

# LAND AS A LIFE FORCE

*A study of the gendered role of land in the livelihoods of the population in  
Xaifongneua, peri-urban Vientiane Capital*

Esther van Duin

Faculty of Geosciences,

Utrecht University

September 2017

Figure 1: The sunset view over the Mekong River at Xaifongneua

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***A STUDY OF THE GENDERED ROLE OF LAND IN THE  
LIVELIHOODS OF THE POPULATION IN XAIFONGNEUA, PERI-  
URBAN VIENTIANE CAPITAL***

**STUDENT NAME: ESTHER VAN DUIN**

**STUDENT NUMBER: 5708834**

**EMAIL: E.H.VANDUIN@STUDENTS.UU.NL**

**MASTER'S THESIS:**

**MSC INTERNATIONAL DEVELOPMENT STUDIES**

**FACULTY OF GEOSCIENCES UTRECHT UNIVERSITY, THE  
NETHERLANDS**

**HOST ORGANISATION: NATIONAL UNIVERSITY OF LAOS,  
VIENTIANE CAPITAL**

**SUPERVISION: DR. GERY NIJENHUIS**

*"The land is the only thing in the world worth working for, worth fighting for, worth dying for, because it's the only thing that lasts"*

- Gerald O'Hara, *Gone With The Wind*

## Executive Summary

The objective of this MSc thesis is to add to the academic literature and debate on the relationships between land tenure security, urbanisation and gender for the development of the livelihoods of local population in peri-urban Laos. The thesis describes the case study of Xaifongneua, a village in peri-urban Vientiane Capital in Laos. The three fields analysed were:

- **Land tenure security:** the solidity of the relationship people have with land. The real and felt certainty that one's rights of usage, control and transfer to a parcel of land are recognized, respected by others for now and in the future.
- **Local livelihood capitals:** the relationship with tenure security and the household capital assets; natural; human; financial; social; physical; and political.
- **Gender:** the socio-cultural norms attached to the sex of a person, influencing their position in society and the household; and expectations, attributes and qualities assigned to them.

The location of the case study is essential in the thesis, as the peri-urban areas allows for a meeting of rural and urban spaces, creating a meddled patchwork of spatial, socio-cultural and economic identities, undergoing continuous rapid change. A mixed methods approach was used to gather secondary data on urbanization processes in and around Vientiane Capital and on laws, regulation and policy on land and gender. The findings stated numerous and diverse relations between the research fields and the overarching urbanization processes that are reciprocally influencing but rarely causal. Significant is the remarkably strong tenure security of women in peri-urban Vientiane compared to other studies, as a result of legal equality and matrilineal land traditions. Tenure security however is diminished by the existence of two worlds in Laos; one on paper and a reality that does not adhere to rules, regulation, policy or governance, as the Lao government lacks implementation power, execution power and legal perpetuity. The current and future urbanization trends, heightening pressure on both land and the urban government will likely stimulate the processes discernable: land conversion from agriculture land to urban land; rising land prices; and governance challenges. Land still carries an important role in the livelihoods of the local population, women in particular as it forms the basis for agriculture, an enormous economic sector in Laos. It is hoped

that this research highlights the positive relationships with land, as well as the land and societal developments threatening local's relationship with land in the future.

## Acknowledgements

I would like to thank my thesis advisor dr. Gery Nijenhuis Faculty of Geosciences at Utrecht University. Dr. Nijenhuis provided excellent feedback and guidance in the challenging research and writing process. She consistently steered me in the right direction when needed whilst enabling this thesis to be my own work. I would also like to thank mr. Daniel Hayward, for providing me with an amazing opportunity to conduct research in Laos, the great guidance on location, his British sense of humour, a sharp mind and uplifting words when I hit some inevitable roadblocks. Furthermore I would like to thanks the people of the Departmen of Urban Environment at the National University in Laos, especially dr. Soukanh who allowed me to be part of his research team, opening doors that I would otherwise have not even known the existence of and paving the way for my fieldwork, and my research assistants Miks and Mosada who have taught me so much about the Lao lifestyle and without whom I would not have had any means of communicating with the local population of Xaifongneua. I want to thank the kind people of Village Focus Internal, especially Justine and Rick, for providing me with an amazing, knowledgeable, sharp and fun work environment in Vientiane. I would also like to thank Mathilde Speeckaert for being a great research partner, a sounding board, a friend, and an amazing person to have shared this experience with. Moreover I would like to thank Marcel Fonville for keeping me emotionally sane during the writing process.

Finally I must express my sincerest gratitude to my parents for providing me with their continuous encouragement throughout my many years of study and through the process of researching and writing this thesis. This accomplishment would no be the same without all of them. Thank you.

Author

Esther van Duin

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## List of Abbreviations

Abbreviations			
<b>APB</b>	Agriculture Promotion Bank	<b>MONRE</b>	Ministry of Natural Resource and Environment
<b>BCEL</b>	Banque pour le Commerce Exterieur Lao Public	<b>NA</b>	National Assembly
<b>DLAD</b>	Department of Land Allocation and Development	<b>NCAW</b>	National Commission for the Advancement of Women
<b>DLM</b>	Department of Land Management	<b>NEM</b>	New Economic Policy
<b>EUR</b>	Euro	<b>NLMA</b>	National Land Management Authority
<b>FAO</b>	United Nations Food and Agriculture Organization	<b>NLP</b>	National Land Policy
<b>FDI</b>	Foreign Direct Investment	<b>NPA</b>	National Protection Areas
<b>GRID</b>	Gender Resource Information and Development Centre	<b>NUoL</b>	National university of Laos
<b>IIED</b>	International Institute for Environment and Development	<b>PLMA</b>	Provincial or City Land Management Authority
<b>LAK</b>	Lao Kip	<b>PUI</b>	Peri-urban interface
<b>Lao PDR</b>	Lao people’s democratic republic	<b>SER</b>	Special Economic Regions
<b>LC</b>	Lao Constitution	<b>SEZ</b>	Special Economic Zones
<b>LIWG</b>	Land Information Working Group	<b>SLA</b>	Sustainable livelihoods approach
<b>LL1997</b>	The 1997 Land Law	<b>TEI</b>	Thailand Environment Institute
<b>LL2003</b>	The 2003 Land Law	<b>THB</b>	Thai Bath
<b>LoPoDI</b>	Law on the Promotion of Domestic Investment	<b>UCRSEA</b>	Urban climate resilience Southeast Asia

<b>LoPoFI</b>	Law on the Promotion of Foreign Investment	<b>UN</b>	United Nations
<b>LMA</b>	Land Management Authority	<b>UN DESA</b>	United Nations Department of Economic and Social Affairs
<b>LPRP</b>	Lao's People Revolutionary Party	<b>UNDP</b>	United Nations Development Programme
<b>LTP</b>	Land Titling Programme	<b>USAID</b>	United States Federal Aid Organization
<b>LUP/LA</b>	Land use planning/land administration	<b>USD</b>	US Dollar
<b>MLMA</b>	Municipal or District Land Management Authority	<b>VCG</b>	Vientiane City Government
<b>MoF</b>	Ministry of finance		

## Note on the phonetic spelling of Lao words

Due to the difference scripture and lack of set translation there are many different versions of Romanisation of the Lao language and its dialects. For this thesis, one coherent spelling will be used even if the spelling in collected primary and secondary data differs.

## Monetary exchange rate

In this thesis, economic measures will be places in Lao Kip (LAK), Thai Bath (THB), US Dollar (USD) and Euro (EUR). A historical overview of the exchange rate can help the reader get a good comprehension of the economic measures. The Lao Kip however is a very volatile currency. Currently the Lao Kip is getting stronger against the Thai Bath, US Dollar and Euro after an inflation peak in 2013. Nevertheless the Lao Kip is still 8 times weaker against the US Dollar than it was 20 years ago. Table 1 provides an overview.

**Table 1: Historic monetary exchange rate Lao Kip to THB, USD, and EUR**

Year	LAK	THB	USD	EUR
1997	10.000		9.79	
2000	10.000	50	1.28	1.29
2005	10.000	37.60	0.97	0.74
2017	10.000	40.01	1.21	1.03

*(Source: (XE ; Chanthalasy et al., 2005)*

## Introduction

*“Property rights to land are one of the most powerful resources available to people to increase and extend their collection of assets [...] necessary for sustainable livelihoods”*

(FAO, 2002).

Land is one of the most effective mechanisms to improve ones' wellbeing and to attain a sustainable livelihood. The overall socio-economic development of a country interrelates with the livelihoods of their citizens. A country generally performs better when her citizens are doing well (Tannerfeldt & Ljung, 2006). A general rule of thumb is that people who have more secure land tenure and stable land rights are better able to enjoy a sustainable livelihood, meaning that they are able to not succumb to external shocks and will be able to use all their skills and resources to enhance their prosperity for now and in the times to come (FAO, 2002). There is an important spatial element in this as land is a fixed geographical feature. However land only gains meaning from the value people attach to it (Greider & Garkovich, 1994). Economic globalization intensifies and accelerates land conversion, turning land into an increasingly scarce and valuable commodity worldwide (Lambin & Meyfroidt, 2011). To understand the interactions between people, societal trends, spatial changes, livelihoods and land; land should be conceptualized not merely as by its geographic fixed features but as “open systems with large flows of goods, people, and capital that connect local land use with national and global-scale factors” (Lambin & Meyfroidt, 2011). Land is subject to continuous change, both physically and in the way it is socially constructed by people, who attach value to it, perceive it, and use it (Greider & Garkovich, 1994). How widespread are the motivations and intentions behind the construction of land? How and why are decisions on land made locally and nationally? And how do these motivations, intentions and decisions relate to the local livelihoods of people and the overall socio-economic development of a country? The widespread absence of clear land regulations and administration that enable people to have stable legal and de facto land rights, are resulting in a global increase of land-related conflicts (Durand-Lasserve & Payne, 2006). Fights over land are nothing new, stories date as far back as the construction of the city of Rome, in which Romulus killed his own brother over a land dispute. Nowadays, governments and courts thankfully provide less brutal methods of dispute settlement. One of the driving forces

behind land changes, land conversion *and* socio-economic development is urbanization (Jiang & Zhang, 2016). Urban growth rates are highest in developing areas and urbanisation is seen as a powerful impetus of (inter-) national economic growth (Florida & Fasche, 2017). To be developed in the current age, generally results into having an increasingly urbanized country where people, economic, social and political activities are concentrated in a specific location. The emphasis placed on urban expansion by developing nations has severe implications for the spatial structuring of a country. Soaring urban expansion, and subsequent flows of people, goods, and money increases the pressure on land in and surrounding cities and results in severe shifts in land valuation and the land market (Fazal, Banu, & Sultana, 2015). The expansionist urge of growing cities creates urban fringe areas that are a worthy research location. The peri-urban areas show the spatial and social consequences of a dynamic interaction between the urban and the rural, creating a blurry-lined patchwork of both identities (Adell, 1999). Naturally the social and spatial changes do not affect all people the same. The global patriarchal structures in society lead to differences between men and women in terms of development outcomes, position in society, position in the family life, attributes and quality assigned to the genders, and so forth (Florida & Fasche, 2017). Important to note is that women predominantly are more disadvantages in land-related issues. Women are less likely to have stated or legal ownership of land, have less access to make use of land, and if they own land it is usually of lesser quality than that of their male peers (USAID, 2013). The majority of studies on land tenure and gender, and specifically the relationships between these have been carried out in rural areas, although this does not render them useless to this thesis, as the peri-urban area contains both urban and rural dynamics (Djoudi & Brockhaus, 2011; Hall, Hirsch, & Li, 2011; Ho & Spoor, 2006; Palmer, Szilard, & Wehrmann, 2009; USAID, 2013; Zoomers, 2010). This thesis postulates that researching the ways these vital components of ones' life and livelihood interact, situated in a geographical location that has to balance urban and rural priorities and identities on a daily basis, is a worthwhile cause and adds to the existing academic understanding of urbanization and land; land and gender; and land and livelihoods. The premise is that the research contributed to the existing literature as it connects elements from literature on the rural and the urban of the three overarching fields. The research location offers an opportunity to analyse which elements of rural and urban literature are visible in peri-urban Vientiane and why this is. To do this Laos, a low

developed country in Southeast Asia was chosen for the research. This thesis will present the case of Xaifongneua, a village situated in peri-urban Vientiane Capital. Vientiane Capital is the primate urban core in an overwhelmingly rural country (Rafiqi & Gentile, 2009). Although Laos is experiencing the largest urban growth rates in its history, the spatial urbanism is not yet on par with its regional counterparts, i.e. Vientiane is a rather small city that is only recently experiencing problems often associated with urbanization such as illegal settlements and a housing-market bubble (UN DESA, 2014). Drawing on this fast urbanization process, performing research in Xaifongneua presents a unique opportunity to analyse the early stages of urbanisation impacts on land markets, land tenure and local livelihoods in a primate city area. Thus, this study focuses on the interactions between the following topics:

- **Land tenure security:** the solidity of the relationship people have with land. The real and felt certainty that one's rights of usage, control and transfer to a parcel of land are recognized, respected by others for now and in the future.
- **Local livelihood capitals:** the relationship with tenure security and the household capital assets; natural; human; financial; social; physical; and political.
- **Gender:** the socio-cultural norms attached to the sex of a person, influencing their position in society and the household; and expectations, attributes and qualities assigned to them.

In order to study the relationships between these fields, this thesis is guided by the question what the role of land is in the livelihoods of the local population in Xaifongneua, in that of women in particular, and what the current land developments influencing this role are.

The objective of this thesis was to conduct research in Xaifongneua looking into the relation between land tenure security, urbanisation and gender for the development of the livelihoods of local population in peri-urban Laos. Three months were spent in Vientiane Capital, from February till May 2015. Affiliation was made with Daniel Hayward from Chiang Mai University in Thailand, who acted as an on-site supervisor for two weeks, one in February and one in April. Furthermore mr. Hayward served as a soundboard in intermediate periods. Affiliation was also sought with prof. dr. Soukanh Chithpanya of the faculty of Architecture at the National University of Laos to provide



academic, contextual and supporting resources. The motivations for doing this research was that there are two remarkable knowledge gaps in the existing academic literature. First there is a gap in knowledge on the relationships between urban land and livelihoods, especially when adopting a gender-paradigm. The existing literature predominantly focuses either on land and urbanization; rural land and livelihoods; or rural land, livelihoods and women. There is an astonishing gap in studies connecting land, livelihoods and gender in a context of urbanization processes. This thesis draws heavily on the body of work on rural land and livelihoods, and the studies that are gender-differentiated. Guiding in the principles of tenure security, land right and land markets are publications of the FAO (2000; 2002; 2011; 2012a; 2012b). The *voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security* (2012b) is the leading global document on land tenure governance and serves as a basis for governance analysis. Similarly the *land tenure and rural development* (2002) study of the FAO serves as the basis for the adoption of the sustainable livelihoods approach. The emphasis on rural development in the literature is understandable, as urbanization in developing countries has only started to really gain traction the last twenty years (Cohen, 2006). According to the United Nations (n.d.), the majority of the developing world is still rural. Urban population will reach 50% by 2025. In addition de theories of Hernando de Soto (2000) on activating dead capital that is land through titling became very popular with donor and the academic community<sup>2</sup>. Rural land tenure security assessment as a study subject hence was pursued often. Durand-Lasserve & Payne, (2006) provide an excellent desk research of the leading global literature on urban land titling, providing a big inspiration in the early research stages of this thesis. There are however some studies undertaken into land and livelihoods in a broader context of urbanization. These studies, as does this thesis, predominantly focus on the peri-urban interface. Adell (1999) provides an overview of conceptualization of the peri-urban area as a dynamic area where rural and urban meet and merge rather than exist side-by-side, offering the view that a geographical entity can be carry both rural and urban spatial and social characteristics without being either one. Also he poses the important notion that the peri-urban interface is not just transitioning

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<sup>2</sup> Although later academically discredited, donor organizations still apply the ideas of de Soto (2000)

period from rural to urban but rather provides a whole own dynamic. Other studies into the connections between land and the peri-urban area are those of Simon (2008) and Fazal, Banu & Sultana (2015) although both approach land mainly as a fixed geographical feature whilst this thesis rather approaches land in a spatial and social manner. Seeing as urbanization creates a whole different dynamic with land and urbanization-specific land challenges for livelihoods, this thesis will contribute to strengthening these academic fields. Secondly there is a significant gap on gender-differentiated data on land in Lao PDR. The limited amount of studies performed tend to be differentiated along the lines of either the location of the land (urban or rural) or the ethnic composition of the community researched. Lao PDR is an under-researched country altogether, mainly due to the fact that conducting research in Laos is very difficult. Academic research capacity is low, and the Communist government is very restrictive on both ethnic Lao and foreign researchers (Interview: Sweet, K, 2017). Although Laos' openness to foreigners has improved in practical terms with the end of the civil war in 1975 and the instalment of the New Economic Mechanism in 1986, shifting the country from a planned economy to a market-oriented economy, it has not in intellectual terms (Interview: Sweet, K, 2017). There are multiple examples of foreign researchers and development workers being exiled due to government disapproval with their work (Interview: Sweet, K, 2017). In addition, the research performed also caters to a social need. This research feeds into an on-going research performed by the National University of Laos into the district of Hatxaifong, requested by the Vientiane City Government in order to create a new sustainable spatial plan for the city. Property rights, and subsequently tenure security, is one of the most powerful tools in improving the livelihoods of the population. At the same time, women are structurally less developed than men, largely due to harmful cultural customs and gender norms (Jayachandran, 2014). Increasing the understanding of the interplay between tenure security and gender enables recommendations on how to utilize the tool that is tenure security specifically for women in peri-urban Laos. The following section will elaborate on the literature available on the concepts used in this study. Next the research design is discussed. This entails the methodology, breaking down the research question in four sub-questions, and the selected data collection methods. After this a geographical, historical, economic and social background is given for Laos, Vientiane and Xaifongneua. The findings of the thesis will be addressed in the subsequent three chapters, based on the empirical data collected for each research

question. A discussion elaborates on these findings and how these are interconnected. The thesis is finalized by a conclusion and suggestions for further research.

## Conceptual and literature review

To provide the academic context needed for the research conducted, the concepts used in the study and the literature about them needs to be discussed. The thematic nature of the study demands an elaborate discussion on **land**. This will include section on land tenure security, land rights, (urban) land titling and land markets. Special attention will be given in this discussion to the interaction between urbanization and the peri-urban interface and land due to the spatial nature of the research. Subsequently the **gender dynamics** important in these topics will be discussed. Lastly, the main framework for analysis, the **sustainable livelihoods approach** is introduced and discussed.

### Land

#### *Land tenure*

The relationship between people and land goes back to the early days of humanity. As nomad species, land provided endless stretches of new food opportunities and shelter options but also dangers and frightening unknowns. As a consequence of gaining the ability to cultivate land, people gained the option of trading the nomadic lifestyle for one of long-term settlement. This created severely different spatial identities and relationships with land. The relationship of people with respect to land is known as land tenure. This can be on a legal or customary basis, and as individuals or as groups (FAO, 2002, p. 7). Land tenure systems compose the rules of the game and answers questions about access, ownership, use, regulations, allocation and the transferability of land, via formal (law) or informal (cultural custom) rules. Hall, Hirsch & Li (2011) distilled four overarching historical processes in land tenure in Southeast Asia. First, there is land formalisation whereas the state recognizes land rights and boundaries. Secondly, there is land titling whereas the state creates records of rightfully owned land. This is followed by land reform where owned land is redistributed to the landless and/or smallholders. Finally there is land settlement where populations are moved to unused land (p. 27-28). The manner and order in which these developments take place is dependent on the predominant type of tenure existing in an area. This ties in to the categorization made by Feder & Feeny (1991) who mention four possible tenure categories as set out in table 2.

**Table 2: Identifying rights per tenure category**

Tenure Category	Land Rights
<b>Private</b>	<ul style="list-style-type: none"> <li>▪ Legal actor (person, group, company)</li> <li>▪ Private property</li> <li>▪ Full bundle of rights: Exclusive, transferable, alienable, enforceable</li> </ul>
<b>Communal</b>	<ul style="list-style-type: none"> <li>▪ Ownership: Community as a whole</li> <li>▪ Usage rights: Individual community members</li> </ul>
<b>Open Access</b>	<ul style="list-style-type: none"> <li>▪ No ownership</li> <li>▪ Universal usage rights</li> </ul>
<b>State</b>	<ul style="list-style-type: none"> <li>▪ Held by public sector institutions</li> </ul>

Source: (Feder & Feeny, 1991)

The categories of land tenure are governed via a land administration system, the institutions responsible for the management and implementation of land-related policy. Land tenure therefore is a fluctuating concept, determined by the tenure category, system and administration.

The solidity of a tenure relationship can be determined by assessing people’s tenure security. By assessing tenure security, the real *and* felt certainty that one’s rights of ownership, access and use of a parcel of land are recognized and respected by others, now and in the future, is evaluated. Insecure tenure can result in feelings of threat by the users and owners of land, or in extremis, lead to loss of land due to eviction resulting from competing claims (FAO, 2002). Tenure security increases when people have a larger or full bundle of land rights. These rights often do not coalesce in one person, but are divided in e.g. landlord-tenant relationships. Effective land administration can solve insecurity resulting from unclear and poorly enforced land tenure. Rights that are universally recognized and administrated reduce the likeability of conflicting claims

(FAO, 2002). Since the early 2000s, land administration has become increasingly important in development aid due to the focus of Western donors on enhancing tenure security and enhancing land markets through improving the legal, institutional and technical framework for land ownership (Hall, Borras, & White, 2002). In approving these frameworks, the concept of good governance is very important. Good governance is a buzzword in international development that does not let itself be defined very easily as it means different things to different actors. This thesis will follow the general line of the World Bank that state that economic and public sector institutions should be managed well, along the lines of transparency, accountability, regulatory reforms and open leadership (World Bank, 1992). In May 2012 the United Nations reached a historic agreement on tenure governance in the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests* (FAO, 2012b). The guidelines stipulate the principles and practices for governments to use when making laws or undertaking legal reform. The principles put forward by the FAO for good governance are; efficiency; effectiveness; transparency, consistency and predictability; integrity and accountability; subsidiarity, autonomy and depoliticalization; civic engagement and public participation; equity, fairness and impartiality; and legal security and the rule of law (Zakout, Wehrmann, & Törhönen, 2006). As an addition to these principles, Weingast (2009) states the importance of perpetuity, meaning that legal institutions need to outlive the establishers of the institution in a good manner in order to bind people to the rules and norms of the institution rather than that of the people who rule it.

### *Land rights*

Tenure security is highly dependent on land rights. But what exactly composes a right to land? "The term "land rights" refers to the inalienable ability of individuals and groups of individuals to obtain, possess and utilize land at their discretion, so long as their activities, on the land, do not violate the inalienable right human rights of others as outlined in numerous international human rights agreements" (Adi, 2009). Legal academics view property rights as a bundle, representing past, present and future interests of multiple actors, in a piece of property. In this bundle-of-rights theory separate rights are visualised as sticks, the more sticks there are in a bundle, the more secure the property rights, and thus the claim on a piece of land (Baron, 2014). The

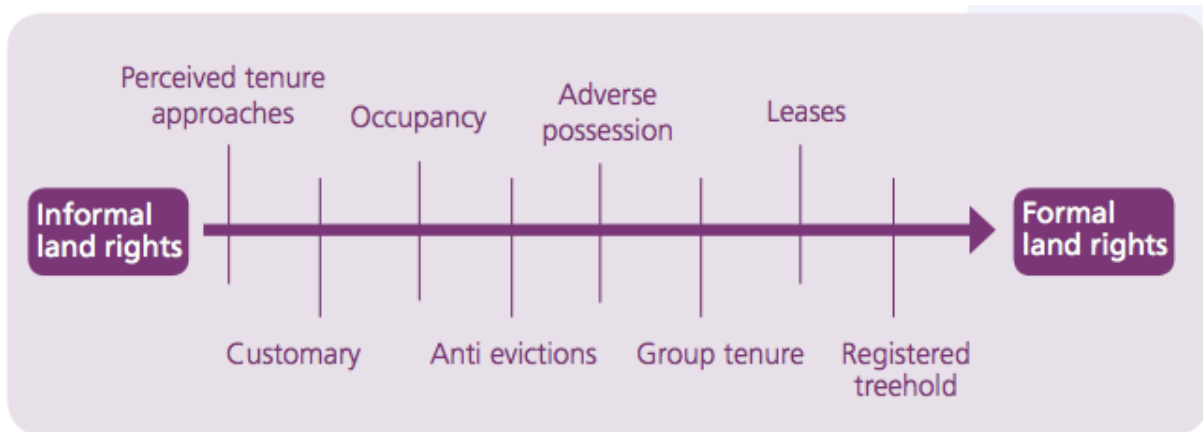
overarching rights are rights of usage, control and transfer. These rights in turn can be divided into more specific sub-rights, as displayed in table 3.

**Table 3: Land rights overview**

Overarching right	Specific right (example)
<b>Usage</b>	<ul style="list-style-type: none"> <li>▪ Right to take something from the land</li> <li>▪ Right to plant and build</li> </ul>
<b>Control</b>	<ul style="list-style-type: none"> <li>▪ Right to deny someone access to the land</li> <li>▪ Right to lease the land</li> <li>▪ Right to mortgage</li> </ul>
<b>Transfer</b>	<ul style="list-style-type: none"> <li>▪ Right to sell the land</li> <li>▪ Right to give away the land</li> </ul>

According to the bundle-of-right theory, tenure security increases with the proportions of the bundle. This however provides a rather static view of land rights. In order to take into account person-land relations as well as person-person relations with regards to tenure it is important to view tenure not solely as a static bundle in which rights can be accumulated or swapped out, but rather as a continuum. Such a continuum places the tenure somewhere on the spectrum of informal to formal land rights. UN Habitat (2015) has situated tenure approaches on the continuum as presented in figure 1.

**Figure 2: Continuum of land rights**



The majority of the world's land right claims are customary, meaning they are not legally enshrined but root in historical, cultural, social and religious claims (Palmer, Szilard, & Wehrmann, 2009). A right to land therefore cannot be equated to a land title. The disconnection between land rights, land tenure and the land system providing titles can create conflict due to overlapping, competing claims on the same piece of land. Important to emphasize is that formal land rights are not in principle more secure than informal land rights. The effectiveness of the tenure system and land administration determines the security of a land right, not the right in itself. However, in neo-capitalist countries, formal land rights do possess the potential of being the most secure land rights (Feder & Feeny, 1991). In developing countries, land rights cannot automatically be connected with Western style transferable, exclusive, alienable en enforceable private property rights (p.135).

### ***Land titling***

Land titling, the practice of legalising customary land rights became a popular development practice in the 2000s due to Peruvian economist Hernando De Soto's *The Mystery of Capital* (2000). De Soto argues that politicians should ensure that the informal economy incorporates into the formal economy by creating access points through formal land titles and property rights whilst simultaneously eradicating bureaucracy. He argues that privatizing land held via customary tenure through titling will enable poor people and communities to acquire working capital by mortgaging their land for a bank loan (Hall, Borrás, & White, 2002). Developing economies are unable to transform



possessions and labour into capital due to a lack of sound legal infrastructure (van der Molen, 2012). This legal infrastructure takes shape through legal property rights that can serve as collateral for loans, making the investment, needed for economic growth, possible. Since without the necessary economic growth, poverty eradication is impossible. De Soto's however stresses that titling in itself is not enough to combat poverty, rather there is a need to integrate titling in a whole nationwide system, connecting it to law, financial institutions and registries.

De Soto's ideas have been heavily criticized. The seven main critiques being that he neglected the past evidence that titling does not work (1). He ignores how customary tenure is a legal institution although it is not formalized (2). He forgets that titling is not just the codification and indexation of informal rules. It enables and legalizes theft, dispossession, land grabbing and gender inequality (3). De Soto's reliance on a strong and inclusive government is delusional. Current statutory legal frameworks exclude poor people and lack enforcement needed to provide protection (4). He neglects the uneven access to land that is especially characteristic for developing nations (5), and makes 'the poor' into a homogenous group for whom land titling is the silver bullet (6) (van der Molen, 2012; Alcindor, 2003 ; Durand-Lasserve & Payne, 2006). Land title programmes often favour older male elites over anyone else, and can result in less secure tenure than customary systems (Platteau, 1996). Especially considering the fact that titling increases the value of a property, making it unaffordable for new poor arrivals (Durand-Lasserve & Payne, 2006). Even after all this critique though, development programmes enabling land titling have been becoming increasingly mainstream in the last decade via the influence of proponents such as the World Bank and USAID (Hall, Borrás, & White, 2002). In reality, land titling is usually justified as part of broader land law or administration reform or as a component in informal settlements upgrading programmes (Durand-Lasserve & Payne, 2006).

### *Urban land titling programmes*

Although there is limited data on urban titling, several researches into urban and peri-urban land titling programmes suggest that urban titling programmes are popular with

governments and the urban community in low-developed nations (FAO, 2002 ; Sikor & Muller, 2009) (USAID, 2011). Land titles have generally succeeded in increasing tenure security but they have done little for the intended purpose of poverty reduction by an increased access to and use of the formal financial institutions. When titling is taken as a goal in itself it proves to be effective. If it is taken as leverage for reducing poverty, the results are questionable.

According to Payne et al. (2009) there are several constraints limiting urban titling from functioning effectively and thereby reducing poverty. These are economic, administrative, institutional, legal, political, environmental constraints and constraints linked to implementation. It is impossible to argue that urban titling in itself creates social inclusivity since the results are varying globally between titles improving social status and titles adding another gentrifying element to a country. More universal is the detrimental effect of urban titling on gender equality. Women are frequently denied the right to own land, their names are left of the land title if they are legally able own land, they are denied the right of inheritance and are especially socially vulnerable in urban areas due to lack of social capital and solidarity networks (Durand-Lasserve & Payne, 2006). Even when women have equal rights to men, cultural norms and practices obfuscate their ability to execute their rights.

### *Land markets*

Land tenure systems obviously deal with a multitude of actors and therefore also a multitude of interests. The main types of interests are displayed in table 4

**Table 4: Land market interests and actors**

Interests	Actor	Actor Characteristics
<b>Overriding</b>	<ul style="list-style-type: none"> <li>▪ National government</li> <li>▪ Local government</li> </ul>	<ul style="list-style-type: none"> <li>▪ Sovereign power</li> <li>▪ Can (re-) allocate land</li> </ul>
<b>Overlapping</b>	<ul style="list-style-type: none"> <li>▪ Local small-scale farmers</li> <li>▪ Arriving outsiders</li> <li>▪ Urban dwellers</li> </ul>	<ul style="list-style-type: none"> <li>▪ Different actors</li> <li>▪ Different rights to the same piece of land</li> </ul>
<b>Complementary</b>	<ul style="list-style-type: none"> <li>▪ Urban speculators</li> <li>▪ Urban developers</li> <li>▪ Entrepreneurs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Different actors</li> <li>▪ Same interest, but are able to share</li> </ul>
<b>Competing</b>		<ul style="list-style-type: none"> <li>▪ Different actors</li> <li>▪ Similar and exclusionary interests</li> </ul>

*Source:* (FAO, 2002 ; Fazal, Banu, & Sultana, 2015).

