

**Working Paper # 18**

**Refugee Reintegration in Rural Areas:  
Land Distribution in Ban Pha Thao, Lao PDR**

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## Abbreviations and Acronyms

<b>IOM</b>	<b>International Organization for Migration</b>
<b>NGO</b>	<b>Non-Governmental Organization</b>
<b>SHG</b>	<b>Self-Help Group</b>
<b>SSIP</b>	<b>Small-Scale Irrigation Projects</b>
<b>UNHCR</b>	<b>United Nations High Commission for Refugees</b>

## Table of Contents

I.	Introduction	1
II.	The Ban Pha Thao Repatriation: Context and Process	3
III.	Property Rights and Governance	6
IV.	Traditional Land Use and Governance Among the Hmong	7
	A. Upland Farming Transitions: Evidence from Northern Thailand	9
	1. Mobilization of Capital and Labour	9
	2. Migration in Response to Resource Scarcity	10
	3. Governance	10
	4. Summary	11
	B. Upland Farming Transitions in Laos	12
	1. Irrigation in Upland Communities	12
	2. Summary	14
V.	Ban Pha Thao Revisited: The Reintegration Process	14
	A. Land Distribution	15
	B. Capital Assets and Accumulation	16
	C. Social and Political Capital	17
	D. Labour and Other Factors	19
	E. Hypothesis	19
	F. Summary	21
VI.	Conclusions and Recommendations	22
	References	25

## **Abstract**

The successful reintegration of refugee groups in rural areas often depends on people's access to and control over productive land resources. The acquisition of land and the preservation of secure use rights depend on people's ability to invest household labour and capital resources to intensify agricultural production. For the Hmong of Ban Pha Thao in Laos, people with social and political capital, as well as financial assets, were able to acquire and invest in better quality land following the introduction of an irrigation scheme. The unequal distribution of land has resulted in a rapid re-articulation of the village social structure, in which some people in the community have been able to re-integrate more successfully than others. Policy makers and planners must ask themselves if such outcomes are desirable in terms of how they envision "successful reintegration."

# **Refugee Reintegration in Rural Areas: Land Distribution in Ban Pha Thao, Lao PDR <sup>1</sup>**

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## **I. Introduction**

The successful reintegration of upland refugee groups in Laos has depended on the availability of viable economic opportunities for community members. For the Hmong of Ban Pha Thao, as well as other rural resettlement communities, households that once practiced traditional modes of shifting cultivation must adopt new farming methods centered around irrigated wet-rice cultivation. For this reason, access to and control over land resources is perhaps the single most important factor influencing the potential for successful reintegration of returnees in such rural based repatriations. Along with land acquisition, other important factors include the manner and extent to which repatriated households are able to mobilize sufficient labour and capital to invest in more intensive modes of cultivation where productive land is scarce relative to the population. Indeed, the two factors are mutually interdependent, as the acquisition of and control over land is frequently a function of an individual's or household's ability to make productive use of that land.

The transition to more intensive modes of cultivation also requires that traditional institutions of communal governance be modified, or created anew, to promote cooperative behaviour under different ecological and socio-economic circumstances. Along with other organizational tasks, rules and procedures must be devised to distribute newly irrigable land among community members in a fair and equitable manner, as well as to ensure that institutions of governance provide more secure rights to the use of this land. The definition and structure of these new property relationships will affect the distribution of economic opportunities and, in turn, have a profound impact on how individuals and households develop sustainable livelihoods over time.

In Ban Pha Thao, however, the introduction of a large scale irrigation system sparked competition among community members to acquire more productive land. The formulation and implementation of rules and procedures for distributing newly irrigable land became two of the principle arenas in which such competition was played out. Those households that were better endowed with labour and financial resources, as well as social and political capital, were more able to influence the development of rules governing the land distribution than those whose social and economic resource base was weak. Once they acquired more productive land, many of these same households were then able to use cash from overseas remittances, handicraft sales,

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<sup>2</sup> Please address correspondence to [ballardbrett@hotmail.com](mailto:ballardbrett@hotmail.com) I wish to thank the Mellon Foundation for its generous financial support of this research, and Consortium for its early interest in and support for the project. I especially wish to thank Sharon Stanton Russell for her patience in support of this research as well as her thorough editing of the text. Finally, I want to thank former staff of Consortium and UNHCR Laos for their comments on earlier versions of this study.

and reintegration assistance to invest rapidly in capital inputs such as hand tillers, draft animals, and rice mills, as well as to hire daily wage labour. Meanwhile, those whose resource base was relatively weak acquired less productive land, or no land at all. Many of these households would eventually drift into wage labour and debt, and some would later migrate elsewhere in search of land or wage employment.

The rapid transition from a community initially engaged in extensive modes of subsistence cultivation to one engaged in more intensive modes of cultivation has been characterized by the development of a highly stratified social structure largely defined by access to and control over land and capital resources with which to invest in land. The result of this re-articulation of the social structure is that some repatriates have been able to reintegrate into rural society more successfully than others, perhaps all too often at the expense of others. Policy makers and planners need to ask themselves if such outcomes are desirable in terms of how they define "successful reintegration."<sup>3</sup>

This paper locates the problems associated with land distribution and governance in repatriated refugee communities within the wider context of the political economy of transition from extensive to intensive modes of cultivation in situations characterized by scarce land resources. This argument assumes that repatriated refugee groups, as in any other rural community, maintain certain socio-cultural and political institutions that enable them to organize economic production and govern property relationships according to what Ostrom (1990:184) refers to as "shared norms and patterns of reciprocity" that define perceptions of fairness. This perspective shifts the focus away from standard interpretations that view repatriated communities as homogenous social units isolated at specific locations and points in time, and as a result, treat land distribution as a more or less legalistic and bureaucratic exercise. Rather, in this study, the refugee community is viewed as a heterogeneous collective of households and individuals who, in order to advance their own interests, may either cooperate among themselves or compete with one another according to the circumstances. The question that emerges, then, concerns what happens when these communities are confronted with a different set of socio-economic and ecological circumstances that induce a social re-organization of economic production.

This research project was originally intended to study the land distribution process at Ban Pha Thao in cooperation with Consortium,<sup>4</sup> an NGO that was one of UNHCR's principle implementing partners in the Lao repatriation and reintegration program during the 1990s. However, the research was cancelled in mid-1998 when the Lao government closed off the area in the wake of a shooting over a land dispute between a repatriate from Ban Tha Thao and a neighbouring villager. I was eventually able to visit Ban Pha Thao, as well as other Hmong resettlement sites in Laos, in conjunction with research for a study for UNHCR. While there, I interviewed community leaders and members of several households. I also interviewed key personnel from UNHCR, Consortium, and the Lao government. During a subsequent visit to Vientiane, I again interviewed UNHCR staff and reviewed various documents. I have also corresponded extensively with previous Consortium and UNHCR staff. Finally, I have relied

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<sup>3</sup> For a more comprehensive discussion of a concept of successful reintegration, please see "Reintegration Programmes for Refugees in Southeast Asia: Lessons Learned from UNHCR's Experience, Ch. 2 (Ballard, 2002), at [www.unhcr.ch](http://www.unhcr.ch)

<sup>4</sup> Consortium is a collaboration between Save the Children/US, World Education, and World Learning.

extensively on the anthropological literature concerning Hmong farming practices in Thailand and Laos.

The paper is structured as follows. Section II provides an overview of the repatriation context in Laos and the resettlement process in Ban Pha Thao. Section III reviews the literature on property rights in order to introduce certain land use terminology and frame some of the more salient land rights issues in Ban Pha Thao within the Lao context. Section IV compares and contrasts extensive and intensive modes of cultivation in order to set the stage for a discussion of traditional Hmong farming practices in Northern Thailand and Laos. Section V focuses on the relationship between land acquisition and capital accumulation in Ban Pha Thao, and the roles social and political capital play in promoting such linkages. This section also introduces a hypothesis to help predict the socio-economic consequences of unequal land distribution in rural based repatriations. The paper concludes with several policy recommendations designed to promote more equitable land distributions in future rural-based repatriations.

