

Community Forests in Lao PDR:

The New Era of Participation?

By Premrudee Daoroung

Forests of Lao PDR are crucial not only for the livelihoods of thousands of village communities throughout the country, but also as an important economic resource for the country in its "new era of development." Premrudee Daoroung examines the forest management policies of the government of Lao PDR and the present and potential role of community forests and community participation within the existing legal framework and its practical application at the local community level.

In Lao PDR, up to 85 per cent of the population depend directly on forest areas for farming and means of livelihood. At least half of the country's population practise some form of swidden agriculture on forest lands to grow upland rice and vegetables. Typically, these farmers clear and cultivate plots in the forest for one or two seasons, and then leave them fallow for anywhere between eight and 20 years. Many families in the uplands will often have up to 20 different plots of land within the forest that are at various stages of forest re-growth. In addition to farming, rural communities also collect edible forest foods and medicines, hunt in the forests, catch fish in Laos' largely free-flowing streams and rivers, and raise livestock on common land. In fact, many communities depend on the forests for more than half of their food supply throughout the year.

Official figures estimate that forests cover about 11.6 million hectares or 47 percent of the country, having declined rapidly from about 73 per cent during the 1960s. A major cause of forest destruction was the heavy United States spraying of tonnes of forest-destroying chemicals and bombing of Laos during the war in Indochina. Not only did this sustained eight-year bombing and poisoning campaign result in direct and widespread forest destruction and ecological damage, but, perhaps even more significantly, it caused massive displacement of people, forcing them to search for safety from one part of the country to another. This uprooting of local communities has been a major factor in disrupting traditional systems of forest and land management.

According to Chantaviphone Inthavong of the Lao Department of-Forestry, there are additional limitations that impede sound forest management at the village level including differences between ethnic groups, weakening of traditional beliefs, unclear village boundaries, limited technical know-how, and the impact of the market economy.

Premrudee Daoroung is a staff member of TERRA, and worked in the Community Forest Support Unit in Laos from mid-1993 until mid-1996,

The people of Laos

Approximately 90 per cent of the 4.6 million people in Laos live in some 11,000 rural villages. The population is characterised by a remarkable ethnic and cultural diversity of more than 60 distinct ethnic groups. The Lao government divides these groups into three broad categories:

- *Lao Loum* — ethnic Lao people living in lowland plains and the Mekong valley, (60 per cent of the population);
- *Lao Theung* — midland/upland Lao groups occupying mountain slopes and many of whom are thought to be the first inhabitants of Laos (25 per cent); and
- *Lao Soung* — highland ethnic groups living in high mountain areas (15 per cent).

Less than 5 per cent of the land area of 23.68 million hectares is categorised as permanent agricultural land — the rest being mountainous. Some 80 per cent of the total land area forms part of the Mekong River watershed, through which 14 major and hundreds of smaller Mekong tributaries flow.

Commercial Logging and Forestry Reform

Between 1975 and the early 80s, the priority of the Lao socialist government was postwar reconstruction and political stability. Although timber and other forest products were a significant source of revenue during this period, especially for provincial governments, forestry management was mostly ad hoc, and lack of infrastructure and processing facilities imposed natural limits on logging. Laos received assistance from Sweden and the USSR to modernize and improve their logging and sawmill operations.

In 1986, the Lao Government introduced the New Economic Mechanism, a policy initiative designed to promote market-oriented reforms of the Lao economy. The opening up of the economy to foreign investors led to a rapid increase in logging and timber exports — during 1987 and 1988, 120 new joint ventures in the timber industry were signed between foreign companies and Lao partners. By 1991, wood products accounted for 56 percent of official exports. From 1986 to 1991, logging rates reached 400,000 to 500,000 cubic metres per year, and over 2.5 million hectares of forest were allocated to nine State Forest Enterprises with the aim of using forest resources as a basis for industrial development.

This acceleration of commercial logging caused wide- spread concern about the future of the country's forest resources, and in 1991 the government declared a nationwide moratorium on all logging concessions under Decree No. 67. The Decree also consolidated central government control over the forestry sector, limiting the rights of provinces to issue logging concessions. The Decree ordered the "cessation of wood exploitation forthwith throughout the country," until an audit of all logging operations could be conducted. The Decree also recommended the privatization of the forest industry.

