Analyzing the enabling environment for transforming forest landscape conflicts: the example of Lao PDR

SETH KANE\textsuperscript{a*}, RICHARD HACKMAN\textsuperscript{b}, DAVID GRITTEN\textsuperscript{a}, THIPPHASONE LUANGPHAY\textsuperscript{b}, BOUNYADETH PHOUANGMALA\textsuperscript{a}
\textsuperscript{a} RECOFTC – The Center for People and Forests
\textsuperscript{b} Village Focus International – Laos
*seth.kane@recoftc.org

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Abstract

Forest landscape conflicts can be devastating on many levels – economic, environmental and social, from individual, to subnational, national and global levels. They are symptomatic of many issues revolving around weak governance. The problem is that seldom are they effectively addressed.

The aim of the paper is to better understand how and why forest landscape conflicts are happening, who is addressing them, and what can be done to prevent conflict or improve conflict outcomes. Using Lao PDR as a country case study the work also aims to develop an analytical framework for understanding conflict dynamics and capacity gaps that can be applied in similar countries around the world. Lao PDR was chosen due to the high prevalence of forest landscape conflicts, the multiplicity of causes and types of conflicts, and the relative paucity of relevant research and data.

Using literature reviews as well as interviews and focus group discussions, the research found that there is no effective system in the country for transforming conflicts. This is reflected in the low capacity of government staff to address conflicts effectively. To address these challenges, the work puts forward an integrated policy and capacity development program to systematize conflict transformation.

Key Words: Capacity Development, Conflict transformation, Forest governance, Forest landscape, Lao PDR
1. Introduction

Countries across the Asia-Pacific region are increasingly undertaking efforts to strengthen the governance of forest landscapes and associated natural resources. The impetus for these initiatives partly stems from the recognition that weak governance can lead to conflicts and a host of negative social, economic and environmental impacts including the loss of biodiversity and socio-economic hardship for rural communities (Cashore and Stone 2012, Gritten et al. 2013, Lebel et al. 2004).

Within Asia-Pacific, Lao PDR is one of the countries most afflicted by forest landscape conflicts (Forest Trends 2014, Land Issues Working Group 2012). This is due to a host of underlying causes that include historical factors as well as differing ideologies and perspectives on justice and rights, within and between different sectors of society. For example, at the national policy level, top-down land use planning that includes the prioritization of rapid investment led economic growth without requisite safeguards and conservation frameworks which restrict community access can precipitate conflicts (Dwyer et al. 2015, Houythao 2014, Hyakumara and Inoue 2006, Forest Trends 2014). Similarly, weak and unclear forest landscape tenure rights combined with structural changes such as rural population growth and rising global demand for forest and agriculture products are increasing the prevalence of conflicts (Toppinen et al. 2010).

With an abundance of conflicts involving new stakeholders and complex issues, innovative and effective policies and capacities to address conflicts are increasingly required (RECOFTC 2010). In this context the aim of the paper is to better understand how and why forest landscape conflicts are happening, who is addressing them, and what can be done to prevent conflict or improve conflict outcomes for afflicted parties. Using Lao PDR as a country case study the work also aims to develop an analytical framework for understanding conflict dynamics and capacity gaps that can be applied in similar countries in the region and beyond.

2. Definitions and Analytical Framework

2.1 Defining Conflict and Conflict Transformation

In this paper, “conflict” is defined as a situation in which one or more parties pursues goals and interests through behavior or actions that impairs another party (Glasl 1999). “Conflict transformation” is understood as a process for addressing conflict, whereby relationship dynamics are emphasized, and long-
term cooperation and justice are promoted in order to ensure sustainable outcomes. The transformation approach thus views conflict as a potential opportunity and catalyst for positive social change, aiming not only to halt the conflict but also to facilitate shifts in relations from destructive to constructive interactions by empowering parties (Bush and Folger 2005; Reimann 2004).

“Conflict resolution” and “conflict management” are more commonly used terms in Lao PDR. While it is defined variably, the term conflict resolution often comes with the assumption that conflict is negative and therefore should be ended as efficiently as possible without necessarily addressing the underlying causes. Conflict management often assumes that conflict is difficult to resolve entirely, and therefore works to avoid destructive escalation and attain some positive outcomes (Kriesberg 1998; Reimann 2004). Regarding natural resource and forestry conflicts, RECOFTC believes a transformative approach is most beneficial given the prevailing socio-political structural context, with the understanding that many tools and frameworks are common to all three approaches. In the course of this paper, the terms conflict resolution and management will be used to describe the current Lao PDR government approach, while the goal of achieving transformative outcomes will serve as the conceptual guide for informing recommendations and critiquing prevailing practices.