## **II. The Ban Pha Thao Repatriation: Context and Process**

The Lao People's Democratic Republic (Lao PDR) is situated at the crossroads of Southeast Asia's major trade arteries connecting its larger and economically more powerful neighbors China, Thailand, and Vietnam. Laos has a population of 4.5 million people, approximately 85% of whom are engaged in subsistence agricultural production, with only about 10% of household production being marketed in 1992 (World Bank, 1992). There are as many as 68 identified ethnic groups categorized into three larger groupings: Lao Loum, or lowland Lao, comprise 65% of the population and occupy the lowland plains and the Mekhong River valley; the Lao Theoung (25%) occupy the mountain slopes; and the Lao Suong (10%) occupy the mountain tops (UNDP, 1995). The Lao Theoung and Lao Suong are frequently referred to as upland groups to distinguish their diverse techniques of shifting cultivation from those of lowland Lao Loum, who primarily practice wet rice paddy cultivation. Differences between these two agro-ecological ways of life constitute one of the major fault lines along which Lao society has historically been divided, with upland and lowland groups competing over access to and control over natural assets and development resources (Gunn, 1984; Stewart-Fox, 1986, 1991; Ireson and Ireson, 1991).

Following the Pathet Lao victory in 1975, more than 365,000 Lao fled to Thailand and China during the next 15 years. Many of these refugees, including those from upland tribal groups such as the Hmong, had been closely associated with US forces during the Indochina War and were allied against the new Pathet Lao regime. Although the majority of Lao refugees eventually resettled in Western countries, others remained in refugee camps, primarily in Thailand. By December 2001, when the United Nations High Commissioner for Refugees (UNHCR) closed its office in Laos, some 29,000 refugees had been repatriated to Laos. Three patterns of repatriation were used to facilitate the refugees' return. First, individuals returned directly to live with their families, often in their community of origin. Second, small groups of 30 or fewer families were repatriated to already existing communities. Third, large groups involving 50 or more families required the establishment of entirely new communities, to which about 10,700 people were repatriated in 29 different large group resettlement sites, including Ban Pha Thao.

Ban Pha Thao, located in Vang Vieng District of Vientiane province, was the largest repatriation site established in Laos for upland Hmong returnees. The first group of Hmong returnees arrived in late April of 1994, and were followed by five subsequent groups, with the last group arriving in mid-March 1995. In all, 257 families representing a total population of 1,110 people were resettled from refugee camps in Thailand under the joint auspices of the Lao government's Ministry of Labour and Social Welfare and the UN High Commissioner for Refugees (UNHCR). UNHCR provided a standard assistance package for all returnees that included a one-time cash grant as well as rice for 18-24 months and materials for home construction. An American NGO, Consortium, was contracted by UNHCR to implement multi-sectoral reintegration projects designed to assist repatriated refugee groups and five nearby "affected" villages<sup>5</sup> with agricultural production, income generation, primary health, water supply, and basic education.

Prior to 1975, the land in this area was used as a resettlement site for internally displaced people during the civil war. The land was later abandoned and then used for grazing by nearby villages, although some people may occasionally have cultivated certain areas. In the early 1990s, Vientiane provincial authorities proposed the area to UNHCR as a potential repatriation site. In general, the selection of group settlement sites was governed by the Lao government's policy to reduce slash and burn agriculture in upland areas. This meant that upland refugee groups, such as the Hmong, were to be resettled in lowland areas where they would be expected to adopt more intensive modes of wet-rice paddy cultivation. This particular site was also chosen in order to promote local development in the expectation that the returning refugees would attract resources from UNHCR and other agencies for both Ban Pha Thao and nearby communities. In fact, negotiations for the land between the District Land Distribution Committee and local villages probably involved promises of development assistance such as schools and health centers provided by UNHCR and its partner agencies.

In terms of land, however, the most important intervention concerned a large-scale irrigation project designed to provide water for the land of both the repatriates and villagers of the five affected communities. The irrigation project, which was completed in 1997, was designed and implemented by the International Organization for Migration (IOM) with a grant from the United States government. UNHCR also helped finance land clearance using tractors and other machinery. The irrigation project and associated land improvements immediately increased the productive value of the land, especially in the context of newly emerging land markets. However, because of variations in soil quality and topographical conditions, some land in the irrigated area was more productive, and therefore more highly valued, than other land. For example, land near the main distribution canals would most likely receive adequate water, while land farther away from the main canals, or at higher elevations, may not receive water all the time. Moreover, some land would also receive water during the dry-season, which in effect meant that the owners could grow rice two times a year.

The original funding proposal for the irrigation project indicated that the system would eventually serve 350 hectares (ha)<sup>6</sup> of land during the rainy season, and 100 hectares during the dry season. However, the actual amount of land that was eventually set aside for distribution

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<sup>5</sup> The five nearby communities of Nadoa, Vieng Samai, Phoxai, Phone Ngam, and Tham Xang represent a heterogeneous mix of different ethnic groups, including lowland Lao.

<sup>6</sup> A hectare is 100 x 100 meters, or approximately 2.2 acres.



among the returnees is not clear. For example, according to an early Consortium progress report, people had expected to receive 280 ha of land. Of this amount, 169 ha were considered relatively easy to develop as paddy land and another 50 ha may eventually be irrigable.<sup>7</sup> A later report for UNHCR (Chamberlain, 1998), though, indicated that 195 ha had been cleared and allocated for cultivation. In either case, these figures suggest that families on average received somewhat less than 1 ha, even though many people believed they were promised as much as 2 ha for each household. In fact, Chamberlain's report for UNHCR suggests some variation according to family size, as households of 1-3 persons received 0.5 ha, 4-6 persons received 0.8 ha, 7-9 received 1.1 ha, 10-12 persons received 1.5 and above 13 received 1.8 ha. (Chamberlain, *ibid.*)

According to a government report written in the aftermath of a shooting incident involving a land conflict between a Hmong repatriate and several local villagers in early 1998, there were actually a total of 127.18 ha of paddy land for wet-rice cultivation, and 34.03 ha of non-paddy land.<sup>8</sup> The report mentions that, among other problems, the survey and consequent distribution of land were not accurate from the very beginning, as the survey itself had been falsified. For example, land parcels that were categorized and distributed as 1 ha were actually only .8-.9 ha. Some land, perhaps as much as seven hectares, had also been sold by local villagers prior to the distribution, while another seven hectares in the project area had been hidden, or rather left unnumbered prior to the lottery. The report suggests that certain district officials were able to acquire some of this hidden land, and that relatives of certain community leaders may have received some land as well, even though they were never refugees themselves.

The returnees began cultivating land using traditional swidden methods<sup>9</sup> soon after their arrival. At first, they cultivated the available land as a group and divided the harvest among themselves. However, the yields were low because of a lack of adequate rainfall and poor soil conditions, and as a result each family received approximately 50 kgs of paddy rice from the first harvest. In 1996, returnees were then authorized by the Vang Vieng District authorities to practice upland farming in 3 nearby villages, but were able to produce sufficient rice for only 2-4 months.<sup>10</sup> In order to make up these early deficits, many returnees relied primarily on the cash grants and rice supplements provided by UNHCR. Others worked for wages or food in neighbouring communities or borrowed money and food from relatives or people from nearby villages. Some relied on savings they had brought with them from the refugee camps or remittances from relatives living overseas. In keeping with traditional practices, many people also hunted and fished, as well as foraged in nearby forests.

In 1997, people in Ban Pha Thao began irrigated paddy cultivation on 139 ha, after land was distributed according to a lottery system. Forty-five families cultivated their entire plot, 94

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<sup>7</sup> Consortium Six-Month Progress for July-December 1995.

<sup>8</sup> Report of the Special Committee to Resolve Land Problems in Ban Pha Thao (March, 1998). Unofficial translation by UNHCR.

<sup>9</sup> "Swidden" is an Old English term used to describe areas where land is cleared of vegetation, burned, and food crops grown. The term is often used interchangeably with "shifting cultivation," which is a labour intensive farming system in which forest cover is cleared in the dry season and burned just before the rainy season when crops are planted. Such practices are also sometimes referred to as "slash-and-burn agriculture."

