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Gender analysis of economic land concessions in Cambodia and in Northern Laos: Case of rubber plantations

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Abstract

This paper gives a gender analysis on the rubber land concessions in Cambodia and in Northern Laos. Many reports pointed out the deprivation of land by such economic concessions in Cambodia. In Northern Laos, there are different types of contracts arrangements made between the companies, district offices and the communities as well as individual farmers. With the drastic decrease in rubber price, the relationships between the companies and the farmers are also changing. Although the effects of the rubber plantation on small holders' livelihoods have been documented, there has been little gender analysis being conducted. Many times, the decisions to go for rubber plantation have been made by men. Women, more often than men, work as plantation workers as well. Hence, women's experience of rubber land concessions would be different from that of men. This is a work in progress research on the gender differences in their involvement to rubber plantation and its effect and implication to their livelihoods and social relations.

Introduction

Since the early 1990s, there has been an increase in cross-border agricultural investment in the Mekong region – from economically stronger countries such as China, Thailand Vietnam to smaller countries, such as Laos, Cambodia and Myanmar. Several negative impacts of large-scale land deals have been reported (White et al. 2013). The appropriation of resources often does not benefit small holders and further can aggravate their situation (ibid). But in the Mekong region, large-scale land deals and contract farming arrangements have shown mixed impacts (Voladet et al. 2014), hence a contextualized analysis is necessary.

There are various cross border agriculture investments in Mekong region, but this study focuses on rubber plantation in Northern Laos and Cambodia, especially because of its long term nature of land use and contract. There has been little gender analysis on the impact of such cross-border agriculture investment (Doss et al. 2014a, Park and Daley 2015), and this paper intends to fill in the gap. Mekong region provides an interesting case where on the one hand, there is a policy that supports regional economic integration, and there are small companies and farmers at the border who are affected or can avoid / manipulate state control in variety of ways. Andriess (2011) calls it State-Controlled Frontier Economy, where the elite captures and accumulate wealth, while villagers bear the brunt. Sturgeon (2014) also pointed out that small companies do not necessarily go along with such government initiatives and work on their own. Sturgeon (2005:9) called people's "ability to adjust complicated land uses over time in response to local needs, state plans, and border possibilities" as "landscape plasticity". Border allows room for local people to redefine and remake policies. Sturgeon (2014) further described how the Chinese Akha, through their quest for modernity, has contributed to "regionalization" through their cross border investment.

What I problematize in this paper is the difference in context – national policy, local politics and culture, contextualized livelihood and gender relations – that would influence the specific outcome of the agriculture investment. In both authority-led investment and local investor-led investment, the "terms of inclusion" (McCarthy 2010) have been different for different actors.

Cross border agriculture investment

Foreign investment on agriculture has been studied more in Africa. Many noted the restricted land use and rights of local farmers under foreign investment on agriculture, especially when there is no mediation by the government (Nolte 2014; Cotula 2013; German et al. 2013; Cotula and Vermeulen 2011; Schoneveld et al. 2011). However, as Mujenja and Wonani (2012) noted in some cases, there is positive impact through job creation. FAO (2013) studied nine countries in Africa, Asia and Latin America and concluded that the impact and benefit differ by how strongly the land rights of small farmers are secured.

As is said in the website of MAFF, Cambodia (www.elc.maff.gov.kh), the aim is to provide "free" land for agro-industry to "create employment".

The Royal Government of Cambodia has opened for both local and foreign private investment in agriculture sector. In this sector, the Royal Government of Cambodia focuses on the investment in economic land concession for agro-industrial plantation. The major goal of this opening is to provide free (non use) land for agricultural and agro-industrial plantation, and processing for export, which is expected by the government to create the jobs and generate income for the people living in the rural area.

The problem is that often cross border agriculture investment is done in places where land rights are insecure. They are also used as a tool for the state to control more remote places. Much of the investment has been seen as an attempt by the state to control the ‘unruly’ areas (Scott 2009, White et al. 2013, de Schutter 2011). de Schutter (2011) pointed out the definition of land is used as a tool to control land for the benefit of the powerful. Baird (2014) discussed how authorities define “degraded” land in Laos, while the locals do not have the concept of “degraded” in their land use system. Schneider (2011:8) cited Guttal (2007) saying that “at least a third of the population are experiencing systematic alienation from their land” in Cambodia. If land lays fallow, it automatically falls into the state’s possession. The definition of “un-used” land is not clear – whether it includes land for crop rotation and grazing, or keeping the land for their children to be given upon their marriage (Schneider 2011:13).

