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UNDERSTANDING GENDER ISSUES IN ACCESS TO LAND AMONG UPLAND MINORITIES IN THE LAO PDR

The research of a technical assistance in the Lao People's Democratic Republic pointed out the centrality of eco-cultural research in understanding the impact of development programs in the area of land and natural resources management in the country.

Rural women are often among the poorest and the most marginalized groups in developing countries. They are the primary users and collectors of natural and productive resources for household use, but are often deprived or have limited access to and control over land, forests, and water.

Women produce, on the average, more than half of all food grown: up to 80% in Africa, 60% in Asia, and between 30–40% in Latin America and Western countries. Yet, women own only 2% of the land, and receive only 1% of all agricultural credit. Only 5% of all agricultural extension resources are directed to women. It has been estimated that the number of rural women living in poverty has doubled since the 1970s.¹

Rural women are frequently excluded from decision making. Community leaders may not invite women to meetings on resource use, or expect only the men present to voice their concerns. Lower levels of literacy and education among women may further restrict their participation.²

While a significant level of diversity exists among them, rural indigenous women tend to suffer doubly as women and as indigenous people. Indigenous women are often marginalized, refused access to land, or subjected to other forms of discrimination. In many cases, indigenous women do not have any property rights or, if they do, they cannot inherit. Many are often excluded from roles of political leadership, both in indigenous sociopolitical structures and in structures imposed by the state.³

While rural women's roles in contributing to the economy and well-being are highly recognized in the Lao People's Democratic Republic (PDR), gender gaps do exist in health and education status; they are wider among northern ethnic minorities. Considerable variation in gender patterns exist in land ownership, tenure, and inheritance practices among ethnic groups.⁴ Customary laws and practices as to allocation and

ownership of land, forest, and water use are complex. Gender division of labor, cultural role attached to each gender, and other specific circumstances influence them. However, rural women across all ethnic groups in the Lao PDR are rarely involved in the decision-making process related to land and water management.

In the 1990s, a series of decrees related to the allocation and use of land and other natural resources were issued and later made into laws.⁵ Funding agencies provided financial support to the programs to help implement such decrees and laws, including the Land Titling Project and the Lao Swedish Forestry Programme. However, a number of research points out that the impacts of these policies and programs on people's livelihoods have been mixed; in particular, largely negative in the northern upland communities.⁶

For example, the ADB-assisted 2001 Participatory Poverty Assessment highlighted the voices of the poor that their livelihood has become more difficult through the Government's land-forest allocation program because of shortened fallow cycles leading to soil degradation, habitat and biodiversity loss, overharvesting of wildlife leading to pest problems, and overharvesting of non-timber forest products. The government's effort to resettle upland minorities to lowland to engage in lowland paddies and crop diversification has encountered many difficulties.

With regard to gender, the Lao Women's Union lobbied before the Lao PDR Government to protect ethnic Lao women's traditional right to inherit family land and jointly own land acquired with household resources. As a result, the 1997 Land Law provides that the names of both husband and wife be recorded upon registration. Moreover, the first Land Titling Project paid considerable attention to gender.

However, little has been researched on the gender impact of agriculture and forestland allocation among the non-Lao ethnic

minorities. Anecdotal evidence has also pointed out that women's access to timber and non-timber forest products as well as water resources have been limited⁷ but, in the early 2000s, a general feeling that more research along with ethnic lines was needed for comprehensive understanding and any necessary policy actions.

Promoting Women's Access to Land, Forests, and Water

In May 2004, technical assistance (TA) 4339 (LAO: Study of Gender Inequality in Women's Access to Land, Forests, and Water⁸) was prepared by ADB and the Government of the Lao PDR to conduct ethnographic studies among ethnic minority communities living in the Nam Ngum River Basin. The aim was to understand key gender relations and issues in access to and ownership of land, forest, and water resources, from both historical perspectives and the recent impact of the state's relevant laws and decrees. It was expected that the findings would increase the awareness of government, communities, and other stakeholders of the current situation and that they would be used for influencing related policies and ongoing and/or future projects in the Nam Ngum Watershed.

The TA was carried out in three provinces covered by the Nam Ngum River Basin Development Project⁹—Xieng Khouang, Xaysamboun Special Zone, and Vientiane. These provinces have high levels of poverty and their populations consist of a high proportion of indigenous groups with a variety of production systems, cultures, patterns of inheritance, and resource management. The study focused on the variety of gender roles among the three main ethnic minority groups in the areas: Khmou and Phong (Mon–Khmer ethno-linguistic family) and White Hmong (Hmong–Mien family).

Research Methodology

The TA was planned to be conducted in three phases. The first phase was the literature review and preparing the field study. Nine villages in the three provinces were selected to ensure diverse profiles.

The second phase was field research. Under the guidance of an international anthropologist, three research teams comprising an ethnic language-speaking researcher and a student assistant were sent to three villages each after going through an intensive training. In October 2005, after a few months of fieldwork (1 month in each village), nine separate reports were prepared. These were consolidated into a synthesis report in English in late 2006.

The third phase was disseminating findings to agree on the next steps. A number of workshops were planned at the community, provincial, and central levels to share the findings.

Key Findings

The ethnographic research (documented in nine Lao language reports and one English synthesis paper) identified key differences between the Mon–Khmer family (Khmou and Phong) and the Hmong. In general, among the Khmou and Phong—where female power is strongly associated with their roles in

maintaining ecosystem (i.e., swidden agriculture)—the state policies and programs are likely to affect gender relations more than among the Hmong whose female power comes from reproduction and not swidden agriculture.¹⁰

Key questions asked in each village were:

- village composition,
- village history and geography,
- ritual and religion,
- kinship system,
- families and genealogical relations,
- annual village activity calendar,
- gender issues
- quality of life and well-being,
- socioeconomic overview,
- village mapping, and
- history of development programs and government services and impacts on women.