<sup>10</sup> One group of 52 families cultivated land at Ban Nongson and produced enough for about 4 months. A second group cultivated land at Ban Na Ket and also produced enough for 4 months. The third group of 16 families cultivated at Ban Muangsam and produced enough for 2-3 months.

families cultivated some parts of their plots, and about 58 families did not plant anything during this year. As the irrigation system had only been completed during the second half of the year, it is likely that one of the main reasons for the variation in the percentage of plot size cultivated concerned the availability of water, as well as varying soil qualities and topographical conditions (Chamberlain, *ibid.*). Many households also lacked draft animals and/or labour, which may account for at least some of the 58 non-producing families. According to various Consortium reports and UNHCR field visit notes, it also appears some families had not received land, while others received land contested by nearby villagers.<sup>11</sup>

### **III. Property Rights and Governance**

Property rights may be understood as a bundle of rights, including the rights to consume, obtain income from, and alienate (dispose of) an asset (Barzel, 1989). The value of an asset is defined in terms of (1) the expected future benefits that may be derived from the asset, and (2) the security of one's control over the rights to a perceived or anticipated stream of benefits (Alchian and Demsetz, 1973; Milgrom and Roberts, 1992.) However, use, control, and ownership over tangible assets such as land are not necessarily congruent. For example, control may be contested by migrant farmers who occupy government land owned by the State, whose agents may be reluctant for one reason or another to enforce the State's claim. In Laos, all land is owned by the national community, although the State provides people with long-term land use rights that include transfer and inheritance rights. Individuals, then, may own the right to use land, but not the right to actually own land as a commodity.<sup>12</sup>

Incongruence between use, control, and ownership raises important questions about how the negotiation and enforcement of property rights affect the status of competing claims to land assets (Razzaz, 1993). As a type of contractual relationship, the exchange of property rights is governed by both informal and formal institutions. Informal institutions, such as social norms and culturally defined codes of expected behaviour (e.g., values and ethics), are effective means of governance when exchange is highly personalized, as is usually the case in Hmong villages. Formal institutions, which entail mechanisms and rules that are codified through a political process and enforced by agents of the State, are often more economical in situations where exchange is complex and impersonal (North, 1991). However, the ability of the State to effectively enforce such rights depends not only on its authority to do so, but also on its actual capacity to do so. In Laos, district authorities routinely lack the necessary funds and training required to implement any of the relevant land policies. In fact, prior to the introduction of the 1997 Land Law, there were no provisions for actually issuing land titles.

Informal and formal institutions of governance also are not necessarily congruent with one another, resulting in significant degrees of ambiguity in the formulation and enforcement of property rights rules between various jurisdictions. Such ambiguity increases during periods of

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<sup>11</sup> The six-month progress reports that Consortium submitted to UNHCR during the mid-1990s consistently referred to unresolved land distribution problems. UNHCR field notes, including a summary document entitled "Problem Sites" (18 October 1999), also referred to similar problems.

<sup>12</sup> Article 15 of the Lao Constitution of 1989. According to the Land Law of 1997, no persons or organizations can take land as a commodity for the purpose of buying and selling.

rapid social and economic transition characterized by either changes in technology or local prices that affect the expected value of wealth producing assets such as land (Libecap, 1989; North 1990). Such uncertainty often creates both the demand and opportunity for a redefinition and redistribution of property rights among community members, as well as among outside claimants who may be attracted by the creation of new assets. For these reasons, the introduction of the irrigation project at Ban Pha Thao had the immediate effect of increasing the productive value of the land, which in turn sparked competition over land that was previously thought to be of poor quality. The fact that people with prior knowledge about the irrigation project, such as various district officials and leaders of villages served by the irrigation project, would have had an advantage in such competition highlights the important role that information can play in reducing the effects of uncertainty during such periods of transition.

The governance of property rights requires a system of rules to guide the negotiation and enforcement of ownership, use, and control. In this sense, rule-making constitutes a type of public good which Bates (1985) refers to as "second order collective dilemmas." Elsewhere, Ostrom (1990) has argued that patterns of trust that can evolve in small communities over time constitute an important source of social capital upon which people build institutional arrangements for managing such second order dilemmas. This, of course, could include the rules governing the distribution of relatively scarce land in an irrigation site such as in Ban Pha Thao. Ostrom has conceptualized such arrangements as "shared norms and patterns of reciprocity" (*ibid.*: 184), which inform an individual's evaluation of alternative rule systems. This suggests that an analysis of how property rights are governed must also consider how social norms and cultural values shape people's perceptions of the fairness of property relationships and the consequent distribution of resources within a specific social context.

Distributional fairness must therefore be understood within the context of the socio-economic and political milieu of a particular community; obviously, what one considers fair in one context may not necessarily be considered fair in another. This in turn suggests that issues of fairness must also be understood situationally in terms of both the power relationships and dynamics within a particular community, as well as the relationships that exist between the community and the larger socio-economic and political environment. The relationship between power and the governance of economic resources becomes fundamentally part and parcel of the analysis. In other words, the question of how such rules are devised and then enforced must also include some assessment of who makes the rules, and why.

#### **IV. Traditional Land Use and Governance among the Hmong**

Shifting and wet-rice cultivation are distinguished from one another by differences in agricultural ecology and the corresponding social organization of production. Each mode of cultivation is suitable to a particular context characterized by variations in populations, economic attributes, and the availability and quality of land (Boserup, 1965; Hanks, 1972; Cooper, 1984; Bray, 1986). In both modes of cultivation, the household is the primary social unit of production and consumption and as a result is the principle social conduit or structure through which the agricultural transformation is manifested (Netting, 1993). Household production decisions concerning how much capital and labour to apply relative to the specific attributes of the physical terrain are influenced by and shape the socio-economic, political, and cultural

organization of the communities inhabiting a certain area (Leach, 1954; Hanks, *ibid*, Netting, 1977). Such decisions are made in the context of (1) expanding markets that provide outlets for farm produce and a greater variety of consumer goods and agricultural inputs (Netting, 1993), and (2) the expanding role of governments interested in promoting rural development and obtaining more public revenues through taxation and other sources (Hart, Turton, and White, 1989).

Shifting cultivation is a form of extensive cultivation characterized by low population densities and low frequency of cultivation in a particular area (Boserup, 1965; Netting, *ibid*). Shifting cultivation involves a process in which forest or other cover is cleared and then burned as a means of preparing land for cultivation. An ecological balance can be sustained only as long as populations remain small enough relative to a particular geographic area to allow sufficient time (10-15 years) for land to lie fallow between brief (2-3 years) bursts of agricultural activity. The relative simplicity of tasks and rudimentary nature of the tools used in swidden farming suggests labour productivity is generally constant across individuals of similar age and gender. As soil fertility declines when fallow periods are reduced, an "equality of subsistence" is maintained within the community through more or less equal yet generally low levels of returns on land and labour inputs.

In contrast, wet-rice cultivation is a form of intensive cultivation characterized by high population densities and a higher frequency of cultivation on a particular parcel of land over an indefinite period of time (Bray, 1983; Netting, *ibid*.) Wet-rice can be cultivated wherever the terrain is sufficiently level to maintain adequate amounts of water at crucial times during the growth cycle of the rice plant. Farm-households in wet-rice communities may offset the effects of population growth by increasing productivity through improvements that help ensure timely water supplies (e.g. Geertz, 1963). As a result, specialized activities, such as animal husbandry, harrowing, paddy maintenance, and the construction and management of irrigation weirs and canals, expand the range of capital and labour inputs beyond those typically found in shifting cultivation.

Each mode of cultivation is characterized by different property relationships according to varying degrees of physical proximity of land parcels and population, as well as the continuity of land use over time. In areas where shifting cultivation is practiced, farming is dispersed over wide areas and across time to accommodate the vagaries of terrain and the need to rotate cultivation-fallow cycles among different parcels of land. When land is abundant relative to population, property rights can be governed informally at the local level according to the ethics and logic of tradition and custom. For example, the initial investment of physical labour to clear land legitimizes claims to specific parcels. The transfer of property rights or conflicts over competing claims can be managed through direct negotiation or appeals to traditional authorities (Leach, 1956; Geddes, 1976; Cooper, 1984; Ireson, 1995). In communities where wet-rice cultivation is irrigated, land use is concentrated among contiguous parcels because of topography and a common need to be near water resources. The relative scarcity of land, as well as the increased value of each parcel in response to improvements promoting productivity, eventually stimulates a demand for more formal institutions to protect rights of control and use as well as to provide predictable procedures for transferring property rights (e.g., sale, inheritance).