From a gender perspective, what is further worrying is that because investments are done in places with insecure land tenure, there is a high possibility that women lose their customary land rights. Archambault and Zoomers (2015) said that with commercial land investment, agriculture is re-masculinized, since through such commercialization, tenure become formalized, and collective land become privatized. They argue that under such process, men reap more benefit than women through better employment while women bear the brunt through heavier unpaid or less paid workloads. Park and Daley (2015) in their study in Laos, noted that commercialization of land targets places where land tenure is insecure. Women often do not have official control over such land, even when the land has been passed down from her parents. When there is a contract with the company, men often sign the contract for the women’s land. At the same time, they noted that women’s burden and workload increases with commercialization of agriculture. Schneider (2011) also noted that reduced food security and nutritional deprivation are risks associated with land grabs. Li (2011) argued that contrary to the justification that commercial land deals will increase employment, most of the newly created employment is done by migrants and not the local farmers. Without any pathway to change their livelihoods, local people are left with little or no land and low productivity and opportunities.

As Tsikata and Yaro (2014) noted, pre-existing gender inequality affects the gendered impact of land deals. Daley and Pallas (2014) pointed out several areas of vulnerability for women under commercial land deals area (1) women’s limited access to productive resources, especially land, (2) Relative income poverty and lack of employment opportunities for women, (3) lack of women’s participation in decision making. Tsikata and Yaro (2014) noted the importance of women’s employment opportunities, land holdings as well as their ability to make use of external support. Julia and White (2013) maintained that with less access to forest, villagers have to buy foods from the market, and this forces women to look for cash income even more, demanding more time from women.

However, such effects on land deals are not the same in all places (Doss et al. 2014b). Doss et al. (2014b) also noted that the strength of feminist analysis is to link such locally specific issues to broader issues of global political economy especially through the focus on small holders. Li (1999) further argued that the importance of viewing the way of life historically. Large-scale agriculture investment can have negative effect in some places and more positive effect in another. For example, Lagerquist (2013), in her study in Lao rubber plantation, found that farmers were not forcefully displaced and land investment does not necessarily work negative for small operators.

There are studies that highlight the importance of gender analysis in assessing the benefit from large-scale agriculture investments (Goldstein and Udry 2004; Daley and Park 2012; Behrman et al. 2011). Behrman et al. (2011) noted that whether large-scale land deals lead to more employment opportunities and access to new technology/ services or contribute to resource scarcity depends not only on land reform and titling, trade policy, but also legislation to promote gender equality. They pointed out that more studies are needed to clarify the gender differences in impact from large-scale land deals through time use, income generation analysis, resettlement, and women and men’s

perceptions on opportunities and threats from large scale land deals.

Several researchers have documented and analyzed the impact of rubber plantations in Laos and Cambodia, including McAllister (2012), who described the aggressive rubber plantation expansion in Laos and people's struggle and resistance to such phenomenon. Thongmanivong et al. (2009) analyzed household decisions in the face of new opportunities provided by rubber plantation. In Cambodia, Global Witness (2013) reported land grabbing for rubber plantation, and Gironde (2012) showed how small holders are adjusting their livelihoods to such aggression. However, as mentioned earlier, in order to understand the effect of these deals on women and men, it is important to conduct a context specific analysis. Kenney-Lazar (2009) and Nhoybouakong et al. (2009) analyzed rubber plantations by type of contract business, which is useful to have a more nuanced understanding of the effect of schemes. In this study, we tried to differentiate various schemes to analyze which scheme works better for poor women and why. Gender analysis of rubber investments will allow us to develop a holistic analysis of rural livelihood.

Methodology

The study has been carried out in Rattanakiri Province, Cambodia and Luang Namtha province, Lao PDR. In Cambodia, the study was done in Inn and Ka Nat Villages, Ta Lav Commune, Andoung Meas District, primarily by Nay Or Kaing, as part of her master's thesis in November 2014 with a household survey of 130 households. Follow up visit was carried out by Nay Or Kaing and the author in January 2015 and in-depth interviews were conducted with 10 women and group discussion with NGO workers in Rattanakiri. Quantitative data presented in this paper is from the questionnaire survey of Nay Or Kaing, while the interview data is from the follow up visit. In Luang Namtha province, Lao PDR, 8 villages (5 from Luang Namtha district, 3 from Vieng Phoukha district) were studied with household questionnaire survey (306 respondents) and in-depth interviews during August 2010 to January 2012 focusing on resettlement programs. A new round of field work focusing on rubber plantation was conducted in March 2015, and 10 villages were visited (2 from Xing district, 5 from Luang Namtha district, 3 from Vieng Phoukha district).