A market paradox is that competing interests create the majority of land conflicts but are also a driving factor in the land market. It is the interests of different actors in the similar pieces of land that create the demand-side of the market (FAO, 2002). All the actors have different interests in the land and hold different power positions in the land market. Clear is that the land transactions are reflective of the relative power positions of key stakeholders, the local institutional structures and the land tenure systems, creating a complex and intricate web of land tenure.

One of the measurable effects of urbanisation-induced land pressure is the greater demand for land, making a land a scarce commodity which subsequently increasing its value. Land speculation, where developers buy large plots of land for later resale, poses a potential issue in an urbanizing environment (Fazal, Banu, & Sultana, 2015). In the PUI it is almost inevitable that agricultural and forested land will be converted into land for urban uses, such as housing, commercial or industrial functions, infrastructure building

like energy plants or roads, and recreational facilities like golf courses, waste dumps or sewage treatment areas. In order to have start these urban functions, large plots of undeveloped and cheap land are necessary, where disturbance-causing or polluting undertakings can take place (Simon, 2008, p. 176). This causes a loss the relative proportion of arable land. Peri-urban agriculture however usually has a very particular importance due its function as both a food supply for the city as well as an income supply for the producers (Tanner, Mitchell, Polack, & Guenther, 2009). A stronger connection to the urban area on the other hand, generally improves living conditions and opportunities of the rural population. Urban titling programmes do not, according to Durand-Lasserve & Payne (2006), increase formal mortgage credit via banks. However they do assist in the creation of a unified formal land market, encouraging private investments (p. 5). Benefits of titling in that respect are predominantly for the investors that gain from a better-functioning land market, improving investment climates. Important to note with this is that land titling in itself does not create a land market. In order to do so it has to connect with the local ways of organising land (Durand-Lasserve & Payne, 2006).

## Gender

Gender as a social construct attributes different qualities, tasks, expectations and identities on the male and female body. The internalization of these attributes by society at large leads to different positions in society for men and women. As a result, the different positions held, lead to them being differently influences by a process as urbanization, makes that they have a different relationship with land, and uphold a different position in the land market. Societies nowadays are still androcentric, designed and shaped by men and for men. Women face a lack of power in the household, community and society. They have unclear access to natural, financial and knowledge resources, and limited access to markets (Djouidi & Brockhaus, 2011). In a traditional division of labour, men are employed whilst women are usually burdened with the household and subsistence activities. The influx of women in income-generating labour has not lightened these original burdens, creating an unbalanced division of labour in the household in which women carry a double burden of paid and unpaid labour (FAO, 2009). Globally, women make up for 43% of the agricultural labour force; this number

even rises to 80% in some developing countries (World Farmers' Organization, n.d.). As women are a vital labour force in land-based professions, their relationship with land is extremely important.

### *Land*

In all regions in the world women have less access to secure property rights and tenure security than men. To assess tenure security of women, one must research three topics; their legal and de facto bundle of rights; societies gender norms; and their political capital (Schlager & Ostrom, 1992). In **legal** terms, women are less likely to own land and have fewer rights to land (FAO, 2011). Land can be acquired in four different ways; through the family; through the market; through the state and through the community (Doss, 2015c). Especially the family and the state have legal implications for women. Land acquired through the family can be acquired through marriage or inheritance. The hereditary and marital status determines their tenure security where in cases of divorce or death of a spouse women often lose their access to and control of land (Open Society Foundation, n.d.). This makes women not only do women lack direct access and control over land, their secondary access is also restricted. In marriage there are different forms of ownership upon entering the marriage, accumulation during the marriage and dissolving of the marriage. There is full communal property, in which all assets are jointly owned, regardless who contributed them at the start of the marriage. Partial communal property is when all the assets attained during the marriage are jointly owned, but assets preceding the marriage are not. Lastly is separation of property, in which the husband and wife both have their own individual property and do not share any assets (Doss, 2015c). In general tenure security of women rises with full communal property due to the high likeability that the husband brings in the majority of the assets like land. Communal property makes women more likely to own some assets, even if they are shared. The forms of property resonate throughout the dissolving of a marriage. In terms of inheritance it is important what the legal inheritance status in a country is. First of all, there is a question whether women can own or inherit land at all. In addition inheritance can be arranged by testamentary freedom, in which the deceased can leave their assets to whomever, or by legal restrictions in which certain family members lawfully ought to receive a X-percentage of the inheritance (Doss, 2015c). Land acquired through the state is done via a land-titling programme. Land titling is carried out to

increase tenure security but does not necessarily work in favour of women. Women, who held some rights under customary tenure, can be excluded completely with a titling project that places the whole bundle of rights with one person (Doss, 2015c). Not all land titles can be in both spouses' names, and women predominantly are not registered on the title (FAO, 2002). Even if women have a strong legal bundle of rights, there is the issue of bureaucratic implementation capacity. Rules made at the top, are not always executed at the bottom, where gender norms play a more dominant role.

In addition to legal obstructions, social-cultural hindrances in the form of **gender norms** pose the main obstacle to secure land rights of women (FAO, 2002). These roles predominantly prescribe a role for women within the family and home sphere (Simon, 2008). Social norms results in lower earning abilities for women, less income from other sources like remittances and less access to credit in buying land (Doss, 2015b). In addition, social norms state what assets are appropriate to buy as a woman. Women can shy away from acquisitioning land out of fear for social scrutiny. A woman buying land on her own can easily be translated as a woman preparing to leave her husband (Doss, 2015b). Also, women are often not regarded as farmers but as 'helpers' or 'family members'. This reduces their tenure security, as they do not get to participate in stakeholder decisions related to farming, which are only for farmers. Furthermore it also results in women having reduced access to credit services and other inputs like manure (Doss, 2015b). Deeply rooted gender stereotypes also results in lacking representation of women in decision-making bodies in society. (Simon, 2008)

Worldwide women's **political capital** is lower than that of men due to underrepresentation. Only 22,8% of parliamentarians in the world is female. Same goes for 18,3% of ministers. Asia even drops below the global average of female parliamentarians (19,4%) (UN Women, 2017). There is a strong correlation between women's political power and tenure security. As most land is allocated through the community, women will be able to better claim their rights when they hold bargaining power (Doss, 2015b). The underrepresentation however, is not only a national-level problem. As official heads of the household, men hold larger decision-making power than women, marginalizing her role in decision-making about resources and

expenditures and land issues (USAID, 2013 ; Simon, 2008). In case of land conflicts, a study in Cambodia uncovered women suffer disproportionately. Cambodian women involved in land conflict suffer from mental health problems, and suicide rates peak during conflicts. Women are also more likely to suffer from domestic violence, financial insecurities and family breakdown due to the stress that land conflicts put on people's lives (Kohlbacher & Pheap, 2016).

The combination of legal, society normative and political factors lead to two forms of dispossession when it comes to land. First of all, there is the community-level, where household are dispossessed of their land and/or rights by outsiders. Second, there is the household level, where household members dispossess other household members of their land and/or rights. Women's land dispossession echoes through all parts of her ability to make a decent and sustainable livelihood. Indicators to measure women's tenure security should therefore include gender specific markers such as the percentage of women that owns land, the percentage of land owned by women, reported ownership, documented ownership, decision-making power on land use and sale, an assessment of their bundle of rights and societal gender indicators such as education level, quality of the soil, employment, whose considered a farmer in the household, household labour, and organization membership (Schlager & Ostrom, 1992 ; Doss, 2015a).

### **Sustainable livelihoods approach**

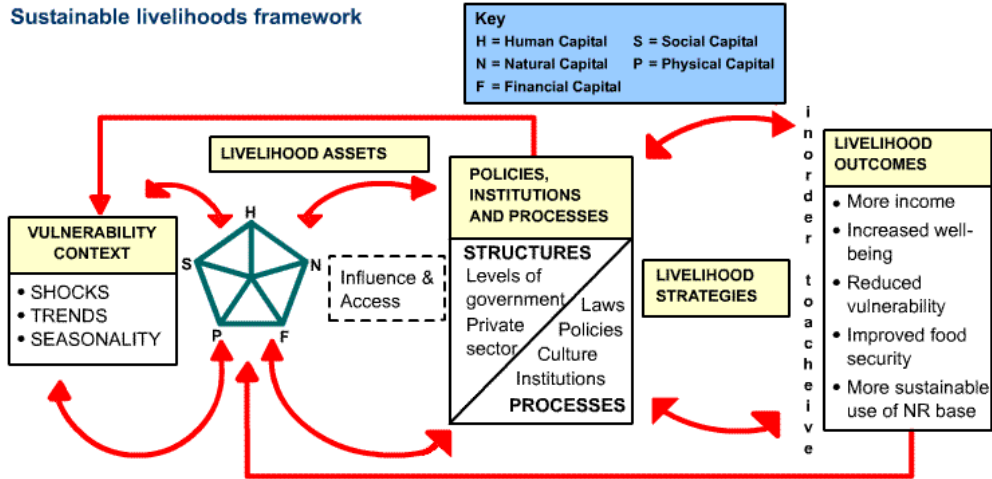
The sustainable livelihoods approach developed by Robert Chambers in the 1980s offers a good methodological technique in assessing the lives of local people and their capacity to counteract external forces and was developed on the basis of participatory development techniques (Chambers & Conway, 1992). They provide the most commonly used definition of sustainable livelihood: "A livelihood comprises the capabilities, assets (stores, resources, claims and access) and activities required for a means of living; a livelihood is sustainable which can cope with and recover from stress and shocks, maintain or enhance its capabilities and assets, and provide sustainable livelihood opportunities for the next generation; and which contributes net benefits to other livelihoods at the local and global levels and in the short and long term" (Chambers & Conway, 1992, p. 6). The sustainable livelihoods approach rest primarily on its

conceptualization of livelihood capitals based on the capabilities approach put forward by Amartya Sen (1999) which states that capabilities are a set of functionings to be performed by a human being in order to enjoy a basis standard of living. These are both practical functionings such as the need to food or shelter, but also immaterial functionings such as the need to be appreciated and have a voice. In addition a sustainable livelihood is based on social and financial equity and the requirement that these practices do not harm the ability of future generations to enjoy a sustainable livelihoods, a form of intergenerational equity (Krantz, 2001). The **capitals** distinguished are fivefold; human, natural, physical, financial social capital. **Human capital** refers to the skills, knowledge and physical capacity to enjoy a successful livelihood strategy. This can be for example translated into health status, education and labour capabilities. **Natural capital** refers to natural and environmental situation from which resources and services can be derived that are useful for the livelihood. Examples are land, water and clean air, but also hydrological cycles and pollution sinks. **Physical capital** is the basic infrastructure and tools that people need to have a sustainable livelihood; these can be for example communication systems, road, electricity and water supply but also include agriculture tools and food stocks. **Financial capital** is capital in the original economic sense and is made up of the presence of monetary resources and the access to them. These can be for example savings, debts, regular income or access to credit. Last is the **social capital**, which is hardest to operationalize. This capital refers to social resources that people use to coordinate their livelihood strategies. These are the networks someone is part of, their social relationships, the quality of trust in these relationships, or membership of (un)formalised groups (Department for International Development, 1999). This thesis adds one capital in the form of **political capital**. This capital exemplifies the ability to use power to further political or economic positions that in turn affect livelihood outcomes (CARE, 2002). It is conceptualised as the power relationship between different stakeholders, the access to decision-making processes and individual's decision-making power. These can be formal structures of politics or government but also decision-making power within informal structures as the household or community (Krantz, 2001 ; Department for International Development, 1999 ; Chambers & Conway, 1992). Figure 2 provides the sustainable livelihoods framework, developed by DIFD (1999). The capitals are at the heart of the framework which makes an attempt to structure the relationships between the capitals, their outcomes, the



livelihood strategies to which they lead and eventually the livelihoods outcomes. These factors are almost all mutually influencing and take place within a broader vulnerability context.

**Figure 3: Sustainable livelihoods framework**



Source: (Department for International Development, 1999)

This thesis uses the sustainable livelihoods approach as a way to assess impact. Land is a complex concept and exists and impacts on multiple topics including; spatial, socio-cultural; and economical. Impact are visible are on macro (Laos), meso (Vientiane Capital) and micro (Xaifongneua) level. The macro and meso level assessment will be based primarily on secondary sources and qualitative data. For the micro impact assessment, the SLA will be used. As land impacts and is impacted by all aspects of people’s livelihoods, all capitals will be researched and analysed. The SLA provides an opportunity to differentiate the results by capitals and other household characteristics, in this case gender. By using the SLA, this thesis will be able to assess the tenure security, as described in the section *Land tenure* and *Land rights* of this chapter for the population in general and specifically for women. The approach enables finding relationships, and positive or negative impacts between land and the livelihoods of people.

## Research Design

The conceptual, contextual and literature research form the basis of the formation of this research design. This research was partly undertaken at the request of the National University of Laos as a portion of an overarching research project into the district of Hatxaifong. The main aim of the overarching project is to serve as a pilot study in the development of a comprehensive local development plan for Vientiane Capital. The main objective of this research is an impact assessment of land market developments on local livelihoods in the Hatxaifong area. The second objective is to contribute to filling the knowledge gap on urban land studies in Laos and the academic research gap on the interaction between gender and urban land, discontinuing the androcentric scientific approach in scientific research. The research design includes the research questions, conceptual model, site selection justification, methodology for executing the research, and finally a reflection on the fieldwork including limitations and restraints that were present during the research period.

## Research Questions

As mentioned in the conceptual and literature review, this thesis makes use of the sustainable livelihoods approach as the principal research tool. The approach and accompanying framework have been used in the analysis of the role land plays in the livelihoods of residents of Xaifongneua, and the impact of land developments, such as land market changes, on people's assets and strategies they employ to enhance their prosperity. Furthermore the SLA has been used in the development of the research questions and in the development of methodological tools such as the household survey and interview guide. The concept of *livelihoods* as defined in the approach plays a critical role in the research. Therefore it is central to the research question:

**What role does land play in the livelihoods of the local population; women in particular, in the village Xaifongneua and what are the current land developments influencing this role?**

Answering this question needs research into the specific topics of the legal and administrative structure on land in Laos, the role of gender within these systems, land market development in Hatxaifong, and the influence of these processes on livelihoods

and tenure security. Considering the literature study and geographic overview, the following sub-questions are put forward:

### *Sub-Questions*

1. What has been the legal administrative structure concerning land in Vientiane since 1986?
  - a. *Who are the actors involved in the land market?*
  - b. *What is the land used for?*
  - c. *What is the legal & de facto situation concerning land rights?*
2. What are the effects of urbanization processes in and surrounding Vientiane on the land market in Hatxaifong?
3. How do land and land market developments affect local livelihoods?
  - a. *Effect on land tenure security*
  - b. *Effects on six livelihoods capitals?*
  - c. *Effects on women*
4. What is the role of gender within the current land system?
  - a. *Role of women in land systems*
  - b. *Role of land in the livelihoods of women*

### **Site selection**

The selection of Xaifongneua as the main research site for the thesis' case study rests on three arguments. The overarching research into Hatxaifong undertaken by the National University of Laos, limits itself to four clusters, also limiting the options for this thesis' research. Within the limited options, the 'Nong Khon Sene' area cluster was chosen as the main research cluster, firstly due to the distance from Vientiane's urban core. With a distance of approximately 25 kilometres, The Nong Khon Sene cluster is located furthest from Vientiane Capital's urban core. The clusters closer to Vientiane Capital's urban core can reasonably be considered urban land, whilst the Nong Khon Sene area was more likely to display more peri-urban features. This makes the cluster better suitable as a representation of the PUI than other possible clusters. From the four villages encompassing the cluster, Xaifongneua was selected considering the village leadership. In the cluster, Xaifongneua is the only village with a female village head. Considering the importance of gendered aspects in the research, the gender of the researcher and the

**Figure 4: The lush gardens of Xaifongneua**

still prevalent patriarchal inequality in Laos, a female village head would likely reduce practical research obstacles.



## Methodology

### Terminology

To clarify some of the concepts used in the research questions, *Role of land* refers to the importance land takes up in the household, who and in what way people are involved, and how it relates to the six capitals. *Land Developments* concerns probable external influences that have the potential to shift the role land plays, such as land markets and urbanization trends. *Legal administrative structure* refers to all laws and government policy relating to the regulation of land use, rights and market in Laos and the official judicial ways in which these are governed, on national, regional and local level. *Land market actors* are organizations, institutions, communities, groups of people and individuals directly involved in the land market. *Land system* refers to the culmination of legal administrative structure on land, the informal land structures and land markets, including all the actors, relations and power dynamics, or to single elements within these structures. *Decision-making power* concerns the ability of people to make or influence decisions at household, community or societal level that are affecting their lives. This is conceptualized as their representation in, access to, and use of decision-making bodies and their social status.

### Methodological stages

The methodological approach in conducting the research has three phases. The phases are designed to methodical gather and analyse data considering the research questions and limited time frame. The phases will be described separately.

### **Phase 1: Preparatory stage (incl. exploratory data collection)**

The preparatory phase of the research partially occurred in the Netherlands and partially in Bangkok and Vientiane Capital. In the Netherlands, the initial construction of the research, writing of the research proposal and contextual and secondary literature research took place. Contact was made with mr. Daniel Hayward of the UCRSEA, who would serve as on regional contact and host. In Bangkok, the initial research proposal was presented to mr. Hayward and the Thailand Environment Institute. The first month in Vientiane was allotted for finalizing the research proposal, acclimatising to Laos and building a network of experts in Vientiane. Contacts were made with the Prof. dr. Chitpanya of the NUoL's Faculty of Architecture, and several land experts, among who the NGO Village Focus International that would serve as the local host organization.

The continuous gathering of secondary data was supplemented with exploratory unstructured interviews with several land experts (annex 1). The secondary data research, exploratory conversations and collaboration with the NUoL helped in gaining the knowledge necessary in answering question 1, as well as to outline a geographic contextual analysis. Two exploratory field visits to the Hatxaifong district were undertaken with the NUoL. One consisting of visits to two households and farmland in two separate village clusters, and one consisting of a focus group meeting with the heads of the Nong Khon Sene cluster. Based on all available information the Nong Khon Sene cluster was selected as the research cluster and the village Xaifongneua as the main research site. Meanwhile the NUoL worked on screening several graduate students and/or recent graduates who could function as research assistants. The exploratory research phase was the foundation in constructing the household survey for phase 2, consisting of mixed-method data collection.

### **Phase 2: Mixed-methods data collection**

The second phase of the research was constructed around mixed-methods data collection. Quantitative data, in the form of a household survey (annex 2), form the core of the data collection. The survey provides data on two levels, the household level and the personal level (of all household members). This is supported by qualitative data in

the form of in-depth interviews, a focus group discussion and ethnographic field notes. The mixed-method data collection took place over the course of February till May 2017 with regards to collecting the qualitative data. The quantitative data collection was restricted to a six-day period (25<sup>th</sup> until 30<sup>th</sup> June 2017) in which a homestay was set up in Xaifongneua and household surveys were conducted with the assistance of two research assistants and a fellow MSc International Development Studies student.

### *Quantitative data collection*

Using a geographical sampling method, 70 surveys were collected during this week. The research assistants provided the translation of the survey into Lao. In the sampling the survey was divided into 10 geographical zones, each encompassing a similar number of houses. Since Xaifongneua is built along the one main transport corridor the village was divided into 5 zones on either end of the main road. Due to the small size of the village there was no social stratification that had to be taken into account in determining the sampling strategy. The sampling was done in teams of two, consisting of one MSc-student and one research assistant.

A household is defined as an isolated economic entity. Consequently multiple households could live in a house or on a parcel of land, or one household could be spread over several houses. The survey interviews were predominantly conducted with the head of the household or their spouse. In other occasions, interviews were conducted with the children-of-the-head's generation, if they had the necessary knowledge to answer the questions asked. A bias in the answers provided, based on intra-household power dynamics, has been diminished to the maximum extent by consistently interviewing the head of the household or their spouse. Bias based on gender, age, occupation or social status might still occur but are felt to not be significant due to careful monitoring by the main researchers.

The household survey was developed to be semi-structured, containing both closed and open-ended questions. The surveys were routed in order to achieve a logical continuation for the respondents in terms of information provided on the basic

household information, employment and finance, land and possessions, thematic information about tourism <sup>3</sup> and finally questions composing a quality-of-life assessment. In answering questions 2 and 3 an elaborate overview of the land system in Xaifongneua is measured in the survey in terms of the possessions, size, acquisition, sell, obtainment, usage, extraction, change, title, decision-making, security, and market status of the respondents land. Special attention was given to the differences in stated land rights of each person in the household, and the legal land rights of the household members. This enables a more in-depth analysis both on the land system and the role of gender in that system. For question 3, these results are combined with data on (financial) decision-making in the household and questions on representation and organization membership. A livelihoods overview assessment was conducted by measuring livelihood capitals. The capitals were conceptualized as:

**Social:** forms of and quality of social connections with friends and family inside village and outside of village

**Human:** employment strategies, health and education level

**Natural:** land owned in present and past, bundle of land rights, land quality, price of land

**Physical:** public infrastructure, irrigation

**Financial:** household income, distribution of income, household savings, loans taken on land, expenditures control

**Political:** Access to and representation in decision-making platforms in Xaifongneua, access to land entitlements, role in land governance, financial power

### *Qualitative data collection*

The qualitative data collection was conducted before, during and after the homestay in Xaifongneua and consisted of unstructured exploratory interviews with land experts, a semi-structured focus group with influencers in Xaifongneua, a focus group with village

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<sup>3</sup> The survey was constructed in order to serve both this research as a research conducted by Ms. Mathilde Speeckaert. The information on tourism is not of added value for this thesis.

head from the Nong Khon Sene cluster, one semi-structured interviews with the Nai Ban<sup>4</sup> of Xaifongneua, one semi-structured interview with the local chapter leader of the Lao Women's Union, and ethnographic field notes taken during the homestay research period (see annex 1 for the interview list). These qualitative methods were used to gain more in-depth knowledge in the research areas and unquantifiable questions. This way the qualitative data assists in shaping the analytical paradigm. Information on the history of the village was provided for the contextual frame, insight in the power dynamics within the village and its government (question 3 and 4) and in-depth information on the land market in the last twenty years (question 2).

### **Phase 3: Analysis and reporting**

The final research phase culminated in this thesis. The reviews of the secondary literature, analysis of the qualitative data and the quantitative data analysis with the SPSS software sufficed in answering the sub-questions and ultimately allowing for an analysis of the ways land market developments influence the livelihoods of people in Xaifongneua.

### **Field reflection**

Being a foreign researcher in Laos raises both opportunities and challenges. A very uncomfortable benefit was proven to be my very pale complexion. Light skin colour is a beauty ideal. Women put on whitening cream on a daily basis and powder their skin white for special occurrences. Race however is not as sensitive a topic as it is in Europe, but being regarded as some sort of exotic creature is uncomfortable. However, it also provided people with an easy conversation starter, reducing the distance between the respondent and interviewer. In addition to skin colour there is another double-edged sword noticeable. A Western researcher receives instant credibility as it is assumed we are high quality researchers, even as a Master's student this opens door. However, you are also regarded with a certain suspicion, especially by government officials who do not want you to report negative results about them. This is exemplified by the fact that

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<sup>4</sup> The Nai Ban is best to be translated into the village head, chief or mayor although they take up more tasks than traditionally ascribed to these positions



during conducting the survey, all research teams had a local government escort. It was impossible to decipher whether this was done out of suspicion or kindness; the assumption is that it is both. This however might have influenced the data collection, as at times the escort would join in on answering with the respondent. This was mostly done with questions on tourist sites, thus not applicable to the data used in this research. Furthermore, the relations with the local government in Xaifongneua were excellent, as the Nai Ban and ms. Mosada (research assistants) formed a close bond throughout the stay. This resulted in frequent social interaction and unofficial conversations that did provide a lot of data. For example, a story on riverbed erosion was told at a

funeral that we were invited to, this helped to place a land conflict story told at a later stage in perspective. The survey was conducted during the waiting period between harvesting and

**Figure 5: Making respondents feel comfortable while conducting the survey, Xaifongneua**



the start of the monsoon, which meant that the majority of the villagers who work in agriculture were at home. The villagers surveyed were mostly spouses of the household head or the household heads themselves, and the conversations usually were outside on a patio. As being surveyed is already an imposition and we were strangers to them, our presence was mentioned to people over the village intercom on our arrival day and we made sure that the respondents would feel comfortable and could remain their activities like cooking, cleaning, preparing produce. The most obstructing practical issues were a language barrier and problems with access. Very few people in Lao PDR speak English, including the younger generation. This resulted in the presence of only one English-speaking research assistant for two research teams, no English-speaking person in the village, and difficulties in communicating with the National University of Laos. This was

negated by frequent translation and a lot of patience. The second issue was gaining access to the research site. As the MoU of the research was never signed during the fieldwork period, the university could not provide government approved letters stating my researcher-status. Therefore it was increasingly difficult to gain access to the research site, creating big delays in the execution of the fieldwork. Furthermore, the absence of a letter made it impossible to interview government officials on a city or national level, such as the Lao Women's Union.

## Geographic context: three spatial levels

This chapter provides an introduction into the selected location as the spatial element is of vital importance in the research. To place all the results into perspective, a geographical, socio-cultural and historical overview is provided on the national (Lao PDR), city (Vientiane Capital) and local (Xaifongneua) level. The thematic context is discussed more in-depth in the concerned chapters analysing the research results.

### Lao PDR

Lao PDR or Laos is wedged in between five Southeast Asian countries and the only landlocked country of the peninsula. Table 5 presents the basic geographic data. The country’s most important hub is Vientiane Capital that dominated the political and economic life and is located on the Mekong, River that also functions as a natural border with Thailand, in fertile rice-producing lowlands (Central Intelligence Agency (CIA), 2017). 80% of the terrain is considered mountainous, and the majority of the people live in the fertile lowlands near the Mekong River flowing entirely near the western border. Approximately 67,9% of the land is covered in forest, 10,6% is used as arable land, and only 0,43% is considered urban land (Central Intelligence Agency (CIA), 2017). Ironically some parts of the country

**Figure 6: Map of Laos**



Source: (University of Texas, 2013)

face deforestation due to illegal logging and land conversion for agriculture (Interview: Mekong Watch, 2017). Next to Vientiane, Pakxe in the South and the “cultural capital” Luangprabang in northeast form the most important urban centres (Rafiqi & Gentile,

2009). With an average of 30 people/km<sup>2</sup> Laos has the lowest population density in whole Southeast Asia (UN DESA, 2014). The population density in cities however is expanding. Whereas in 1995 only 17% of the population was urban, it was 34% in 2011, and 38,6% in 2015 (USAID, 2011 ; Trading Economics, 2015).

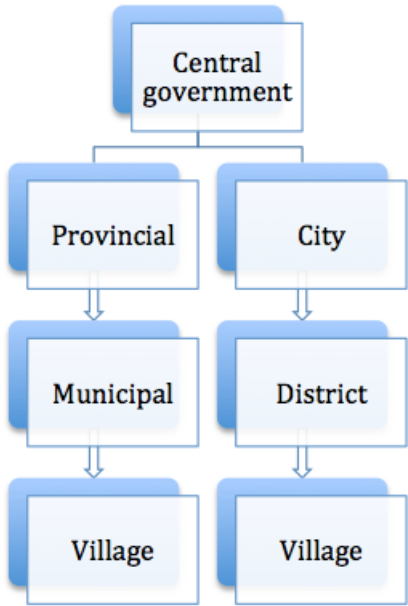
**Table 5: Basic geographic data for Lao PDR**

Surface (km <sup>2</sup> )	Land boundaries	Neighbouring countries	Population	Climate
236.000	5.274	<ul style="list-style-type: none"> <li>▪ Thailand</li> <li>▪ China</li> <li>▪ Vietnam</li> <li>▪ Myanmar</li> <li>▪ Cambodia</li> </ul>	7.126.706	Tropical

Source: (Central Intelligence Agency (CIA), 2017 ; Trading Economics, 2015).

Laos PDR has a long and rich history. At the end of the 19<sup>th</sup> century, the French colonized Laos making Vientiane the capital in 1904 (Rafiqi & Gentile, 2009). The French influence is still highly visible in the layout of present day Vientiane, with its parallel streets, ‘Arc de Triumph’ and French architecture. The independence from the French in 1954 was followed up by a period of involvement from the United States. The United States aimed to counter Communist forces in Southeast Asia and transform Laos into a strong capitalist state. In 1975 however, the Lao People’s Revolutionary Party (LPDR) took control and seriously diminished the influence of the USA (Sharifi, Chiba, Okamoto, Yokoyama, & Murayama, 2014; Sweet, 2017). Since the rise to power of the Revolutionary Party in 1975 Laos has remained a one-party Communist state, with a strict governmental hierarchy, authoritarian rule and omnipresent state control that faces severe issues on implementation capacity, law enforcement and corruption (Rafiqi &

**Figure 7: Laos’ governance structure**



Gentile, 2009). The government is strongly centralized and follows the blueprint of a line organisation as shown in figure 7. The agricultural problem, forming the basis of Marx' class-society thesis, did not exist in Laos where almost all were self-employed farmers (Marx & Engels, 1848). Nevertheless, collectivism focusing on agriculture was introduced as the main economic model. This anti-urban attitude of the Revolutionary Party stunted economic growth; thus in 1978 collectivism was aborted after only three years, and in 1986 Laos' economy was reorganized as an outward-facing market economy (the New Economic Mechanism) (Hirsch & Scurrah, 2015 ; Rafiqi & Gentile, 2009). "Private"<sup>5</sup> holdings are permitted in agriculture, land and enterprises; and FDI was and is actively sought after. (USAID, 2011). The implosion of the USSR in 1989 shocked Laos economically and ideologically since they were heavily reliant on Russian aid money. The World Bank, ASEAN Development Bank and other Western donors forced Laos to further liberalize the economy and mend relationship with non-Communist countries as a conditionality or aid supply. Nowadays Laos is increasingly looking to China to secure both aid and FDI (Long, Askew, & Logan, 2007). The main contributors to Laos' economy are the agriculture sector and a rapidly growing tourism sector. Laos remains a poor undeveloped country even though economic development is increasing. Laos is a typical example of a country with a resource curse, suffering from economic growth without development which faces growing pressure on the abundance of natural resources due to large scale investments in dams, mining and plantation style agriculture (Daley, Osorio, & Park, 2013). An estimated 26% of the population lived below the poverty line of \$1.90 a day. With an HDI of 0,586 in 2015, Laos ranks as 138 in the development index (UNDP, 2016).