The government faced many difficulties in implementing this logging ban, especially with respect to logging concessions granted by provincial authorities prior to the promulgation of Decree No. 67. There was some confusion about whether the Decree called for a total cessation of all logging or just a moratorium on new concessions, and inadequate administrative resources to effectively regulate and control the forestry industry.

Meanwhile, the rate of logging and timber exports continued to grow. In 1992, long-term logging contracts were awarded to companies from Taiwan, Korea, Thailand and other countries. In 1994, the government gave three regional military-owned companies exclusive rights over logging operations throughout the country, but specified that logging operations be limited to reservoir areas for proposed hydroelectric dams and forest areas identified as largely comprising "dead trees." Foreign companies are allowed to form joint ventures with the military's logging companies to cut the forests in the concession areas.

State Forest Management

The First National Conference on Forestry in May 1989 charted the direction of state forestry management. Held in Vientiane, it was attended by Politburo, Secretariat and Central Committee members, ministers and chairpersons of State Committees, and representatives from provinces and districts. The conference identified as a main priority the reduction of land area under shifting cultivation. According to the government, farmers practising swidden agriculture were to be gradually resettled to lowland areas to practice agriculture or find "new opportunities" such as small-scale industry and tree growing.

The conference also emphasized the commercial importance of the forestry sector to the Lao economy, declaring that indiscriminate felling of trees and burning of forests must be halted and the country enter a new era of conserving, planting and developing forest resources. The conference adopted three main directives:

- i. conserve forest areas and improve forest management;
- ii. rationalize forest use so as to increase commercial wood production; and,
- iii. reduce pressure on forests from shifting cultivators.

As a result of the conference, the Lao government endorsed the Tropical Forestry Action Plan (TFAP) in 1991. The Food and Agriculture Organization was the implementing agency; with funding from donors including the Asian Development Bank, Swedish International Development Agency, United Nations Development

Programme and the World Bank.

TFAP recommendations focused on sectoral restructuring, institutional development and establishing a comprehensive legal framework for forest use and management. The latter largely due to external pressure from the World Bank, which considered the legal framework at the time to be "weak," ignoring several relevant existing laws, including the 0429/AF Provision on the Rights and Duties in Forestry Resources Management at Village Level.

The government has tried to balance the commercial use of forests with forest conservation through zoning of protected areas. In 1993, the government classified 18 forest areas as National Biodiversity Conservation Areas (NBCAs). The state will enforce the land-use categories of the Forestry Law (1996), aiming to increase forest cover from the current official estimate of 47 percent to 70 percent of the country's land area.

Presently, about 12.5 per cent of the country's land area, or nearly 3 million hectares, is covered by 20 NBCAs, and the management of more than half of these is supported by various foreign donors. Presently, the Department of Forestry (DoF) in Vientiane has more than forty forestry projects funded by some 25 external donors, including the World Conservation Union (IUCN), Lao-Swedish Forestry Programme, and Finland's bilateral aid agency the Department for International Development Cooperation (previously FINNIDA).

In summary, the current situation of forest and land use in Laos is characterized by several key issues and dilemmas, including the differences between continued logging and forest conservation goals, timber production and the food-security rights of local communities. The multitude of external donors, projects and plans in the forestry sector, all with different objectives and approaches, place many demands on local institutions — and the process of formulating and implementing these programmes is often far removed from the local communities depending on the forests for their livelihood.

Community Forest Project and NGOs

In 1995, the Community Forest Project (CFP) was established by the Department of Forestry (DoF) to support community forest activities. The CFP works closely with relevant government agencies and NGOs to provide technical and facilitation support in the following areas:

1. Coordination/Networking — Facilitating effective cooperation, coordination and information sharing between organisations on community forest issues.
2. Information Gathering/Dissemination — Information gathering, participatory research and documentation about community forest systems throughout the country and disseminating to districts, provinces and central-level policy makers.
3. Human Resource Development — Implementing and/or supporting training activities including workshops, study trips and exchange visits for local forestry officials and village people. Topics include participatory rural appraisal, community forest concepts and policy/legal frameworks.
4. Pilot Villages — Supporting existing community forest systems in specific locations as examples for documentation, study trips, legal recognition, etc.