Conflicts over forest landscapes occur at different levels of intensity, from latent conflicts which, if not addressed properly, can escalate to become destructive and even violent (Engel and Korf 2005). Yasmi et al. (2006) identified eight categories of escalating stages in natural resource conflict: (1) feeling anxiety; (2) debate and critiques; (3) lobby and persuasion; (4) protest and campaigning; (5) restricting access; (6) contestation in the courts; (7) intimidation and physical exchange; and (8) nationalization and internationalization. Conflicts may increase or decrease in intensity over time, while each stage may require different approaches and capacities to address them effectively. Preventing conflicts from occurring in the first place by addressing underlying causes (such as by improving governance) is assumed to be the most cost effective, sustainable and beneficial approach with the most transformative potential.

2.2 Research Methods

The research was guided by the analytical framework presented in Figure 1, with each component linked to specific quantitative and qualitative indicators. The framework begins with key causes of conflict which include forest governance and institutions, stakeholder interests and capacities, and economic pressures. The conflicts themselves are disaggregated into three core aspects – types, actors and scope –
to understand the core dynamics and extent of forest landscape conflicts. Next, the research examined what measures are in place to address conflicts to include the objectives of key institutions, the de jure and de facto channels of conflict resolution and management, as well as the capacities and resources of conflict stakeholders to address conflict. Finally, the impacts of those conflicts – economic, environmental, social – were examined to include both negative and positive elements, a distinction further explored in Figure 2, which sets forth a programmatic approach to enhancing those positive impacts and mitigating the negative.

The research began with structured literature, media and legal reviews in English and Lao languages aided by a research team with legal and governance expertise. This was followed by three main modes of primary data collection:

- National level interviews were conducted in 2015 with key stakeholders in policymaking and management roles including 11 semi-structured interviews with government officials; 3 semi-structured interviews with staff from international development organisations (Japan International Cooperation Agency [JICA], Deutsche Gesellschaft für Internationale Zusammenarbeit [GIZ] and the United Nations Development Programme [UNDP]); 9 semi-structured interviews with representatives of national and international Civil Society Organizations (CSOs); and 3 semi-structured interviews with different private sector companies.

- Field data was collected at 3 field sites in Champasak Province in May 2015. 15 interviews were conducted with individual community members, and 4 focus group discussions were conducted with village authorities totaling 13 participants (3 women). The field research covered three types of forest landscapes: 1) A national protected area with rubber plantations and shifting cultivation; 2) An area with high value non-timber forest products (malva nut: Sterculia lychnophora); and 3) A national production forest area with community cultivated cash crops.

- A national level participatory stakeholder workshop targeting national government officials, donors, academics, Non Governmental Organizations (NGOs) and the private sector was held in Vientiane in October 2015 to review findings and generate policy recommendations. 48 persons were in attendance.

The information provided in the paper is derived from interviews and fieldwork unless stated otherwise.

1 Field sites were selected by physical accessibility of the site, cost-effectiveness and safety of the researchers, consent of government to conduct research and minimal risk of the research exacerbating any latent or ongoing conflicts in the sites. In general, it is very challenging to get access to forest conflict sites. The field sites are not named in this paper to protect the identities of local research participants.
Figure 1 was created entirely by the authors.

3. Findings
3.1 Conflict Stakeholders

Forest landscapes in Lao PDR are important to different segments of society in a multiplicity of ways. To an estimated 5.2 million people who mostly live in rural communities, they provide subsistence, livelihoods and spiritual needs (Chao 2012, RECOFTC 2017). For the government forest landscapes are a resource to preserve (e.g. biodiversity conservation), to exploit (e.g. expansion of mono-culture agriculture), and to manage for optimizing key sources of government revenue such as the hydropower industry (Grumbine and Xu 2011). For the private sector, forest landscapes can be very profitable through, for instance, the harvesting of timber and other forest commodities as well as clearing for cash crops. Forest landscapes are also seen by the government and private sector as having income potential within global climate initiatives [such as Reducing Emissions from Deforestation and Forest Degradation (REDD+)] and other Payment for Environmental Services (PES) mechanisms (Lubowski and Rose 2013).