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<sup>5</sup> As Laos is still a Communist state, private ownership does not exist in what is regarded common property in Communist eyes, such as natural resources

## Vientiane Capital

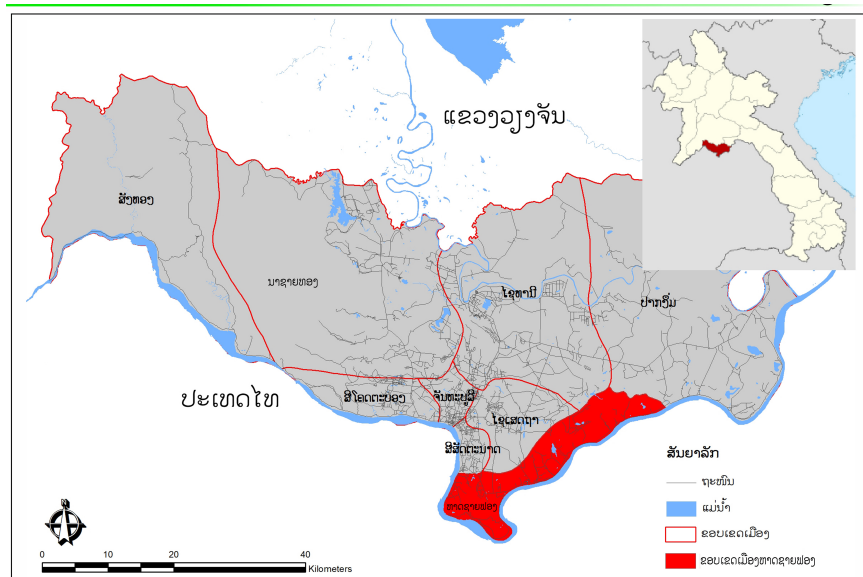
Vientiane is the capital of Lao PDR and located in the east of the centre of the country on the Mekong River. Vientiane is divided in nine districts and 499 villages, called 'bans' (Rafiqi & Gentile, 2009). The land use is rapidly shifting from agricultural land to built-up area, especially along the main transit routes (Okamoto, Sharifi, & Chiba, 2014). The districts of Vientiane are shown in image 8. Ban Xiaifongneua is located in the district Hatxaifong, marked red. Hatxaifong is located as the most southern district between the centre of Vientiane and the Lao-Thai Friendship Bridge I. The Vientiane prefecture is made up solely of flat areas, and counted 997.000 citizens in 2015 (Rafiqi & Gentile, 2009) (Central Intelligence Agency (CIA), 2017). The original name of Vientiane is 'Viang Chan' which means 'the

city of sandalwood', referring to the old sandalwood basket production (Rafiqi & Gentile, 2009). It is also known as the 'city of the moon' as the words for sandalwood and moon are similar. During the French colonization the name was changed to sound more French.

Vientiane is rapidly expanding. Although it

does not exemplify the spatial magnitude of its regional counterparts like Bangkok in Thailand or Phnom Phenh in Cambodia, the city is starting to show signs of urban sprawl (Sharifi, Chiba, Okamoto, Yokoyama, & Murayama, 2014). Throughout its history Vientiane has known several urban development plans. The French drew up the first known plan in 1905. In 2010, the most recent grand plan has been established with the help of the Japanese government (Vongpraseuth & Choi, 2015). All these development plans however do not translate to reality. Vientiane's building market resembles a modern Wild West more than it resembles a planned urban structure (Sharifi et al.,

**Figure 8: Districts of Vientiane Capital**



Source: (provided by National University of Laos, 2017)

2014). The main big constructions works are also almost exclusively funded by FDI, like the Lao-Thai Friendship Bridge. The need and political will to attract foreign investment has resulted in close ties with neighbouring countries with similar political structures, like China and Vietnam, but also in close ties with Thailand, an ideological opposite (Long, Askew, & Logan, 2007). Four national ministries *and* a city authority share the responsibility of developing and executing Vientiane’s urban plans. Unfortunately these institutions are not integrated well enough, stunting growth in Vientiane and resulting in an inability to capitalize on the opportunities urbanization provides to the people of Laos (Sharifi et al., 2014).

**Xaifongneua**

Ban Xaifongneua is wedged between the Mekong River and the Nong Khon Sene marsh after which the village cluster is named, in the south of the district of Hatxaifong and is marked by a green circle in figure 9. The village is located about 20-25km from Vientiane Capital’s urban core. Table 6 provides the basic geo-demographic data of the village

**Table 6: basic geo-demographic data Xaifongneua**

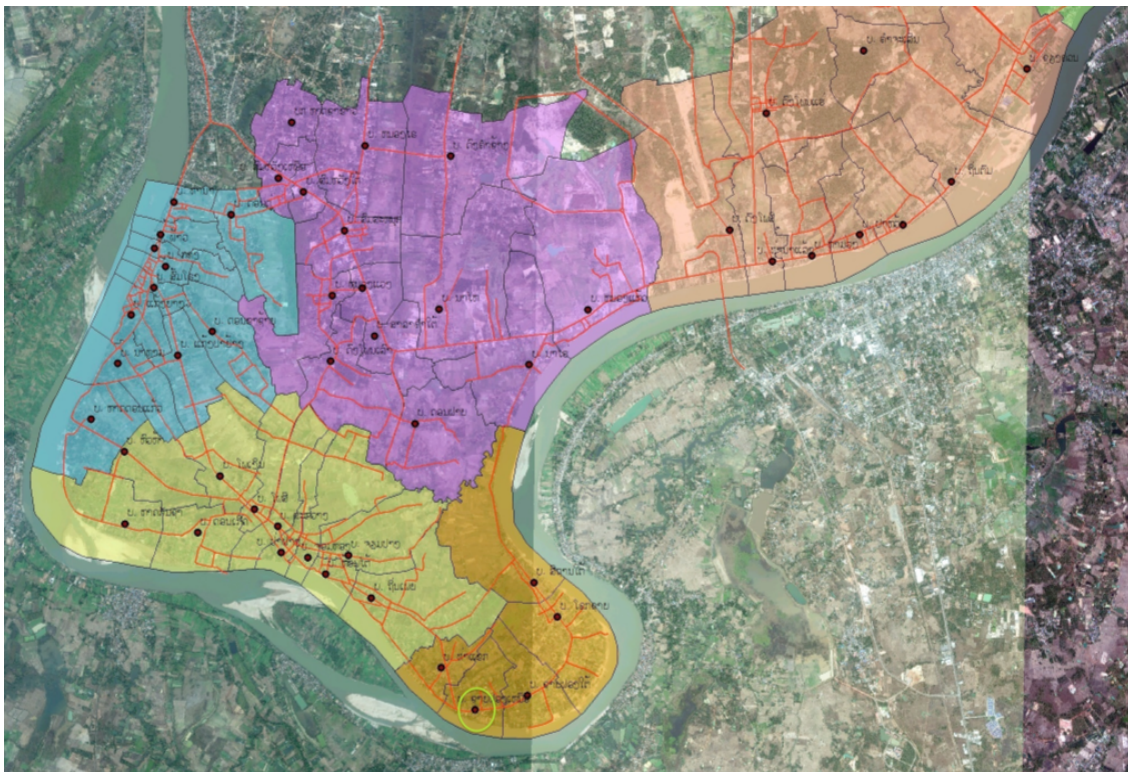
Surface (km2)	Housing land (km2)	Arable land (km2)	Households	Housing units	Population	Women
204.8	8.75	64.4	256	22	1185	607

Source: (2017b)

Xaifongneua means ‘sand hill’, the name stems from the fact that the main economic activity used to be to sieve gold from the Mekong River. All the sand going through the sieve kept adding up until an island was formed, the first houses on that island were the start of Xaifongneua. Nowadays Xaifongneua is firmly attached to the mainland and no longer an island (Village Elders Xaifongneua, 2017). The cash crops have changes over the years from rice and tobacco cultivation to (organic) vegetable growing, due to population increase induced growth of the village that left to little room for rice production. in 2009. Currently, there are nine households producing organic farm

products. Most of the economic activities involve agriculture, fishery, sales and services and professional administration. Every household has at least a member or two who work for the government or the private sector. The rest of the household members are either in education or work in agriculture and fisheries (Village Elders Xaifongneua, 2017 ; Field notes , 2017).

**Figure 9: Location of Xaifongneua**



*Source:* (provided by the National University of Laos, 2017)

The Nai Ban of Xaifongneua is a female lady in her late 40s; her gender is remarkable as she is the only female village head in the cluster. Women in Laos usually do not partake in local government (Interview: Mekong Watch, 2017). The Nai Ban's life story is fascinating as she was not born in the village but moved there with her husband in 1985, which is uncustomary in the matrilineal habits of her ethnic group (Lao Loum). She graduated from the university and worked as a teacher for 20 years before changing to the private sector; upon living in Xaifongneua she became active in multiple associations as the boat racing club and the LWU, which she later led for three years. Upon the



question how she became the village head she answered “they chose me. I am an active woman and have the knowledge to work in the village. That is way they chose me” (Nai Ban Xaifongneua, 2017a). Considering the strict gender norms in Laos, the Nai Ban can be said to be an inspiring and peculiar woman. She will remain the Nai Ban for another three years, as there is a mandatory government change every five years.

## Land and gender: a legal framework

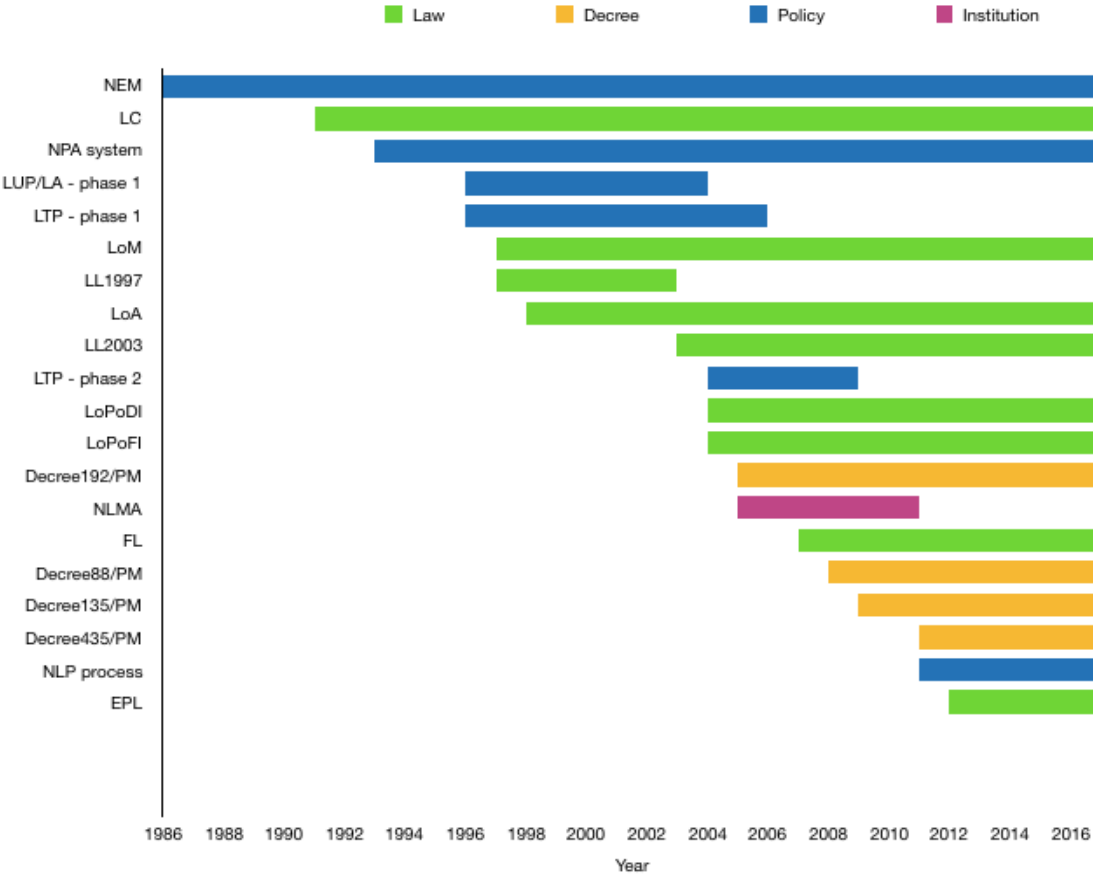
The law, regulations and policy made by the government form the legal framework providing the boundaries within which government institutions, private sector and individuals have moving space. This does not necessarily mean that these groups also limit themselves to the boundaries set by the government. However, in order to make a right assessment of the tenure security of the residents of Xiaifongneua, a legal overview is necessary. Recalling the literature review the FAO (2002) states that tenure security must assess the real and felt certainty that one's rights of ownership access and use of a parcel of land are recognized. This chapter dives into the legal rights of individuals in order to make a correct assessment at a later stage. Furthermore it allows to better situate the on-site results in the tenure categories provided by Feder & Feeny (1991) (Table 2, p. 8). Data from secondary sources has been gathered and compiled into an overview of the current administrative structure on land, the on-going processes and the actors involved. In addition interviews land experts from Mekong Watch, Land Information Working Group (LIWG) and Oxfam Lao PDR provide extra insight. As the legal framework on land and the gender framework overlap with certain policy, both are discussed in this chapter, leaving the reader with a better understanding of the legal boundaries within which to interpret the on-site results on urbanization, land markets, the livelihood capitals and the gender analysis in the following chapters. This chapter will first discuss the legal framework for land, followed by an analysis of the legal stipulation on gender. The year 1986 has been taken as a benchmark, as the implementation of the New Economic Mechanism uprooted the government system to such extent that all relevant legislatures are of a later date. Unless mentioned otherwise, all information stems from the translated legal source documents.

### Land: Law, regulation and policy

Numerous laws, regulations and policies concerning land have been implemented since the 1986 transition in Laos' economy from a planned economy to a market-oriented economy signified by the **New Economic Policy** (NEM), effectively opening the country up for outsiders for the first time since the Communist regime came to power a decade earlier. The timeline (figure 10) provides an overview of the pieces of land-related legislature that mark either major transition in the regulatory landscape such as the

1997 and 2003 land laws, or are essential for the assessment of the research questions on peri-urban land. Therefore legislature on forestland, mining, spirit-lands or customary tenure will not be discussed extensively as it is outside the scope of this thesis, but have been added to the timeline as context. The division in four categories; law (green); decree (yellow); policy (blue); institution (pink) for the legislature is done to better assess the tenacity of the legislature.

**Figure 10: historical overview of land-related legislation post-1986**



Source: (own design based on the laws, regulations and policy discussed in the chapter)

As stated in the literature review, tenure security is dependent the strength of the institutions upholding the land rights, including efficiency, effectiveness and legal security of the institutions (Zakout, Wehrmann, & Törhönen, 2006). In terms of legal security, that means in Laos that the most secure legislation are laws as the time to revise a law takes years. This is exemplified by the 2003 land law that has been under

revision since 2013. Second would be a decree, as it is a presidential or prime ministerial order. This however is based on the assumption that their standpoints will remain unchanged during their time in office. An assumption that has been disproven by history oftentimes. Therefore decrees rank below law. The least durable form of legislature is policy as policy is subject to constant change. Laos knows a 5-year cycle in which the National Social and Economic Development Plan (NSED) is implemented, evaluated and redesigned, at least on paper. This development plan forms the basis of all Lao policy, making policy the least secure legislation. In addition, no rights can be claimed from policy in case of a possible court procedure over land conflict (Baron, 2014). The institution has been allotted its own category as it is the result of a law but significantly different from the legislature and shifted the land governance distinctively.

The NEM was the start of the official policy to “turn land into capital” (Baird, 2011). Acting as a catalyst for the subsequent legislative expansion in land-related policy focusing on the commodification of land via large-scale concessions, titling processes, new administrative bodies and economic investment policy. Article 17 of the 1991 **Lao Constitution** (LC) states that “Land is a national heritage, and the State ensures the rights to use, transfer and inherit it in accordance with the laws” (National Assembly Lao PDR, 2003). In reality this translates to the absence of private ownership rights. All land belongs to the people of Laos and is managed by the state. This is important to remember as regardless of the land certificate or accompanying bundle of rights, the government retains the right to reclaim land as it manifests itself as an overriding authority (see table 4, p. 14) (USAID, 2011). Since the early 1990s Laos acted on this goal of land commodification with the development and implementation of **land use planning and land administration** (LUP/LA) mechanisms (Katila, 2008). LUP/LA is used to clarify and restrict the boundaries of *what* a specific parcel of land can be used for, *who* can use the land and *who* is the governmental authority over that parcel (Dwyer & Ingalls, 2015). In order to do so, land use categories were established and National Protection Areas (NPA), allocated to nature preservation have been created. The centralized use planning efforts were abandoned in the mid-2000s to be replaced by smaller scale, regional and project-based planning and administration. With the assistance of the aid department of the Japanese government (JICA) first efforts were

made to provide the population with land titles during the land-tilting programme (LTP-phase 1) between 1996 and 2004. The new policy in land culminated in 1997 in the **first Lao land law** (LL1997) stipulating rights, responsibilities and the administration of land and the actors involved.

The 1997 land law reiterates the status of land as national heritage and the role of the state as the keeper of the land. Lao citizens and organizations can be allocated usage rights whereas non-Lao actors have the ability to lease a parcel of (un) developed land. The six usage rights are; the right to preserve; use; receive benefits; transfer the right to use; the right to compensation; and succeed the right to use. Usage rights can be acquired through a state grant, inheritance or transfer, and can be lost when the use of land is not in accordance with the objectives set by the state, the contract with the state and/or the land law, taxes have not been paid three consecutive years or by a court decision. In the 1997 land law, land administration is the main responsibility of the Ministry of Finance (MoF), who serves as the central authority with the right to register and allocate land. Land is divided into three categories; urban, remote and Special Economic Zone (SEZ). In addition it is divided into eight land types; agricultural, forestry, construction, industrial, communications, cultural, national defence and land in water areas. On the local level, the district and village authorities are responsible for the land administration. The registration of land has to happen via the recording of the necessary information in the land registration book; this can happen upon request of the user but will also be done automatically during a land certification process, like the land title phases. The regional land administration office, the district and village administration offices handle land registration. The land registration has been finalized if there have not been complaints within ninety days after the correct announcement procedures. In the case of damages, compensation can be acquired in three cases. First when there has been a violation of the laws or regulations by another. Secondly due to irrefutable circumstances and finally when there is a case of retransfer by the state (National Assembly of Lao PDR, 1997).

The land law has been revised in 2003 and is momentarily under revision. The first draft of a new land law to be presented to the National Assembly is expected in the fourth

quarter of 2017. The changes and additions of the **2003 land law** (National Assembly of Lao PDR, 2003) in respect to the 1997 version are found in the granted usage rights, the land categorization and the land administration system. The right to preserve has been replaced with the right to protect, enabling a larger extent of activities than solely maintaining the land's state. The right to receive has been replaced by the right to usufruct, also expanding the primary definition of the possible activities. The right to succeed has been replaced by the right to inherit, a mere linguistic replacement. In the categorization of land, the terminology of *remote* has been changed to the better fitting *rural*. Also, Special Economic Regions (SER) are established in addition to the pre-existing SEZs. The major difference between the laws is in the land administration system. The 2003 land law introduces a new management mechanism, a national land management authority. The national authority replaces the MoF as the primary management authority overseeing and coordination the land management, setting the boundaries within which the regional and local authorities have to function. The national authority is supplemented with the provincial/city land management authorities, the municipal/district land management authorities, and the village land units. The responsibilities of these authorities are to study and develop policy; to execute land surveys and land use planning; to coordinate land use planning with the local economic sector; to handle all rights allocation and concessions; the administration and registration of land; collect land tax; settle land disputes; handle environmental protection; develop and execute a transaction policy; and develop a data system on land (National Assembly of Lao PDR, 2003). The 2003 land law is the most recent and leading law on land in Lao.

The revisions made in the land law have far-fetching consequences for the tenure security. The rights adjustments increase tenure security as they expand the rights of the landowner. The land categorization does not directly impact tenure. The most importance consequences however can be found in the land administration system. As the 2003 land law takes away the land management from several ministries (coordinated by the Ministry of Finance) and places it with an institute<sup>6</sup>, with sub-institutions on every government level, whose core tasks are the land management and

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<sup>6</sup> The national land management authority

its coordination (National Assembly of Lao PDR, 2003). This strengthens the good governance preconditions of effectiveness, efficiency and autonomy (Zakout, Wehrmann, & Törhönen, 2006). As rights are only as strong as the institutions upholding them, the 2003 land law can be said to increase good governance and therefore tenure security.

As the first land law in 1997 followed a first attempt at a large-scale **land-titling programme**, the 2003 land law preceded tilting phase. In 2004 the land-titling programme started its second phase, running until 2009. As in the first phase, titles were mostly provided in urban and peri-urban areas, with some exceptions in lowland and non-forested agriculture areas (Dwyer & Ingalls, 2015). What the titled areas all have in common is that they are 'unthreatening' areas in the sense that none of them are potential or current concession areas. During both phases, approximately 400.000 titles were issued, of which 37,5% was issued to women as the sole titleholder (23,4% to men), and most included a full bundle of right of ownership rights, usage rights, inheritance rights and selling rights (USAID, 2011 ; Bell, 2011). The main reason for the halt of the program was internal government conflicts about the use of the land (Hirsch & Scurrah, 2015). These conflicts were twofold. First there is the conflict between national and local government. Whilst national government officially has centralised control over all the land in Laos, local land deals carried out under the supervision of local governments often do not reflect this in reality. Corruption has been notes by all NGO experts as the singular biggest issue the Lao government faces, as it undermines its own power (Interview: Mekong Watch, 2017 ; Interview: LIWG, 2017). The precarious power balance between the national and provincial governments and need for approval from the latter creates a toxic situation in which the provincial government does what it pleases but reports different results to the national level in order not to lose face. Thus the national government is systematically provided with wrong information, which resonates through the development plans made (Interview: Mekong Watch, 2017). Secondly there are conflicts on the national levels between the different ministries and departments of the national government, who represent different interests, on the use of land. Efforts in attracting FDI for instance can have a tense relationship with conservation efforts needed for ecotourism (Hirsch & Scurrah, 2015). According to Oxfam Lao PDR the boundaries on land titling are not clear on the ground (Interview Oxfam Lao

PDR, 2017). This ties into a bigger government issue of capacity on implementation and execution of their own laws, especially on the non-national level (Interview: Mekong Watch, 2017 ; Interview: LIWG, 2017). The big question on whether titling has improved tenure security however remains to be answered. 2004 also marked the introduction of two new investment laws: the **Law on the promotion of domestic investment** (LoPoDI) and the **Law on the promotion of foreign investment** (LoPoFI). Unsurprisingly these laws had as its main goal to stimulate domestic and foreign investment in Laos. Returns on land, in the form of (concessions for) agriculture and mining are Laos' primary economic activity. The investment laws target stimulation of the economic activity by creating a friendlier business climate through an 'open door' policy focused on deregulating investments. The 2009 revision of the FDI law makes it possible for foreign investors to own a maximum of 800m<sup>2</sup> for residential purposes, creating an exception on the 2003 land law. The 2009 FDI law also lowers business taxes, simplifies the administrative procedures needed for a business permit and permits foreign investors to invest in the real estate sector, creating a construction boom in the Vientiane Capital area (Singhalath, 2012). These laws are slightly problematic though as there is barely a standard of responsible investment in Laos (Interview: Mekong Watch, 2017). Western countries do not want to invest in Laos due to the non-transparent governance and corruption. The countries Laos attracts are those that are interested *because* of that since it reduces effort and plays into the hands of large-scale land grab for agriculture purposes (Interview: Mekong Watch, 2017)

The **National Land Management Authority** (NLMA) and its provincial/city (PLMA) municipal/district (MLMA) counterparts, as stipulated in the 2003 land law, were established in 2005. It expanded in 2011 into the **Ministry of Natural Resources and Environment** (MONRE), through the issue of Decree435/PM on the establishment of MONRE. The MONRE has significantly more authorities and government instruments at its disposal than the land management authorities had. Whereas the LMAs predominantly had a mandate of coordination and oversight, the MONRE also has a territorial mandate in the land use planning and drafting policy. The transformation of the NLMA into MONRE was instigated in 2008 through Decree88/PM on the implementation of the land law. This decree stipulates the specific tasks and mechanism



of Laos’ land management; the NLMA; categories of land rights and certificates; land classification and valuation; and settlement and resolution in land disputes (Prime Minister’s Office Lao PDR, 2008). Important to highlight are the different land certificates stipulated in this and other official government documents, and dispute settlement. The land certificates currently in use are set out in table 7 ranked by relative strength of the certificate.

**Table 7: land rights certificates in Lao PDR**

Certificate name	Acronym	Terms of use	Rights
<b>National level certificates</b>			
<b>Land Title</b>	LT	<ul style="list-style-type: none"> <li>▪ Highest legal document</li> <li>▪ Issued to individual(s)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Permanent usage rights:</li> <li>▪ <i>Manage</i></li> <li>▪ <i>Use</i></li> <li>▪ <i>Protect</i></li> <li>▪ <i>Usufruct</i></li> <li>▪ <i>Collateral</i></li> <li>▪ <i>Transfer</i></li> <li>▪ <i>Lease out</i></li> <li>▪ <i>Inherit</i></li> <li>▪ <i>Compensation</i></li> </ul>
<b>Land Survey Certificate</b>	LSC	<ul style="list-style-type: none"> <li>▪ Issued to individuals; organizations</li> </ul>	<ul style="list-style-type: none"> <li>▪ Permanent utilization rights:</li> <li>▪ <i>Manage</i></li> <li>▪ <i>Protect</i></li> <li>▪ <i>Use</i></li> <li>▪ <i>Usufruct</i></li> <li>▪ <i>Inherit</i></li> <li>▪ <i>Compensation</i></li> </ul>

<b>Temporary Land Certificate</b>	TLC	<ul style="list-style-type: none"> <li>▪ Issued by MLMA</li> <li>▪ Based on LUP</li> <li>▪ Issued to individual(s)</li> <li>▪ Max. 3 years</li> <li>▪ Can be withdrawn due to non-compliance with the rules</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provisional utilization rights</li> </ul>
<b>Land Development Certificate</b>	LDC	<ul style="list-style-type: none"> <li>▪ Issued by concerning LMA</li> <li>▪ Proof that the land parcel has already been developed</li> <li>▪ Requirement for applying for LT, LSC, LC</li> </ul>	<ul style="list-style-type: none"> <li>▪ N/A</li> </ul>
<b>Certificate of Land Ownership History</b>	CLOH	<ul style="list-style-type: none"> <li>▪ Certifies the acquisition of land</li> <li>▪ Shows historical evolution of the land</li> </ul>	<ul style="list-style-type: none"> <li>▪ N/A</li> </ul>
<b>Province/City; Municipal/District; and Village level certificates</b>			
<b>Land Map Sheet</b>	LMS	<ul style="list-style-type: none"> <li>▪ Required for all land registration</li> </ul>	<ul style="list-style-type: none"> <li>▪ Permanent usage rights after control of validity</li> </ul>
<b>Village Land and Forest Management Agreement</b>	VLFMA	<ul style="list-style-type: none"> <li>▪ Concerns forest land</li> <li>▪ Issued on case by case basis</li> <li>▪ Duration dependent on LUP</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provisional utilization rights</li> </ul>

*Source:* (Prime Minister's Office Lao PDR, 2008 ; Village Focus International, 2007 ; FAO, 2004)

The table divides the certificates on the government level of the distributing institution. All documents are nationally recognized, also those provided by non-national authorities. The national government is the only authority that can reclaim land and thereby overrule the certificates, although it must pay compensation in the case one holds a land title or land survey certificate. The land title is the most secure legal document in terms of tenure security, providing a permanent and full bundle of rights, followed by the land survey certificate. Land development certificates, temporary land certificates and land maps sheets are prerequisites when applying for a title. These are less secure documents providing provisional and fewer rights. The temporary certificate will be provided on a yearly basis for a maximum of three years after which a title will be issued no obstacles occur. This said, between until 2004 between 600.000 and 1.000.000 TLCs were issued, none of these however has been converted into a permanent ownership title, possibly reducing tenure security as people can *feel* less secure as a result<sup>7</sup> (FAO, 2004). CLOHs are mandatory in a transaction of land. A person holding a title will also be in the possession of the CLOH (Village Focus International, 2007). Although land cannot be legally sold to international migrants households, this does happen in reality. The former owner provides the new owner with their title as a proof of the transfer of rights. These transactions however are not recorded, as they are not legal, and widen the gap between the paper reality on real-life reality (FAO, 2004).

The shift to a market-oriented economy and the subsequent policy to 'turn land into capital' has given rise to the frequency of land disputes. According to the Decree 88/PM, the management authorities are responsible for dispute resolution and settlement, in collaboration with provincial and/or national courts. This task has also been taken up by the MONRE in 2011 leading to a muddling of the legislative, administrative and judiciary government tasks within one ministry. The majority of the land disputes in Laos concern conflicts between smallholders and land concessions (Dwyer & Ingalls, 2015). According to Mekong Watch (2017) the conflicts are mainly rural due to three reasons. First, most urban areas are titled, meaning there is less fuzziness around the ownership of land. Second, people in the urban area are generally less poor and therefore harder to exploit

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<sup>7</sup> Tenure security is the culmination of felt and real security (FAO, 2002)

by large companies. Third, Most conflicts are due to concessions which do not happen in urban areas as it would “ignite the bomb”. Urban areas have more legal options to fight a land dispute and have the ability to gain much more media attention, rallying people to their cause. The national government is also aware of this and thus mainly opts for leases, not concessions in the city (Interview: Mekong Watch, 2017). The Prime Minister’s Office, Ministry of Planning and Investment and the National Assembly are attempting strategic operations with the installation of the **National Land Policy** (NLP) process in mid-2012. The NA is an increasingly important player and a vocal advocate for land policy reform. Within the NLP process, the NA takes a strong pro-poor land rights stance. According to Dwyer (2015) up to 9 million hectares are currently under concession. This means that up to a third of the country’s land is in hands of predominantly foreign organizations. Despite the creation of concession moratoria on rubber, eucalyptus and minerals, the NLP process has stranded in endless debates on institutional turf rather than concise debates on the actual conflicts. Next to the bureaucratic difficulties and “turf wars” the LUP/LA, NPA and LTP policies have often been in tension with the overall goals to turn land into capital for development through commodification since development mechanisms like concessions and compensation plans often require a greater deal of flexibility than LUP/LA, NPA and LTP provide (Dwyer & Ingalls, 2015). LIWG (2017) tells there is a great disparity between the situation on paper and the reality on the ground, when it comes to adherence to the established legal administrative structure in Laos. In addition, there is great regional disparity in adherence to nationally stipulated policy, and is the pace of the government very slow. “Currently everything is on hold within the government because of the change in prime minister, it has been like this for six months already. This one does appear stronger than the last one but as with everything in Laos, we’ll have to wait and see” (Interview: LIWG, 2017).