The CFP is an extension of the Community Forest Support Unit (CFSU), a joint DOF-NGO initiative that was established in 1993 with direct support from CUSO Laos and TERRA. The CFP is now responsible for the activities of the CFSU as well as a community forest project in Khammouane province supported by the Japan International Volunteer Centre. The CFP has collected information on more than 100 community forest systems in 14 provinces, and supports over 20 "pilot villages" throughout the country. Work is conducted by a team of 10 DoF staff, assisted by a CUSO volunteer.

Members of the Sustainable Agriculture Forum involved with community forest work include:

- CUSO, working in Laos since 1989, places Canadian volunteers to work with partner agencies on specific projects. CUSO worked closely with DoF to establish the CFSU in 1993, and has actively supported community forest activities since then, including a non-timber forest product project in Sekong province, southern Laos.
- Community Aid Abroad (CAA), supporting community-based rural development initiatives since 1988. CAA began its community forest work in 1993 in Vientiane and Sekong provinces, training local officials, participatory research in key villages and supporting establishment of several community forest pilot villages in southern Laos.
- CIDSE (international Cooperation for Development and Solidarity), operating in Laos since 1978. CIDSE's involvement in community forest work started in 1993, and supporting training, documentation and community

forest pilot villages in Phin district, Savannakhet province.

- Japan International Volunteer Centre (JVC), working in Laos since 1988, started a community forest and environment project in 1993, covering five districts in Khammouane province and supporting training, study trips, pilot villages and documentation of local community forest practices and traditions.
- Mennonite Central Committee (MCC), active in Laos since 1975, began a community forest project in 1994 to support forest and land allocation in Phongsaly and Hua Phan provinces.

Community Forests in Laos

Local, customary regimes of forest management exist in almost every village in Laos. Understanding community forests in the Lao context thus becomes a way of relating to the real issues, conditions and factors which form the relationship between the people of Laos and their natural resources.

Current community forest practices in Laos comprise a complex mix of traditional village practices based on ethnic and spiritual beliefs, cultural norms and community regulations on one hand, and state development policy and official regulations on the other. As a forestry official comments, "A range of rules and prohibitions, usually differentiated between locals and outsiders, define the rights and responsibilities in use of local forest resources for various purposes. In many cases, local management rules are combined with government regulations. A village forester is sometimes elected. In most cases, forest is managed at the community level, but in some villages individual households are devolved the responsibility for looking after small areas. Enforcement involves a range of fines and other penalties that also sometimes involve formal authorities."

While the central level deals with overall legal and policy issues, three other levels of official administration are involved in decisions on forest resources. The provincial level (*khwaeng*) is responsible for disseminating and enforcing central government policy in the districts. The district (*meuang*) is more directly involved with practical resource management decisions (for example, village use of a forest area requires district consent). The village authority (*amnat ganpokrong baan*) is the primary body responsible for daily administrative affairs, regulations and adjudication of traditional resource management rights and responsibilities. A village head in each community, elected every two years, heads the village committee. A Council of Elders (*naew home*) advises the village committee and is often involved in adjudicating conflict, including resource management disputes.

Although the state bureaucracy has a relatively clear structure, the role and interaction of individual village people and families, the village community, and official authority is much more complex. Moreover, various ethnic communities have different forest-use practices, a subject on which there is limited available information. The role of specific groups and individuals within any given community influences forest management and utilization. For example, women usually play an important role in the decision-making on opening new cultivation plots or moving to live in another area, while the Council of Elders generally have a more influential role in establishing rules and regulations and teaching young people cultural principles of forest use and management, including traditional ceremonies.