As the role of land as the primary source of wealth evolves, the demand for permanent and transferable use rights and irrigation management contributes to a shift from household and clan-based institutions of authority to more diversified governance structures that increasingly rely on the authority of the State. However, such transitions are rarely, if ever, linear and usually involve some degree of ambiguity concerning the negotiation and enforcement of property rights rules between informal and formal institutions of governance.

## **A. Upland Farming Transitions: Evidence from Northern Thailand**

In his study of the Blue Hmong village complex of Meto in Northern Thailand, Geddes (1976) shows how upland farming transitions progress from shifting subsistence rice production to more permanent forms of opium production for commercial exchange. Cooper (1984), writing ten years later about four other Hmong communities in Northern Thailand, outlines a more complex progression from (1) an extensive, less stable form of swidden rice cultivation (2-3 years of cultivation) to (2) a more permanent form of swidden opium and maize production (7-10 years of cultivation) to (3) intensive wet-rice production and/or other cash crops, such as orchards, featuring more permanent settlements over time. In both cases, households strategically optimized rice production to accommodate subsistence requirements and maximized returns on cash crops each year by reconfiguring the mix of (1) the household's available land and labour; (2) the quantity, quality, and location of available land; and (3) the location of markets and prices for specific crops.<sup>13</sup>

### **1. Mobilization of Labour and Capital**

Both Geddes and Cooper observed that as the mobilization of labour became increasingly complex, production tasks also became more specialized according to the particular crop. The introduction of wage-labour (e.g., landless Karen peasants) enabled certain households to overcome periodic labour shortages at critical junctures in the production cycle. Households that produced a surplus beyond subsistence needs also devoted an increasing share of production to commercial exchange. Geddes, however, asserted there were no marked distinctions of wealth in Hmong society (at least in Meto), referring to a society "without rank and class..." He attributed this to the fact that all households were subject, more or less, to the same agro-economic conditions and intra-household fluctuations associated with the birth-illness-death cycles, which tended to minimize over time the margin between those with more and those with less.

Cooper, however, argued that the transition from extensive to intensive agricultural production was, in fact, accompanied by an increasing differentiation in the accumulation of wealth within the community. An important factor that contributed to increasing wealth differentiation was the way households managed the balance between labour and capital inputs over time. At particular points during the production cycle, the profits from previous commercial transactions enabled households to expand their labour pools by hiring wage labour, and/or paying the bride price for additional wives, as a way of investing in more productive forms of cultivation. Cooper (ibid:

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<sup>13</sup> The differences between Geddes's and Cooper's accounts may reflect the dramatic changes that accompanied economic growth and market expansion throughout Northern Thailand during the decade separating their studies.

249) observed that the transition to a more productive system of land use is achieved by "the creation of a surplus product which is converted into cash and reinvested in the form of labour."

## **2. Migration in Response to Resource Scarcity**

In areas where shifting cultivation is practiced, upland households will often abandon their land to fallow and migrate elsewhere when soil fertility is exhausted at the conclusion of a particular production cycle. Under such circumstances, migration among the Hmong must be understood in terms of both economic and social factors. Geddes attributed the primary economic impetus for migration among Hmong in Meto to the constant search for more suitable land for growing opium as a cash crop. Cooper, however, argued that Hmong migration patterns represent strategic responses by individual households to resource scarcity generated by (1) increasing population in Hmong communities, (2) increased migration of lowland groups searching for land, and (3) the rapid expansion of commercial logging interests. In both accounts, Hmong communities experienced ongoing reconfigurations of different households practicing different mixes of crop production. The unique trajectory of each community's evolution from birth to collapse was a function of the rate of population increase relative to the quantity and quality of available land in a particular area.

## **3. Governance**

One of the most important social factors influencing and facilitating a Hmong household's individual migration decisions are clan relationships. A Hmong household will usually elect to relocate where patrilineal clan ties are the most numerous and closest. Clan members may recruit other clan members to join their communities and can be counted on to provide hospitality during scouting visits. They may also provide loans to other clan members to help them make the transition if they lack sufficient means.<sup>14</sup>

The migration of Hmong households in response to a variety of socio-economic factors centered around clan relationships has important implications concerning communal governance. Geddes (ibid: 240-01), on the one hand, notes that among the Hmong, political process decisions are made in a popular assembly. As clans tend to be the primary institution along which decisions are made, "members of lesser clans may feel themselves overruled and are often the first to leave in search of other congregations where they will be better represented." As a new community initially expands in response to in-migration, tensions between clans are usually minimal, since the total population is small, the area is large, and the need for cooperation against external forces is strong. Different clans can also avoid or relieve tension by forming their own enclaves in the settlement area. However, as territory becomes increasingly congested and land resources

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<sup>14</sup> Geddes further observed that migrations are undertaken not only for secular matters concerning socio-economic relationships, but also supernatural reasons. As animists, the Hmong often attribute events such as illness and death to certain spirits. The availability of experienced shamans who mediate relationships with various spirits are sometimes an important factor influencing household decisions to relocate.

are exhausted, "difficulties of multi-clan accommodation" may develop, thus stimulating movements out of the area as "a means of social adjustment" (Geddes, 1976: 241).<sup>15</sup>

On the other hand, Cooper argues that the Hmong household constitutes a virtually autonomous economic and political unit, although village life is governed by principles of respect for, and authority of, elders and husbands. Elsewhere, Cooper suggests that there is little or no cooperation among villagers concerning production, and that relocation decisions (e.g., fields, households) are more or less made individually. However, Hmong households do in fact occasionally help fellow clan members with tasks such as land clearance (ibid: 93-94, 102, 134). The apparent contradiction may be resolved by considering that even in such limited situations of extra-household cooperation, the decision to help is made by the household (particularly the male head of household) and not the community, nor even the clan itself. In this sense, Geddes observed additional forms of mutual assistance and labour exchanges such as house-moving, spiritual ceremonies, and occasional help with harvesting. In all instances, the decisions to help are made by households, and any form of collective action involving multiple households is coordinated along clan lines, not by the community, unless it happens to be a community of the same clan.

#### **4. Summary**

The logic of the Hmong response to resource scarcity has a dual, somewhat contradictory, nature. On the one hand, households are motivated to adopt more productive modes of intensive cultivation that rest on a foundation of private use of and control over specific land parcels, stable settlement patterns, and the cooperative production of collective goods such as communal irrigation systems. On the other hand, the same logic contributes to the acceleration of the reconfiguration of communities, as individual households increasingly compete with one another in their search for better, and more, land. Such tendencies can undermine the foundations of community stability and social relationships that support the production of collective goods. In order to manage the transition from an extensive to more intensive modes of cultivation in the context of resource scarcity, Hmong households and communities must somehow reconcile these two contradictory tendencies.

The resolution of this contradiction in practice essentially revolves around which households are able to gain control over relatively scarce land that is sufficiently level to sustain paddy cultivation in a particular locale. As indicated above, households that are better endowed with labour and surplus capital are in a stronger position to acquire and exercise rights to use and control new paddy land than those households whose resource base is weak. Along with the exercise of economic power, the ability of households to secure permanent rights over more productive land will be enhanced by residence in areas inhabited by other households of the same clan. In this sense, the distribution of land rights and the production of collective goods such as irrigation are likely to be governed along clan lines. Clan membership and social

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<sup>15</sup> Communities with near-equal clans may experience an "ambivalence of leadership." For example, each clan's relationships with various spirits are conducted slightly differently, which means there may be a lack of a single voice and consistent order with respect to spirits concerned with community welfare. The result can be a "near stalemate in both secular and supernatural affairs" (Geddes, *idid.*: 241).

relationships therefore constitute an important source of social capital that recalls Ostrom's "shared norms and patterns of reciprocity (1990:184)."