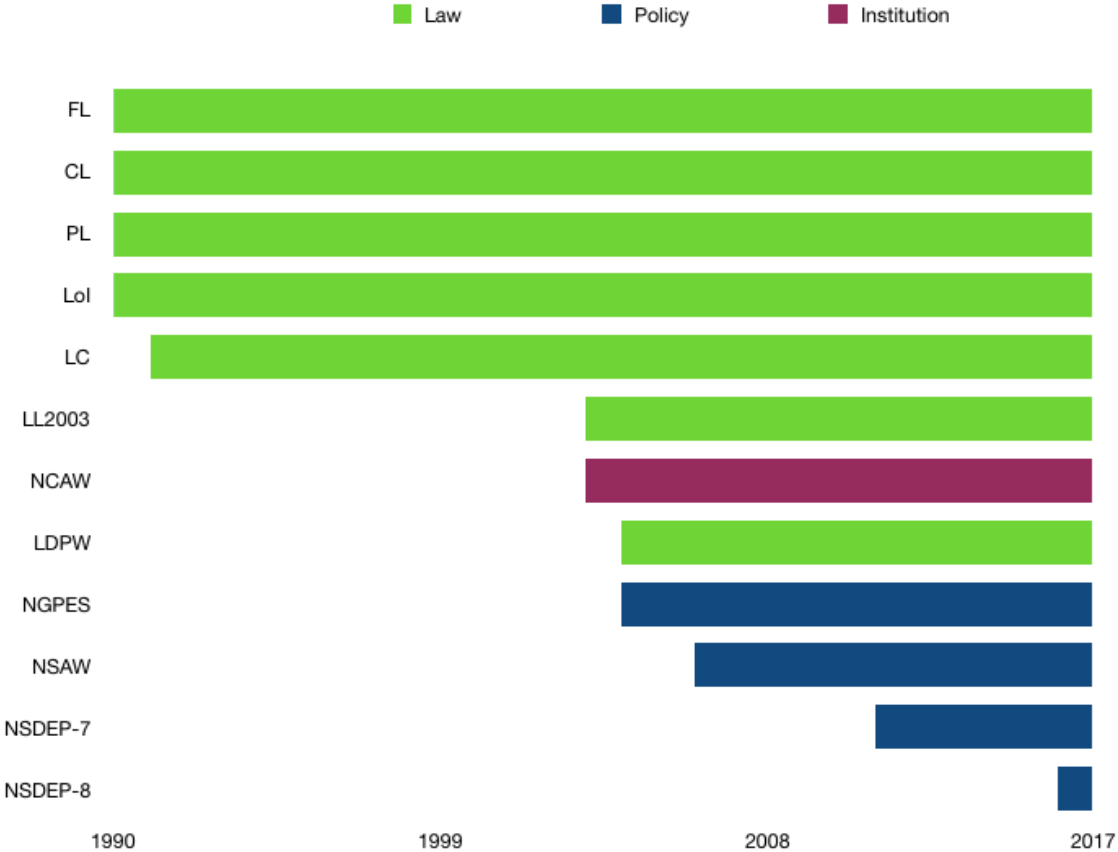
Combining the bundle of rights theory (Baron, 2014) and the good governance for land management theory (Zakout, Wehrmann, & Törhönen, 2006) makes it possible to make an assessment of the legal strength of tenure security in Laos. To recap; the bundle of rights theory states that tenure security grows when the bundle of rights grows, and good governance theory requires that land management is effective, efficient, autonomous

and has legal security. With the 2003 land law and Decree 88/PM on the implementation of that law, land rights have been clearly stipulated and attached to certain land certificates. Based on these certificates, a land title is the most secure tenure document available, as most rights are attached to it (see table 7, p. 44-45). The 2003 land law made the land management more efficient and effective with the implementation of the land management authorities. The results from multiple interviews however place stern concerns with the legal security of Laos land regulations, a legal security needs perpetuity and general prevalence of the rule of law (Weingast, 2009). The interviews indicate that corruption is widespread in Laos' government system and as Laos institutions are so recent, there is not perpetuity yet, as that requires institutions to exist beyond their establishers (Weingast, 2009). Both these issues are fundamental in the creation of a double world; one on paper, and one in reality. The paper world suffices the people of Laos with secure tenure, how this translates into the real world of Xaifongneua, will be discussed in the subsequent chapters.

### **Gender: Law, regulation and policy**

The 1991 **Lao Constitution** created legal equality between men and women. The 2003 amendments only strengthened women's rights of political participation and inheritance (National Assembly Lao PDR, 2003). Since 1991 a plethora of laws, regulations and policy concerning women, women's rights, gender equality and land-related issues of women, has been developed. This section will elaborate on the legislature relevant to the gender stipulations of certain legislature. For a general overview of land-related legislature refer to the previous section '*Land: Law, regulation and policy*'. The timeline (figure 11) provides an overview of the most important pieces of gender-related legislature concerning land, determined by magnitude of the legislation and/or importance in answering the posed research question. The timeline is structured according to law, policy and institutions to enable an analysis on the legal security, one of the stipulations of good governance in land management (Zakout, Wehrmann, & Törhönen, 2006). As explained in the previous section, law are the strongest legal instruments, followed by decrees (not applicable here) and policy.

**Figure 11: historical overview of gender-related legislation post-1990**



*Source:* (own design based on the laws, regulations and policy discussed in the chapter)

There are four laws, preceding the new Lao Constitution that are important for the rights of women. These are the Family Law (FL), Contract Law (CL), Property Law (PL) and Law on Inheritance (LoI). The **family law** states that women and men are equal in the marriage. The legal marital age is eighteen although in “special and necessary cases” (art. 7), an exception can be made, with a limit of fifteen years old. 5% of the brides however are under the age of 15 and even 25% of brides are between the ages of 15 and 18 (Asian Development Bank, 2004). Marriages always have to be mutually consensual and monogamous. All property acquired in marriage is joint property with each spouse having equal rights over it. However oftentimes women do not have their name

registered on the land title with land acquired within the marriage, even though the land law provides for this (FAO, 2004) (Lastarria-Cornhiel, 2007). To illustrate, during the land titling's phases, 16% of the land was registered in the female spouses name, whilst 40% of the land was provided through the matrilineal line. Male spouses show opposite number with 58% of the land titles in their name, whilst only 18% originated from the male's family (Asian Development Bank, 2004). In the cases of the right to usufruct and the right to transfer, both spouses must agree to exercise their rights. This means that decisions on reaping benefits from the land and land transfer need to be jointly made. When a marriage goes south, both parties have the equal right to divorce and to seek alimony. An exception on this right however is that the husband cannot file for divorce when his wife is pregnant, or when they have a child younger than 12 months old. In case of divorce the communal property is divided so that the assets the parties brought into the marriage will also be the assets they take away. Matrimonial property will be equally divided. Exceptions on this equal division occur when either (1) one spouse is responsible for the break of the marriage, (2) one spouse is responsible for damage to the property, (3) one spouse made secret use of the property in a wrongful way, (4) one spouse displayed dishonest intentions, and (5) when one spouse will be the caretaker of children under the age of 18. In these cases divisions shifts from 50/50 to 66/33 in favour of the disadvantaged spouse (National Assembly of Lao People's Democratic Republic, 1990). In reality, especially in rural communities, seeking a divorce, as a wife is not accepted. In fear of retaliation and social ousting women rarely seek a divorce (Asian Development Bank, 2004).

The **contract law** states that women have the legal capacity to enter into contracts, and that spouses are jointly or individually liable for debts accumulated during the marriage (National Assembly of Lao PDR, 1990). The **property law** reiterates the article of the family law that states that spouses have equal rights to matrimonial property, and adds to this that assets acquired before the marriage, assets received through inheritance or assets granted specifically to one spouse during the marriage are property of the individual (UN CEDAW, 2003). The **law on inheritance** states that both males and females have the right to inheritance and that in absence of a spouse or child, parents and/or siblings will receive the inheritance (UN CEDAW, 2003). Important in the law on

inheritance is article 16, which tells that when a person dies without leaving a valid will, the original property of them will pass to their children, not their spouse. The matrimonial property will be split in half, with half the property to be inherited by the spouse whilst the other half will be split amongst the children (Asian Development Bank, 2004). Although both genders are lawfully equal to receive inheritance, reality shows differences. Matrilineal communities like the Lao Loum, pass their lands through the female line, with the youngest daughter receiving the biggest share. Patrilineal ethnic groups, such as the Hmong, pass their lands to the oldest sons (Asian Development Bank, 2004). The **2003 land law** only makes one specific stipulation about women. In article 58 it states that the holder of land usage rights has the right to pass their rights to their close family relatives upon death. The only caveat in this inheritance right is that the total size of land owned by one person cannot exceed the legally stipulated amount. The state allows for someone to have use rights over 1.600m<sup>2</sup> per household member for rice cultivation or livestock, 4.800m<sup>2</sup> per household member for industrial plantations and crops, and 4.800m<sup>2</sup> per household member for fruit plantation. In addition a household can own 24.000m<sup>2</sup> per household member for un-stocked grassland to be transformed at a later stage (FAO, 2009). Obviously this article is only relevant for the land rights documents that include inheritance rights (National Assembly of Lao PDR, 2003).

2003 also marked the establishment of the **National Commission for the Advancement of Women**, an institution-independent organization tasked with promoting gender equality. The commission is the result of Laos' ratification of the UN treaty on the elimination of all forms of violence against women (CEDAW). Its main tasks are formulating and implementing national policy on gender equality; elimination of discrimination against women; and coordinating the mainstreaming of gender equality in all public sectors of public life (Asian Development Bank, 2004 ; Daley, Osorio, & Park, 2013). To execute its tasks, all ministries were ordered to have sub-commissions with fully functioning secretariats. As of today only three ministries host such a commission. This means that in reality for the majority of the public sector, employees assigned with gender equality have to perform these tasks on top of their regular work, lacking financial resources, time, technical capacity and/or interest in the role (Daley, Osorio, &



Park, 2013). The **Law on the development and protection of women** (LDPW) and the inclusion of gender equality in the **national growth and poverty eradication strategy** (NGPES) further embeds the importance of gender equality in the establishment. The five main targets of the law are to promote women's knowledge and capacity; promote gender equality; eradicate trafficking in persons, women and children; eliminate domestic violence; better the appreciation of women in society; and encourage women to participate in national defence and development (World Bank & GRID, 2005). The strategy specifically targets rural women and offers an abundance of plans to improve their livelihoods. With regards to land it is especially important to note that the strategy aims to incorporate women's customary land rights into land reallocation, titling and dispute settlement plans. Also it aims to improve agriculture practices for women. Political power is also addressed in the strategy as it targets to include women in project activities; apply gender equity in training services; opts to hire more women in the staff of provinces and districts; and wants to set up a rural savings and credits scheme for women (World Bank & GRID, 2005). The national growth and poverty eradication strategy offers a blueprint for cyclical strategies as the **national strategy for the advancement of women** (NSAW) and the **national social and economic development plan** (NSEDPP), which are redesigned every five years. The first strategy on women was developed in 2006 and has five target areas; advancing women's participation in the implementation of the NSEDPP; enhancing access for women to education and training; improving female literacy; increasing the number of women in decision-maker positions in all levels of the public sector; and build the capacity, gender awareness and coordination of the institutions assigned with the promotion of gender equality (Daley, Osorio, & Park, 2013). This ambitious strategy is to be implemented by two authorities, being the aforementioned National Commission for the Advancement of Women, and the Ministry of Planning and Infrastructure. Land is not a focus area of the strategy, which focuses primarily on social development indicators. In the NSEDPP on the other hand, gender equality is only one of the priorities in a larger central development plan. Such a plan is common for a communist state, although the inclusion of gender equality is not. The main goal of the plans is economic growth in order to have left Laos' status as a least developed country by 2020. Gender equality is a priority in such that it is to be mainstreamed in all public sector activities. Every ministry is expected to

develop their own tailored plans for this, with the help of the aforementioned in-house sub-commission on the advancement of women (Daley, Osorio, & Park, 2013).

Analysing the gender specific laws, regulation and policy in light of the bundle of rights theory (Baron, 2014) and good governance for land management theory (Zakout, Wehrmann, & Törhönen, 2006), paints a similar picture for women as it did for land in general. Women do not have different legal rights to land than man and are managed through the land management authorities. In general, gender stipulations in all these laws and the enforcement institutions however cannot mask the fact that the bureaucratic system in Laos is not well enough capacitated to execute and implement their own regulations. Here again, perpetuity and legal security are an issue, although the legal security of the laws preceding 2000 could be stated to have a larger degree of perpetuity. Especially on women's rights, there is a lack on coordination between the institutions responsible for gender equality, a lack of knowledge on women's rights, a lack of legal awareness at the non-national government levels, a general lack of implementation capacity, and a lack of right's awareness amongst the population (World Bank & GRID, 2005 ; Park & Daley, 2015). Here as well the two realities of a paper world, and a real world are visible. These governmental issues are intensified by the patriarchal normative structure in the Lao society in which women do not or cannot access their rights due to fear of social exclusion or internalized paternalistic ideas. The next section of political power of women in Laos, elaborates on the ability of women to participate in decision-making about them, as participation is one of the good governance principles (Zakout, Wehrmann, & Törhönen, 2006).

### *Political power*

Even with a remarkable growth of women in the parliament from 6% in 1990, to 28% in 2016, women's role in political and public life is limited (World Bank). In 2013, only 2 of 143 districts had a female governor, there were no female provincial governors, only 1,7% of the village heads was female and only 5% of the deputy heads (United Nations, 2009). These are abysmal numbers for a country committed to promote gender equality. At the local level, decision-making is done through a village committee. This committee

is made up of the Nai Ban and two deputies. In the village several other committees are in place, on different themes, such as a farmers' committee, or a water committee. Each village also has a local branch of the party's youth organization and the Lao Women's Union (LWU) (World Bank & GRID, 2005). With the exception of the LWU, these committees are almost all solely composed of men. A survey done by the World Bank (2005) showed how in 93 villages researched, only 7,9% of the committee-members were women. This is mostly because the village meetings are only open to the household heads, which are traditionally men. Also, women being less educated, they have a harder time following the discussing let alone participate (Daley, Osorio, & Park, 2013). Upon confrontation with the results of the survey, men stated that the reasons for low participation numbers of women are because "women are just less active", pointing towards an negative gender norm on the women's capabilities in political participation (World Bank & GRID, 2005). Legally, decision-making is shared within the households, but when it really comes down to it, beyond the rhetoric, men are the only ones who participate and decide (Daley, Osorio, & Park, 2013). The main political entity through which women are active is the Lao Women's Union. The LWU was established in 1955 as a small party-association and expanded in the 1984 into a mass-organization to support women's development (FAO, 2012). The LWU differs from the National Commission for the Advancement of Woman (NCAW) as it is closely aligned with the ruling party, whereas the NCAW upholds to be neutral (Daley, Osorio, & Park, 2013). The main tasks of the LWU are to protects women's rights and interests; promote and monitor women development programmes; and to act as a links between the party and women in Laos. They fulfil this task through activities such as skills training, financial assistance, awareness raising about women's rights in relation to land titling and registration, women's advancement in the National Assembly, working with legislators to expand the legal rights of women, provide legal consultation for women, and information dissemination activities at the village level (GRID, 2005 ; Asian Development Bank, 2004 ; Lasterria-Cornhiel, 2007 ; UN CEDAW, 2003). During the 1997 land law, LWU lobbied for women to retain their rights to family land and jointly owned land. This resulted in the option on land use certificates to register both spouses' names (Asian Development Bank, 2004). The same efforts were made during both land title phases (Lasterria-Cornhiel, 2007). The LWU also host a Gender Resource Information and Development centre (GRID). This centre supports the national commission of advancement of women with

awareness-raising, capacity building and training and proves to be a well of information of Lao women's rights (Park & Daley, 2015). Although the LWU strong engagement from the member and in the government is certainly is not a progressive voice (Interview: Oxfam Lao PDR, 2017). The motto of the LWU is for women to be "a good wife, a good mother, and a good daughter" (Interview: LWU leader Xaifongneua, 2017). An important thing to note is that there are no domestic NGOs in Laos with the exception of the Lao Red Cross. International NGOs however cannot talk openly about rights, as they would lose their permit in future applications. Creating a difficult balance between advocating for rights and organizational sustainability (Interview: Mekong Watch, 2017). All domestic civil society representation is done through the party aligned mass organizations such as the LWU (Asian Development Bank, 2005).

All in all it is safe to say that the government makes a valiant effort towards integrating gender equality into public life in Laos but has up till now not had the capacity, societal pressure or political participation mechanism for women to actively change and enhance the real-life experiences of women. Especially when it comes to land "it is very much a man's world in Laos" (Interview: LIWG, 2017).

## **Urbanization trends and the land market in Vientiane Capital and Xaifongneua**

As stated in the introduction, urbanization trends and processes frame the whole of this research as it is taking place in the peri-urban area, the location where urban and rural meet (Adell, 1999). This chapter elaborates on the urbanization trends visible in and around Vientiane Capital, focusing on land conversion and especially the land market and its actors in both Laos in general as well as in the research site Xaifongneua. Data from secondary sources has been gathered and compiled into an overview of the current administrative structure on land, the on-going processes and the actors involved. In addition interviews with locals in Xaifongneua, and land experts, plus the results from the household survey conducted in Xaifongneua provide extra insight in the de facto situation in Vientiane Capital and the primary research site. The chapter is divided into two themes and two levels within these themes. First urbanization is discussed on the level of Vientiane Capital and the level of Xaifongneua; consequently land markets are discussed on the same levels.

### **Urbanization and Vientiane Capital**

Vientiane is the primate city in Laos and rapidly expanding. With 997.000 inhabitants in 2015, and an urbanization rate of 4,93% between 2010-2015, it is safe to say Vientiane Capital will have crossed the border of one million inhabitants by now. The population density of the wider Vientiane prefecture has grown with 55% between 1995 and 2015 as described in table 8. Within the city limits the population density is even 2.600 times higher than the prefecture with an average of 5.800 people/km<sup>2</sup>. In comparison, the overall population density of the very sparsely populated Laos is 30 people/km<sup>2</sup> (Central Intelligence Agency (CIA), 2017).

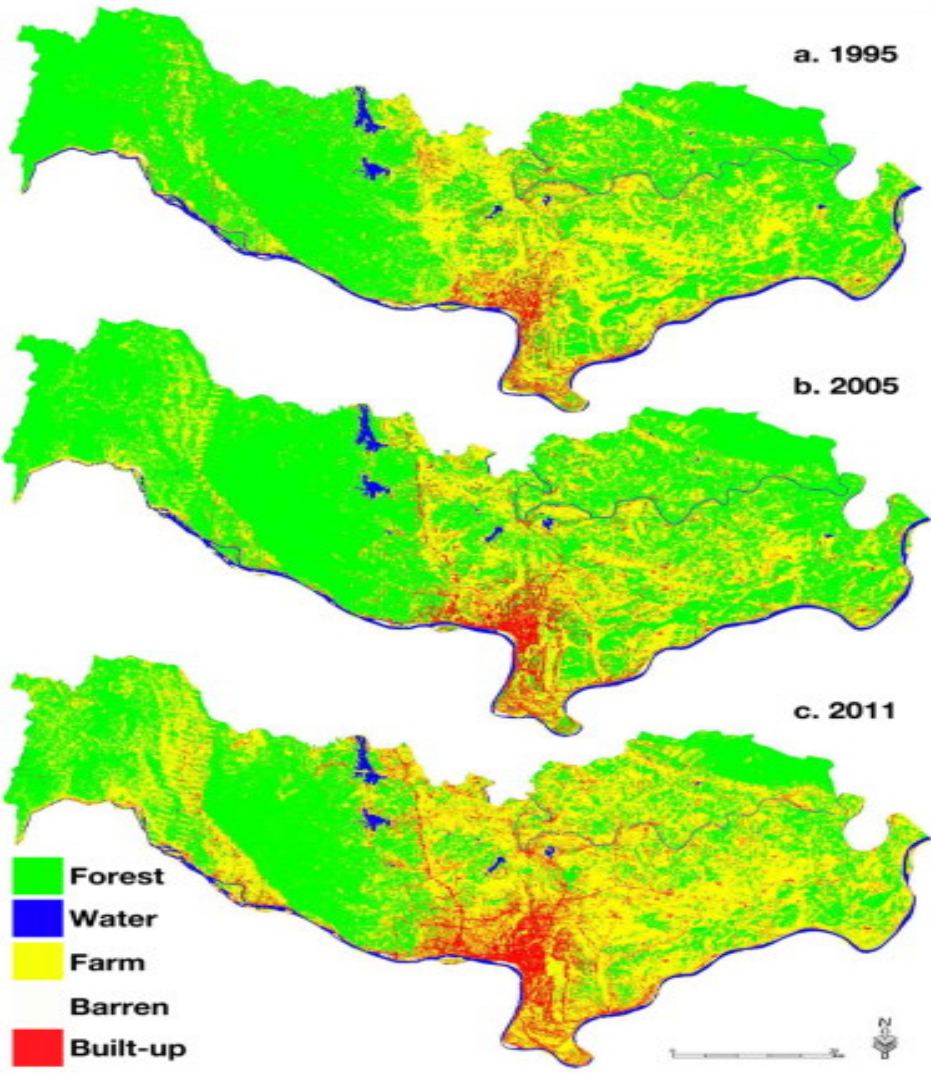
**Table 8: population density in the Vientiane Capital prefecture**

	1995	2005	2015
<b>People/km2</b>	134	176	209

*Source:* (Central Intelligence Agency (CIA), 2017)

One of the results of this rapid urban expansion is an increase in land conversion. According to a study into urban land conversion in Vientiane Capital by Christophe Lund (2010), between 2000 and 2010, land used for urban purposes has expanded between 40% and 80% in two PUI-districts researched. Lund states that there is a trend visible in which forest land is converted into agriculture land, whilst agriculture land is converted into land with an urban function such as, housing, businesses, industry and roads. In such, the agricultural capacity, and thus the food security, of Vientiane Capital is not necessarily reduced, but rather spatially relocated. However, the urban expansion does hold a tense relationship with the government aim that in 2020 the forestlands should be expanded to cover 70% of the country whilst also the areas for rice cultivation should increase by two million hectares (Lund, 2010). The government appears to want to have its cake and eat it too. Figure 12 shows a spatial overview of the land use in the Vientiane prefecture between 1995 and 2011. The significant increase of built-up area on the map (red) indicates the land use conversion of agricultural land into urban land and forestland into agricultural land. Because Laos has such a low population density, it has no history of land pressure, recent developments of urbanization and the political willingness to compromise in order to attract FDI have been steadily increasing pressures on land, especially in – and surrounding – urban areas (Schoenweger & Ullenberg, 2009).

**Figure 12: Land use change in the Vientiane prefecture 1995-2011**



Source: (Sharifi et al., 2014)

The government tries to control the urbanization impulse via the legal mechanisms of building permits and land titles, enabling them to control and survey the lands. Their ambition of control to ensure LUP/LA<sup>8</sup>, taxation and orderly execution however is being countered by reality that shows that the speed of the Lao bureaucracy is unable to keep up with the urbanization rate. This makes that urbanization is also happening spontaneously and that the official procedures in place are only adhered to occasionally. Surprisingly the main motivation for the neglect in adherence to government policy

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<sup>8</sup> Land Use Planning/Land Administration

(also by the administration itself) appears not to be deliberate sabotage but rather a response to the complexity of the Lao bureaucratic process and its plethora of public stakeholders (Lund, 2010). This is not in the last place emphasized by the fact that the political stance within the administration on land conversion for urban purposes diverges. While the NLMA and village offices are fierce proponents, the Ministry of Agriculture and Forestry (MoAF) is a big opponent (Lund, 2010). Despite the

**Box 1: Institutional land conversion procedure steps** (Source: Lund, 2010; Decree 88/PM, 2008)

1. The applicant wanting to convert land to urban land contacts the Nai Ban and village land unit
2. The Nai Ban directs the applicant to the district to acquire a the right form
3. The applicant fills out the form with the Nai Ban and submits it to the district (<1.600m<sup>2</sup>) or province (>1.600m<sup>2</sup>) along with all land documents in his name
4. The district inspects the area applied for, on correctness and special measures needed
5. The district sends a memo to the district governor who gives his approval
6. The district informs the applicant, changes the tax register, and the district LUP map and informs the NLMA and city government
7. The applicant pays 30.000 LAK/m<sup>2</sup> land conversion fee to the district land authority
8. The applicant goes on to the land filling procedures, the government monitors this
9. The spatial land conversion can take place
10. The applicant can now apply for a building permit with the district
11. The district inspects the application and gives approval
12. After approval construction of the building can begin
13. The district inspect if construction followed the rules

MoAF's objections much of the land in the PUI has been reclaimed by the government for urban use like housing, roads and other infrastructure plans (Hirsch & Scurrah, 2015)

The city's latest Master plan<sup>9</sup> was development by the Vientiane City Government (VCG), in collaboration with JICA and four Ministries (Vongpraseuth & Choi, 2015). The execution of this plan in reality however is lacking. First of all, the master plan is developed on a large scale, designating certain area for certain development (e.g. industry, transport or agriculture). These areas however are marked rather vaguely making the designation of individual plots on the area edges troublesome (Lund, 2010). Secondly, the reality of the urbanization pace does not let itself be controlled by the master plan (Sharifi et al., 2014); migration into the city puts pressure on land and

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<sup>9</sup> There have been many Master plans for Vientiane from many different sources. None of them however have been executed as written since the French colonial era (Vongpraseuth & Choi, 2015)



resources (Interview: Alex, 2017) and pushes poorer people to the fringes of town (Interview: Oxfam Lao PDR, 2017 ; Hirsch & Scurrah, 2015). Lastly, the corruption-riddled government appears to be unable to withstand the millions of Chinese real-estate investors. One example of this is the construction of enormous skyscrapers in downtown Vientiane whilst the city has a policy that prohibits high buildings (Interview: LIWG, 2017). Multiple interviews with NGO land experts independently mentioned the existence of two worlds in Laos, the one on paper, made up of laws, plans, regulation and policy, and the one in reality that does not adhere to the paper world (Sweet, 2017; LIWG, 2017; Mekong Watch, 2017). In addition to the master plan there is the MCTPC/1366 Ministerial order on urban planning regulations. (Ministry of Communications, Transportm Post and Construction, 2006). MCTPC/1366 distinguishes the following eight urban land use zones; city centre; peri-centre; peripheries; development zone; industrial zone; agricultural zone; conservation zone; and forest and natural zone (article 7). These zones however do not prevent clashes between land titling and other urban development such as road construction, a lack of coordination in planning and construction or a general lack in capacity of the supervising institutions (Rabe, Thongbonh, & Vongsiharath, 2007). The following section reviews these urbanization trends visible in the research location; Xaifongneua.

### *Findings from on site research: urbanization*

The square footage of the village Xaifongneua is 128 hectares. Of this 128 hectares, 14 hectares is allocated towards housing and construction, 104 hectares is allocated as agricultural land. The remaining 10 hectares is non-allocated land made up of the Nom Khon Sene pond. 1185 people live in the village. This means the population density is 9.3 people/h, or 0.92 people/km<sup>2</sup>. For the area designated as housing and construction area this means a population density of 84.6 people/h or 8.5 people/km<sup>2</sup> (Table 9). Even though these density figures are lower than average, the Nai Ban states that there has been a population increase in Xaifongneua, of both natural growth with marrying daughters and children who are not moving out, and in-migration (Nai Ban Xaifongneua, 2017a). Unfortunately there are no statistics available to support this statement.

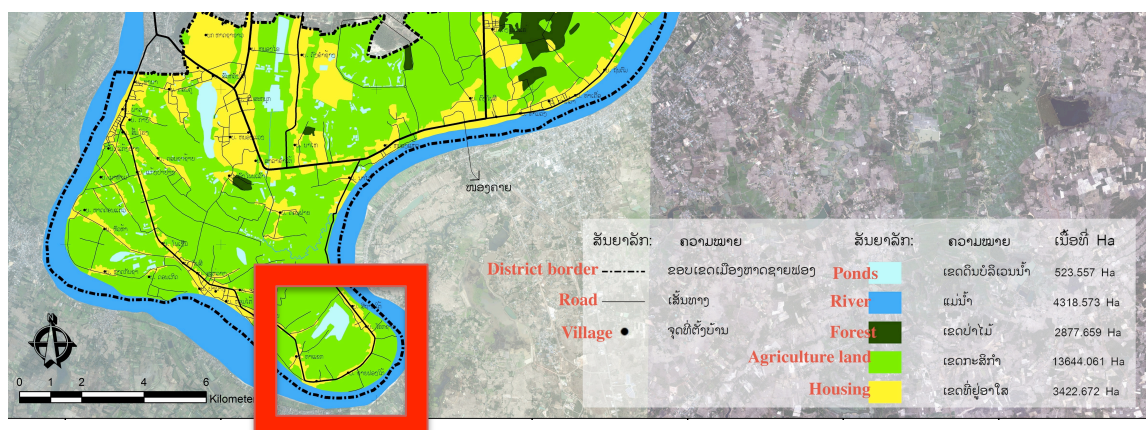
**Table 9: Population density in Xaifongneua, 2017**

	Total square footage of the village	On the area that can be used for housing and construction
<b>People per hectare</b>	9.3	84.6
<b>People per km2</b>	0.92	8.5

Source: (Nai Ban Xaifongneua, 2017b)

Despite being a peri-urban village, Xaifongneua is actually very rural. The population density is lower than the average in Laos. This is primarily caused by the fact that the village has the largest overall square footage in the cluster with most of it designated toward and used for agricultural purposes. Figure 13 shows how the built-up area patterns (yellow) however matches that of an expanding city, along the traffic corridors (solid black line). The area in which Xaifongneua is situated has been highlighted with a red box.