Although community forest systems are diverse and relate to local conditions and factors, studies of community forest systems throughout Laos clearly indicate some common themes, issues and principles. In 1992, non-governmental organizations (NGOs) cooperated with the DoF and provincial forestry officials in organizing the National Workshop on Community Forest, followed up with two Research Training Workshops on Community Forest. As a result of the national workshop, NGOs, DoF and provincial forestry officials researched existing community forest systems in 25 villages in 13 provinces. After analyzing, synthesizing and discussing the research, participants in the Workshop released a "Statement of the Community Forest Workshop" concluding that "many communities throughout the country have the capacity to protect and manage forest areas near and around them, and they have developed regulations for managing their natural forests according to their beliefs and traditions. Such systems have existed for a long time, and before there was any external support. Although these practices are all aimed at using and conserving the forest in the most sustainable way according to the tradition and sense of community, there are many differences in the specific practices and conditions of each community."

The statement also proposed stronger mechanisms for supporting community forestry work. "In order to continue to coordinate and support the many diverse community forestry activities throughout the country resulting from the initial workshops, it is critical to establish a stronger institutional basis within DoF for this purpose."

As a result, the Community Forest Support Unit (CFSU) was established in mid-1993 within DoF, with support from several NGOs. Since then, research on community forest systems has occurred in more than 150 villages, covering almost every province in the country, in close cooperation with district and provincial forestry officials, and supported by members of the NGO network the Sustainable Agriculture Forum.

According to the CFSU's research, villages throughout the country categorize forests based on both ecological characteristics and local use. Some of the main ecological categories used by many communities to describe different forest types include *pa kook* (dry hilly forest), *pa lao* (young forest), *pa pook loan* (degraded forest), *pa dong or pa dong dip* (primary forest). In terms of local use, information from all ethnic groups confirm that forest is generally divided into two broad categories — conservation forest and production forest. Specific subcategories will then vary between different regions and ethnic groups. In Lao Theung communities in southern Laos, for example, there are strict traditions to reserve areas of sacred or spiritual forest (*pa sak sit*, *pa hoh or pa pii*) close to the village. Another type of sacred forest common for most groups in Laos is the cemetery area, with specific community regulations, taboos and traditions varying between different groups.

Many communities also have traditional or informal systems of land tenure which regulate individual rights to possess, use or own land. Many *Lao Theung* groups have shown a strong capacity to develop alternative forest and land management approaches in response to the government's policy of halting shifting cultivation.

Community Forest Systems of the Katu and Hmong

Few detailed studies exist that explore the agriculture systems and the different resource management practices of the 68 ethnic groups who depend for food and livelihood on the natural ecosystems in Laos. However, in 1994 the Cultural Research Institute (CRI) of the Lao Ministry of Information and Culture studied relationships between people, agriculture systems and forest use of the Mon-Khmer speaking Katu ethnic group, a Lao Theung group widely accepted as one of the first ethnic groups inhabiting Laos.

According to CRI's study, Katu farmers annually select a piece of forest land to farm. After selecting the site, they pay homage to spirits protecting the forests and then return home to sleep. The suitability of the chosen site depends on the nature of their dreams that night. Bad dreams indicate forest spirits are unhappy with the chosen cultivation site, and the farmers will have to find a different site.

The belief in spirits protecting the forest is not limited to the *Lao Theung* groups, but is common among all groups throughout Laos, reflecting the practical, cultural and spiritual importance of the forest to village people. Identifying and protecting sacred areas of forest symbolizes this relationship — Katu village people explain that paying homage to the sacred forest and forest spirits ensures protection of the whole community.

The highland Hmong (*Lao Soung*) village of Keawkam in Sayaburi province was the first "pilot village" of CFSU from 1993 to 1995. It is an example of a highland community that is managing their community forest to support their agriculture practices. Keawkam village was settled in 1982, beginning with three families clearing land to grow rice and corn. The area was degraded forest logged since 1975. The main village occupation is growing upland rice for subsistence. Some families lack sufficient rice for some months in a year and grow corn or cassava to supplement their rice. Village people are also mixing upland rice cultivation on swiddens with growing rice in lowland paddy fields. In the early 1990s, with NGO support, the Keawkam community initiated contour farming of mixed crops and fruit trees, various kinds of vegetables, as well as raising poultry and cattle.

Water shortages have been a major problem in the village. Village people point to the extensive logging in the area which has dried up the mountain streams. There was a major shortage of water in the 1989 dry season, when people were forced to trek for nearly an hour to obtain drinking water from another village. Subsequently, the village committee discussed the possibility of moving their village with district authorities. Officials refused permission because of the government policy to prevent highland communities from moving to clear new lands.