Each research team stayed for 1 month in each village to understand the language and importance of rituals and applied a combination of qualitative techniques such as village mapping, focus group discussions, and observations of participants.

Source: TA Consultant's Report. November 2006.

More specifically:

The Khmou and the Phong groups engage in rotational swidden cultivation and women essentially work on the swidden land. Providing food is then a source of status and power for women. Pounding rice and preparing food is another source. Women are also the primary suppliers of water and firewood.

The elimination or damage of swidden systems tend to lead to loss of women's inseparable corporal and spiritual sources of power, biodiversity, and the ecosystem. Following the implementation of the Government's Land Forest Allocation scheme, yields from "swiddening" have decreased by over 60%, on the average, among the 6 Khmou and Phong villages studied.

Local communities in rural areas, especially upland groups, rely on natural force of custom for social cohesion rather than a system of elected or appointed officials and prescribed canons. When the natural forces are interrupted, social cohesion is eroded and other less predictable aspects of human behavior may develop.

For the Hmong groups, female power resides in reproduction and not in swidden. Their religious and social structures are less related to the ecosystem and are more autocratic. Hence, developments in the ecological setting have not significantly impacted on the Hmong social structure and on the status of its women.

It is noteworthy that the research identified that the Hmong, the prototypical patriarchy, retain an almost equal labor sharing

between men and women. On the other hand, the Khmou have been more affected by outside forces that have altered the role of men as an important gender and of women as a less-rewarded gender in terms of self-esteem and ritual prestige despite their hard work.

The underlying principle for the three groups with regard to land ownership is similar: whoever develops the land owns it, and whoever produces on that land owns the fruits of labor. By communal agreement, a hungry villager passing by may pick someone else's produce from a swidden for consumption on the spot, so long as it is not for sale.

Land is generally inherited by men in all three ethnic groups. These inheritance patterns remain in place despite the appearance of the names of both husband and wife on official land titles. But there has been no evidence of land disputes between men and women in the villages covered by the study.

The bottom line is that, in all three groups, there has been a significant disconnect between what the law says and what is actually practiced on the ground. Any development programs that take place in the Nam Ngum Basin (and most likely other Northern uplands contexts) will therefore have to note how the new programs to be introduced will impact women's economic, social, and ritual powers rather than simply analyzing gender equality in legal documents.

Integrating Ethnographic Research with Development Policies

The TA's research clearly pointed out the centrality of eco-cultural research in understanding the impact of development programs in the realm of land and natural resources management in the country. The report suggests that a possible starting point could be establishing eco-cultural institutes for key ethnic groups. Gender research would only make sense within this context. This is particularly significant given that a host of other issues affecting Lao ethnic minority women's claim to natural resources have yet to be explained and analyzed.

The TA experience also highlighted the importance of building the country's research capacity among young researchers and local officials. It is important to have more researchers who can interface between the cultures of the modern state and ethnic groups.

Finally, the intended workshops for dissemination and inputs into future programs have yet to take place at the time of writing because of a series of turnovers of key government champions. However, key findings have been communicated in a more informal way for incorporation into new projects in the Nam Ngum Watershed. Discussions are still ongoing to explore an opportunity for a workshop involving a wider range of stakeholders including government agencies, civil society, academe, and the men and women of the communities.

Endnotes

¹ Available: www.ruralwomyn.net/report_one.html

² Pearl, R. 2003. *Common Ground Women's Access to Natural Resources and the United Nations Millennium Development Goals*. Women's Environment and Development Organization (WEDO). New York.

³ Available: www.tebtebba.org/tebtebba_files/gender/aisit.htm

⁴ Asian Development Bank (ADB). 2004. Country Gender Strategy. *Lao PDR. Gender, Poverty, and the MDGs*.

⁵ For example, Decree 99 on land ownership (1992) and Decree 169 on forestland.

⁶ For example, ADB. 2001. *Participatory Poverty Assessment*. Manila; Evrard, Olivier. 2004. *La Mise en Œuvre de la Réforme Foncière au Laos. Impacts Sociaux et Effets sur les Conditions de vie en Milieu Rural*. English Summary. January; Yokoyama, S., K. Tanaka, and K. Phalakhone. 2006. *Forest Policy and Swidden Agriculture in Laos*. Paper presented at SEAGA (Socio-economic and Gender Analysis) Conference, Singapore.

⁷ Van Haren, Laetitia. 2003. *Worsening Access to Non-Timber Forest Products for Lao Women*.

⁸ TA 4339 (LAO Study of Gender Inequality in Women's Access to Land, Forests, and Water. TA approval date – May 2004; completion date – November 2007 TA amount: \$250,000 was financed by the Poverty Reduction Fund (contributed by the United Kingdom Department for International Development Fund and administered by ADB) and \$45,000 from the Government of Lao PDR. Executing agency – Ministry of Agriculture and Forestry.

⁹ The ADB-assisted Nam Ngum Basin Development Sector Project (L1933-Lao, \$15million approved in November 2002) is aimed at reducing poverty and improving environmental conservation in the upper watersheds of the Nam Ngum River Basin.

¹⁰ Chamberlain, James R. (team leader). 2006. Draft: Study of Gender, Inequality in Women's Access to Land, Forests, and Water.

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