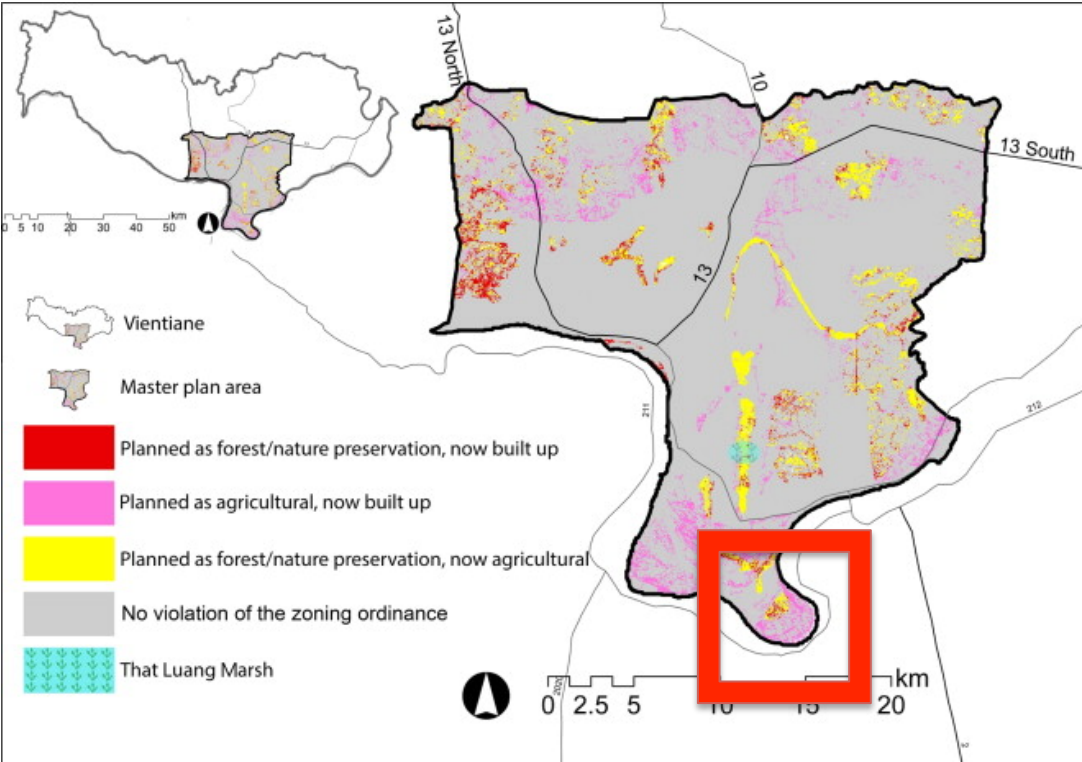
**Figure 13: Land use in the Hatxaifong district**



Source: (map retrieved from the Department of Urban Planning, NUoL, 2017).

The comparison of the Master Plan 2005-2010 of Vientiane Capital in with the actual land use, paints a similar picture as before. The fact that the national or city government plans and determines the land use does not mean that this will automatically translate into reality. Looking at the Xaifongneua area it is visible that there has been construction where agriculture has been planned and agriculture were forest or preservation was planned. Construction work also appears very random. People just place buildings and as long as it is on their own lands no one really seems to care. They love concrete. Backyards are plumped full of it, which makes me wonder about the run-off in raining season, and to what extent the land conversion procedure as described in box 1, p. 59 are followed (Field notes , 2017).

**Figure 14: land use change compared to the LUP in Vientiane City’s Master Plan 2005-2010 (2011)**



Source: (Sharifi et al., 2014)

Upon analysing the results from the household survey conducted in Xaifongneua, urbanization effects were stated most frequently as the biggest change in the village the past twenty years. Out of the 71 answers, over two thirds (69.2%) were either about

improvements in housing, introduction of electricity or road construction (Annex 3: Table 23) In addition in an interview Ms. K., the Nai Ban of Xaifongneua, stated that in her time in the village<sup>10</sup> the village has become increasingly connected with the urban core of Vientiane<sup>11</sup>. People predominantly travel with their own vehicle like a car or motorbike or tuktuk. The increase of private vehicles has rendered the bus service that ran until the early 2000s obsolete (Nai Ban Xaifongneua, 2017b).

### Vientiane Capital's land market

The increasing urbanization of Vientiane Capital obviously has left its marks on the land market and land prices. The valuation of land is done by the NLMA<sup>12</sup>, in coordination with the relevant ministries. The NLMA, under the jurisdiction of MONRE<sup>13</sup> is responsible for all land valuation. That means of every category of land in every region and every district at any point in time. The NLMA however delegates these tasks its provincial and district offices and the villages land units. They make a proposal that in turn goes back up the line for approval of the NLMA. Once the NLMA has reached a verdict, they submit it for further government approval. This is done on a bi-annual basis. Land valuation is done to mainstream value in land acquisitions, leases, concessions and land certificate transfer (Prime Minister's Office Lao PDR, 2008).

There are three clearly distinguishable land market trends visible since the early 2000s. First, with the LTP-phases there has been a steep rise in “private” land ownership in Vientiane Capital and the surrounding PUI. In addition, titles issued after claims based on land tax reports, further increase the amount of titled land in and surrounding big cities in Laos. Second, private sector investments are growing, especially with the development and revisions of the FDI law (LoPoFI). Investors are searching for well-developed urban land, which was already scarce to begin with. Lastly, land prices are

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<sup>10</sup> Ms. K. was born in the Phone Hong District, elsewhere in the Vientiane province. She moved to Xaifongneua in 1985.

<sup>11</sup> Although the village is part of Vientiane Capital, they do not seem to refer to themselves as such. When referring to ‘Vientiane’ they refer to the city center area of Vientiane Capital (Field notes , 2017)

<sup>12</sup> NLMA: National Land Management Authority

<sup>13</sup> Ministry of Natural Resources and Environment

increasing. A study between 2000 and 2006 discovered price rises of 200% to 400% in only six years. On average the land price increase between 2000 and 2010 was 250% (Lund, 2010). The free land market prices and the land valuation performed by the government are widely diverging in urban areas, with the latter being significantly lower than the free market prices (Rabe, Thongbonh, & Vongsiharath, 2007). As a result, much of the land in the PUI that was reclaimed by the government for housing, roads and other infrastructure plans, has often been compensated below market value (Hirsch & Scurrah, 2015). In an interview Mekong Watch (2017) shared stories in which land was reclaimed without compensation (rural) or people were pressured into signing over their land for compensation well below the financial and emotional value. There is however not only a divergence between state and market value of land, also within the land market there is a steep difference in price. The main factors determining a land price are location, road proximity and general accessibility, with prices ranging from 10 USD to 300 USD per square meter. According to LIWG (Interview, 2017) Mekong Watch (Interview, 2017) these prices hikes are due to pure speculation, which is a broader distinguishable financial development in Vientiane Capital the last ten years. People randomly ask prices for things and if it gets sold, the next person will ask a higher price. Creating a perpetual loop of speculation. Especially considering that communities are small in Laos and generally open about finances, everyone knows who owns which parcel of land and what amount was paid for it (Interview: Mekong Watch, 2017). Selling land has become increasingly tempting for farmers, as the increasing search for well-developed urban land has hiked up land prices and thus stimulated land conversion. The main agricultural activity in the Vientiane Capital area is rice production on rice paddies. This suitability results in a substantial harvest of on average 4 ton of rice, twice a year per hectare (10.000m<sup>2</sup>). With the current rice prices, that would cumulate to an annual income of approximately 16 million LAK per hectares. As shown in table 10, a farmer could earn 51 times his annual income if he would sell a hectare of land without road access. This goes up to as much as 1.546 times his annual income if he owns a hectare close to the ring road. As neighbours sell their land to be converted for urban use, surrounding plots automatically rise in free market value (Lund, 2010).

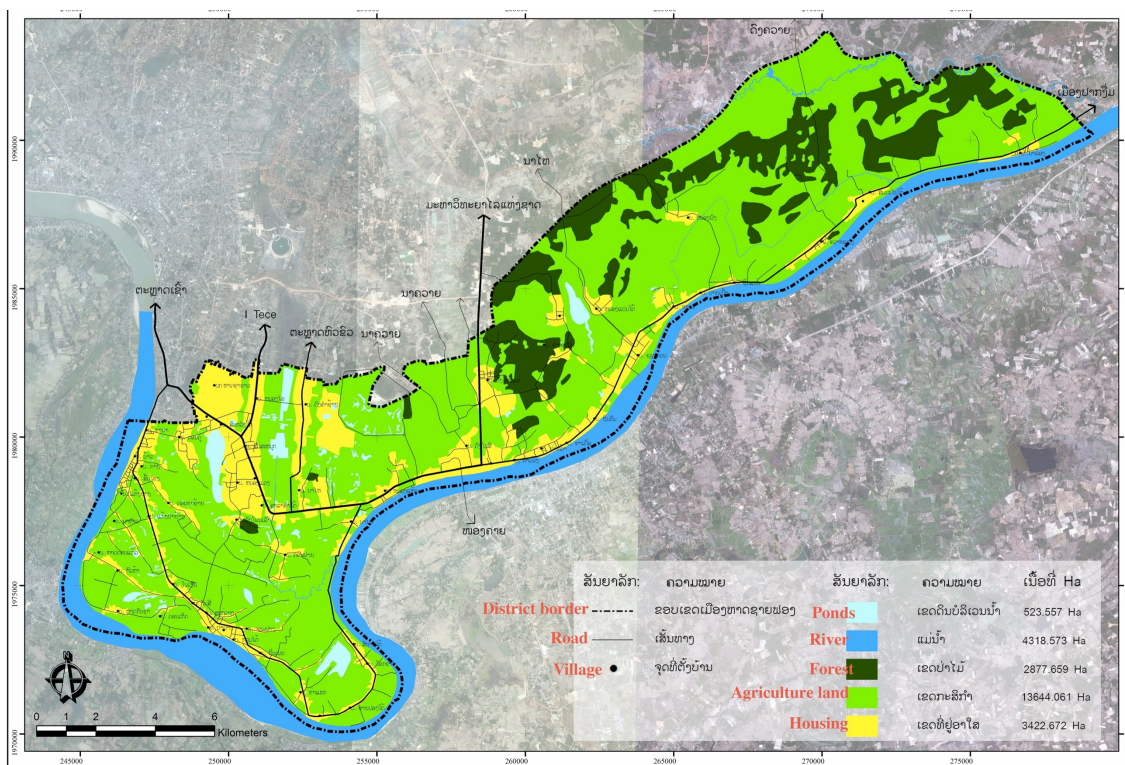
**Table 10: overview of land characteristics, price and x annual income of a farmer**

	Land without road access	Land with road access	Land close to the ring road
<b>USD/m<sup>2</sup></b>	10	120	300
<b>LAK/h</b>	825 million	-	24.75 billion
<b>x annual income</b>	51	-	1.546

*Source:* (Lund, 2010)

Adding to the domino effect of ‘conversion-rising prices-more conversion’ is that indirectly government policy favour urban conversion. Especially road construction is both a priority of the Lao government in order to establish Laos as a transit country in Southeast Asia as well as a catalyst for land value increase (Lund, 2010). Unsurprisingly Vientiane’s urban expansion is mainly situated around the main transit corridors, as is visible in figure 15 for the district of Hatxaifong. The figure shows how the built up areas of the district, marked with yellow, are ribboning the major transportation routes, portrayed with a solid black line.

**Figure15: Land use in Hatxaifong district, Vientiane Capital**



*(Source: Map retrieved from the Department of Urban Planning, NIIoI 2017)*

### Land market actors

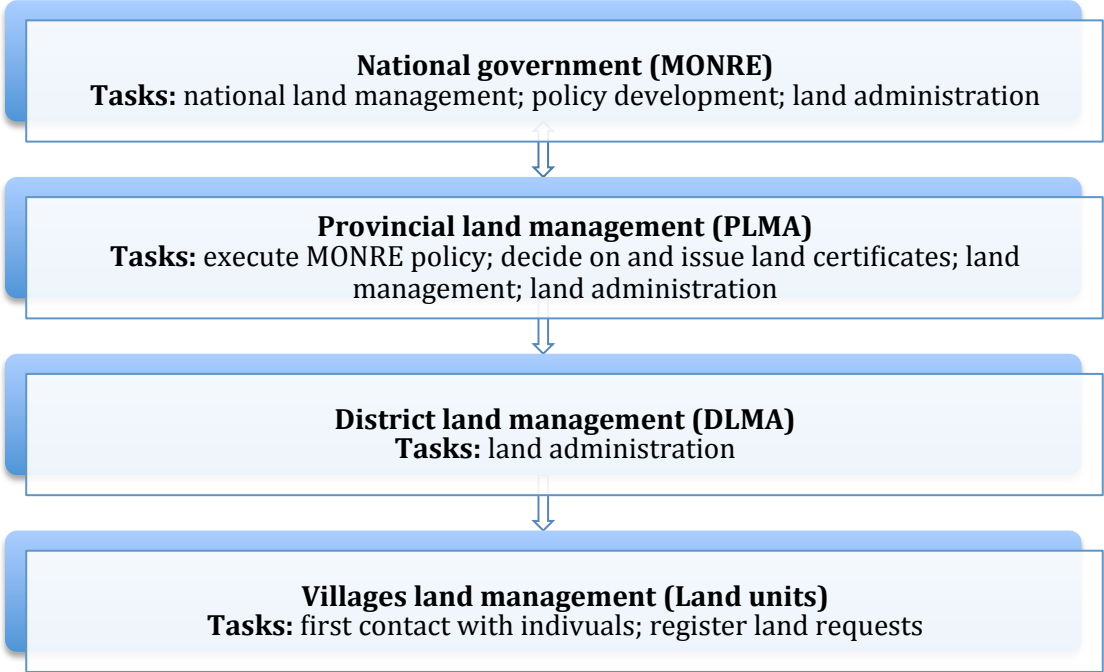
The market-based economy stimulated the emergence of a semi-vibrant land market. As (urban) land has become a commodity to be traded, diverging player interact in the land market. The primary actors can be divided into three categories; the public sector, the private sector and the people. It is important to make the distinction between the urban and rural land market due to different characteristics, power dynamics and players.

First and foremost is the **public sector**. Although Laos is officially no longer a planned economy, the government remains a major player in all economic fields. As displayed in the previous section on law, regulations and policy the institutions involved can be found on all levels of government. In order to effectively distinguish between the urban and rural government players it is important to remember the general government structure in Laos. Urban areas are structured via a city government. Cities are divided into districts. These districts all contain a number of villages whose boundaries are determined by temple association. Cities are located in a province but city governments are situated at the same government level as provincial government and do not fall

under the latter's jurisdiction. Rural areas however are structured via provincial governments. Provinces in turn are divided into municipalities, all containing a number of villages whose boundaries are either determined by temple association or by the central government (Sayseepheng, 2017). The paramount national-level actor is the Ministry of Natural Resources and Environment. The MONRE is tasked with the general coordination and oversight of land management including the surveying and mapping of land; classification of land types; land allocation; land use planning; land concessions; creating the Master Plan on land allocation and use on local, regional and national level; deciding on transformations of land; land registration and other administrative duties. The main departments responsible are the Department of Land Allocation and Development (DLAD) and the Department of Land Management (DLM). (Prime Minister's Office, 2011). These departments need to coordinate with the Ministry of Agriculture and Forestry; the Ministry of Industry and Handicrafts; the Ministry of Communication, Transport Post and Construction, the Ministry of information and Culture, the Ministry of National Defence; and the Ministry of Security who are all stakeholder in the land management and especially land use planning. The primary provincial/city level actors are the provincial land management authorities. These fall under the jurisdiction of the MONRE with its replacement of the National Land Management Authority in 2011, although they act as standalone organisations. The provincial levels are responsible for executing the MONRE land use planning, the issuing of land titles and certificates within their territory and the registration of land transactions. They do not possess the power of policy initiative as the MONRE does. The municipal/district level authorities (DLMA) in turn are responsible for providing the certificate formats, land transaction contracts and setting registration fees. The village land units are tasked with the administration of all land related matters and transactions within the village. Also, the Nai Ban and village elders need to give permission on all land transactions within the village, including a mortgage application (Lastarria-Cornhiel, 2007). In applying for a specific land certificate or transaction, the applicant submits a request at the village land unit who contacts the MLMA, who contacts the PLMA. The PLMA will make a decision on the application and send the information down the line again. Only in extraordinary cases, like large-scale concessions, the MONRE is contacted. Figure 16 provides a schematic overview of the information flows and relationship between these government institutions as just described.



**Figure 16: schematic overview of the primary government actors in the Lao land market**



The second actor is the **private sector**. The major private sector players in Laos’ land market are not of Lao origin but from Thailand, Vietnam and China<sup>14</sup> and play a different role in the rural and urban market. In the rural areas, the Ministry of Agriculture can allocate state land as concessions. These are typically areas used for mining; rubber, banana or coffee plantations; and livestock farming (Chanthalasy et al., 2005). Concessions are both a vital for Laos’ economic growth whilst at the same time being the primary reason for land disputes since tenure security in the rural areas is low. The Lao government actually advocates land concessions to foreign investors under the slogan *Land of Ample Opportunities and Successes (LAOS)*. In 2012 Thailand, Vietnam and China had invested near 120 million USD in 1.995 projects (Singhalath, 2012). Most of this FDI can be traced to concessions up to 99 years. It can be stated that Laos is being ‘eaten up’ by their neighbouring countries through long-term concessions (Interview: Mekong

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<sup>14</sup> Both private and national companies from these countries invest heavily in Laos. For example the Vietnamese national rubber company has a lot of plantations in South Laos whereas private Chinese banana companies contract farmers in the North (Mekong Watch, 2017).

Watch, 2017). In urban areas leases are more common than concessions since urban land and urban residents land itself poorly for concessions<sup>15</sup>. Urban leases primarily concern market areas, shopping centres, hotels, resorts or shops in an airport buildings built on state land (Chanthalasy et al., 2005, p. 21). The third revision of the FDI law in 2009 makes that FDI can be allocated towards real estate; this has effectively turned Vientiane Capital into a gigantic Chinese-sponsored construction site, with sky-high hotels mushrooming in and around the city (Interview: LIWG, 2017). A method frequently used to sidestep the stipulation that prohibits foreigners to own land in Laos is a marriage between a Lao women and a foreign businessman. The marriage in this respect is a business arrangement enabling the foreign investor to buy parcels of land (Interview: LIWG, 2017 ; Mekong Watch, 2017). The boom in real estate investments has also given rise to a new grouping of real estate agents, brokers and middlemen. These for the most part service expats in the search for housing but also service businessmen looking to invest. The middlemen are usually not licensed but offer their services as one of many side-jobs. Middlemen usually do not gain a fixed salary but rather work on commission basis. They track the latest developments in the formal and informal land market and contact potential sellers. Afterwards they will search for a potential buyer in their extensive social network and arrange a meeting between them. The transaction parties then determine who will pay the transaction fees to the respective LMA. The documentation of the transaction will be arranged by the middleman, who will likely pay a significant informal fee, as high as twenty times the regular fee, to speed up the process at the LMA. The middleman then delivers the necessary documentation at the seller after he has received his commission, usually 1% of the contract value. The buyer can decide to also pay the middleman a fee but this is not expected (Chanthalasy et al., 2005, p. 7). Next to companies and middlemen, the final significant private sector actors are financial and legal institutions such as banks and notaries. Notaries are required in case of all financial transactions regarding land safe from selling or buying land (e.g. mortgages). The notary will verify all documentations, contracts and certification. Banks are able to provide loans and mortgages with land as collateral. Banking system in Laos

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<sup>15</sup> Most concessions in Laos are on large-scale natural resources such as mining and arable land. This is not possible in urban areas. Also urban residents have more resistance mechanism such as judicial action and media attention (Mekong Watch, 2017)

is divided according to spatial lines. The Banque pour le Commerce Exterieur Lao Public (BCEL) predominantly services urban areas, whilst the Agriculture Promotion Bank (APB) mainly services rural areas (Chanthalasy et al., 2005).

Third is a category often not mentioned but plays a vital role in the land markets, these are **individuals and communities**. This means people who hold a land title, any other type of land certificate, who make use of the land, who pay land taxes, who have a historical claim on the land, who occupy the land, and who sell, buy, mortgage, and/or loan a piece of land. This group can be interpreted as individuals or as groups, communities, families or society at large.

### *Findings from on site research: Land market*

Although Xaifongneua is classified as a peri-urban village it appears very rural. The land market appears not to be very significant to the villagers; as between 0% and 11,8% of the population have notes land market changes in the last twenty years<sup>16</sup>. However, the three national trends in the urban land market as described by Lund (2010) are discernible in the on site results, be it to extending degrees. First of all, there is an overwhelming amount of 'private' ownership of land in Xaifongneua. Between 93,1% and 100% of the households in Xaifongneua has an ownership document<sup>17</sup>. During the LTP-phase I, villagers were provided with a Land Title (Nai Ban Xaifongneua, 2017b).

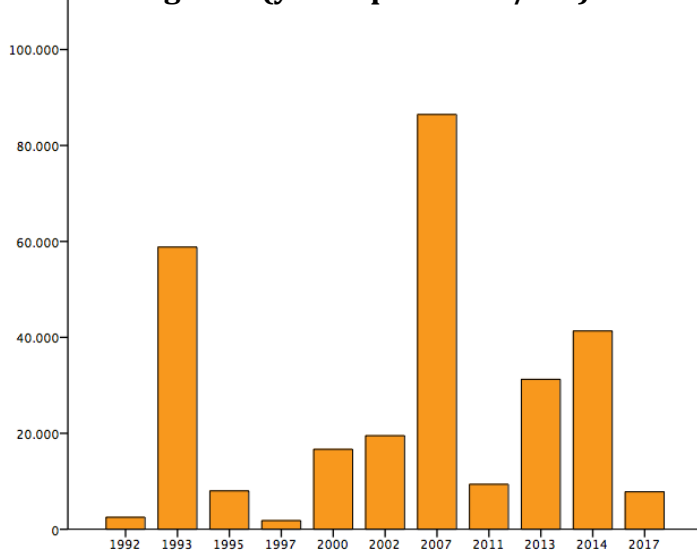
Secondly, land prices have been somewhat rising the last two decades. This is based on the data on land acquisition from the household survey in which households were asked if and when they have bought or sold land and for what price per square meter. The results are displayed in figure 17 (land acquisition) and figure 18 (land sale) where the X-axis represents the year land was bought, and the Y-axis represents the average price per m<sup>2</sup>.

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<sup>16</sup> stated answer: 4.3% - Confidence interval 95%

<sup>17</sup> stated answer: 97.1% - Confidence interval 95%

**Figure 17: Land acquisition prices in Xaifongneua (year x price LAK/m<sup>2</sup>)**



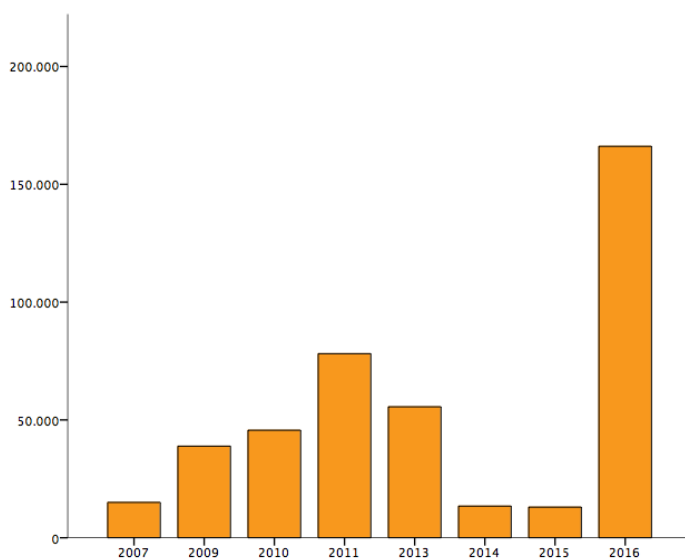
Source: (Fieldwork, 2017)

have been steadily decreasing since 2011 only to skyrocket in 2016 (figure 18), though the overall land sale prices are on average higher than the land acquisition prices. The price fluctuations in both the land acquisitions and the sales however are not significant<sup>18</sup>. According to the cluster village heads (Village heads Nong Khon Sene cluster, 2017) the average price of a rai (1600m<sup>2</sup>) is approximately one million Thai Bath (THB). With the conversion rates of 10.000 LAK  $\approx$  40 THB, this would make one m<sup>2</sup> approximately 156.000 LAK. With the exception of the 2016 average land sale price, land is sold for a below average price in Xaifongneua. This could be explained by the remote location of the village and abominable condition of the road (Observation, 2017).

The price peak in 1993 compared to 1997 can be explained by the Asian economic crisis in the late 1990s, also causing the worth of the LAK to reduce by factor 8 against the dollar between 1997 and 2000. The peak in 2007 compared to 2011 can be explained by the global economic crisis in 2008.

The data of land sale however, shows a different trend. Shown is how land prices

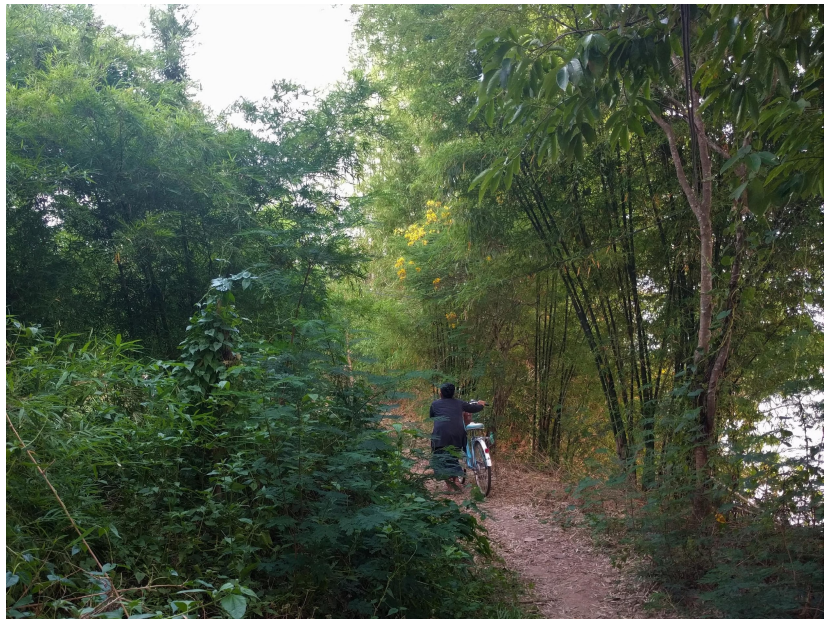
**Figure 18: Land sale prices in Xaifongneua (year x price LAK/m<sup>2</sup>)**



Source: (Fieldwork, 2017)

<sup>18</sup> A Kruskal-Wallis test was performed in SPSS. Both transaction processes had a significance factor >1.0

According to the Nai Ban the main motivation for rising land prices are a higher demand for housing due to a population increase, inflation and the fact that before 1980 land was predominantly paid for in animals, produce and gold (Nai Ban Xaifongneua, 2017b ; Village Elders



Xaifongneua, 2017). Overall an upward trend can be distinguished out of the land acquisition and sale prices, although it must be emphasized that the

**Figure 19: The Nong Kham Sene marshes, Xaifongneua**

land prices in Xaifongneua appear to be immensely volatile. This could also explain the absence of a land sale boom, as is the case in more accessible peri-urban areas around Vientiane Capital. The rental market in Xaifongneua is inactive with only four out of 70 households in the survey stating that they rent land. The average rental price is 126 LAK/m<sup>2</sup> per month (1.511 LAK/m<sup>2</sup> a year) and varies between 35 LAK a month for a grazing parcel to 520 LAK a month for renting a store space. Similarly the mortgage market for land is inactive on site. Between 10,8% and 29,8% of the population is mortgage land in Xaifongneua<sup>19</sup>.

The third trend – growing private sector investments – is rather absent in Xaifongneua. The increase in private sector engagement is limited to the emergence of more shops due to an overall increase in economic wellbeing. However there is one site in the village that needs to be highlighted when discussing private sector involvement, which is the Nong Khon Sene pond. During the dry season the water line of the Nong Khon Sene pond recedes. Gardeners with land neighbouring the ponds then capitalize on this receding

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<sup>19</sup> stated answer: 20.8% - confidence interval 95%

water line by performing agriculture on the fertile soil. There lies a potential conflict with the Lao government aiming to develop Nong Khon Sene pond as a tourist destination. In 2014, Korean investors planned to develop the surrounding marshes and the pond area as a high-end resort. The project has stalled for unclear reasons. This would result in gardeners being unable to continue dry season pond farming. The gardeners however lay a customary claim on this pond land as agriculture land and want to be compensated for their loss if the pond is to be developed (Field notes , 2017 ; Nai Ban Xaifongneua, 2017b). As the government will be unable to develop the area for tourism without attraction FDI, this is not a current issue. However, the land is still allotted to be developed as such. If this is to happen, the consequences will severely impact Xaifongneua in spatial terms and in terms of livelihood and income diversification.

For the government and individuals and community as actors in the land market, the on site results are as can be expected based on the previous section on land market actors. The Nai Ban is responsible for permission of all land transactions, surveying and allocation, based on the instructions given by the District and the Vientiane Capital government (Nai Ban Xaifongneua, 2017b).

## **Local livelihoods**

The whole premise of this thesis is that land plays a role in livelihoods, and that land developments, caused by urbanization influence that role, creating a reciprocal relationship between the six livelihood capitals conceptualized in the research design and the land. In addition land is of course also part of these six capitals in the form of natural capital. This chapter assesses how land and land market development affect local livelihoods and vice versa. In making this assessment three areas are distinguishable: land tenure; livelihoods; and gender. This chapter will focus on the first two as the latter is discussed in the next chapter on gender. Inspired by the sustainable livelihood approach as explained in the section on conceptual and literature review, six capitals can be considered regarding the research site Xaifongneua (Department for International Development, 1999). These are natural, human, financial, physical, social and political capital. The capital assessment focuses specifically on the relationship of the

capital with land, land markets and the role of land in the lives of the people. This will include an elaborate tenure security assessment when discussing the natural capital. Important to keep in mind is the larger legal framework on land and the urbanization trends as discussed in the previous two chapters in analysing the livelihoods of the people in Xaifongneua. The statistical tests used in this chapter are T-tests, Chi2, bivariate correlation test, regression analysis, Pearson's r, Cramer's V and Phi.

## A livelihood capital assessment of Xaifongneua

### *Natural capital: a tenure security assessment*

Tenure security addresses the held bundle of rights the respondents possess focussing on control, use and transfer rights; the felt tenure security; and an overview of the effectiveness of the land system in place (FAO, 2002). In assessing tenure security, it must be reiterated that in the end ownership and security are *idea* and firmly scripted. Security can only be assessed but even a secure tenure is never a guarantee. Security only exists to the extent that others respects your rights and that the institutions that safeguard these rights are working properly, something the previous chapter pointed out is not a given in Laos<sup>20</sup>. As Lund (2010) says "Laws and regulations may limit the rights of the landowner. Different administrative practices may curtail what a landowner can do, and general customs in society – or accepted practices in a village – condition the property right. [...] They are contingent and empirical phenomena" (p. 8-9). It is possible to make an assessment of tenure security but it is never possible to have a fixed certainty.