These key forest landscape conflict stakeholders and their roles and responsibilities can be further disaggregated into:

- Forest landscape dependent communities: Communities that use forest resources for either direct consumption or sale or attach other non-tangible (spiritual/religious) value to forest landscapes, or use the forest as part of agro-forestry shifting cultivation systems.
- Government of Lao PDR: Line ministries as well as departments and provincial and district forest offices which have a mandate in the governance of forest landscapes.
- Lao People’s Revolutionary Party (LPRP): membership-based political party (membership between 60,000-80,000 countrywide) responsible for high level decision making in matters of forest policymaking and governance.
- Lao People’s Armed Forces (LPAF) and Ministry of Defense (MoD): MoD has special status in forest governance through the notion of national security especially in border areas. MoD is involved in logging of all forest types.
- Private sector, both national and international: national companies (including state owned enterprises) involved in tree plantations, mining, hydropower, and construction industries. International companies involved in sectors similar to national companies, but include Vietnamese and Chinese companies solely harvesting timber.

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2 The LPRP dominates all organs of government and has been in power within the context of a one-party state since 1975. Membership in the party is prerequisite for political power and influence.
• Small scale producers and small and medium sized enterprises (SMEs): small sawmills, furniture producers, housing material suppliers, and village level plantation owners.

• International aid agencies (donors, International NGOs): Provide financial, policy and technical support to government and domestic NGOs.

• International Finance Institutions: Support private sector investments (e.g. International Finance Cooperation support for Vietnam’s Hoang Anh Gia Lai Group in Attapeu Province rubber plantations) and infrastructure development.

• The Lao PDR National Assembly: A sub-committee tasked with receiving conflict complaints when they cannot be solved at a lower level and advising the government on conflict management approaches.

As will be discussed, the most powerful stakeholder groups with the greatest ability to shape conflict outcomes include the government and the LPRP (Dwyer et al. 2016).\(^3\) Within the seemingly unified government, there can be intense inter- and intra-ministerial competition to control forest landscape resources.\(^4\) Forest landscape governance is thus particularly sensitive for both non-state (local and international civil society organizations) and state actors (peripheral ministries, state auditor, and donor countries). These powerful stakeholders, in general, lack the capacity and motivation to take a transformative approach to conflict, especially when they involve the least powerful stakeholders, namely forest landscape dependent communities, who bear the most costs of conflict, and have little involvement in policy making or even access to credible mechanisms of justice.

### 3.2 Causes of Conflicts

The causes of forest landscape conflicts are multi-faceted and involve the interaction between structural and proximate variables. A transformative approach starts by considering underlying causes such as policy and governance dimensions to understand at a more fundamental level what can be done to prevent and sustainably address conflicts. The discussion below is informed by this approach while offering

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\(^3\) This is against the backdrop of Lao PDR being rated poorly on corruption indices: 123 out of 176. (Transparency International, 2016)

\(^4\) This competition along with potential political costs is pushing the National Assembly to be more vocal about needing to address these issues. The National Assembly is the unicameral parliament of Lao PDR. The Assembly mostly provides predictable support to all party's decisions and all but 5 seats in the 149-member body are party members. However, members must be elected to their positions and thus campaign on issues of social and economic relevance to the Lao PDR population. Some members have demonstrated eagerness to strengthen their legislative and oversight capacities as well as interest in problems regarding forest landscape conflicts.
examples from the field research to elucidate how these various causes combine and manifest in specific instances.

Lao PDR’s policy direction and development discourse (influenced and justified by regional and international trends) is a key driver of dynamics that lead to forest landscape conflicts. Lao society is mainly agrarian, with over 70% of citizens making their living from agriculture. Many within government see this as the key barrier to modernization. Lao PDR has thus fully embraced the United Nation’s Millennium Development Goals (MDGs) and the successor Sustainable Development Goals (SDGs) -- particularly those aligning with the country’s ‘National Growth and Poverty Eradication Strategy’ (NGPES). To this end, the government has followed the informal, but publicly quoted, policy of “turning land into capital”: Propelling forest landscapes, elements of the state, and rural communities into the ‘market’, which involves transferring land rights, through both voluntary and involuntary processes.