## **B. Upland Farming Transitions in Laos**

The transition from extensive to intensive modes of rice cultivation in Laos may follow a similar, though not necessarily linear, progression from (1) subsistence shifting cultivation to (2) subsistence paddy cultivation to (3) paddy cultivation for commercial exchange (Ireson, 1993). According to this model, upland people who reside in remote communities have less access to markets and tend to practice subsistence swidden cultivation. Lowland people, predominantly Lao Loum, who reside in areas more ecologically amenable to irrigated paddy cultivation, tend to reside closer to markets, and are therefore often more engaged in commercial production. Many households in both upland and lowland areas, however, practice a mix of swidden and paddy cultivation depending on the combination of factors discussed above (i.e., household labour composition; soil quality; topographical and climatic conditions; and market prices of various crops).

In contrast to the observations from Northern Thailand, Ireson (1991) found in Xiang Khoung province of Laos that Hmong households and villages were both relatively sedentary. Of the 12 villages surveyed in his study, all were founded before 1975, and many before 1950. Of the 33 families interviewed, the average length of residence in the present village was 30 years. For 23 families that had lived elsewhere before, the average prior residency was 18.6 years. When families did relocate, the motivation was to be closer to relatives as well as a desire for better farming land. New villages were initially formed by small groups of families, although additional family members inevitably followed as long as there was sufficient land.

Ireson (1995) subsequently warned that in the medium term, these farming systems would not be sustainable because of rapid population growth and environmental degradation, and may eventually break down, leading to widespread migration. Like Cooper, Ireson argues that the Hmong will need to develop sustainable, sedentary farming systems that can produce a reliable surplus. It is at this point in the transition cycle that small-scale irrigation systems have been introduced by outside agents (e.g., the State, donors) in order to accelerate the transition from extensive subsistence modes of swidden cultivation to more productive modes of intensive wet-rice cultivation.

### **1. Irrigation in Upland Communities**

In discussing the feasibility of introducing small-scale irrigation projects to help stabilize agricultural production, Ireson (1991, 1993) identified land allocation as one of the key issues concerning village relocation. Unfortunately, he does not analyze how land allocation is negotiated and then implemented in terms of deciding who receives what land and how much. Ireson, however, does refer to the fact newly irrigated land is subject to encroachment by other groups that may already live in the area. Such problems may be more pronounced when new settlers are members of minority groups, such as the Hmong, rather than lowland Lao Loum farmers. Moreover, more established neighbouring households may have a better capacity to



clear land than newly arrived settlers, who generally possess fewer tools or draft animals and lack the necessary experience and farming skills required to develop new paddy land.

The problems of land distribution and encroachment are discussed in more detail in two donor evaluations of small-scale irrigation projects (SSIP) in Oudomsay and Luang Prabang provinces (Connell 1995; Collins 1995). The comparison between small scale irrigation projects in Oudomsay and Luang Prabang also highlights the role that local governance plays in determining property relationships in newly irrigated areas, and as a result helps shed more light on the Ban Pha Thao case.

In Oudomsay, Hmong communities were able to allocate newly irrigated land to all families in the village, although land previously used by particular families was retained by those families. Although the origin of the idea is not clear, it appears people in the villages more or less agreed that the amount of land allocated to individual families would be determined according to household labour contributions to project construction and/or household size. However, some plots were more favourable than others (e.g., requiring less work to level or clear for paddy, more fertile), and various means had to be devised to allocate land in a fair manner. These included (1) lottery; (2) self-choice by negotiation among families; (3) decisions by senior villagers according to traditional institutions of communal decision making (e.g., in two villages everybody belonged to three family lines of the same clan); (4) allocation by district staff, requiring direct intervention by the State in the distributional process; and even (5) lining up and racing against others to preferred plots.

The absence of any ensuing land disputes and associated conflicts suggests that people in the community felt such procedures were more or less fair, with fairness being defined in terms of equitable access or opportunity rather than outcome. In other words, as long as people agreed to the rules guiding the land allocation procedures ahead of time, they were willing to abide by the results. Connell, however, suggested that the more or less equitable land allocation procedures and outcomes found in the Oudomsay villages were facilitated by the fact that population densities were low, and individual farmers did not have prior exclusive rights or claims to land use, suggesting that competition over land was minimal, if at all existent.

In Luang Prabang, however, most of the SSIP villages were more established, with higher population densities in areas of arable land, than in Oudomsay. As a result, there were pre-existing claims to land, including upland swidden fields that were already established. In these situations, communities apparently did not try to allocate land to everyone within the community. For example, in Houi Hok, a total of 24 hectares (ha) of new paddy land was allocated to 24 families with 1 ha each. Another 42 families in the village who relied totally on swidden cultivation received no new land. Unfortunately, there is again no mention of how this allocation rule was made in Houi Hok, so it is not clear why almost a third of the village received land and two thirds did not. The fact that there were pre-existing land claims, however, suggests it is possible that at least some households already controlled land in the area to be served by the irrigation system. Another factor, recalling Geddes and Cooper's observations in Northern Thailand, could be that households were either included or excluded from the distribution according to clan and family relationships. However, we do not have sufficient information to analyze such a hypothesis. It is also possible that those who did not receive land were more or

less satisfied to continue swidden farming, as they did not have sufficient capital resources to invest in irrigated paddy production (e.g., draft animals). Whether they may think such a process or outcome was fair or not is another matter.

Collins (1994), meanwhile, found problems of a different kind in areas where new paddy land in an established area was slated for distribution to new families selected by a village irrigation committee. As in Ban Pha Thao later, delays in project construction were one factor inhibiting the allocation and timely occupation of land by new producers. However, problems associated with encroachment by outsiders, or other community members not slated to receive land, seemed to be the real problem. Encroachers included farmers whose land was adjacent to the new land, government officials from the provincial capital, and army officers based nearby. Encroachers often invested their own labour and capital to establish claims against village land and water allocation. Village level institutions of governance appeared unable to cope with the problems posed by encroachers who possessed at least some degree of social and political capital, as well as financial assets. In Connell's Oudomsay communities, village level institutions may have been adequate for managing land distribution where land is abundant relative to demand. Yet such institutions appear to have faltered in a context of scarcity and competition, and, as a result, the transition from extensive to intensive modes of cultivation may then require the increasing exercise of authority by local government.

## **2. Summary**

In situations characterized by land scarcity, Hmong households either converted cash from opium sales or other crops into labour that could then be used to expand the household's control over new land, or migrated to new areas where more land was available. In general, the degree to which households could adopt more productive modes of cultivation has depended on several factors, including the amount of household labour and capital assets that enable families to obtain and control productive land. Social and political capital in the form of one's position within the clan and status within the community also play an important role in facilitating migration and/or establishing control over new land resources. In Laos, the government and NGOs have also introduced irrigated wet-rice technology in order to promote more intensive agricultural production in upland areas. In situations such as Luang Prabang, where newly irrigable land is scarce relative to the population, the introduction of irrigation technology has challenged traditional clan-based institutions of land governance regarding problems such as providing all households with a chance to acquire better land, or preventing outside encroachers from gaining access to new land at the expense of community members.

## **V. Ban Pha Thao Revisited: The Reintegration Process**

Since the first repatriates arrived in 1994, people in Ban Pha Thao have had to accommodate themselves to the realities of land scarcity. Unlike the situations faced by the Hmong in Northern Thailand or elsewhere in Laos, the expansion of extensive swidden cultivation in the immediate area was neither a feasible nor a viable response to land scarcity, given the limited amount of space and the government's policy proscribing such cultivation. Over time, however, some demographic pressures on land resources have been reduced through out-migration. According to Chamberlain (1998), within four years of arrival as many as fifty families had separated from the

group and moved elsewhere to rejoin relatives. Some of these families were probably among those that reportedly did not initially receive any land, while others may have sold the use rights to their land before moving. However, any reduction of demographic pressures on the available land through out-migration have been somewhat offset by new births and the in-migration of 20 or so other families totaling about 60 people (ibid).

For most people in Ban Pha Thao, the only remaining option was to rapidly intensify agricultural production once the irrigation system was introduced. The introduction of the irrigation system, however, resulted in competition within the community over scarce land resources. This competition was characterized by parallel efforts to acquire productive land and then to increase the productivity of the land. Social relationships in the form of status and influence played a significant role in the distribution and acquisition of land. Such relationships also played an important role in providing certain households with access to cash incomes from nearby relatives or those residing abroad. For the most part, this cash was not converted into labour as in Northern Thailand or elsewhere; rather, the cash from handicraft sales and remittances was ultimately converted into capital used to intensify agricultural production. These observations therefore focus attention on questions of (a) land distribution and acquisition, (b) capital accumulation; and (c) the role of social and political capital, especially in terms of land rights governance.