Prevented from leaving, village people discussed their options. Soon afterwards, the village people agreed on a conservation plan, which they proposed to the district authorities. According to the plan, the community would divide the forest area into conservation areas, prohibiting cultivation in the watershed areas of the three streams that village people use for agriculture.

The first area of *pa khan huay* (watershed protection forest), about 500 hectares east of village, was officially declared in 1989. In 1990 the *pa nam sai* (production forest) was declared and the *pa sa-nguan* (conservation forest) in 1993. The village forest regulations, signed by the village committee, district and provincial authorities, states that "The forest regulations of Ban Keawkam are part of the National Forest Regulation and is in a trial stage."

Village people observe the following strict regulations:

- *Pa sa-nguan*, is mixed deciduous forest used for upland rice cultivation, monitored by village forest guards, designated for natural recovery, and in which cutting trees, collecting forest products and hunting is forbidden.
- *Pa khun huay* is the source of several village streams, from which mushrooms can be collected, but gathering bamboo shoots or cutting trees is forbidden.
- *Pa nam sai* is an important forest area for village people's daily livelihoods where fire wood and forest foods are collected and wood can be cut for house repairs — after obtaining permission from the village committee and contributing some money.

Outsiders who want wood from the production forest of Keawkam have to get a written request from their village and submit it to the village committee which usually demands a forest protection fee. All trees cut have to be save to timber before being transported out of the forest area to avoid damage to the forest by dragging huge logs through the foliage. In all the three kinds of forest, there are penalties for causing forest fires.

The strict conservation and use of the forest area by the village people has relieved the water shortage problem, and convinced many village people to stay in the community. Village people are also planting more areas with paddy rice integrated with contour mixed cropping to replace the rotational agriculture system. One of the main reasons for the successful forest management practices of Keawkam is the strong relationship between the village people and the forest ecosystem. Moreover, the close cooperation with government officials and support from NGOs has assisted in the official recognition of the community's efforts.

Community Forest within Lao PDR's Legal Framework

Since 1989, a number of decrees and laws related to forest and land-use management have been issued by the government, and regulations specifically related to community forests, such as the 0429/AF Provision on the Rights and Duties in Forestry Resources Management at the Village Level. At present the most direct legal framework relating to the present and future of community forest systems is the new Forestry Law (1996) covering and superseding all previous regulations.

Within the Forestry Law, all forest in the country is divided into five broad categories: Protected forest; Conservation forest; Production forest; Regeneration forest; and Degraded forest and/or barren land. Although these broad categories may be similar to the designations used in many other countries, a unique feature of the Forestry Law is that it does not separate "community forests" into a separate category, but allows for possible community involvement and rights in any of the categories, as long as the overall objectives of sustainable use and conservation are met. In addition, there are a number of specific articles within the law that link directly to the legal recognition of community forest areas.

With respect to land and forest ownership, the law states that while individuals and communities can have "die right of possession, use, transfer and inheritance, natural forest and forest land is the property of the national community" (Article 5). This can be seen as a recognition of the concept of common ownership, and a safeguard against forest areas simply becoming "private property" to buy and sell in a pure capitalist sense. It also creates a realistic starting point for giving legal recognition and support to community forest systems.

The notion of "customary use" of forests and forest land is also recognized in the law, with the condition that traditional use "must be in accordance with village regulations on forests and forest land, which the village authority has determined, consistent with the special circumstances of the village in each stage of its development" (Article 30).

The Forestry Law therefore provides a useful legal framework for recognizing the legitimacy of community practices in and rights over forest and land, in all of the forest categories. In addition to agricultural lands, a village community can now use the law to propose forest areas for village use and conservation to district authorities for official recognition.

Another legal initiative which is closely linked to community forests is the Land and Forest Allocation Programme (*Baeng Din Baeng Pa*), started in 1989, but implemented increasingly since 1993. The aim of the programme is to reduce pressures on forest resources by allocating clear responsibility to village communities for the management of land and forest. The main focus of the programme is the allocation of agricultural land to families. This involves surveying and zoning agricultural land, and then allocating plots of land (average three to five hectares) to every family for a period of three years. During this period, the family must cultivate

the land in order to establish that they are using it for agricultural purposes, failing which the state can take back the land. After three years, village people are eligible to land. Use right certificates (*bai ta din*) which represent the right of the holder to use a plot of land.