For many forest dependent communities, the shift of land into capital comes in the form of economic land concessions that transfers “degraded” forests (often fallow land for swidden agriculture) and village tenure rights to foreign and domestic investors, without the consent of communities. Land concessions often facilitate access to timber rich areas (frequently re-planted with non-native species) leading to conflict with sidelined communities (“Government suspends land concessions,” 2007; “Xekong rubber project,” 2014).

“The Forest Strategy to 2020” is a guiding document with high level government and donor support centered on similar objectives of poverty eradication. The strategy’s goal of reaching 70% forest cover by 2020 depends largely on restricting shifting cultivation through the implementation of land and forest zoning. Through this process, fallow forest areas are classified as “degraded forests” to be left untouched and naturally regenerate. In response, communities often simply move their swidden fields out of the view of authorities and ignore official guidance. The policy also has set the stage for the creation of a nationwide forestry system that includes Protection, Production and Conservation forest landscapes, and is not inclusive of shifting agriculture. Without alternative agriculture techniques, such zoning has pushed hundreds of communities into rice deficits and conflicts with the state.

Private investment is a major cause of conflicts with communities and often includes cash crop concessions that produce rubber, coffee, cashew nuts and cassava. Such conflicts often involve powerful individuals affiliated with the concessions -- with villages receiving neither prior information nor efforts
to acquire their consent. The National Investment Strategy (NIS) of 2011-2015 encourages investment through the concession approach with research showing that much of this investment has been done at the expense of areas under primary forest cover (Schönweger et al. 2012). Another loophole being exploited is the ambiguous classifications of “concession” and “conversion” timber which legally allows forest landscapes in areas of infrastructure construction or resource extraction to be cleared, resulting in the unchecked exploitation of forests (Smirnov 2015). The inclusion of this timber into the international supply chain is a major issue of contention between exporter and processing countries such as Vietnam and consumer regions like the European Union (EU), which is pursuing bilateral timber trade negotiations through the multi-stakeholder Forest Law Enforcement Governance and Trade – Voluntary Partnership Agreement (FLEGT-VPA) mechanism.

The lack of clear recognition of customary tenure often results in the contestation of forest areas between different stakeholders. The slow progress in reforming the land tenure systems so that it reflects local livelihood practices also leads to conflict and is exacerbated by communities’ low level of participation in government policy formulation. Additionally, there is generally a weak understanding of legal frameworks and laws on the part of all involved stakeholders, especially by non-community actors of local customary laws regarding forest landscapes.

Within this context, the key forest resources over which stakeholders compete and conflict include:

- The land on which forests stand (forest conversion for various purposes: agriculture, infrastructure).
- The trees themselves (timber, pulp and paper).
- Non-timber forest products (NTFPs) [consumption and sale].
- Conservation or restricted human disturbances (biodiversity, religious/cultural, tourism, and water use).
- Policy interests (eradication of shifting cultivation).
The impacts of conflict vary depending on the stakeholders involved, the issues at stake, the conflict intensity, and the manner in which they are addressed and managed. The research found that while conflicts can have both positive and negative impacts, negative impacts predominated, especially where conflicts were not addressed through a transformative approach (Unasylva, 2016). The key impacts found through the research are presented here as falling into three general categories: economic, social and environmental.

Economic impacts (Dhiaulhaq et al. 2015; McAllister 2012; RECOFTC 2010): 1) Companies may lose money and time through stalled investments as a result of resistance from communities to include uprooting crops or trees, stealing fuel and equipment, and confronting company staff in the field; 2) Inter

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5 Systematic data on conflict impacts is not collected by government agencies which is a significant gap in both assessing the extent of the problem and evaluating the efficacy of various national level initiatives to address conflict.
and intra community conflicts over resource access and boundary demarcation can cause economic and livelihood losses; 3) Community resistance to large scale government projects can undermine government economic growth targets; and 4) Conflict resolution processes are often expensive for communities given the time and money spent to travel to submit and follow up on documents from the district to the central level or to attend mediation sessions.