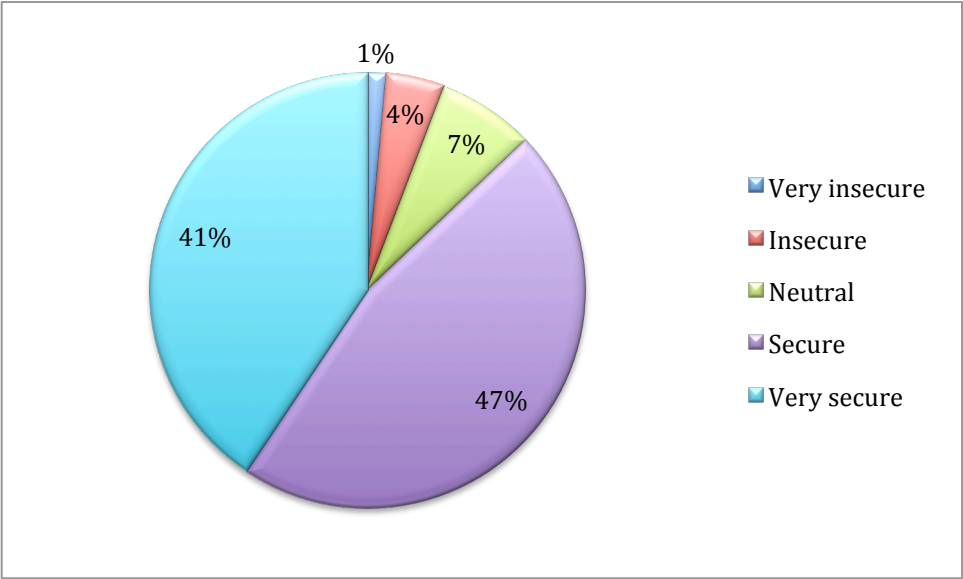
The **felt tenure security** is high in Xaifongneua (Figure 20), at least 66% of the population of Xaifongneua at least secure in their land ownership<sup>21</sup>.

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<sup>20</sup> In this sense tenure security could be compared to safety while walking the street. The fact that you feel safe, that there are spatial conditions that influence this (e.g. street lighting) and that there is legislation protection you does not mean that there is a guarantee you will not get robbed or stabbed.

<sup>21</sup> Stated answer: 87% - Confidence interval 95%

**Figure 20: Felt tenure security in Xaifongneua**



Source: (Fieldwork, 2017)

Remarkable is that the four households feeling insecure all have undertaken land transactions. Two have sold land; one has bought land and one rents land for housing. The reasons provided to sell the land were in order to pay for health related costs and to pay for their grandchildren’s education. The woman who rents land recently (2012) moved to the village. These results are not significant enough to extrapolate the conclusions to the general population but it is remarkable that all have been in some way involved in land transactions with three out of four not owning the land (anymore). It seems probable that the loss of land relates to the currently felt tenure security.

The measured **control rights** are the stated ownership, legal ownership and mortgage right. Table 11 provides an overview of the presence of control rights in the respondents. As stated earlier between 93,1% and 100% of the households in Xaifongneua have an ownership document.



**Table 11: Presence of control rights on land in Xaifongneua**

Control right	Stated ownership		Legal ownership		Mortgaging	
	N	%	N	%	N	%
<b>Yes</b>	65	92.9	67	97.3	14	20.3
<b>No</b>	5	7.1	2	2.9	55	79.1
<b>Total</b>	70	100	69	100	69	100
<b>Confidence interval (in %)</b>	80,9 - 100		93,1 - 100		10.8 – 29.8	

*Source:* (Fieldwork, 2017)

The stated ownership is on par with the documented ownership, as between 80,9% and 100% of Xaifongneua will state that they own their land<sup>22</sup>. A Fisher's exact test<sup>23</sup> shows that there is a relationship between stated ownership and legal ownership. This means that people who report owning land, also have a land ownership document and vice versa. The average square footage of the owned land in Xaifongneua is between 1.1617m<sup>2</sup> and 3.877m<sup>2</sup><sup>24</sup>. Within the household there are no major differences between stated ownership and legal ownership (table 12). Interesting however is that 55,7% of the spouses is the legal owner of land whilst only 45,1% of the spouses are the stated owner of land. This could be explained by the fact that 100% of the spouses in the survey are women and the Lao Loum ethnic group (99,4% of respondents) is matrilineal and matrilineal, passing on land on through the female line (Asian Development Bank, 2004). This trend of higher legal ownership than stated ownership is also visible with children. Ownership is not restricted to one title. On the question how much land he owns, the local owner of the only gas station in the cluster pulls out four titles. Remarkably the years on the titles are 1969 and 1963. These could be signalling when

<sup>22</sup> stated result: 92,9% - confidence interval 95%

<sup>23</sup> sig.(2-tailed)=0.004 – reliability=95%

<sup>24</sup> stated answer: 2747m<sup>2</sup> – confidence interval 95%

the land came into his possession since it is certainly not the year the title was issued (Field notes , 2017).

**Table 12: Stated and legal ownership per household group<sup>25</sup>**

Relation to the household head		Stated ownership		Legal ownership	
		N	%	N	%
<b>Household head</b>	<b>Yes</b>	37	54.4	39	57.3
	<b>No</b>	31	45.6	29	42.7
<b>Total</b>		68	100	68	100
<b>Spouse</b>	<b>Yes</b>	23	45.1	34	55.7
	<b>No</b>	28	54.9	27	44.3
<b>Total</b>		51	100	61	100
<b>Child</b>	<b>Yes</b>	4	6.3	8	12.3
	<b>No</b>	60	93.8	57	87.7
<b>Total</b>		64	100	65	100
<b>Parent</b>	<b>Yes</b>	5	7.5	5	7.5
	<b>No</b>	62	92.5	62	92.5
<b>Total</b>		67	100	67	100

Source: (Fieldwork, 2017)

It is likely that household heads who have stated ownership will also have legal ownership and vice versa, although the correlation is weak<sup>26</sup> (See annex 4 table 24). This also goes for the relationship between stated ownership and legal ownership for

<sup>25</sup> Due to insignificant results siblings, grandparents, grandchildren, those unrelated by blood and others were left out of the table.

<sup>26</sup> Chi2 test. Sig.(2-tailed)=0.000 – Cramer’s V=0.433

the spouse, whilst the correlation of that relationship is relatively strong<sup>27</sup>. Interesting is that when spouses who have stated ownership, the name of head of the household will be on the ownership document and vice versa<sup>28</sup>. As the relationship between stated ownership for the household head and legal ownership for the spouse is *not* significant, this result may very well point to the internal power dynamics in a household. The gender implications of these results will be further discussed in the next chapter.

Although both stated and legal land ownership is high, only between 10,8% and 29,8% of the population uses their land as collateral for a loan<sup>29</sup>. As stated in the literature review, the central idea of De Soto (2000) is that titling will 'wake' the dead capital that is land, enabling economic development. That does not apply to Xaifongneua. It is interesting to see that of the provided reasons for mortgaging their land, household expenditures (33%) is the most prominent factor, only followed by business reasons (22%) and some form of family support (22%). There is no relationship between mortgaging and felt tenure security<sup>30</sup> which means that people who use their land as collateral do not feel less secure. This is interesting as mortgaging in general puts a higher financial risk on the land, as you allow the moneylender to be an overriding land actor, giving them power naturally only found with government agencies to claim your land when you do not adhere to the conditions of the loan (see table 4, p. 14 for all land market actors and their powers) (Feder & Feeny, 1991). Performing a linear regression test shows that the totality of control rights have no significant correlation with the felt tenure security. Upon tested individually, a linear regression test shows that felt tenure security variance can be for 9,7% be explained by legal ownership in this model<sup>31</sup>.

The **usage rights** that were measured on site are the right to use the land, the right to take something from the land and the right to change anything on the land. Table 13 shows an overview of the presence of usage rights in the surveyed population. The right

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<sup>27</sup> Chi2 test. Sig.(2-tailed)=0.000 – Cramer's V=0.551

<sup>28</sup> Chi2 test. Sig.(2-tailed)=0.029 – Cramer's V=0.373

<sup>29</sup> stated result: 20.3% - 95% confidence interval

<sup>30</sup> Paired sample T-test - sig.(2-tailed)=0.96

<sup>31</sup> sig.(2-tailed)=0.010 – R2=0.097

to take something from the land is most widely spread in the households of the respondents compared to the other usage rights. Interesting to note is that in comparison to other household members, children do have the right to take something from the land (77,9%) and the right to change something (73%) but seldom have the right to use the land (11,6%). Also, parents overwhelmingly do not possess any of the mentioned rights. Also in other household groups such as siblings (14,5%), grandchildren (15,9%) and those unrelated by blood (11,6%) the presence of the right to take is larger than the other rights.

**Table 13: Presence of usage rights in respondents**

Relation to the household head		Right to use		Right to take		Right to make changes	
		N	%	N	%	N	%
<b>Household head</b>	<b>Yes</b>	54	78.3	65	94.2	36	94.7
	<b>No</b>	15	21.7	4	5.9	1	2.6
<b>Total</b>		69	100	69	100	37	100
<b>Spouse</b>	<b>Yes</b>	40	64.5	48	80.0	23	76.7
	<b>No</b>	22	35.5	12	20.0	7	23.3
<b>Total</b>		62	100	60	100	30	100
<b>Child</b>	<b>Yes</b>	8	11.6	53	77.9	27	73.0
	<b>No</b>	61	88.4	15	22.1	10	27.0
<b>Total</b>		69	100	68	100	37	100
<b>Parent</b>	<b>Yes</b>	8	11.6	13	18.8	4	10.5
	<b>No</b>	61	88.4	56	81.2	34	89.5
<b>Total</b>		69	100	69	100	38	

Source: (van Duin & Speeckaert, 2017)

As the usage rights are all dummy variables, a Pearson's r correlation test was run and may provide further insight into the usage rights on land. It appears that the rights of heads, spouses, parents and siblings come clustered, and show positive correlations, meaning that when one of these household members has one usage right, they are likely to have the others as well. A statistical example for spouses can be found in annex 4, table 25. As head, spouse, parent or sibling of the head you have either all the usage rights, or you have none.

Other interesting outcomes regarding usage rights correlations is that there appear to be two groups discernible within the household when it comes to usage rights. The core group consists of head of the households, their spouses, and children. The other group consists of (grand) parents, grandchildren, siblings of the head's generation, those unrelated by blood and others; making the non-core group. These usage rights of the core groups have strong positive correlations with each other. The rights of the non-core groups also have positive correlation with each other. For example, when parents have rights to change something on the land, the grandchildren will have the right to use the land<sup>32</sup>. This pattern repeats itself in other occasions. The emergence of these patterns are not surprising since most households consist at least of a household head, a spouse and children and might or might not include people from the non-core groups. Performing a linear regression test shows that the totality of usage rights can declare for 83,6% of the felt tenure security variance in this model<sup>33</sup>.

The measured **transfer rights** are the obtainment of the land and the decision-making power in land use and sale. Figure 21 shows that an overwhelming percentage of the respondents stated to have inherited their lands (78,3%). Between 58,8% and 97,8% of the population of the village have inherited their land through family<sup>34</sup>.

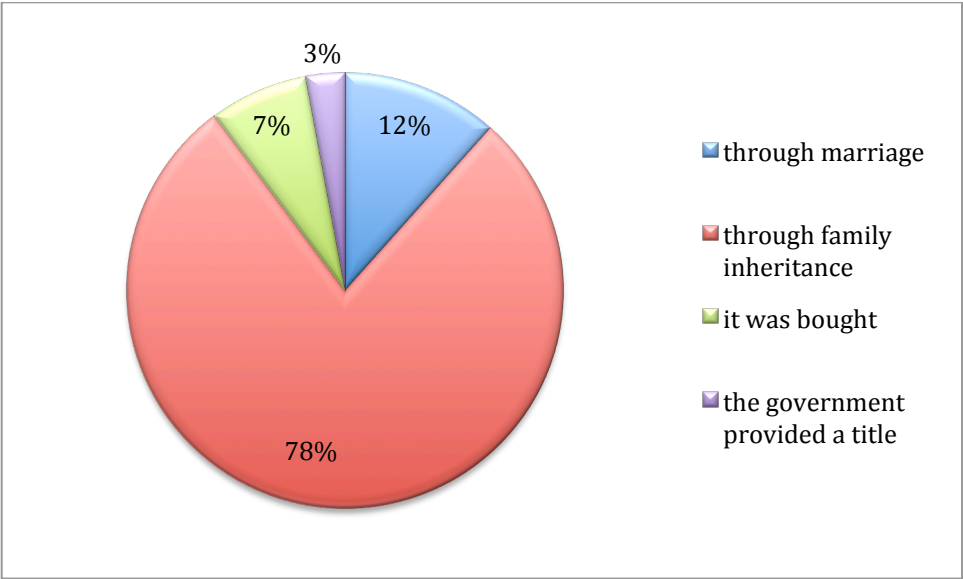
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<sup>32</sup> Pearson's r correlations test – sig.(2-tailed)=0.002 – r=0.479 – N=38

<sup>33</sup> sig.(2-tailed)=0.04 – R<sup>2</sup>=0.836

<sup>34</sup> Confidence interval 95%

**Figure 21: Land obtainment of the survey respondents in Xaifongneua**



Source: (Fieldwork, 2017)

As noted 99,4% the residents of Xaifongneua are of the Lao Loum ethnic group. Furthermore 89% of the female respondents state to have been born in Xaifongneua. Due to the matrilineal habits of the Lao Loum it is safe to assume that the majority of the land owned is passed down through the women’s families. Thus it is interesting to notice that the reported final decision-making power over land use and sale is divided rather equally between the heads of the household (42%) and their spouses (39,1%). Whilst children (8,7%), parents (5,8%), grandchildren (1,4%) and others (2,9%), account for the remaining 18,9%. There is also a strong relationship between the manner of obtainment of the land and the final decision-making power on the use and sale of the land<sup>35</sup>. Performing a linear regression test shows that the totality of transfer rights can declare for 11,1% of the felt tenure security variance in this model<sup>36</sup>.

The combination of all these factors enables the design of a tenure security assessment. As tenure security is defined as the accumulation of felt security and ‘real’ security based

<sup>35</sup> Chi2 test – sig.(2-tailed)=0.000 – Cramer’s V=0.653  
<sup>36</sup> Sig.(2-tailed)=0.000 – R2=0.111

on the bundle of rights, the population of Xaifongneua have rather secure land tenure (FAO, 2002 ; Feder & Feeny, 1991). Looking back at the model of Feder & Feeny (1991) (Table 2, p. 8), it is possible to assess that the people of Xaifongneua have private tenure within a national system of state tenure as private property does not exist in Laos. However, the right attached to a land title are exclusive, transferable, alienable and enforceable, making that Xaifongneua's tenure more resembles private tenure than state tenure in the classical theory. The felt security is high, and the differences between stated and legal ownership are low. The use of land as collateral for a loan has no effect on the felt security; all usage rights appear to be widespread for household heads, their spouses and children (with the exception of the right to use land for children). Most land has been reported as inherited and it is safe to assume this has been through the women's family. The results of the tenure security assessment however do raise questions about the internal power dynamics within the household. In terms of usage rights, a core and non-core household group is discernible, where rights for one non-core member category correlate with rights for another non-core member category. The main questions however arise from the dynamic between the head of the household and their spouse. Since there is a relationship between the stated ownership for spouses and legal ownership for head of the households that does not exist the other way around. Also there is a discrepancy between the obtainment of the land through the maternal line, whilst the final decision-making power on land use and sale is equally divided between household heads and spouses. The gender implications of these questions will be further analysed in the subsequent chapter. This analysis enables to place the land rights in Xaifongneua into the framework of land rights based on the work of Baron (2014), Feder & Feeny (1991), and Adell (1999) (see table 4, p. 14)

**Table 14: Schematic overview of land rights status in Xaifongneua**

Overarching right	Specific right (example)	Status in Xaifongneua
<b>Usage</b>	▪ Right to take something from the land	▪ Secure: widespread within the household
	▪ Right to plant and build	▪ Secure: widespread within the household
<b>Control</b>	▪ Right to deny someone access to the land	▪ Not measured
	▪ Right to lease the land	▪ Secure: not used often
	▪ Right to mortgage	▪ Secure: not used often
<b>Transfer</b>	▪ Right to sell the land	▪ Secure: not used often
	▪ Right to give away the land	▪ Secure: used often through inheritance

Performing a linear regression test for the totality of all rights tells that there is no significant connection between the combination of all these rights and the felt tenure security. However, partial tests show that the legal ownership, usage rights package and transfer rights package, correlate on varying levels with the felt tenure security. Although all the individual rights mark as secure in Xaifongneua, it cannot be said that the whole of tenure security is secure. As stated in the introduction of this section, tenure security is always dependent on the institutions upholding the land rights. The chapter *Law and gender: a legal framework* shows that Laos’ institutions are far from secure, due to implementation, execution and perpetuity issues. The distribution of land titles to the residents of Xaifongneua appears to have a positive effect on their tenure, but the slow, corrupt, volatile and inefficient bureaucratic system of the Lao government poses a real and important threat to the tenure security. This is highlighted by the cases of land conflict in Xaifongneua. The potential conflict of the Nong Khon Sene pond is explained on page 73. There is however also a current conflict concerning the Mekong



**Figure 22: The Mekong River bank, conflict-land in Xaifongneua**

River bank. In order to prevent against landslides and riverbed erosion, the Lao government has fenced off the area from river to approximately 30 metres inland



as a conservation area. However, people who possess a title for this land have not been compensated either in monetary terms or with another land parcel. According to the village head they will only be compensated if they demonstrate poverty through lost income from agriculture production (Nai Ban Xaifongneua, 2017b) (Field notes , 2017). This demand of the government that they only receive compensation if they can prove lost income is going unabashedly against their own law, exemplifying the inability of the government in implementing and enforcing their laws, even within their own ranks.

### *Human capital*

An assessment of human capital in Xaifongneua has to include the knowledge level, health, and employment of the population, and their ability to use their human capital. The data is collected on the personal level, not the household. So for every person in the household the human capital can be assessed. Therefore a closer examination of education levels, health of the residents and employment is warranted. In terms of education, the cluster in which Xaifongneua is situated, provides education need with a primary school, secondary schools cannot be found in the cluster itself but are situated on a walking distance in surrounding clusters. Vocational training centres and a university can be found on approximately 20-30 kilometres distance, in Vientiane Capital. Health services are overall scarce in Laos. In the Hatxaifong district there is a health centre and Xaifongneua has a small pharmacy. In Vientiane Capital there is a public hospital and several private clinics. (Village Elders Xaifongneua, 2017) However

the quality of these health services is sub-par and people are generally advised to travel to a hospital in Thailand in case of any serious health issues.

The highest enjoyed or finished **education level** in Xaifongneua remains primary school. The government of Laos provides free and compulsory primary education for all its citizens since 1996 (Education Policy Database Center, 2014). Table 15 outlines the educational attainments of the respondents in Xaifongneua. The diminishing mean age of the respondents completing secondary school, college and university signals a trend where the younger population is going further in the education system than their parents did, although a significant part of the respondents is still low education or uneducated (47,1%).

**Table 15: Educational attainment per position on the household**

	Head of the household		Spouse		Child	
	N	%	N	%	N	%
<b>Primary</b>	28	39.4	26	56.5	16	13.1
<b>Lower secondary</b>	12	16.9	12	26.1	16	13.1
<b>Upper secondary</b>	13	18.3	6	13.0	30	24.6
<b>College</b>	9	12.7	1	2.2	21	17.2
<b>University</b>	5	7.0	0	0	16	13.1
<b>Unschool</b>	4	5.6	1	2.2	23	18.9
<b>Total</b>	71	100	100	100	122	100

Source: (Fieldwork, 2017)

There is also a relatively strong relationship between education level and job section type<sup>37</sup>, in which agriculture remains an important part of employment for the primary school (48,5%) and secondary school (25,9%) educated respondent, whilst professional administration is the main job for the ones who enjoyed a college (53,6%) or university

<sup>37</sup> Chi2 test – sig.(2-tailed)=0.000 – Cramer’s V=0.453

(73,9%) education (see annex 4, table 26). The increase in educational attainment trend for younger people is also visible when analysing the relationship between position in the household and educational attainment<sup>38</sup> that shows that children attain higher levels of education than their parents (Table 15). This is on par with national trends (Education Policy Database Center, 2014). The data shows an important gender gap in educational attainment. The gender gap seems to narrow towards secondary school, but widens after. In comparison to their male counterparts, girls appear to be two to three times less likely to enjoy post-secondary education and are more often unschooled. According to LIWG (2017) do parents generally assume in Laos that girls do not need the education, as they will be housewives. In Xaifongneua there is a relationship between gender and educational attainment<sup>39</sup>. For every male in the next level of education there are only 8,6% less females. There is no relationship between education level and the decision-making power on land or household expenditures; the size of the owned land; land transactions; household income or felt tenure security.

The residents of Xaifongneua generally state to be in good **health**. However, in health questions it is always important to note that bias may appear for two reasons. Firstly the assessment of what is considered good health is different between people and between cultures, and secondly, health might be a sensitive topic on which people do not answer truthfully. That said, with the data of the survey, between 86,1% and 97,1% of the villagers should be healthy<sup>40</sup>. Unsurprisingly there is a relatively strong relationship between age and health status<sup>41</sup>. Table 16 shows that older people are relatively more ill than younger people who are more often healthy or disabled. Also people in a hard sector like agriculture, livestock and fisheries suffer more from illness than other sectors, although the correlation is weak<sup>42</sup>.

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<sup>38</sup> Chi2 test – sig.(2-tailed)=0.000

<sup>39</sup> Chi2 test - sig. (two-tailed)=0.004 – pearson’s r= -0.086

<sup>40</sup> stated answer: 91.6% - confidence interval 95%

<sup>41</sup> Chi2 test - sig.(2-tailed)=0.05 - Cramer’s V=0,544

<sup>42</sup> Chi2 test - sig.(2-tailed)=0.01 - Cramer’s V=0.244

**Table 16: Overview of the respondents' health status in Xiaifongneua**

	N	%	Gender division				Mean age of the respondent	Predominant job section type
			Male		Female			
			N	%	N	%		
<b>Healthy</b>	294	91.6	146	92.4	148	90.8	33.6	Sales & Services
<b>Temporary illness</b>	18	5.6	7	4.4	11	6.7	67.3	Agriculture, livestock & fisheries
<b>Chronic illness</b>	4	1.2	2	1.3	2	1.2	72.0	-
<b>Disabled</b>	4	1.2	2	1.3	2	1.2	32.5	-
<b>Other</b>	1	0.3	1	0.6	0	0.0	65.0	-
<b>Total</b>	321	100	158	100	163	100		

Source: (Fieldwork, 2017)

More interesting in this respect is the reasons people who have sold their land have provided for doing so. From the 10 people who have sold land between 2007 and 2016, 30% states that their reason was due to health related costs. These were either to pay for a hospital visit or medicines. No strict conclusions can be taken from such a small samples but it possibly points towards land market actors that are not primarily driven by land market price trends but rather out of monetary necessity.

In terms of **employment profile** the majority of the survey respondents work (63,8%) or are in education (22,1%). Between 52,3% and 75,3% of the people in Xiaifongneua work<sup>43</sup>, between 10,6% and 33,6% are in education<sup>44</sup>, whilst the unemployment rate lies

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<sup>43</sup> confidence interval 95%

between 0% and 17,6%<sup>45</sup>. Of the employed respondents, most people work in sales and services (34,4%), followed by agriculture, livestock and fisheries (27,8%) and professional administration (18,4%). A statistical note is that the confidence interval of 95% is big with 20% margin on both sides, enabling us to conclude that the survey might not give a reliable assessment of the job section types. More reliable is the retrieved data on contract type. Between 89,6% and 100% of the working people work on a fulltime basis, whether it is regular or irregular<sup>46</sup>. Self-employment is the predominant manner of employment, in Xaifongneua (between 53,5% and 68,5%)<sup>47</sup>. Of the self-employed people 44,8% works in sales and services and 39,2% in agriculture, livestock and fisheries. Xaifongneua has found a niche with organic agriculture introduced by an NGO in 2009. All villages in the cluster are farming villages (rice and vegetable production). There is no stable production or market, which creates competition between the villages as they sell the same products. The organic production is unfortunately not suitable for mass production (Village heads Nong Khon Sene cluster, 2017). Previously the village used to have more fields for rice cultivations. They were farmers. Now people are called gardeners because they grow vegetables. In every household one or two people work for the government/private sector and the other two are gardeners or work in the village. (Nai Ban Xaifongneua, 2017a). For wage labourers, professional administrators make up 50% of the workforce, and production and construction employees 10,3%<sup>48</sup>. There are no relationships between the employment profile of the population and land or land market changes. There is not relationship with the amount of land owned, the stated or legal ownership, mortgage activities, noticed changes in the land market or the felt tenure security.

The overall influence of land and land market developments on the human capital of the people in Xaifongneua appears to be low. There are no direct relationships between land

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<sup>44</sup> confidence interval 95%

<sup>45</sup> confidence interval 95%

<sup>46</sup> stated answer: 97.6 - confidence interval 95%

<sup>47</sup> stated answer: 61% - confidence interval 95%

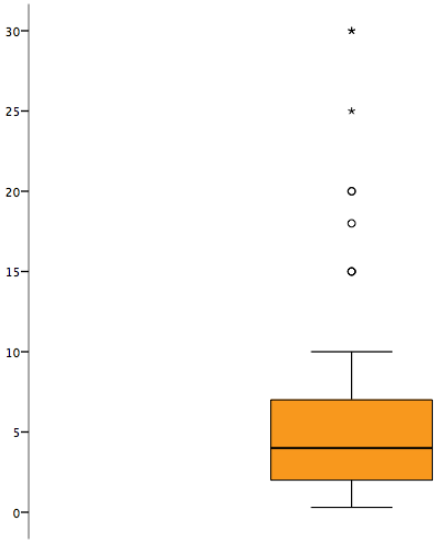
<sup>48</sup> There is also a rather strong relationship between the manner of employment and the job section type - Chi2 test - sig.(2-tailed)=0.000 - Cramer's V=0,540

and education or land and employment profiles, besides the fact that many primary school educated people work in the land-based sector of agriculture, livestock and fisheries. As sector that provides a noticeable share of the employment in Xaifongneua altogether. Health does appear to have a relationship with land and the land market. First of all people in land-based professions appear to be ill more often than those working in other sectors. In addition, health costs have been stated as the reason for land sale in 30% of the cases.

**Financial capital**

The average monthly income of the population in Xaifongneua is between 4,51 million LAK and 7,64 million LAK<sup>49</sup>. Figure 23 shows a boxplot stating the outliers and the majority of the data. With the exception of the outliers the data is appears evenly divided, between 1 million LAK and 10 million LAK, with more than 50% of the respondents however earning below 5 million LAK annually. In addition to income from work, households state other income sources as government support, remittances and others (Annex 4, table 27). Between 37,6% and 59,6% of the households in Xaifongneua receives remittances from people outside if the village and/or Laos<sup>50</sup>.

**Figure 23: Distribution of the average monthly income in the survey**



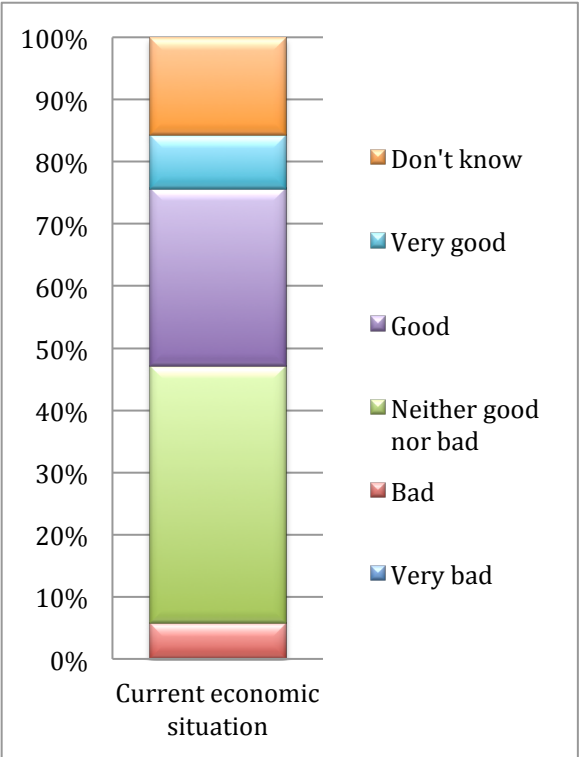
Source: (Fieldwork, 2017)

The division of income contribution between the household members is rather expected. On average the household head contributes most to the household income (36,8%), followed by those unrelated by blood, such as in-laws (28,7%) and spouses (28,0%). Grandparents and grandchildren do not

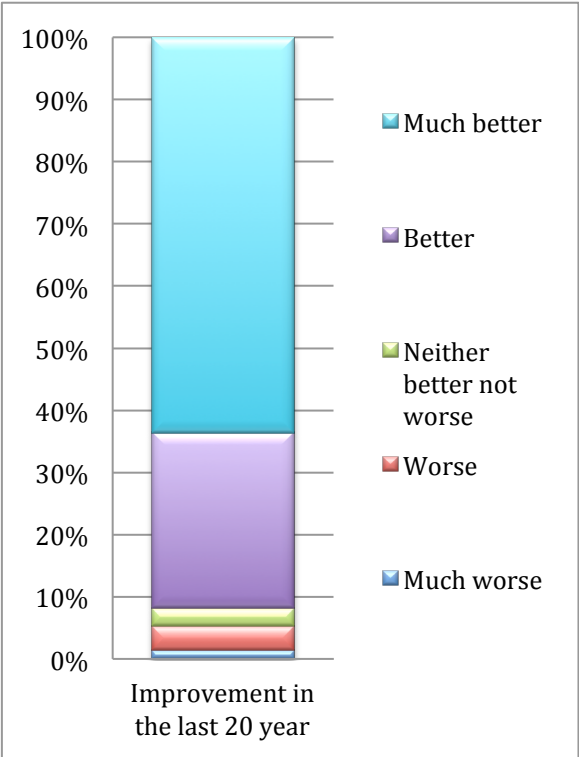
<sup>49</sup> stated average: 6.08 million LAK - confidence interval 95%  
<sup>50</sup> Confidence interval 95%

contribute to the income in any of the survey cases. The largest expenditures in the village are ranked (1) food; (2) gas, water and electricity; and (3) social activities. The decisions about these expenditures are in 50% of the households made by the spouses, in 23% by the household heads and in 12% by the children. The overall satisfaction level of the respondents with their economic situation is somewhat positive as shown in figure 24. The satisfaction with the improvement of the economic conditions in the household is very positive. (Figure 25)

**Figure 24: satisfaction with economic situation**



**Figure 25: economic improvement (20yr)**

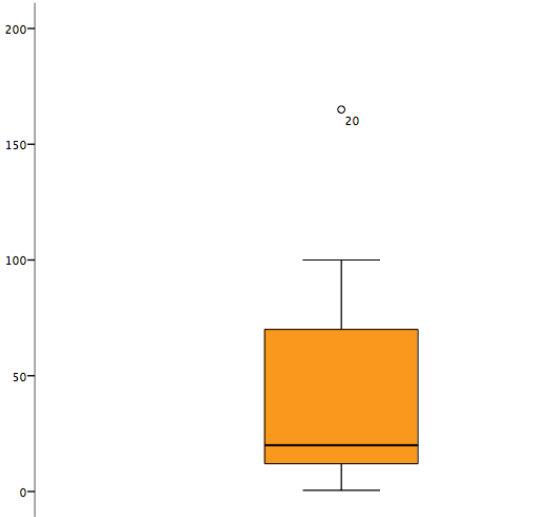


Answering the question on income proves difficult for the male respondents, as income is regarded something of the mother. Most just smile and go ask their spouses. The rest of the household hands their income to the wife in the family, and she spends it as she sees fit. This is in line with Lao custom (Asian Development Bank, 2004).