#### **A. Land Distribution**

The land lying within the catchment area of the irrigation system was distributed according to a lottery that was managed by the local community leadership. However, prior to the lottery some of the land was set aside and reserved for community leaders and their families. As in Oudomsay, it is entirely possible that at least many people felt that this procedure was more or less fair as a means of providing compensation for community leaders who had devoted their time to managing the affairs of community. On the other hand, it may have been a matter of people accommodating themselves to the realities of power and hierarchy within the village. In any event, few people if any appear to have complained prior to the initial lottery. Many of the people interviewed for the UNHCR study reasoned that in such a lottery they had a more or less equal chance to obtain better quality land. They also reasoned that a lottery would at least provide a chance for those less well off to better their position through chance and good fortune, rather than competing with others by relying on social connections and favours.

Some of those who did not draw good land, or drew insufficient land in the lottery did eventually complain about the unfairness of the distribution process, albeit after the fact. Perhaps more people might have complained prior to the lottery had they known that certain parcels of land had not only been removed from the lottery, but hidden as well and given to district officials. In one sense, then, the lottery system highlights the role that luck can play in influencing reintegration outcomes; but in reality, at least in Ban Pha Thao, it underscores the role that social influence and economic power can play in minimizing the effects of chance.

The lottery was then followed by a number of transactions, including buying and selling land as well as trading various plots in order to improve one's own position within the irrigation

catchment area and/or consolidate adjacent holdings within an extended family or clan.<sup>16</sup> As mentioned above, some returnees were also able to buy paddy land from villagers soon after their arrival. In this manner, those who had the financial resources were quickly and effectively able to establish control rights over land based on traditional use rights that governed local land tenure arrangements. For this reason, it is important to consider the various sources of capital that enabled certain people in Ban Pha Thao to invest in more intensive modes of cultivation.

## **B. Capital Assets and Accumulation**

There have been several sources of capital accumulation, some of which represented initial endowments with which people arrived in Ban Pha Thao. Other sources represent ongoing streams of income that, to one degree or another, have been re-invested in agricultural production or other income generating activities. Many represent novel sources of capital that traditionally would not have been available to other upland groups in either Thailand or Laos, such as those Hmong communities described above. In many respects, the novel sources of financial capital go a long way to explaining the unique character and pace of social and economic change in Ban Pha Thao.

First, some members of the community arrived with savings from the refugee camps, either from employment in various camp-related activities, or trade in handicrafts (e.g., embroidery, jewelry). Such trade was initially conducted at the camp level through local entrepreneurs who had access to handicraft markets elsewhere in Thailand. This trade eventually expanded to encompass overseas markets, as camp-based producers established contacts with family members who had previously resettled in third countries, especially the United States.

Second, once in Ban Pha Thao, many families were able to continue producing and then selling handicrafts through family members residing in the United States or elsewhere. For example, the Lao Women's Union representative reported that they earned 30-40,000 *kip*<sup>17</sup> profit per person each month from the sale of embroidery, primarily in the US (Chamberlain, 1998). Many other women are also engaged in their own production for sale in both domestic and foreign markets. Indeed, one of the most striking features of the village is the number of women and girls who are occupied with embroidery work. Thus, rather than exchanging cash for labour as Cooper reported above, households in Ban Pha Thao exchange labour for cash. The cash from these sales is then in part re-invested in more productive forms of capital, such as hand-tillers, large animals, and rice mills. Meanwhile, other families with poorer quality land may choose to invest in petty trade or some other income generating activity.

Third, many people received remittances from families abroad, primarily in the United States. According to Chamberlain (*ibid*), about 70% of the population claimed to have relatives living elsewhere, providing an estimated total of USD 10,000 per year in cash remittances for the entire community. However, this figure may well be understated, as no actual records are maintained, and there is a pervasive reticence among people to report income accurately. The important role that overseas remittances play in the household economy is underscored by the fact that many

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<sup>16</sup> A similar process of land consolidation was also observed in Ban Thong Phiang Vilay, a Hmong group resettlement site located in Luang Prabang province.

<sup>17</sup> The rate of exchange in 1998 was approximately US\$1 = 1,800 *kip*.

families indicated they relied mostly on such sources to maintain subsistence levels of household food consumption. Nevertheless, at least seven families indicated that they had used such income to buy paddy fields as far away as eight kilometers from the village (Chamberlain, *ibid*). Other families reported using money from relatives living overseas to help finance the purchase of hand-tillers, rice mills, and other capital assets.

Finally, as mentioned above, all families received a one-time cash grant for travel upon leaving the camp in Thailand. Once in Laos, families then received a standard package of repatriation assistance, which included rice for 18-24 months, materials for home construction, as well as a modest cash grant. The amount of rice and cash was determined according to the size of the household, while each family received more or less the same home construction materials. Some community members also had access to capital and other assets from family members in other areas of the country. Indeed, some people reported that they borrowed money from family members and/or received some food items. In some cases, individuals would be expected to exchange labour for such assistance. As noted above, those families with fewer capital resources and social connections would have had to draw down on UNHCR rice allotments and savings to maintain subsistence levels of food consumption at a faster rate than others who had alternative sources of income or support. If we consider the household as the primary unit of production, then larger households would have been at a greater advantage in terms of their initial endowments, and therefore better able to withstand the effects of low production during the first two years.

### C. Social and Political Capital <sup>18</sup>

The role that social and political capital play warrants further discussion in order to assess how some people have been able to use family connections and/or their position in the community to acquire better quality land and/or to raise capital to invest in land. In terms of our interest in land rights governance, the role of social and political capital also concerns the question of who controlled the distribution of scarce resources, and who then benefited from the distribution. In this case, it appears that the same individuals and families who made and then implemented the rules also frequently benefited from those rules. For example, family members of community leaders from outside the community were also included in the land lottery, even though they were not repatriated refugees. <sup>19</sup> As noted above, the Special Committee's 1998 report also suggests that certain land parcels were removed (i.e. "hidden") from the lottery before it was conducted, and given to certain district officials. <sup>20</sup>

Another example of the role that social and political capital play in the distribution of scarce resources concerns the manner in which other forms of reintegration assistance were allocated. For example, Consortium provided Self-help Groups (SHG) with a cow that was to be cared for by an individual member of the group. When the cow gave birth, the individual received the

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<sup>18</sup> In this paper, I use the term *social capital* to refer to the assets or benefits a person enjoys by virtue of his or her position or status within the clan or family, or within other social networks in the community. I use the term *political capital* to refer to the assets or benefits a person enjoys by being a community leader, government official, or party member (see Yang, 1986 and 1989).

<sup>19</sup> This information was provided by former UNHCR and Consortium staff.

<sup>20</sup> The information contained in this report was corroborated during interviews and correspondence with former UNHCR and Consortium staff.

offspring and passed the cow on to another member of the group. Some kind of decision rule, therefore, had to be devised to establish an orderly queue for receiving animals. Some people interviewed in the village complained that family members of clan and community leaders received the first opportunities to raise animals, while others had to wait. Others reported never having received an opportunity to raise an animal. These kinds of distribution rules then both affirmed and re-enforced the position of authority and power that community leaders enjoyed at that time within the village. As a result, the distribution pattern of scarce resources, whether land or draft animals, often ended up mirroring the traditional social structure.<sup>21</sup>

A final observation concerns the fact that community leaders routinely have more privileged access to and involvement with government officials at all levels. Many resettlement groups, including those at Ban Pha Thao, were formed in the Thailand refugee camps on the basis of marriage and kinship relations, geographic origin, and/or political affiliation. Clan and family leaders, including those who led people during their original flight from Laos, or those who later emerged as group leaders while resident in the camps, acted as the primary mediators between their respective groups and outside organizations such as the UNHCR, the Thai and other foreign governments, as well as NGOs. Such roles also provided leaders with considerable prestige and power in terms of access to and control over resources and information both in the camps and once in Laos.