Social impacts (Dhiaulhaq et al. 2015, Molina 2011, RECOFTC 2010, Sepehri and Chea 2011): 1) Inter and intra community conflicts can lead to strained social relations and the cancelling or postponing of traditional festivals and marriages. In the field sites visited by the research team, people openly expressed their sadness at the loss of community unity that conflicts precipitated; 2) Communities in serious conflict with government may face monitoring, arrests, and physical abuse leading to high levels of stress and fear. A sense of powerlessness is often reported when communities have conflict with more influential stakeholders; and 3) Large scale economic land concessions can lead to independent small scale farmers becoming landless or forestless. This frequently results in involuntary migration with associated substance abuse, lack of work and food security, health risks, and child labor. Land dispossession can be additionally traumatic for indigenous peoples that have strong ancestral connections to specific territories.

Environmental impacts (Dhiaulhaq et al. 2015, RECOFTC 2010): 1) When communities are displaced by conflict they will often clear virgin forest land to engage in subsistence agriculture; 2) Conflicts often deter sustainable investments, with communities in conflict often unable to implement beneficial projects, such as reforestation or sanitation, that have positive environmental or development impacts; and 3) In intense conflict contexts disputants may use environmentally destructive tactics such as setting forest fires.

4. Forest Landscape Conflict Resolution and Management Modalities

4.1 Conflict Resolution and Management Pathways

Forest landscape conflict management and resolution modalities in Lao PDR are diverse because of the many stakeholder groups and the varying degrees of social and political power they hold. The modalities followed have, over time, become more complex reflecting the increased prominence of international investors and private sector companies and the heightened scrutiny of powerful actors facilitated by a more active digital media landscape. Formal mechanisms to address conflicts have largely not kept pace with these trends, resulting in case backlogs and staff with limited capacities and resources to adapt.
Indeed, government staff involved in resource conflicts at the national and sub-national level revealed that none of them had received formal training. There was widespread frustration shown by provincial and district staff due to additional time required for conflict-related work, plus the related stress and its impact on other duties.

The formal starting point for addressing forest landscape conflicts is the 2007 Forestry Law which specifies relevant modalities and procedures in Chapter 9, Articles 117 and 119. Article 119 (regarding civil conflicts) refers to conflicts that involve citizens and their forest tenure rights, and states that civil conflicts should be first handled by the village administration. If the case remains unresolved it is then slated for submission to the next level of district offices and the courts for resolution (See Table 1).

Forest conflicts at the village level are normally addressed through customary law or village authorities such as the “council of elders” (jowkokjowlao in Lao language) who in most instances have the legitimacy and respect to mediate conflicts within and sometimes between villages. Such cases usually involve issues such as agricultural land and forest landscape boundaries, NTFP collection, and other domestic timber collection. These councils’ roles often overlap with the government, especially the Village Mediation Units (under the Ministry of Justice) which are officially present in 90% of villages. VMUs are designed to address conflicts at the community level through negotiation and mediation, using a combination of local tradition, culture, and relevant laws. The relative influence and roles of the councils and VMUs are determined by ethnicity, physical remoteness, and reach of the formal legal system. If solutions cannot be reached, the conflicts are typically referred to district level government offices. Which district office is contacted depends on the village context including to what extent stakeholders have social capital (determined by factors such as kinship and ethnicity) and whether officials are approachable and willing to engage.

Article 117 gives the Forest Inspection Organization (now DOFI) the general authority to address forest conflicts. However, de facto, DOFI is unable to investigate complaints and conflicts that include high level government officials. If parties are not satisfied with the DOFI’s decision, there is an option to submit a petition following the 2005 Petition Law, but there is no explicit or defined grievance mechanism to determine those processes or objective criteria on which to assess the fairness of the outcomes.
When a non-village actor is involved, the council of elders and VMU often do not have the necessary power, status or capacity to intervene. This is especially true if some of the conflict parties involved hold high social or political status. For example, throughout Lao PDR, villagers’ efforts to address timber cutting by non-village actors within village boundaries have often failed to get government attention, as timber cutters can usually refer to higher political approval for their actions. In such cases, villages with political connections or a revolutionary history (villages with national heroes that fought for the LPRP) will draw on their own social and political capital to pursue their interests.

In this way, politically violent conflicts from the past can be seen as influencing and constructing the dynamics and outcomes of more contemporary forest landscape conflicts. Some villages have successfully drawn on these social assets to either avoid or minimize the impacts of large land concessions, or to receive (comparatively large) compensation payments, but they are not always successful.