Land was used as collateral for a loan 14 times. The average amount of the loan is 42,04 million LAK. Figure 26 shows the spread of the data in a boxplot. As can be seen there is

one major outlier of a loan of 165 million LAK. More than half of the loans however are below 25 million LAK

**Figure 26: Distribution of the average loan amounts in the survey**



Source: (van Duin & Speeckaert, 2017)

There are strong correlations between economic improvement and stated ownership<sup>51</sup>, and legal ownership<sup>52</sup>. This relationship can be explained by idea of land titling as a mechanism for economic development (Hall, Borrás, & White, 2002), reflected in the positive attitude the respondents towards the economic improvement. However, according to de Soto (2000) land titling would enhance development through enabling increase mortgaging on land.

Such a correlation is not established in Xiaifongneua through this research. There is also a significant relationship between annual income and changes noticed in the land market<sup>53</sup>. Furthermore there are no relationships between the financial capital components and the stated or legal land ownership, land transactions, changes in the market, mortgage activities, the amount of land owned or felt tenure security.

**Social capital**

The social capital of Xiaifongneua’s people is measured by their party membership; location of their core relationships; connectedness with their neighbours; the characteristics on which they select their friends; and the importance they place on family and neighbour relations for a quality life.

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<sup>51</sup> Chi2 test - sig(2-tailed)=0.000 - Cramer’s V=0,671  
<sup>52</sup> Chi2 test - sig(2-tailed)=0.000 - Cramer’s V=0,751  
<sup>53</sup> Chi2 test - sig(2-tailed)=0,044 – Cramer’s V=0,696



The majority of the respondents (75,1%) are not a member of any organisation (Annex 4, table 28). The remaining 80 respondents are member of one or more organisations. Surprisingly, there are only nine members of the Lao People's Revolutionary Party in the survey. Although it is not mandatory to be a party member in order to become a village elder or official, it is customary (Nai Ban Xaifongneua, 2017b). The relative low amount of members of the Women's Union and Youth association can be explained by the fact that these associations work invitation-based only (Interview: LWU leader Xaifongneua, 2017). Unsurprising is that the core of the social relations of the respondents can be found in Xaifongneua<sup>54</sup>. Seeing that there is a strong correlation between age and the amount of years one has lived in the village, this concentration of social activity is to be expected<sup>55</sup>. In line with this result is that between 47% and 100% of the population feels connected, or very connected to their neighbours<sup>56</sup>. Between 70,1% and 100% of the population find good relations with neighbours important or very important for the quality of life<sup>57</sup>. In selecting friends, proximity to the residence is named as the number one selection characteristic (88,6%), followed by employment profile (71,4%) and ethnicity (10,0%).

There are no significant relationships between these social capital markers and the stated or legal land ownership, land transactions, changes in the market, mortgage activities, the amount of land owned or felt tenure security. They appear not to influence each other at all.

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<sup>54</sup> 68,8% of the respondents reports Xaifongneua to be their social hub. A 95% confidence interval tells that this is the case for between one third and the total population

<sup>55</sup> Chi2 test - sig.(2-tailed)=0.000 - Cramer's V=0,849

<sup>56</sup> stated answer: 71,5% - confidence interval 95%

<sup>57</sup> stated answer: 87,1% - confidence interval 95%

## *Physical capital*

The physical capital in Xaifongneua has been growing. Of the biggest changes in the last twenty years, 72% were improvements in the physical capital due to urbanization trends, split out over housing improvement (21,2%), introduction of electricity (19,7%), road construction (28,3%) and water supply (2,8%) (see annex 3, table 23). Also improvements in telephone (7,0%) and Internet connections (5,6%) can be attributed as physical capital. Road construction may have improved the physical capital of the villagers; the reduction of public infrastructure lowers it<sup>58</sup>. Transportation is a big issue in the whole cluster. The road has not been maintained and is therefore in very bad condition (due to wear and tear and the heavy rainfall creating potholes). Better road is the Nai Ban's first priority (Village heads Nong Khon Sene cluster, 2017). For between 63,5% and 85,5% of the population has no public transport to their place of work<sup>59</sup>. One must take into account here that the majority of the work is actually located within Xaifongneua (62,6%) negating the need for public transport. This is supported by the strong correlations between available public transport and job distance, job location and urbanity of the work (annex 4, table 29). The cross tables show that for a distance between 20 and 30 kilometres, public transport is mainly available. This distance signals public transport to Vientiane Capital, that is approximately 22 to 25 kilometres from the village. The job location underlines this idea as public transport is stated to be available to those working in the Hatxaifong district, Vientiane Capital and beyond. Also those working in an urban location state that public transport are available to them. This is in line with urbanization trends of Vientiane Capital as set out in the chapter on urbanization and Vientiane.

**Figure 27: a rather well-maintained piece of the road in Xaifongneua**



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<sup>58</sup> There used to be a bus service through the village, nowadays people use own transport or charter a tuktuk (Nai Ban Xaifongneua, 2017a)

<sup>59</sup> stated answer: 74,5% - confidence interval 95%

Out of 37 household, 86,5% states to have no irrigation system. Within the cluster every village suffers from a lack of irrigation system in the dry season (Village heads Nong Khon Sene cluster, 2017). The remaining systems mentioned are pumping up ground water, a hose, water drawn from the Mekong River and stored rainwater. In that respect farming practices in Xaifongneua are behind on those in surrounding villages seen on the first field visit were they had more elaborate irrigation systems through small channels and sprinklers (Observation, 2017). There are no relationships found between the physical capital components and the stated or legal land ownership, land transactions, changes in the market, mortgage activities, the amount of land owned or felt tenure security.

### *Political capital*

The political capital of the population is measured in the access to decision-making participation in village affairs, who represents the household, the financial decision-making power within the household, the decision-making power on land use and sale in the household and in the village, and the role in governance. Between 70% and 90% of the household would report to be part of local decision-making in the village<sup>60</sup>. With the government structure of Laos being very non-participatory, as explained in the chapter *Geographic context: three levels* this would be remarkable. Therefore it would be safe to assume these households are present at village meetings where they can deliver input but the final decisions are made by the Nai Ban. Of the households in Xaifongneua between 44,9% and 84,9% are represented by the head of the household. Table 17 provides an overview of the distribution of the measured decision-making powers in the household.

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<sup>60</sup> stated answer: 80% - confidence interval 95%

**Table 17: Distribution of decision-making powers within the household**

	Representation in village		Household expenditures		Land use and sale	
	N	%	N	%	N	%
<b>Household head</b>	37	64.9	23	32.9	29	42.0
<b>Spouse</b>	11	19.3	35	50.0	27	39.1
<b>Child</b>	8	14.0	12	17.1	6	8.7
<b>Parent</b>	-	-	-	-	4	5.8
<b>Grandchild</b>	-	-	-	-	1	1.4
<b>Unrelated by blood</b>	1	1.8	-	-	-	-
<b>Other</b>	-	-	-	-	2	2.9
<b>Total</b>	57	100	70	100	69	100

Source: (Fieldwork, 2017)

Someone with one of the decision-making powers will also have the other two powers, and someone without on will also not have the others, although the correlations are only relatively strong (annex 4, table 30). The relationships do show that similar to usage rights; decision-making power appears to be concentrated with one or two people. The persons within the household who are most likely to have these power-packages are the household head and spouse. 93,1% of the household heads with power over expenditures also have represent their household in the village decision-making platforms, the same goes for 77,3% of the heads that decide over land use and sale. It is safe to say that when the head of the household holds one of the decision-making powers, they hold them all. Different power dynamics appear when analysing the results of the spouses. 66,7% of the spouses holding the decision-making power over expenditures is represented in the village platforms by the household head, only 30% of the spouses with expenditures control, also represents the household. Also the majority (56,5%) of spouses with land use and sale powers are represented by the head of the household. The other 43,5% represents the household themselves.

There are few independent relationships between land and land markets and the political capital of the population of Xaifongneua. A Chi2 test proved that there is a weak correlation between participating in village level decision-making and stated ownership<sup>61</sup>. Also there is a relatively strong correlation between who represents the household in the village platforms and whether the land is used as collateral for a loan<sup>62</sup>. The political capital as a whole however has a significant relationship with the size of the owned land, a regression analysis showed that the m2 owned can be for 18,8% explained by the presence of political capital<sup>63</sup>. Decisions on land made at the village level appear to occur in accordance with the national policy. The land use decisions are made at the city level and communicated down to the Nai Ban through the district officials. Xaifongneua does not have a separate village land unit but rather a group of people consisting of the Nai Ban and the two vice-village heads who decide upon the land transactions in regular meetings. The only person whose signature is required though is the Nai Ban; she has the final decision-making power and is selected every five years by the village (Nai Ban Xaifongneua, 2017b). There are no relationships found between the individual markers for political capital and the legal land ownership, land transactions, changes in the market or felt tenure security.

### *The relationship between land and livelihoods in Xaifongneua*

This in-depth application of the sustainable livelihoods approach on the relationship between the livelihood capitals in Xaifongneua and land enables to make a general assessment along the lines of the relationships between land and the capitals. Overall there appear to be remarkably little relationships between the capitals and land; only in physical and political capital can relationships really be determined<sup>64</sup>. Table 18 provides an overview of the highlights.

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<sup>61</sup> sig.(2-tailed)=0,020 - Cramer's V=0,277

<sup>62</sup> Chi2 test - sig.(2-tailed)=0,001 - Cramer's V=0,549

<sup>63</sup> sig.0,028 - R2=0,188

<sup>64</sup> As natural capital exists of land, it has not been included in this overview

**Table 18: Highlights of the household capitals regarding land**

Spatial	Socio-cultural	Economic
<ul style="list-style-type: none"> <li>▪ Land conversion due to urbanization accounts for the main major changes in the last 20 years</li> <li>▪ The road maintenance is lacking and creates connectivity issues</li> <li>▪ Strong connection between land ownership and economic satisfaction</li> </ul>	<ul style="list-style-type: none"> <li>▪ The village is the main social hub</li> <li>▪ Children and men are the most educated</li> <li>▪ Decision-making powers (including on land) are clustered in a person</li> <li>▪ People with more political power own more land</li> </ul>	<ul style="list-style-type: none"> <li>▪ The less educated more often work in a land-based job</li> <li>▪ People in land-based jobs are more often ill</li> <li>▪ Land is being sold due to health-related costs</li> <li>▪ Agriculture is the 2<sup>nd</sup> biggest economic sector</li> <li>▪ Agriculture workers are often self-employed</li> <li>▪ The village has a market niche in organic agriculture</li> <li>▪ Mortgaging is uncommon</li> </ul>

## A gender assessment

As stated in the chapter on *Land and law: a legal framework* gender equality is one of the priorities of the Lao government, although it does not translate very well in practice as shown by the very low levels of female participation. The assumption based on the literature is that women have a less secure tenure than men. This assumption is based predominantly on studies performed in rural areas (see *Conceptual and literature framework – gender* section). This chapter assesses the female tenure security in Xaifongneua and specifically looks into the political capital, as it signals the ability women have to change their situation. Thus this chapter answers the question what the role of land is in the livelihoods of women and what role women play in the land system. First there will be a short elaboration of prevalent gender norms in Laos, specifically the Lao Loum ethnic group that can relate to land. Subsequently a tenure security assessment of women will be made on the micro level and compared with the tenure security of the population in general as set out in the previous chapter. The statistical tests used in this chapter are T-tests, Chi2, regression test, Phi and Cramer's V.

### Gender norms

As there is a plethora of ethnic groups in Laos, there are a plethora of gender norms. There are however some general statements to be made about society at large and the Lao Loum ethnic groups specifically. The gender norms in this section will be divided into norms considering the family life, employment, public life, education and inheritance. In the **family life** Lao people practice patrilocal and bi-local customs but are predominantly matrilineal oriented as both the Lao Tai as the Lao Loum ethnic groups are matrilineal (World Bank & GRID, 2005). Once a couple is married, the husband will relocate to the wives' location, oftentimes her family home (UN CEDAW, 2003). Approximately 85% of the families in Laos practice the custom of bride price, where the groom provides the bride's family with gifts and money (World Bank & GRID, 2005). In addition, girls in rural communities often marry at a young age (below 18) even though the marital age is 18 (Asian Development Bank, 2004). The youngest daughter will always remain living in her family home, as she takes care of her parents. In return, she receives a larger part of the land-based or business inheritance (Park & Daley, 2015). In matrilineal communities, women have a higher status and decision-making power than

otherwise. The female spouse decides on the financial expenditures and provides the land. Large expenditures will be mutually decided upon (Asian Development Bank, 2004). The matrilineal habits enable women better to make use of their social network like family and friends. In cases of marital problems or divorce, the husband leaves the property (UN CEDAW, 2003). Nonetheless, there is a great social stigma around divorce. Divorcees and widows alike are looked down upon in the community (World Bank & GRID, 2005). The stigma stems from the emphasis Lao place on the household. Single women living alone, divorcees and widowers suffer under this stigma (Mann & Luangkhot, 2008). The stigma on divorce also hampers women from planning for the possibility of a divorce later in life. In rural communities, women often do not want to register their name on a land title, or be financially self-sufficient as it is believed that the husband should provide for his wife (Park & Daley, 2015). Even when both spouses are listed on the title, all other landforms only require the signature of the (male) household head, as do personal loan documents. Meaning the male spouse can make decisions without consulting his wife whilst the wife needs the signature of her husband on land or financial issues (Asian Development Bank, 2004). Furthermore the believe that husbands should provide for their wives places a cultural shame on women entering banks and handling financials in public, often leading them into the open arms of informal moneylender (World Bank & GRID, 2005). Women head only 10% of the households, mostly concentrated in urban areas. Female-led household usually have smaller agriculture holding, fewer plots of land and fewer income-generating activities than male-headed households in their environment (Daley, Osorio, & Park, 2013).

These income-generating activities lead to the second topic discussed; **employment**. Women mainly work in agriculture (69,5%) and make-up the majority of the agricultural labour force (54%) not including those working in agriculture as a part of household chores (Daley, Osorio, & Park, 2013). Traditionally women are responsible for the food security and nutrition of the family. In the agriculture tasks, women do the majority of the work, being; planting, weeding and harvesting crops; tending to pigs, goats and poultry; irrigation; applying manure; preparing the animal food; and doing all post-harvest tasks including sell of the produce at local markets. Men are responsible for ploughing; land preparation; preparing the bunds and seedbeds; harvesting rice; and



feeding cows and buffaloes (FAO, 2012a). Next to the paid work, women are also carry the burden of managing the household and childcare. Although women do most of the agriculture work, they do not usually have a voice in the way to go about it. The male household head predominantly decides on issues as contract farming or renting the land (Daley, Osorio, & Park, 2013).

In the **public life** women are even less visible than in the private sphere or employment. The government, on all levels, is male-dominated and the household heads mostly attends meetings on village decisions. This creates male-only of male-dominated public spaces. The development programmes on gender equality are severely hampered by the limited role of women in village, provincial and district offices. As these institutions are responsible for the allocation and registration of land usage rights, women are often discriminated against, losing their property rights in the process (FAO, 2000). The same is visible for the information and services provided to women. Women who are not able to speak Lao next to their ethnic language are often unable to attend the trainings on agricultural techniques. Research has shown that training male farmers does not automatically lead to this information being distributed to their wives (Asian Development Bank, 2004). Land disputes are mainly mediated by the (male) Nai Ban and often rule in favour of other men (Lastarria-Cornhiel, 2007). Just the same, village and community land is male-dominated as the village elders, who are also primarily men, manage it. The combination of all the socio-cultural factors discussed in this section, make that customary tenure is usually male oriented, although urban women do appear to have more rights in reality than rural women (Park & Daley, 2015).

The language-barrier women face is due the lack **education** they receive. Of the men older than ten years old, 75% is literate, a substantially higher amount than amongst women (57%). This is due to the fact that households prefer boys to receive an education whilst girls help in the household (Daley, Osorio, & Park, 2013). Especially ethnic minority women are impeded in their development due to their lack of language skills. They cannot read the official documents on land, understand the procedure, communicate with the district or provincial officials, participate in discussion or have

access to land programmes and training opportunities (Lastarria-Cornhiel, 2007 ; World Bank & GRID, 2005 ; Asian Development Bank, 2004).

The **inheritance** customs differ among the various ethnic communities but are rarely as described in the law on inheritance, and are very much dependent on the matri- or patrilineal customs. As stated earlier, daughters are the major groups inheriting from their parents, especially the youngest daughter (Park & Daley, 2015). However, there are also examples of inheritance along the patrilineal line, in for instance the Khmou group (Asian Development Bank, 2004). Inheritance patterns have been the subject of change over the last decades due to increased urbanization, relocation of villages, and the land administration efforts. For example, non-Lao ethnic households tend to give inheritance to both sons and daughters when they move closer to Lao-ethnic households or to an urban core (Asian Development Bank, 2004).

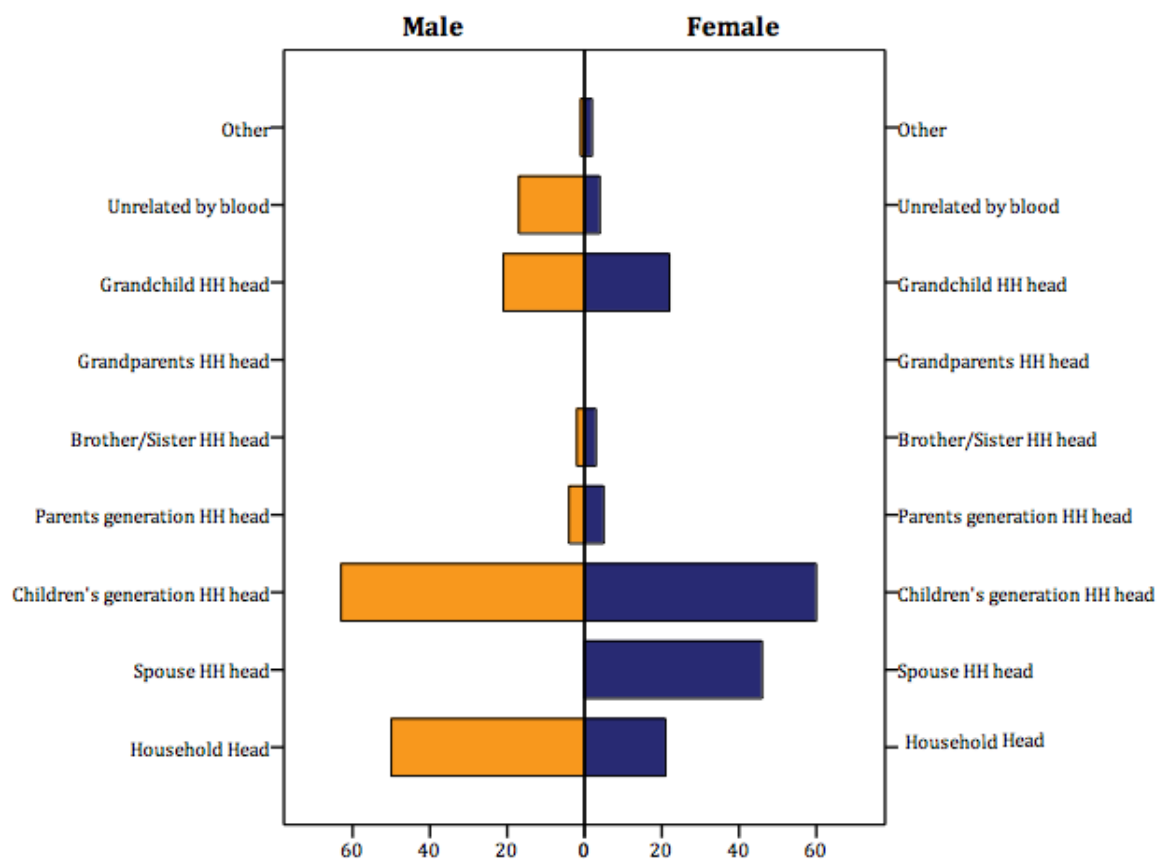
The position women uptake in the family, the public sphere and the low opportunities they have to develop themselves are exemplary of the rather strict and unemancipated gender customs in the Lao society. This normative inequality is not only perpetuated by men but also firmly internalized by women. As Mekong Watch states “there is legal equality, but not in practice. Women also think that the men should decide as they know what is best” (Interview: Mekong Watch, 2017). Although gender equality is a priority for the government, with the subsequent laws and policies being created, there is both a lack of implementation capacity with the government to execute this legislature and a lack of societal pressure to change the existing gender patterns.

### Findings from on site research: Gender

Before moving to the security assessment it is important to discuss how the household composition is divided along gender lines and afterwards look into the role land plays in women’s livelihoods with regard to employment, and square footage of the land owned as these are not included in the tenure security assessment. All results are based on the household survey and on personal level, when household differentiates results, this will be specifically mentioned.

The household composition is quite evenly divided along gender lines<sup>65</sup>, as shown in figure 28. The exceptions are with household members who are unrelated by blood<sup>66</sup>, spouse of the household head or household head. Heads of the household are overwhelmingly male (70,4%), which is not uncommon for a patriarchal society (Florida & Fasche, 2017). The spouses are without exception female (100%) which points towards the fact that all female household head are unmarried, divorced or widowers. Otherwise there would be male spouses. The lack of male spouses also indicates that if there is a male in the household, who is biologically family and not a child, he will likely become the household head over any female option i.e. his sister or wife.

**Figure 28: Gender distribution within the household positions**



Source: (Fieldwork, 2017)

<sup>65</sup> The results of the survey are significant for the general population. Supported by a Chi2 test - sig.(2-tailed)=0,000 - Cramer's V=0,455

<sup>66</sup> Household members who are 'unrelated by blood' do not belong to the biological family line of the household head or their spouse. This usually indicates a son or daughter in law but is not limited to that category

The male dominance in those unrelated by blood (81%) is due to the matrilineal habits of the Lao Loum ethnic group. These unrelated by blood men are most likely the sons in law of the household head. Knowing that spouses can be equated with females provides more options in the analysis of the survey results, as the results on gender are based on a personal level, whilst results on households are based on household level. Knowing that spouses are female, presents an opportunity to analyse household data beyond the division between male-headed and female-headed households.

The female respondents in the sample compose the majority (61%) of the workforce working in land-based jobs as agriculture, livestock and fisheries. This sector is also the biggest employment sector for women, as 34,3% of the women works in agriculture, livestock and fisheries. Although women work more often in land based-profession, women-headed households possess less land than men in all forms of possession and transaction (table 19). Of the total square footage, women own approximately 23%, whilst men own the other 77%, a big disparity for a village where 52,1% is female (Nai Ban Xaifongneua, 2017b).

**Table 19: Average size of land distribution between male-headed and female-headed households**

Average m2 of land	Male-headed household	Female-headed household
<b>Owned</b>	2962.94	2209
<b>Rented</b>	1600	160
<b>Bought</b>	3971.76	2700
<b>Sold</b>	2374.67	1136.50

Source: (Fieldwork, 2017)

### *Tenure security assessment of women*

The tenure security assessment will be carried out according to the same lines as the ones used to assess the tenure security of Xaifongneua in general (see p. 74-84) only now the assessment will be made specifically for women. In addition to this certain gender specific tenure markers will be taken into account, based on the conceptual and literature framework.

There is no significant relationship between female-headed households and **felt tenure security**. The survey results show similar results for male- and female-headed households. Upon closer inspection of the data all female-headed household feel secure or very secure in their tenure. Based on the literature, this is remarkable. As in general female tenure is less secure, one would expect this to also be felt by women (Simon, 2008 ; Schlager & Ostrom, 1992 ; FAO, 2002). An explanation could be found in the fact that land is inherited through the female line in Xaifongneua and that the law stipulates that inherited property is unequivocally yours (UN CEDAW, 2003).

The measured **control rights** are the stated ownership, legal ownership and mortgage right. There are no relations found between female-headed and the control rights, meaning the relationships found in the survey cannot be extrapolated to the population as a whole. As a Chi2 test supports the assumption that all spouses in the household are female, the control rights can be crossed with household position in order to make at least some 'lower limit' analyses. Spouses who have stated ownership will also have legal ownership and vice versa<sup>67</sup>. Since all spouses are female, it can be deduced that at least some female have both stated and legal ownership over the household land. A Chi2 test points out that the name of the male household head will be on the document if the female spouse has stated ownership of the land<sup>68</sup>. As the spouses legal and stated ownership appears to be clustered, it is safe to say women in Xaifongneua who uptake the position of spouse in the household and have ownership of land, will always have the name of their husbands on the land title as well. There is a gender imbalance in land

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<sup>67</sup> Chi2 test – sig.(2-tailed)=0.000 - Cramer's V=0,0551

<sup>68</sup> Sig.(2-tailed)=0.029 - Cramer's V=0,373

ownership as there is no relationship between stated ownership for the household head and legal ownership for the spouse. Therefore the female spouse will not automatically be registered on the land title document as well, when her husband has stated land ownership. There is no significant relationship between mortgaging activities and either gender or household position. Although mortgaging is not used frequently the access of women to credit in Xaifongneua is existent, although not necessarily through a bank. The local LWU upholds a fund from which all villagers, but especially women, can get a loan with low interest rates (<5%) (Interview: LWU leader Xaifongneua, 2017). Such a fund is an example of a Village Revolving Fund. They are nation-wide local institutions working outside the formal financial sector. Usually they take the form of a rice bank and are generally funded by NGOs and private donors (World Bank & GRID, 2005). Interesting about the Xaifongneua LWU fund however is that the fund is replenished by the monthly contributions of the LWU members (3.000 LAK/m) and the interest on provided loans. Performing a linear regression test shows that the totality of control rights with the inclusion of the gender variable have no significant correlation with the felt tenure security.

The **use rights** that were measured on site are the right to use the land, the right to take something from the land and the right to change anything on the land. A Pearson's r correlation test shows that there is a relationship between gender and the spouse's rights to use the land, take something from the land, and change something on the land (annex 5, table 31). In the previous chapter it was explained how spouses' rights tend to be clustered. Either they have all the rights or they have none. Combining this with the information of the gender division per household position explains that these correlations between the rights of the spouses also state that there is a 99% chance in Xaifongneua that there either is a spouse with a full right's package, or there is no spouse in the household, and the household head is an unmarried, divorced or widowed woman. This means that women have very land usage rights when they are either spouses or household head, since both groups are likely to have a full bundle of usage rights. This strengthens their tenure security significantly. This is remarkable as the

literature puts forwards the notion that women usually manage something on the land<sup>69</sup>, but cannot manage the land itself<sup>70</sup> (Doss, 2015a). Performing a linear regression test shows that the totality of use rights can declare for 83,6% of the felt tenure security variance in this model<sup>71</sup>. The addition of a gender variable to the model does not make a difference, as it is not significant.

The measured **transfer rights** are the obtainment of the land and the decision-making power in land use and sale. Table 20 shows the differences in land obtainment for male- and female-headed households. Although both predominantly obtained their land through the inheritance of a household member, male-headed household also obtained land through the land market and government titling.

**Table 20: Land obtainment in male- and female-headed households**

Land obtainment	Female headed households		Male headed households		Total	
	N	%	N	%	N	%
<b>Family inheritance</b>	16	84.21	38	76.0	54	78.26
<b>Marriage</b>	3	15.79	5	10.0	8	11.59
<b>Acquisition on the market</b>	-	-	5	10.0	5	7.25
<b>Government titling</b>	-	-	2	4.0	2	2.90
<b>Total</b>	19	100	50	100	69	100

*Source:* (Fieldwork, 2017)

<sup>69</sup> this is operationalized in the survey as the ability to take something from the land and the ability to use the land

<sup>70</sup> this is operationalized as the ability to change something on the land

<sup>71</sup> sig.=0,04 - R2=0,836

It is safe to assume inheritance was through the female household member due to the ethnic composition of the village. This also explains why the inheritance percentages are even higher for female-headed households. The correlation between gender and final decision-making on land use and sale is strong<sup>72</sup> meaning that there is a connection between the gender of the household head and the ability to decide on what the household land is used for and whether it is sold. It is safe to say that for the people in Xaifongneua, 57,97% of the households a woman makes the final decision on land use and sale<sup>73</sup>. As in the female-headed households, 68,4% of the decisions-makers on land are the household heads, and in male-headed households, 54% of the decisions-makers are spouses who are also exclusively female. As the correlation between decision-making power on land use and sale and land obtainment is strong as well, these results point towards relative strong transfer rights security for women in comparison to their male counterparts<sup>74</sup>. Performing a linear regression test with the inclusion of gender as a variable shows that gender is not a significant factor in the impact of transfer rights on tenure security. The leader of the local division of the LWU explains how there are different transfer regulations in the events of divorce, spousal death and parental death (Interview: LWU leader Xaifongneua, 2017). In the case of a divorce there are two options regarding the land. Regarding bought land one spouse can buy the other out. In the case of inherited land, the land will predominantly remain in the hands of the original owner, even when both parties are stated on the ownership document. This often naturally coincides with the wife, who will continue living in the marital house with her children. In some cases, the husband will remain with the children, in those cases; this argument outweighs the ratio of original ownership. In the case of spousal death, the remaining spouse will inherit all the land, this will happen also if their name is not on the ownership document. In the case of a parental death all the children will inherit a part of the household land. However, Laos knows the custom in which the youngest daughter will remain living in her parents house until their death, she will afterwards inherit the majority of the land (Thiphaneth, 2017).