Upon their return to Laos, many of these same community leaders continued managing the affairs of the community and mediating with the government and donor officials. Such a role is not dissimilar from the role other clan and community leaders have traditionally played elsewhere in Laos. The main difference in the case of the returning Hmong in Ban Pha Thao and other group resettlement sites is that leaders had both privileged access to information and at least some degree of control over resources that were somewhat beyond the normal scope and reach of local government officials. For example, according to the Special Committee's report referred to above, certain district officials were able to acquire land in the Ban Pha Thao catchment area that was set aside and hidden prior to the lottery. This probably could not have been achieved without some degree of collusion with community leaders, perhaps in exchange for benefits such as sanctioning the distribution of preferred land to local leaders prior to lottery. It is also possible that these very same leaders believed they were acting on behalf of the village by making a gift of a relatively small portion of the land. Indeed, the exchange of gifts in Laos is an important and traditional means of maintaining patronage alliances as well as securing obligations for expected future benefits. This is indeed a murky area and would require more information than is currently available for further analysis. However, the main point remains that the status and political influence associated with informal and formal positions of authority are important, albeit intangible, assets that enabled some people to acquire preferred land and/or other reintegration resources, such as draft animals.

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<sup>21</sup> Such problems are not at all unique to the Hmong, or repatriated refugees for that matter. Such problems are ubiquitous in community development throughout the world.

**D. Labour and Other Factors**

The distribution of land resources and the accumulation of investment capital must also be considered in the context of household size. In addition to the larger quantity of UNHCR assistance received, those families with more available labour would be able to clear and work more land. Larger households were also in a more advantageous position in terms of diversifying their income sources. For example, larger households have been able to divert at least some labour away from agricultural production and into handicraft production, where the returns to women's labour were much higher. As noted above, income from handicraft sales was then used to invest in more productive modes of paddy cultivation, including mechanized power (e.g., handtillers, rice mills).

Those households with less labour, especially those with land that could not be irrigated, had to concentrate a greater portion of their labour on less productive means of cultivation. As a result, they may not have been able to diversify into handicraft production as much as larger families. They were also not able to produce sufficient rice for consumption and either had to draw down on the initial stocks from UNHCR or use other capital resources. It is not difficult to imagine, then, that families who used up savings or other resources for food consumption gradually moved to a point where they would have to sell land or other assets, and/or sell labour. However, those families with relatives living overseas may have been able to slow the drift towards landlessness, wage labour, and debt with occasional cash remittances.

**E. Hypothesis**

Based on the above discussion, it is now possible to formulate a hypothesis of social and economic change in Ban Pha Thao that links the rapid intensification of agricultural production to land acquisition and capital asset accumulation. One way to approach this is to consider a continuum of land assets as the x-axis and a continuum of capital assets as the y-axis. (Please see Figure 1.) At the far left of the land assets continuum would be those families that received no land at all in the lottery, or smaller areas of less productive land further away from the main canals and/or at higher elevations. Such land would not be

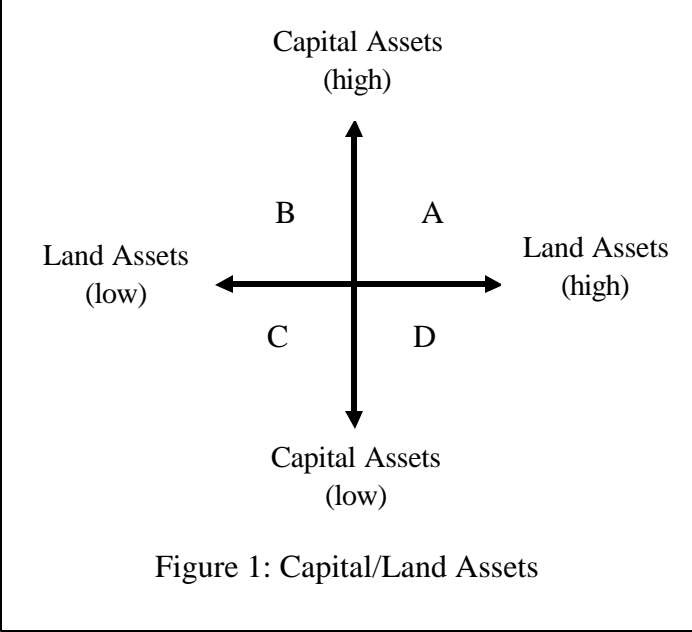


Figure 1: Capital/Land Assets

suitable for dry season cultivation. At the far right of the land assets continuum would be those families who had obtained larger areas of productive land with good quality soil at relatively lower elevations near the main or secondary irrigation canals. The most productive land would of course be found in those areas where dry season irrigation would enable households to harvest

two rice crops per year. As for the capital assets continuum, at the top end of the y-axis would be those families who had savings from the camp, remittances from abroad, and access to markets for handicraft sales. At the bottom end would be families who had no savings from the camp, no remittances from abroad, and no outlets for handicraft sales. Most families would of course be scattered at various points along each continuum.

Households in Quadrant A would be those who obtained good quality land either prior to the lottery or received good land in the lottery. Households in this category would also include those who were able to purchase paddy land outside the community. These households may have relatives living abroad who sent cash back to Laos in the form of remittances and/or helped market handicrafts produced in Ban Pah Thao. As a result, these households would be able to intensify agricultural production at a much faster rate than others and would clearly be on a trajectory of wealth accumulation. People in this quadrant may also be members of self-help groups with advanced positions in line for the distribution of re-integration assistance, such as draft animals. They may also include those who were reported to own rice mills and/or hand tillers, as well as some draft animals and other means of transport. These households would likely be among the larger in terms of family members, and would be able to allocate labour more efficiently to a diverse range of activities, including handicraft production and, perhaps, commercial trade. For example, these households would be able to hire wage labour to help with agricultural tasks, which in turn would enable other family members to continue with embroidery production. Households in this category would include many community leaders and various clan elders, as well as their close relatives.

Households in Quadrant C would be those with fewer capital assets who received either poor quality land in the lottery, or who could not establish or maintain effective use rights over better quality land for lack of household labour and/or capital with which to cultivate their land. People in this quadrant would probably have few social assets in terms of status and position with the clan or community, or close relationships with those who do. Households in this group would also include those with few, if any, family members overseas who would send remittances or help market handicraft production (if any could be produced). Although people in this category may be members of self-help groups, they would in all likelihood be further back in the queue in terms of the distribution of re-integration assistance controlled by such groups. Quadrant C would probably include many of the female single heads of households, as well as smaller households. People in this category would be on a fast-track trajectory toward debt and eventual landlessness, perhaps ending up as wage labourers working for those in Quadrant A and/or landholders from neighbouring villages. People in this category who had no particular roots or strong clan connections in the community or nearby villages were probably among those who eventually migrated elsewhere in search of land and or employment in much the same way that Geddes, Cooper, and Ireson had observed elsewhere.

Households in Quadrant D would be those with somewhat lower levels of capital asset accumulation compared to those in Quadrant A, but may have been fortunate enough to obtain fairly good quality land in the lottery. In a sense, they would be more or less dependent on family members for access to resources, including loans, and in certain cases employment. These families would in all likelihood live on the brink of slipping into a subsistence predicament characterized by varying degrees of debt and wage labour. The precariousness of their position



would depend at least in part on their luck with the land lottery and the extent of their goodwill and connection with family members. In some cases, households in this category would have control over good quality land and have sufficient labour to farm it, although they would not have sufficient capital to invest in more productive modes of cultivation. Part of the reason for the lack of capital would be few if any family members living abroad who could send remittances. Families in this category would also probably not be able to gain much from handicraft production unless they were members of self-help groups. Some people in this category may have had to sell their land and/or engage in wage labour to meet the household's ongoing or emergency needs. Some of these people also may have eventually migrated elsewhere. People in this category may include relatives of community leaders who migrated from elsewhere, as well as the minor (second) wives of clan leaders and their respective households.