For example, an ethnic J’rue village in Pakson district already involved in coffee farming was forced to cede forest and coffee areas to a local investor with ties to political elites. The areas are not formally titled, but the long term presence of the communities had established customary rights. Village elders, who were formally medaled revolutionaries, stated their frustration with not being able to prevent non-villagers from taking their land and forests. They submitted complaint documents to the district offices and pointed out their revolutionary credentials and sacrifices, but to no avail. The villagers have given up on formally contesting the concession, and unhappily accepted that the land will not be returned. Many villages have no such history and therefore have even fewer channels through which to table their grievances.

One of the first steps taken in a conflict is for the involved parties to learn what the other party's status is in relation to the Revolutionary Party. Those with the highest connections are often acknowledged as having the authority to influence the conflict, regardless of which stakeholder is formally or legally in the right. Government officials investigating conflicts prioritize not offending powerful people or groups, especially those with the capacity to employ coercive methods. This can include private sector stakeholders, who are often Party officials themselves, or non-Party members that have close relations with Party members. If the individuals involved are very high ranking, the conflict simply cannot be addressed. If the Party ranking of those involved is relatively low, and the boundaries of local administrative responsibility have been crossed, the conflict will be examined via the relevant Ministry/Department Party Inspection Unit’s mechanisms and not through the court system. This was
stated in several government interviews, and demonstrated in Champasak province where not a single case involving government officials and forest landscapes has ever entered the court system.

Party inspection and conflict mechanisms are opaque, with the main involved agencies including the State Audit Organization (SAO), established in 1998 under the Prime Minister’s Office, and the Central Committee’s Commission for Inspection. Government interviews have shown that the SAO can become active in forest landscape conflicts as they relate to the misuse of funds derived from forest resource sales (mainly timber) by government agencies. The Committee for Inspection is under direct oversight of the Politburo, with inspection offices in all ministries and departments from the central to the district level. If a conflict involves government or the Party, the Committee will investigate and decide on actions to be taken. Information on the frequency, outcomes or processes therein, however, are not available.

The second factor influencing the conflict resolution modality is the resource interest being contested. If it is of high economic value, such as certain timber species, and involves the private sector, government or military, the resolution channels taken will follow the government mechanisms described above. Timber extraction is controlled by the state, and the state does not acknowledge communities’ claims or rights over timber. However, in the past ten years, villagers and foreign traders have increasingly become involved in the illegal timber trade, often with links to government actors (Grace et al. 2012). Conflicts over resources of lower economic value, such as access to village swidden land or NTFPs, will be addressed at the village level first, and then move onto the next level of formal conflict resolution channels.

Forest conflicts differ from agricultural land conflicts in that forests in Lao PDR are owned by the state or are held communally by villages in an untitled state. In the case of forest landscapes used for swidden or shifting cultivation systems, in general (with differences between ethnic groups), forest landscapes swing between communal ownership (as fallow land not under cultivation or regenerating forest landscapes) and family-based use rights when it is under cultivation. Conversion of fallow land back to agricultural land follows traditional land management systems, with decisions taken and conflicts addressed at the village level. If fallow land or degraded forest conversion is done by outside parties in the form of a land concession, the VMU may become involved, but these units have usually been unsuccessful and complaints are often taken to higher levels. As these investors may have high level government approval, the VMU cannot address them, nor can the district or even provincial authorities. According to a major eucalyptus concession holder, Oji Paper, the onus is completely on the local government authorities to
identify and acquire degraded forest land and deal with conflicts raised by villages. These arrangements often lack accountability and can leave few options for disgruntled villagers to seek redress.

As forest landscape conflicts have increased and become more serious, the government has responded by setting up temporary central level investigation and conflict resolution committees. The composition of these can include representatives from the MoAF, MoNRE, Prime Minister’s Office, SAO, the National Assembly, and the State Inspection Committee. The committees meet with provincial, district and village level officials to determine the causes of the conflicts and offer solutions. These interventions are not always successful, for if the aggressor party has higher connections within the Party, nothing is done to settle the conflicts other than to repress further protest or the pursuit of justice.
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6 Adapted from, “Study on Land Conflicts and Conflict Resolution in Lao PDR”. Sponsored by: Lao-German Land Policy Development Project. Land Policy Study No. 9 under LLTP II.
At the provincial and district levels, government bodies coordinate on forest conflicts, but both levels have minimal financial resources [District Natural Resource and the Environment offices (DNRE) operate on a total yearly budget of about 40 million Lao kip (US $5,000)] or formal training capacity to address conflicts. Staff, however, have developed skills out of necessity and are able to work though some of the conflicts they are assigned to (dependent on the political and social factors presented above).