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<sup>72</sup> Chi2 test - sig.(2-tailed)=0,000 - Cramer's V=0,657

<sup>73</sup> Chi2 test - sig.(2-tailed)=0.000

<sup>74</sup> Chi2 test - sig.(2-tailed)=0,000 - Cramer's V=0,653



In addition to the bundle of rights, **traditional gender roles** in society diminish women's tenure security (Doss, 2015b). Therefore the tenure security assessment will also include some markers that signal gender roles in society, e have a relationship with land tenure according to the literature and encompass different livelihood capitals (Doss, 2015a; 2015b; 2015c ; USAID, 2013 ; World Bank, 2012). These are education level, quality of the soil, whose considered a farmer in the household, importance of land tenure in the quality of life, and organization membership.

More than half (53,5%) of the women are uneducated or have only finished primary school, in comparison with 40,6% of the men<sup>75</sup>. This trend continues in the rest of the education levels. Only 10% of the women have post-secondary education, whilst 18,8% of the men went to either college or university. The lower levels of education provide a reason for the high percentage of women working in agriculture, as this is low-skilled work. This has consequences for the tenure security of women in such that they are general more vulnerable for changes on the land, such as land conversion or environmental degradation, as they derive most of their income from land.

The majority (75,3%) of the people in Xaifongneua are not member of an organization. There is however a significant relationship between organisation membership and gender. Of the 617 women in the village, 94 are member of the Lao Women's Union (15,23%). The LPRP and the youth organisation is dominated by men, with 2/3<sup>rd</sup> being male and 1/3<sup>rd</sup> being female. There is no significant relationship between gender and the quality of the soil, whom is considered a farmer in the household, or the importance of tenure security for quality of life. This means that again Xaifongneua contrasts the literature as female-headed households do not have lesser quality lands (FAO, 2012). Nor are they not considered a farmer, preventing them from participating in farmers groups or accessing extra inputs like manure (Doss, 2015b). Interesting is that although land appears to play a more important role in the lives of women than of men, as they derive their income from land but also personally inherit it from their mothers, they do not seem to think more often than men that land is more important for the quality of life.

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<sup>75</sup> Chi2 test - sig.(2-tailed)=0,004 - Cramer's V=0,235

Performing a linear regression test with these variables variable shows that the accumulation of gender specific markers can declare for 50,5% of the felt tenure security variance in this model<sup>76</sup>.

As with the general population of Xaifongneua, the combination of all these factors enables the development of a tenure security assessment. In analysing the on site research findings on gender and land it is important to remember that there are two different levels of dispossession when it comes to land. First of all, there is the community-level, where household are dispossessed of their land and/or rights by outsiders. Second, there is the household level, where household members dispossess other household members of their land and/or rights. Women in Xaifongneua do not appear to be disposed in either way, although their position in the household is stronger than their position in the community. This is elaborated upon in the next section on political capital. With the present data tenure security of women in Xaifongneua can be regarded as similar to that of the total population of Xaifongneua, with the remark that women do face certain gender specific challenges. There is no correlation between gender and felt security but no female-headed household reported to feel anything less than secure. There is no correlation between gender and control rights, although the data do tell that all spouses are female. This provides an opportunity to make an assumption about the percentage of women who at least have control rights. There will not be less but might be more women with control rights, as there is correlation between being a spouse and control rights. There is a power imbalance in the household as women who are spouses and have stated ownership will likely have the name of their husbands, who are household heads, on the land title as well. This correlation is not visible with men who have stated ownership. In this sense it is safe to conclude that women who are spouses only have shared ownership of the land with the husband, even though the Lao Loum ethnic group has the custom of inheritance through the female line. Analysis of the use rights leads to believe that there is either a spouse in the household with a full package of use rights, or there is no spouse present in the household. There is also a correlation between household heads and use rights. Therefore we can assume that women who are either spouses or household heads will

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<sup>76</sup> Sig.=0,000 - R2=0,505

at least have a full package of use rights. It is impossible to extrapolate from the survey whether all women have use rights, as gender is not a determining factor in use rights. There is a strong correlation between transfer rights and gender. At least 57,97% of the people who make the final decision on land sale and use are female. This includes the female household heads and the female spouses. Analysing this full bundle of rights leads to conclude that women have a similar tenure security as men although their bundle of rights is divided differently, with more transfer rights and potentially less control rights. This analysis enables to place women’s land rights in Xaifongneua into the framework of land rights based on the work of Baron (2014), Feder & Feeny (1991), and Adell (1999) (see table 4, p. 14)

**Table 21: Schematic overview of land rights status of women in Xaifongneua**

Overarching right	Specific right (example)	Status in Xaifongneua
<b>Usage</b>	▪ Right to take something from the land	▪ Secure: clustered rights
	▪ Right to plant and build	▪ Secure: clustered rights
<b>Control</b>	▪ Right to deny someone access to the land	▪ Not measured
	▪ Right to lease the land	▪ No gender differentiated results
	▪ Right to mortgage	▪ No gender differentiated results
<b>Transfer</b>	▪ Right to sell the land	▪ Secure: majority of women makes the decisions on sale in the household
	▪ Right to give away the land	▪ Secure: inheritance is matrilineal

The gender specific markers for tenure security however do pose different challenges for women. In general women are less educated than men, shrinking their horizon and access to rights. An overwhelming amount of women works in land-based professions. This is done in addition to the housework for which they are responsible. The male dominated organizations also diminish the social capital of women's ability to voice their opinions. 15,23% of the women is a member of the LWU but this organization does not necessarily function as a mouthpiece as its ideas are not emancipatory (Interview: Oxfam Lao PDR, 2017). As is the case for the population in Xaifongneua in general, is cannot be said that the whole of women's tenure security is secure due to the government's implementation, execution and perpetuity issues.

### *Political power*

Political capital or political power within the household, in the community and its institutions is especially important in determining the role of gender in land systems on site. Gender predominantly does not manifest itself as an outright factor but can rather be seen as part of a larger intricate web of power relations. The political capitals measured are decision-making power on land use and sale and on expenditures in the household in order to determine part of the internal household power balance. In addition the representation of the household in the village decision-making platform is measured. The statistical results will be complemented by data gathered from observations and interviews.

The **internal household power balance** is leaning in favour of women regarding control over resources. There is a relatively strong correlation between gender and who controls the expenditures; and land use and sale (Table 22). In 50% of the households the spouse makes the decisions on expenditures. In addition to this half of the household heads that hold decision-making power over expenditures are female. This means at least 65,73% of the decision-makers on expenditures in the Xaifongneua's households is female. On land use and sale 39,1% of the decision-makers is the female spouse, adding the female household heads, makes that at least 57,93% of the decision-makers on land use and sale is female. Since statistical data on the gender of the other decision-makers

is not available it is impossible to determine the exact percentage. However, the prevailing gender norms in society are a big influence on the power balance in the household. The LWU's motto signifies the way Lao see the role of women and states that she should be a "good wife, good mother and good daughter" (Interview: LWU leader Xaifongneua, 2017). One can only become a LWU member upon invitation, and membership is regarded a status symbol. Women's behaviour is also scrutinized more heavily than men in that they "should not play cards, bet or drink to much beer" (Interview: LWU leader Xaifongneua, 2017). According to the LWU head, the main issue of women in the village are domestic fights. Interesting is that reason she mentions is that women do not provide well enough for their husbands. "The man works hard all day and if the woman hasn't cooked for him, they fight" (Interview: LWU leader Xaifongneua, 2017). Although the majority of the women in Xaifongneua work, they face the double burden of also raising the children and managing the household. So although women have the majority of decision-making power in the household, they are not emancipated.

**Table 22: Correlations between gender and decision-making power**

Decision-making power	Sig. (2-tailed)	Correlation coefficient (Cramer's V)
Household expenditures	0.000	0.586
Land use and sale	0.000	0.603
Representation in the village	0.005	0.476

*Source:* (Fieldwork, 2017)

The **external power balance** of representation of the household in the village is balanced between the genders. It is certain to say that that least 38,59% of the households are represented by women, whilst at least 47,41% are represented by men. The remaining households are represented by the children's generation of whom the gender is not determinable through the data. Although it is more likely that men are the predominant group in representation of households in the village, it does appear that the representation is quite balanced.

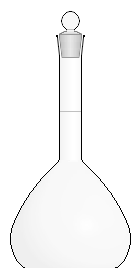
The chapter on political capital in Xaifongneua elaborated on how political capital appears to be packaged for household heads, but not for spouses. Only 30% of spouses with expenditure control also represent the household externally, whilst this goes for 43,5% of the spouses with control over land use and sale. This means spouses are more likely to hold the internal household decision-making power but not to represent the household externally. Combined with the results on household heads, this indicates that if there is a male household head present; the power balance in the household will sway in his direction. This argument is supported by the LWU leader who states that “men lead the household, but women are the brains behind it” (Interview: LWU leader Xaifongneua, 2017). The data does not allow for a more thorough analysis of the packaged political capital. Gender in political capital is not a significant influence in land transactions, changes in the market; the amount of land owned or felt tenure security.

The village administration is made up of the female Nai Ban, a female vice-head and a male vice-head. This trio makes all the decisions regarding land use and sale in Xaifongneua, in accordance with policy received through the district and city officials. The allocation of land has been done through the land titling phases in the early 2000s and is not community-based. The administration is supported by the head of the youth organization (female), head of the LWU (female), five village elders (three male, two female) and 22 unit leaders; (88,9% male<sup>77</sup>). The final decision-making power rests with the Nai Ban, the rest of the group have an advisory role. The Nai Ban of Xaifongneua is the only female head in the Nong Khon Sene village cluster, consisting of five villages. Female heads appear to be rare in other clusters as well (Nai Ban Xaifongneua, 2017a).

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<sup>77</sup> (Chi2 sig.(2-tailed)=0,000

Analysing the on site results on political capital in light of the national gender assessment, the presence of women appears to follow the shape of a volumetric flask<sup>78</sup>, with almost no decision-making power for women at the upper levels of government and more decision-making power within the household. Women have formal decision-making power in the household but are impeded in reaching their full potential by conventional gender norms. These norms are repeated by the largest and most structured women's platform in Laos, the Lao Women's Union making the representation of women very dependent on the character of the LWU leader (Interview: Mekong Watch, 2017).



<sup>78</sup> A volumetric flask:

## Discussion

As part of the peri-urban interface wedged between the urban core of Vientiane Capital and the Mekong River, Xaifongneua presents itself as a fascinating location for research on the relationships between land, livelihoods and gender placed in an overarching urbanization context. Specifically, several interactions were discovered between tenure security, livelihoods capital development and gender at the research site. This supports the statement of the FAO (2002) that land tenure is of vital importance for the ability to create a sustainable livelihood, a statement taken on as one of the core assumptions in the research. Two other core assumptions underpinning the research are; first, that urbanization influences the livelihood capitals of people, specifically their tenure security, both directly and indirectly through e.g. affecting land markets; land pressure and land conversion (Adell, 1999); and secondly, I assumed that there is a gender difference in the relations between land, development and livelihoods that disadvantages women (Doss, 2015a ; 2015b ; 2015c). As a first area of discussion, the study provides a contextual framework of urbanization processes and the legal administrative structure on land in Lao PDR within which to view all the findings. As a result, different interactions between tenure security, livelihoods and gender are discovered and their interaction analysed.

There is a clear interaction between urbanization and the legal administrative structure on land as they are mutually accelerating. Steep urbanization rates force the Lao government to create more legislation and bureaucratic processes in order to control how Vientiane Capital is growing. Urbanization is drastically increasing pressure on land, exemplified by the high percentages of peri-urban land conversion for urban purposes and increasing population density. The city however will not be able to condense indefinitely on the same square footage, resulting in a need for spatial expansion into the peri-urban space and thus increasing the pressure on peri-urban land. The slow, corrupt, centralized and extremely bureaucratic character of the Lao government however is not able to keep up with the urbanization pace. As a result, the urbanization pressures magnify the problems the Lao government already faces with its implementation capacity on land legislation i.e. its governance. This leads to the emergence of two parallel worlds, one on paper; characterized by the Master plans, laws



and regulation, and one in reality; characterized by spontaneous urbanization and non-adherence to plans, laws, regulations and policy, due to the complexity of the bureaucratic system, which makes people 'grease the wheels' with bribes rather than following the set procedure. These overarching findings are in line with the idea that urbanization is the driving force behind land conversion and land changes in the peri-urban interface (Jiang & Zhang, 2016) and that good governance is a pivotal problem for developing countries, especially regarding the perpetuity of their institutions, and the rule of law (Zakout, Wehrmann, & Törhönen, 2006). In this sense, the research also follows the line of the World Economic Forum (2015), who have highlighted the opportunities urbanization provides developing countries for broader socio-economic development but emphasize how rapid urban growth pressures local government and requires good governance. Admittedly, the population density in Xaifongneua is lower than the national average. However, the conversion of arable land to urban land, increased connectivity with Vientiane Capital and the stated population growth, epitomise the identification of urbanization patterns in the village. Unlike the theory of the World Economic Forum and the tensions visible in Vientiane Capital however, the village administration appears not to be pressured specifically by the urbanization trends. However, the village administration also cannot be viewed separately from the wider Lao government system, which appears inefficient, ineffective, untransparent, inflexible, generally unable to govern based on the actual reality instead of their paper reality, and does not have the capacity to implement or enforce their own legislations. This said, it must be pointed out that the position taken up by the local administration regarding the land conflicts in the village, points towards potential governance problems at a later stage. As there is no probable reason the urban expansion trend will curb in Vientiane Capital, land pressures will keep rising and Xaifongneua will eventually be incorporated into the urban core into the foreseeable future. This counters the argument of Adell (1999) that the peri-urban interface cannot be regarded as a transition period from rural to urban. Based on the analysis of urbanization trends and inability of the Lao government to steer these, I would argue that the current peri-urban area of Vientiane Capital could be regarded as transitioning to urban land, rather than retaining its rural character. It is a rather a question of *when* this will happen, than *if* it will happen. It is plausible that the governance issues troubling Vientiane Capital will by that time also be distinguishable in Xaifongneua.

Bearing this urbanization-legislation relationship in mind, further patterns of land tenure, gender and livelihoods can be analysed. The results on the peri-urban land market are very conflicting. There are no simple causal correlations that link urbanization to land markets, and the plethora of actors prevents distinguishing which act influence what results. Frankly, the land market in Xaifongneua is particularly dormant with 30 reported land transactions in the last 25 years. Contrary to the theory of Fazal, Banu & Sultana (2015), land speculation does not play any role in Xaifongneua. A remarkable interaction between land titling and the land market can be seen however, as the occurrence of land transactions appear to increase after the title phases were carried out in Laos. This potentially contradicts the theory that land titling cannot create a land market as before 2004 the market was close to non-existent (Durand-Lasserve & Payne, 2006). However, it is impossible to decipher all the potential influences on the land market to be able to disprove this theory altogether. As much as land tilting might have stimulated the land market, it certainly has not 'woken up' the dormant capital as theorized by de Soto (2000) as land is barely used as collateral. The land market in Xaifongneua does adhere to the trends of private ownership, rising prices and private investment, discerned by Lund (2010), but all in all can be stated to be very volatile. Although the results do not provide for a causal relationship between urbanization and the land market, there are indirect influences visible. In line with the studies from Jiang & Zhang (2016) and Fazal, Banu & Sultana (2015) urbanization impacts land in Xaifongneua in the sense that it increases the pressure on land due to migration and that it stimulates land conversion to urban use, both processes that drive up land prices due to increased demand for land, and to proximity to well-developed urban land. The buyer and their power position could potentially explain the seemingly random, but significant differences in land prices throughout the years and the pressure put on the selling party. As Laos' knows two land markets (government and private), the low prices might be explained by the government reclaiming peri-urban land and compensating below market value as the government has an overriding interest, whereas the high prices might indicate free-market sales where competing interests drive up the price. These assumptions however cannot be supported by the results available. An unsatisfying finding deserving further research.

The relations found between tenure security and local livelihood capitals in Xiaifongneua support the core assumption that land tenure is of vital importance for the ability to create a sustainable livelihood. Tenure is arranged according to “private”<sup>79</sup> tenure lines, within an overarching state tenure system (Feder & Feeny, 1991). Sidestepping the tenure insecurity that stems from the insecure government institutions upholding the tenure rights, tenure appears secure in Xiaifongneua. There are some remarkable findings however in the tenure security assessment. There appears a difference between the build-up of real and felt tenure security. As real tenure security is assessed by accumulating control, usage and transfer rights it is assumable that felt tenure security would be constructed the same way (Baron, 2014). In contrast with the de Soto (2000) however, control rights i.e. holding a land title, does not have a significant relationship with the felt security, whilst this is the case for usage rights and, to a lesser extent, of transfer rights. In addition, mortgaging, which effectively provides another entity with overriding power (see table 4, p. 14) also does not influence the felt security. This could be explained by the way people feel they obtained their land. The survey listed several options for land obtainment including, through family inheritance and through government titling. An overwhelming majority of the land was said to be obtained through inheritance, whilst a title was also provided at a later stage. This signals that although titling creates increased “real” security in Xiaifongneua, people do not feel increased levels of ownership of the lands they obtained through the family when provided a title. This support the claim by Feeder & Feeny (1991) that legally enshrined rights cannot automatically be assumed to be more secure than customary rights. The theory that ineffective administration leads to insecure tenure (FAO, 2002) is not necessarily in this case study. What is valid, is the argument of Durand-Lasserve & Payne (2006) that absence in clear regulation leads to more land conflict, as is exemplified with the case of the Nong Khon Sene pond, where it is unclear if the agriculture users have customary rights to the land, and by the case of the Mekong Riverbed where regulation is thwarted to lower compensation claims. As the findings of the legal and administrative structure showed, Vientiane Capital is signified by two worlds; on and off paper. It would be an understatement to say that the government of Lao PDR is

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<sup>79</sup> A small reminder that real private ownership of land does not exist in Laos by law, as land is a national heritage (National Assembly Lao PDR, 2003)

ineffective. The legal elements of tenure security in Xaifongneua (control and transfer rights) however appear to be the strongest land rights, regardless of the administrative structure. The argument of spatial distance could provide an explanation. According to Kopczewska (2013) geographical distance weakens the transmission of socio-economic policy when exceeding the range of 25 km. As Xaifongneua is located 22 km from the foremost political and institutional centre of Laos, it is located within the range of “proper execution” of national policy, hence the coalescence between the on and off paper worlds concerning land titles. This does pose a threat for the extrapolation of the case study results to the wide socio-economic development of Lao PDR. Tenure security can only be estimated and is never a fixed feature (Lund, 2010). It is as secure as its institutions let it be. The underperforming government of Laos does not provide very stable institutions, which needs to be taken into account when assessing the tenure security. While all the rights might accumulate to a secure tenure postulation it must not be forgotten that the institutions that uphold these rights are far from secure. Land and land markets appear to barely influence the local livelihood capitals. The way land affects local livelihoods solely appeals to the spatial element of land as a geographical location, with the exception of human capital where land is also conceptualized as an employment-strategy. It would be fascinating to conduct the same research into land and land market effects on local livelihoods in a location where tenure is less secure to compare whether tenure security is as important for a sustainable livelihood as stated. This research just leaves us to conclude that tenure of the people in Xaifongneua is rather secure. The results from the case study signal that the framework of measuring tenure security in this thesis, as described in table 3 (p.10) might not be the most suitable. The method used, a household survey with mostly nominal variables, can predominantly declare for whether a land right is present or not going on the statements given by the respondent. Therefore it is difficult to make an accurate assessment of security, beyond the options of insecure-somewhat secure-secure. Furthermore the framework does not take into account that respondents might view their overestimate the span of their own rights. Effectively the framework provides a very elaborate assessment of felt tenure security. This is a problem that is hard to negate, as tenure security is to always an *idea* not a fixed entity. However, the method used could be expanded with the inclusion of a comparative study into the history of all land conflicts in Xaifongneua, the district and peri-urban regions in Laos in general, as

this provides for a more objective assessment of the strength of the rights attached to the land title. In addition interviews with respondents who report insecure tenure, or lack of one of the land rights can provide insight in the underlying reasons for these feelings.

The most unexpected findings are in the relations between land and gender. Whilst a large amount of results are according to the assumptions made based on the literature review (women lack decision-making power in society; earn less; face impeding gender norms; and have a double labour burden), there are several fascinating deviations. Women's tenure security is quite high in Laos due to predominant matrilineal inheritance practices. As a result, the theory of Doss (2015c) that the most secure tenure for women is communal property does not apply. As land is inherited through the maternal line, private ownership or being unmarried provides a woman with the best property rights. An example of this is that after the first land-titling phase, only 16% of the titles were registered under a female name, whilst at least 40% was inherited through the female line. That is in line with the assumption that land titling can actually be detrimental to women (Doss, 2015c), although the argument underpinning the assumption is different. While Doss argues that titling may take away some of the customary right women held by putting all rights with one person, the results in Laos show that is mainly the gender norm that a husband should provide for his wife which stimulates women not to register their names on the land titles of land they inherited. This creates the remarkable situation where in case of a divorce a woman is not the legal owner of land, but has the right to it based on the inheritance and family law, whilst the man is the legal owner and also has a right to it based on the same laws. In this sense, the governance issues do not discriminate in terms of gender, as they appear for women as well. In addition results from Xaifongneua show how women hold more internal household decision-making power than men. However these results might have to be taken with a grain of salt as there are also studies countering this, stating this female power is merely lip service whilst men make the real decisions (Daley, Osorio, & Park, 2013). There is a pattern visible however of a negative correlations between decision-making level and female participation. The higher the levels of decision-making, the fewer females are represented. This is unsurprising and in line with global trends (UN

Women, 2017). In general women have unexpectedly more rights than assumed based on the literature review and this can be primarily attributed to the matrilineal and matrilineal customs of the Lao Loum groups and should not be extrapolated to all other ethnic groups in Lao PDR. This said it is crucial to place this assessment into two frames. The first is the frame of the paper and real world in Laos, as the results largely reflect the paper world. Secondly, the impact of gender norms on tenure and livelihoods in general should not be underestimated. These norms are the main cause of differentiated development outcomes for men and women (Florida & Fasche, 2017) and lead to the underdevelopment of women in tenure (Jayachandran, 2014). Both are visible in Laos in general and in the case study. The institutions established to reduce this either do not function properly (NCAW) or are not emancipatory in their nature (LWU). The used methodology however is not suitable to accurately assess the extent of the impact of gender norms. A more anthropological and participatory approach can help in better assessing these impacts. Participatory approaches created a more safe environment for women to voice their opinions, whilst an ethnographic anthropological approach lends itself well for structured observations of the researcher, and the creation of a relationship of trust with the respondents, providing in-depth qualitative data which would enable a researcher better to gauge the impact of gender norms on all livelihood capitals, as this research mainly limits itself to measurable variables.

No research is perfect and this one is not. During the research, reporting and analysis phases, limitations and weaknesses were discovered. The mixed methods proved to provide research instruments suitable to the task at hand; however in retrospective the multiple data levels (personal and household) in the survey did not always enabled a proper analysis. This was especially the case in the data accumulated on gender in which household-level data could only be used for an analysis of differences between male-headed and female-headed households and did not provide enough data on internal power dynamics. It was sheer luck, not pre-eminent wisdom, that all spouses in the survey turned out to be female, enabling for a partial gender analysis based on household roles. The gender analysis consequently has not been as in-depth as would have been possible had I structured the data collection differently. In addition, a severe limitation in conducting the research was the restrictive and dysfunctional public

system in Laos coupled with cultural differences between the researcher and the assistants and respondents. The strict research period did not allow much room for delays and those were exactly what Laos served up. Being unfamiliar with the bureaucratic concept I had not planned for the months it would take to conduct fieldwork, or the fact that the MoU was never signed in my data collection-phase disabling me to interview government officials, as I was not in the possession of a research visa. The cultural difference can be summarized under the heading “asian nod” as it is culturally more polite to state the socially acceptable answer than to state the real answer. The multiple levels of interpretation did not help in this sense and it may be that this has distorted some of the data, particularly when discussing sensitive topics such as health status. These limitations are not extremely important for the overall results, as they do not impact the validity of the results to severely. However, the data collection mistakes and obstacles have prevented an added layer of in-depth analysis. The specific methodological improvements for the fields of study have already been discussed throughout the findings.

## Conclusion

The objective of this thesis was to conduct research in Xaifongneua looking into the relation between land tenure security, urbanisation and gender for the development of the livelihoods of local population in peri-urban Laos. The case study of Xaifongneua in peri-urban Vientiane Capital proves itself to be an interesting landscape in which to research the interaction between land, livelihoods and gender. These three fields were analysed, accumulating to the central research question:

**What role does land play in the livelihoods of the local population; women in particular, in the village Xaifongneua and what are the current land developments influencing this role?**

A mixed methods approach was used to gather data. Secondary data on urbanization processes in and around Vientiane Capital and on laws, regulation and policy on land and gender. The location of the case study is essential in the thesis, as the peri-urban areas allows for a meeting of rural and urban spaces, creating a meddled patchwork of spatial, socio-cultural and economic identities, undergoing continuous rapid change (Jiang & Zhang, 2016 ; Lambin & Meyfroidt, 2011 ; Fazal, Banu, & Sultana, 2015). The findings stated numerous and diverse relations between the research fields and the overarching urbanization processes that are reciprocally influencing but rarely causal. Laos has a extensive legal framework on land, but it lacking on the good governance principles of effectiveness; autonomy; legal security and the rule of law; and perpetuity to be able to implement and execute their own legislation. In addition, corruption within its own ranks undermines this capacity even further. Land plays a role in the lives of locals but the opening statement of this thesis that *“Property rights to land are one of the most powerful resources available to people to increase and extend their collection of assets [...] necessary for sustainable livelihoods”* (FAO, 2002) does not hold up for Xaifongneua as there are not many relationships found between land and the livelihood capitals. Land is important though on a spatial level and socio-cultural and economic level (Lambin & Meyfroidt, 2011). In spatial terms, urban land conversion has led to an improved quality of life. Although the maintenance of the road is lacking, creating relatively more distance between the urban core and the village. In socio-economic



terms, the village is the main social hub, and people with more decision-making power usually own more land. In economic terms, land provides for a large portion of the employment opportunities, as agriculture, livestock and fisheries is the second biggest economic sector, and the primary second for un- and lowly educated people, primarily women. The gardeners are mostly self-employed and the village has found an economic niche in organic agriculture that provides for a steady income. People who work on the land are relatively more ill, and a big reason for land sale are health-related costs. The tenure security of people is rather high, also of women although they face very gender specific challenges to their security, especially in the form of restrictive gender norms. The secure tenure, based on the bundle of rights theory (Baron, 2014 ; Feder & Feeny, 1991) makes that land does not play such an important role in the daily worries of people, with the exception of those involved in a land conflict. It is difficult to place the tenure security on the continuum of land rights as the grassroots and paper realities of are so significantly different (UN-Habitat, 2015). In that sense the paper tenure security can be placed under formal land rights. The real tenure security can be placed somewhere between adverse possession and registered freehold. The developments that are influencing the role of land now and in the foreseeable future are twofold. First there are urbanization processes, which influence the pressure on land due to the spatial expansion urge of the city. This leads to increased land conversion to suit urban use and shifts the land markets (Fazal, Banu, & Sultana, 2015 ; Jiang & Zhang, 2016). There are three main land market developments visible in peri-urban Vientiane Capital, these are a rise in private land ownership, increasing private sector investments and rising land prices (Lund, 2010). All developments are to some extent visible in Xaifongneua, but the likely prospects of more urban land conversion in the village makes it likely that these developments will only manifest themselves further in the future. Second are governance processes that influence tenure security as they increase or decrease in strength. History paints a bleak picture in this regard for (post-) Communist countries (Johanssen & Nørgaard, 2001). However, with the instalment of the New Economic Mechanism in 1986, Laos is rapidly moving towards a less Communist and more authoritarian capitalist state. It is unsure whether the Lao government has the political will and capacity to tackle their problems with government efficiency; effectiveness; perpetuity; and legal security and rule of law. The social implications of these developments are far-reaching. Urbanization processes will likely turn the relationship

people of Xaifongneua have with their land on its head. Some will be tempted to sell as prices can rise up to 1.500 times their annual income. Others will come into conflict with other land market actors, especially the private sector and government looking to profit from the urban expansion as is already happening in the conflict case of Nong Khon Sene. Employment strategies will change as agricultural land is being reduced and especially women and low educated people will have to find other employment options. These urban changes will show the real security of their tenure, as the government legislation will play an important role either in conflict mitigation or as an overriding power. As a peri-urban area, the simmering developments in Xaifongneua reflect those of Vientiane Capital as a growing primate city. The evidence supports a current state of affairs where rural elements are dominant over urban elements, but the national and local developments of urban expansion and economic growth make a shift in dominance likely in the foreseeable future. These developments however question the concept of the peri-urban area as a independent identity rather than a transitioning phase. As women face very specific gender-induced challenges, the inclusive nature of urban expansion benefits needs attention.

The present study has uncovered complex relations between urbanization, land tenure security, and gender for the development of the livelihoods of the local population in peri-urban Laos. It would be fascinating to follow up this research in a comparative longitudinal research between multiple villages in other districts in peri-urban Vientiane Capital could provide more insight into the influence of land developments as urbanization and the governmental and free-market land markets on the livelihoods of people in the peri-urban area. Especially areas where tenure is less secure, in order to assess whether tenure security is as important for people in the peri-urban area as it is stated to be in general by the FAO (2002). Furthermore, this research could contribute to the academic literature on the peri-urban interface in general and assess whether the PUI indeed cannot be regarded as a transition period between rural and urban land, or whether this is dependent on the size of the city, and urbanisation stages. In terms of research methodology, qualitative research methods of **interviews** with respondents and **ethnographic anthropological research** could contribute to the understanding of the specific role land plays within the livelihoods of people and especially the power

dynamics within the households and community. As for the statistical analysis, a future study might look into using a **multiple regression analysis** to create a model of assessing tenure security beyond the insecure-somewhat secure-secure ratings, to see how all the capitals and land development markers interact with each other.

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## Appendices

### Annex 1: List of interviews

Date	Organization	Name	Remarks
<b>26 Feb 2017</b>	Independent researcher	Sweet, K	
<b>27 Feb 2017</b>	Independent researcher	Alex	
<b>27 Feb 2017</b>	Oxfam Lao PDR	T.	
<b>01 Mar 2017</b>	Village head Nong Khon Sene cluster (focus group)	n/a	Translator: mr. Hayward
<b>17 Mar 2017</b>	LIWG	V.	
<b>23 Apr 2017</b>	Mekong Watch	M.	
<b>25 Apr 2017</b>	Xaifongneua government	Nai Ban	Translator: mr. Bounmek
<b>30 Apr 2017</b>	Xaifongneua government	Nai Ban	Translator: mr. Bounmek
<b>30 Apr 2017</b>	LWU head Xaifongneua	LWU head	Translator: mr Bounmek
<b>30 Apr 2017</b>	Xaifongneua village elders (focus group)	n/a	Translator: mr. Bounmek