The households in Quadrant B would be those with relatively high rates of capital asset accumulation but relatively poor luck in the land lottery. Households in this category receive remittances from abroad as well as help from family members overseas with possible handicraft sales. It is possible that several members of this group own a handtiller for rent, or operate a rice mill. People in this category would be on a somewhat slower paced trajectory toward wealth accumulation than those in Quadrant A, as their strategic options would be limited by their lack of land assets. Such options may also depend on the extent of the household's social assets within the community. Some people in this category may be entrepreneurs who open small shops in the village and/or increasingly engage in trade with outside markets, such as those in nearby Vang Vieng. They may also end up playing the role of middleman by supplying farmers with agricultural inputs as well as buying and selling rice and other produce, perhaps on credit. People in this category would be similar to those in the first category in terms of their capacity to diversify their potential income sources over time, including the acquisition of land from households in the second and third quadrants (e.g., as a result of distress sales).

## **F. Summary**

The above sketch outlines a hypothesis explaining how village society at Ban Pha Thao is structured according to a household's control over land assets and access to capital resources with which to invest in more intensive modes of cultivation, or other income generating activities. This hypothesis suggests that over time, people with good quality land and access to capital resources will be able to maintain, if not expand, their control over land resources, while those without such resources may eventually lose their land and drift into wage labour and/or migrate elsewhere. Such a hypothesis is not only helpful in predicting how other rural-based re-integration processes may unfold, but also useful in terms of pointing the direction toward more fruitful lines of future research. For example, it would be useful to consider in more detail the process of land distribution and governance according to actual clan composition. Recall that Geddes had observed how the Hmong in Northern Thailand broke into separate enclaves according to clan as a way of coping with resource scarcity. In Ban Pha Thao, there were 11 clans represented (UNHCR, 1998). Unfortunately, it was not possible to determine the extent to which clan membership has played a role in land acquisition in Ban Pha Thao, although it would be safe to speculate that it may have been a relevant factor, in keeping with the argument concerning the role of social and political capital.

## **VI. Conclusions and Recommendations**

The reintegration of Hmong refugees in Ban Pha Thao has been characterized by an unequal distribution of limited land resources in terms of both quantity and quality. Such a distribution outcome was exacerbated by the introduction of an irrigation scheme that redefined the productive quality of the land available to people in the catchment area of the system, including people in both Ban Pha Thao and nearby villages. Land that was once more or less uniformly productive in terms of quality very quickly assumed an altogether new importance as the primary source of wealth in the area. In Ban Pha Thao, competition over this land prior to and following the lottery resulted in a rapid re-articulation of the social structure of the village in which access to and control over land, capital accumulation, and social assets were the primary defining factors. What is especially remarkable about the re-articulation of the social structure in Ban Pha Thao is that it took place in such a compressed period of time.

The role that governance plays in this process should not be overlooked. The fact that the Lao government's local land administration was exceptionally weak in terms of human and financial resources meant that people in Ban Pha Thao and the nearby villages were more or less left to their own devices in terms of distributing the land and then enforcing land claims. In the absence of formal mechanisms and procedures (e.g., land titles), the governance of property rights fell on traditional institutions that placed a considerable degree of power in the hands of community and clan leaders. In hindsight, institutions that appear capable of managing property relations in extensive modes of shifting cultivation, particularly in situations where land is relatively abundant, appear to weaken and stumble in the face of the extraordinary pressures exerted by the sudden increase in a valuable asset that irrigated land presents. In this sense, Libecap's (1989) observation that technological changes may stimulate a demand for a redefinition of property rights among community members as well as outside claimants certainly holds true. Such a redefinition of property rights was initiated in Ban Pha Thao at the time of the lottery, when those whose access to financial resources and social and political capital enabled them to acquire better quality land. As a result, the redefinition of property rights served to mirror and indeed uphold and reinforce the then current social structure.

Given that this process has been played out on UNHCR's watch, as it were, it may be useful to conclude by asking what, if anything could UNHCR do in the future to minimize the degree to which weaker or less fortunate members of a community are disenfranchised by land distribution processes. There are several areas where more concerted efforts could help ensure that repatriates have more equitable opportunities at the initial stages of reintegration. First, and foremost, more concerted efforts should be made to ensure that there is sufficient land available so that certain household livelihood standards can be met. Toward this end, UNHCR should play a more direct role in the land surveys and assessments of land that would be distributed among repatriating communities. This being said, it is also practical to consider that in a country such as Laos, which presents a complex topographical and population mosaic, there may simply not be enough land for everyone in a particular group. In such cases, UNHCR and partner agencies should consider ways to match resettlement sites according to the size of the group, and/or ways to reasonably compensate those who do not receive sufficient land.

Second, more efforts should be made to analyze the socio-economic and political organization of traditional modes of agricultural production, with a special focus on land use and governance, in refugee communities whose origin is in rural areas. More attention should also be devoted to analyzing how local institutions of governance are likely to affect the way land is managed within a particular community, including a sober assessment of the capacity of local governments and how formal and informal governance institutions are likely to interact. Such studies would help inform the strategies that UNHCR and their government counterparts design to promote successful re-integration outcomes.

Third, UNHCR and/or partner organizations should play a more direct role in the actual management of the land distribution. This is particularly important in cases where land is scarce relative to population and the local government administration is too weak to play an effective role on its own. Even though procedures and mechanisms should of course be discussed with local government and community leaders, the entire process requires more formal oversight. One possible example of such a role comes from Ban Xaichaleurn in Bokeo province where European Union officials implementing a large irrigation system administered their own lottery system. In this particular case, the actual size of the catchment area was known, and the available land was divided in a way to correspond with scaled variations in household size.<sup>22</sup> Recent advances in topographical mapping and surveying techniques make such exercises technologically feasible and increasingly cost effective.

Fourth, in countries where laws governing land transactions, including titling are in place, UNHCR and the receiving governments should establish mechanisms that fast-track the issuance of land titles and/or other documents that clarify and validate the land claims of both repatriates and people in nearby communities. In many instances, this would involve making similar services available to nearby affected communities, especially those that may share a common resource such as an irrigation system. In many countries, such as Cambodia where such mechanisms are in place, at least in principle, the process is undermined by corruption and graft that often restrict land titling and dispute resolution opportunities to only those who can afford it. In this sense, high-level cooperation from the national government may be required for monitoring and enforcement, perhaps from a specially designated Land Management Unit. Such procedures could be strengthened by formal incorporation into the Memorandum of Understanding (MOU) signed between UNHCR and the cooperating governments. At the same time, UNHCR could also work with other specialized agencies to provide training in land management and dispute resolution for local authorities in areas where repatriates are returning. Such an approach was recently used in Cambodia with some degree of success, although it has not been adequately studied and documented.

Fifth, returnees should be provided with accurate information about the distribution of land at each step of the process. Most importantly, each household should be informed ahead of time about how much total land is to be distributed, based on the surveys and measurements done under UNHCR auspices. Each household should also be fully informed about the criteria and procedures to be used during the actual distribution. Procedures for grievances and dispute resolution should also be established prior to the distribution. Once the land is distributed, the

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<sup>22</sup> Final Report on Implementation of the European Union Resettlement and Reintegration Project: Bokeo, Lao PDR for the Period March 1994 – December 1997.

information about who receives what parcel of land should be posted publicly, matching households with specifically numbered plots. In fact, all information should be provided directly to returnees in ways that are publicly transparent.

Finally, UNHCR should routinely evaluate land allocation and distribution issues in rural based repatriations. An integral part of such evaluations would link the informal and/or formal mechanisms used in the distribution with the socio-economic outcomes over time. In certain cases, the environmental impact associated with certain land distribution processes should also be assessed. Such studies could also help inform efforts in receiving countries to promote more sustainable forms of local land governance in rural areas. Perhaps even more importantly, such studies could lead to the development of a Land Use and Distribution Policy governing UNHCR's reintegration objectives and procedures in rural based repatriations.

The above recommendations support a general policy goal of ensuring that repatriating rural farmers have equal and fair opportunity to obtain land commensurate to household size and other relevant factors, while recognizing that at least some degree of re-distribution in response to larger market forces over time is inevitable. These recommendations represent a potential increase in the costs that would be incurred by UNHCR and other organizations to promote more equitable land distribution in rural based repatriations. Such costs should be evaluated in comparison to the considerable expenses now incurred by UNHCR and partner organizations in dealing with the myriad problems associated with land conflicts as well as the social and economic costs incurred by those people who are not able to cultivate their own land. More efforts by UNHCR and its partners along these lines would represent a significant step toward reducing the costs that result from the mismanagement of land distribution, and the conflicts that all too often follow.

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