### 4.2 Conflict Data

A determined effort was made to locate a central point in the government that maintains statistics related to forest conflicts. No one government agency at any jurisdictional level consistently collects statistical data. Government agencies that have a role in forest conflict and occasionally issue public reports on forest conflicts would not meet with the research team. The lack of publicly available statistics represents a challenge for quantitatively assessing conflict trends.

Lao newspapers both in Lao and English languages never reported resource conflicts as recently as five years ago, but are increasingly reporting these conflicts. This increase in reporting coincided with a relaxing of party control over the media. Media reports also increasingly publicize when government staff are involved in the illegal timber trade or falsify land documents. However, media reporting does not extend into remote areas and does not capture the vast majority of conflicts.

The research team was however able to access two official forest landscape conflict data sources: 1) The National Assembly Hotline record book, open twice per year (data does not exist at the provincial level so it presents an incomplete picture); and 2) The internal MoNRE Department of Land Administration annual reporting mechanism (how accurate or thorough reporting is through this mechanism is unclear).

The available 2012-2014 hotline data includes:
1) Jan. - July 2012 (4 cases) Transferring land and forest from village to private investors for rubber plantations;
2) Aug. - December 2012 – (16 cases) Illegal cutting of high value timber species in Luang Prabang, Xieng Khouang;
3) Jan. - July 2013 – (14 cases) Illegal cutting of high value timber species in village boundaries;
4) Aug. – Dec. 2013 - (16 cases) Illegal cutting and concession agreement not aligned with laws;
5) Jan. - July 2014 - (30 cases) Reports of illegal cutting in Champasak, Savanakhet and Salavan provinces for export to Vietnam;

The MoNRE Department of Land Administration annual reporting mechanism showed:
   1) 2012 - 2013 - 112 complaints about land with 59 cases solved.
   2) 2013 – 2014 - 97 complaint about land with 70 cases solved.
   3) 2014 – 2015 – 99 complaints about land with 52 cases solved.

At the multi-stakeholder workshop held in Vientiane (Dec. 2015) to assess the research findings, government participants agreed that creating a more comprehensive and effective and cross-ministerial conflict data collection and storage mechanism was a key and achievable first step to assess and ultimately address the challenge of forest landscape conflicts.

5. A Conflict Transformation Capacity Development Programmatic Approach

5.1 Overview

This paper has examined forest landscape conflict causes, the stakeholders involved and their mandates and interests, as well as the modalities and formal channels of resolution. Conflicts related to natural resources have intensified and increased in frequency and also are more complex, but the resources available and the ability of the stakeholders to reach positive outcomes has not changed, accounting for the mounting conflict challenge. As the gap between capacity and the necessity to transform conflict continues to widen, the most vulnerable populations will bear the heavy and growing costs. This gap points directly to the need for a forest conflict transformation program tailored to the Lao PDR context.
The analysis has also revealed that there are some serious limitations hindering forest landscape conflict transformation including a lack of institutions able to pursue sustainable outcomes based on all parties’ interests. The absence of a strong and independent local civil society to act as a counterbalancing force to the excessive influence of government is also a liability.

The best dispute resolution mechanisms cannot be effective if they are not embedded within a context of forest governance that is relatively equitable and transparent. Lao PDR is, in a legal sense, moving in a positive direction on elements of forest governance with support from donor countries and NGOs, providing opportunities, leverage and synergies for initiatives focused on conflict transformation. A capacity development approach and program is required to translate legal advances into change on the ground.

5.2 Conflict Transformation Framework

The framework below explains how a conflict transformation capacity development program would be applied against the key findings of the research. The framework starts with causes of conflict (categorized within a sources of impairment framework of forest governance) arranged in descending order, from structural (legal and policy frameworks) to more proximate (conflict management mechanisms, capacities and resources) elements (RECOFTC 2016). Given these findings, the framework assesses key forest governance mechanisms (e.g. FLEGT-VPA) and conflict modalities (e.g. local authorities and VMU) with the potential to address those causes of conflict. The proposed capacity development program would serve to strengthen and build capacities within those forest governance mechanisms and conflict modalities to have a transformative effect on the causes (and in turn the impacts) of conflict (Unasylva, 2016). Finally, the impacts of mainstreaming a transformative approach are disaggregated into key economic, social and environmental components that reflect transformative outcomes (i.e. positive, sustainable and structural impacts beyond the conflict site).
Figure 2. Conflict Transformation Program Framework

