and security operate, all play a key role in the country's future. The dynamics of central versus provincial administration, and the balance between civilian-technocratic and military-patronage-based rule (Stuart-Fox, 2009) are, as suggested above, still very much in the balance. Some NGOs and Western bilateral donors have begun to support efforts to pilot more transparent, as well as more centrally coordinated and (in some cases) more citizen-based approaches to forest governance (Barney and Canby, 2011; Tamayo, 2013). But these efforts have thus far been hampered both because they are seen as foreign-led (rather than foreign-supported), and because they have brought far fewer resources to the table than the political-economic systems against which they compete. Forest loss is now intimately connected to a range of rural-industrial development processes including land concessions, transportation infrastructure and ongoing state efforts to become the “battery of Southeast Asia” through large-scale hydropower development. This trajectory is alterable, but it requires significant resources to overcome the lock-in of the extraction-heavy development model that is currently being pursued. Market-based approaches to better forest management like REDD+ may yet play a role in adjusting the calculus of current natural resource policy. But without order-of-magnitude increases in budget commitments, this seems unlikely to occur (Dwyer and Ingalls, 2015).

The direction these dynamics take in the coming few years is thus particularly important for the long-term trajectory of Lao forest governance. Preliminary signs are worrying. In mid-2014, the Lao National Assembly instructed the two ministries with immediate jurisdiction over Laos's forest estate to review and redefine the boundaries of the country's three forest-administrative categories. Some observers have interpreted this to refer primarily to timber “production forests” (*pa phalit*) and “protection forests” (*pa pongkan*) – the latter so named because of their supposedly twin watershed protection and security functions – rather than to protected areas (Dwyer and Ingalls, 2015). The cases presented above, however, suggest that a sort of *de facto* conversion from conservation to protection forest is already underway, and that the formalization of the security exception piloted by decree 111 may be but a first step to re-drawing the boundaries in such a way that reclassifies protected areas toward more immediately economic uses. While this seems outside the scope intended by the National Assembly instruction, it is well within the scope of what may transpire. Hard choices confront the Lao forest sector (FSCAP, 2014), and the memories of territorial insecurity provide an all too easy justification for prioritizing extractive uses. The struggles over exceptional development previewed above may thus be only the beginning.

7. Conclusion

This paper has examined the intersection of protected area management and economic extraction in Laos through the lens of the security exception, a militarized tactic of territorial administration that has been in existence in Laos for decades but has become increasingly apparent as transnational, transparency-oriented forest management efforts have tried to rebalance forest governance in recent years. The particulars of these cases are cer-

²⁴ REDD+ practitioners, interviews with the first author, August and November 2014 and April 2015.

tainly context specific; we have tried to show how contests over Laos's protected areas depend not only on the military's historical role guarding the forest frontiers that emerged as insecure spaces during the Cold War, but also on the particular histories of southern and western Laos that made the Xe Pian and Nam Phouy cases turn out differently. Within these particularities, however, we suspect that something more general is happening as well.

Protected areas have long been problematic in postcolonial contexts, not only in the global south but also in first world settings like the United States and Canada. This stems not only from the local legacies of enclosure – the memories of eviction that produce local resentments in places where parks articulated with colonial territorialisation and postcolonial nation-building on the backs of indigenous populations (Neumann, 1998; Jacoby, 2001). It is also the result of more general debates that confront so-called “Least Developed Countries” which are blessed with natural wealth that is framed as a global heritage even as its extractive use offers possibilities for reversing decades or even centuries of underdevelopment (Somare, 2005). The fact that resource-extractive paths to development have so often proven elusive (Peluso, 1992; Watts, 2004; Gellert, 2010) provides cold comfort to both policy-makers and citizens who see conservation efforts as threats to sovereignty, preferring – as developed countries did before them, it is often argued – to harness and capitalize on the extractive values of their resources for purposes of national development.

In examining the security exception, we see this debate playing out at a scale that is both *localized* to the scale of the landscapes in question, but also *temporalized* to conjure up the Cold War legacy that figures centrally in contemporary understandings of human underdevelopment in its various dimensions. As territorial *non-interference* has become enshrined as a diplomatic norm in the region's post-Cold War era, Lao government planners and senior officials have lost no time in acting to develop resources that otherwise might be regionally or even globally claimed; the Mekong River stands out notably in this regard. The security exceptions detailed above contain shadows of this same past, playing on a mix of historical wrongs and limited options in the present to lay claim to a particular, if problematic, trajectory of development. Some NGOs and Western bilateral donors are currently engaged in efforts to change the territorial calculus that confronts poor countries by linking governance-oriented reforms to economic incentives. As the examples above show, these efforts have a long way to go.

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