The Forestry Law provides a useful legal framework for recognising the legitimacy of community practices in and rights over forest and land

Given the strong links between agricultural land and forests, especially at the community level, the land allocation programme clearly has close links to the community forest work, and vice versa. Working with communities to identify community forest areas, types and regulations can be a "first step" towards more detailed land allocation. In particular, the work can give both communities and local officials more confidence in the concepts and practical steps involved in establishing legal rights to community regimes.

The Forestry Law, while not a guarantee of community rights in itself, is sufficiently flexible to support local community forest systems and practices in a range of ecological, or social and cultural contexts. The law specifically states that village authorities have the right and duty to develop specific village regulations which are "appropriate to the actual conditions of the village" (Item 6, Article 63). The law also acknowledges the importance of forests to local people, affirming that "the existence of forests is necessary for the protection and conservation of the environment and for human life" (Article 2).

A legal framework that recognizes and supports a diverse and sensitive issue like community forests clearly has to be flexible, open and responsive. This legal framework then has to be implemented through a willingness to learn from local communities and a respect for their rights and perceived needs. Otherwise, the real potential of community forests as a long-term and practical forest management strategy will not be realized.

Looking to the Future

When considering the future of community forests in Laos, it may be useful to revisit the recommendations and conclusions of the 1992 Community Forest Workshop in Vientiane.

Workshop participants clearly stated that a key requirement for supporting community forest systems in the future is that outsiders, especially government officials, need to have opportunities to learn and experience the important practices of local people and their communities.

The workshop statement asserted that future work on community forests "needs a participatory approach to build more solidarity and understanding between the community actors both in the authorities and on the local people side. There is a need to look at the forest management work as a development work, to strengthen the sense of ownership of people to their forest. Also the 'outsiders' should learn from local people and play a facilitating and supportive role rather than the implementing role, and the government must urgently give people the legal and enforceable right to strengthen the local practice."

Such recommendations are not easily implemented, especially regarding the role of "outsiders," but can begin with efforts towards a genuine understanding of local people's conditions and knowledge systems, rather than imposing a "forest management plan" on a community. Government officials, who often see their role as simply bringing policy to the village and who sometimes lack "development" skills, will also have to develop new ways of relating to local people. Meanwhile, local village people, regardless of whether or not they have been given legally recognized rights over their land and forest, will continue to find their own way in dealing with, and responding to, local issues and realities.

In this complex reality, there are many questions about the future. How can the community forest approach, which has been the basis for people protecting and using their local forests and ecosystems for generations, really play a role in forest management in Laos? How can 'urgent' activities such as land allocation, plantations and, indeed, the community forest support work itself, all of which talk about local people and communities as the most important actors, really be implemented in a truly participatory way? How can these activities be "rooted" at the local level, rather than becoming grand plans which separate people from their own resources, and which create new technocratic frameworks with no references or links to the real wisdom and knowledge of local people? How can all of this happen before the whole situation simply becomes too complicated?

The situation in neighbouring Thailand clearly illustrates how conventional economic development results in the exploitation and degradation of natural resources in a way which is neither sustainable nor equitable. There is a clear correlation between the rapid degradation of Thailand's forest resources on one hand, and the marginalization of local rights and community-based systems of forest management on the other. The role of

"outsiders" and commercial interests has created many problems and conflicts — with widespread negative impacts on ecological and social systems. The effects of this "wrong" policy are evident from the local level to the national level, and are reflected in many of Thailand's current social and economic problems.

The current efforts of the Lao government to develop policy directions and legal frameworks which recognize the rights of local people in natural resource management provides both space and hope for the rural communities of Laos and the natural resources upon which they depend for their means of livelihood security. Nevertheless, Laos faces many difficulties and challenges, including strong commercial pressure and influence from "outsiders." Strengthening and supporting community forest systems reflecting the country's rich cultural and ecological diversity is probably the best; option for the government and people of Laos to protect and benefit from their forests for many generations to come.