**Causes of forest landscape conflict**

**STRUCTURAL**

- **Legal and policy frameworks** (created by elites to benefit from forest resources)
- **Tenure security** (unclear tenure laws including for community customary tenure)
- **Participation and information** (communities rarely participate in local or national level decision-making and have little access to information on rights and laws regarding land use changes)
- **Leadership** (little accountability or incentives for elites to act through transparent mechanisms)
- **Benefit sharing** (private sector companies are not incentivized to benefit communities)
- **Competition over resources** (higher demand for forest products with more outsider stakeholders involved in investment/extraction processes)
- **Conflict management mechanisms, capacities and resources** (no training for local or national level actors in conflict mediation or resolution)

**PROXIMATE**

- **Capacity development program**
  - Training and learning networks
  - Piloting and demonstration
  - Research, analysis and synthesis
  - Strategic communication

- **Forest landscape governance mechanisms**
  - **FLEGT- VPA** (strengthening multi-stakeholder platforms including role of communities and CSOs; Legal and policy reviews)
  - **REDD+, VGGT** (mainstreaming FPIC)
  - **IFC SEIA standards** (safeguards and grievance mechanisms)

- **Conflict modalities**
  - **National Assembly** (improved data collection and mainstreaming transparency and objective criteria in dispute resolution)
  - **Local authorities and VMU** (advanced mediation training; enhanced understanding of outsider-community conflict dynamics and legal standards)

**Impacts of mainstreaming a transformative approach**

**Economic**

- More equitable and sustainable private sector approaches to investment; enhanced benefit sharing for communities from concession

**Environmental**

- Reduced illegal logging and more environmentally friendly economic development

**Social**

- Increased CSO/community understanding of forest governance policies; enhanced community participation in policy making and project design; reduced tensions between communities and outsiders including government
Figure 2 was created entirely by the authors.

5.3 Capacity Development Program

Conflict transformation can involve politically sensitive issues and therefore needs to be carefully introduced with sufficient time to conduct extensive outreach and promote attitudinal shifts. An intervention should begin with raising awareness and capacity development centered on long term outcomes. Development of human capacity can be a significant factor in enhancing the success of conflict transformation processes. The findings suggest a capacity development program that would incorporate four inter-linked functional approaches:

- **Training and learning networks.** A training program should be developed covering key areas of forest governance and conflict transformation. This should involve all related ministries, departments and divisions, while focusing initially at the district and provincial levels. Emphasis should be placed on conflict analysis and early response given the necessity of addressing the underlying causes of conflict and preventing them from escalating.

- **Research, analysis and synthesis.** Investment needs to be made into data collection and knowledge management recognizing that more information and a baseline needs to be established to address conflicts effectively and monitor their outcomes.

- **Strategic communication.** Key stakeholders, including policy makers and government staff, should be provided with tools to improve the effectiveness of their work, particularly in stakeholder management. There is an almost complete lack of Lao language educational materials related to conflict transformation and a need for Lao-specific information on all aspects of forest landscape conflicts to support capacity development.

- **Piloting and demonstration.** An integrated capacity development program will only achieve buy-in from key stakeholders if it can prove the efficacy of a conflict transformation approach through tangible on the ground outcomes within a range of ongoing conflict cases.

These approaches need to be partnered with the development of a more enabling environment for strengthened forest governance in the country such as the government including specific mechanisms to address forest landscape conflicts in legislative processes. To decrease the extensive gap in power between stakeholders, a capacity development program should also reach out directly to communities, incorporating information and training on mediation options, roles of government offices, how to file
complaints, negotiation skills, collective action, grass-roots networking, monitoring, and media literacy among others.

As Lao PDR does not have an independent conflict resolution body, international and local civil society should increase their involvement in forest landscape conflicts and governance and their beneficial role should be advocated to government actors. Conflict transformation should be synergized with ongoing initiatives such as REDD+, FLEGT VPAs, Village Forestry, and the legislative drafting of the Land and Forestry law that are already supported by numerous international donor agencies.

References


**Tables**

Table 1. Conflict resolution channels and responsible authorities from village to central level (P. 17-18)

**Figures**

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