Rubber plantation concession in Cambodia

Economic land concession has been introduced in Cambodia since early 1990s. According to MAFF (2012¹), by June 2012, there are 118 companies, totaling 1,204,750 ha of land granted for economic land concession. This is a large increase when compared to during 1996-1999, when there were only 7 companies with 44,124 ha of land provided for economic land concession. Global Witness (2013) claimed that as of late 2012, there are 2.6 million ha of land under economic land concession, occupying 73% of arable land in Cambodia. Of this 1.2 million ha is for rubber plantation, which is 80% of the total economic land concession. Vietnamese companies own 14% of this. There are a total of 28 companies under economic land concession for agro industry purpose in Rattanakiri, among which 26 are planting rubber in a total of 173,300 ha (Municipality and province investment information: Rattanakiri)².

The introduction of economic land concession takes place in the vacuum of land registration in rural Cambodia. As the MAFF website stipulated, the lands distributed for economic land concession was supposed to be "free", but this is because the upland farmers' fallow land and grazing land as well as forest used for communal purposes and for collecting NTFP was not taken into consideration.

¹ www.elc.maff.gov.kh (accessed on 12 May 2015).

² http://www.cambodiainvestment.gov.kh/content/uploads/2014/03/Ratanakiri-Province_eng.pdf

Economic land concessions are given when they fulfill a number of requirements (such as creation of employment, environment protection and minimizing adverse social impacts, etc.) as well as require public consultations. However, the process to organize such consultations are not stipulated in detail, and as Global Witness (2013) pointed out, such requirements are often ignored. Although the land that was supposed to be allocated for economic land concession was ‘degraded’ land, pristine forest was first grabbed and laundered for timber, and such land was newly classified into ‘degraded’ land to be allocated for economic land concession (Global Witness 2013; ADHOC 2011).

In Cambodia, the 1989 constitution reinstated private property, and Land Law 2001 defined private property, collective ownership of monasteries and indigenous communities, state public (forest, water, lake, seashore, and land for public interest such as roads, schools) and state private land (all the rest – not state public land and not private land). Article 25 states that indigenous ethnic groups can register their traditional land as collective land. Steps needed to register collective land is further elaborated in the sub-decree on indigenous land titling, which involves Ministry of Rural Development Ministry of Interior and Ministry of Land Management, Urban Planning, and Construction. However, in reality, registering collective land is not easy and only five communal titles have been granted to indigenous communities so far (Rabe 2013). Forty-nine more villages have completed the process and waiting for the final step, and in Rattanakiri alone, there were 79 villages that have applied for communal land titling (Rabe 2013).

Such granting of communal land titling was halted when in 2012, and the Directive 01BB was introduced. Recognizing the conflict caused by economic land concessions on communal land and on rural livelihoods, on 7 May 2012, the Prime Minister issued a directive to temporarily halt the granting of economic land concessions, and introduced a “leopard-skin” policy. This policy is to provide new land title to people who are living near economic land concession areas and it was announced that economic land concessions would be cancelled if it was found not to comply with contracts and encroached on land outside the concession. The aim is to issue land titles to 350,000 families living inside the economic land concessions, forest concessions, and state land covering 1.2 million hectares. It covered 16 provinces and employed nearly 2000 youths to be deployed for land measurement.

There have been several critiques on the Directive 01BB (Rabe 2013)³. One is that it did not recognize communal land titles. Therefore, some communal land has been registered under a private person’s name. It does not recognize the particular land use pattern of ethnic groups, who are engaged in rotational agriculture, and needed to keep some land as fallow land. Fallow land is considered unused, and villagers cannot register them. Respondents of the in-depth interviews responded that they have lost their land due to such registration. Through Directive 01BB, some economic concession areas have been returned to farmers. However, even such return of land did not work out well for villagers. As in the case of one male respondent:

My land is in the middle of the economic land concession. When I want to go to my land, I have to go through their rubber field. If I make any damage to the rubber, I get fined. It has become almost impossible for me to go to the field. (interviewed in January 2015)

The traditional land holding of the ethnic group of Kachok⁴ has been matrilineal. That is, land has been transferred from mother to daughter, and men will marry into their bride’s house and cultivate the land of the bride’s family. With the land concession and Directive 01BB, women have lost their land.

³ Also from the discussion with NGOs in March 2015.

⁴ Kachok, according to UNESCO website (http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Phnom_Penh/pdf/ethnolinguistic_groups_of_cambodia_poster.pdf) has only 3365 people and all of them are living in Rattanakiri province. They belong to Mon-Khmer group, but when we interviewed, they say that their inheritance and marriage practice is matrilineal.

They have lost their land to rubber concession, and whatever land they have, they have lost in the process of Directive 01BB, since the land is now registered under both husband and wife’s name, while before it belonged only to the wife. This can put women at a disadvantage in case of divorce, although such cases have not yet being reported.

Rabe (2013) reported that Directive 01BB resulted in land loss since it leads to loss of communal land. It created pressure on villages because of the short timeframe of implementation – one month. Villagers were not able to come up with a unified decision on land registration. Maximum land holding was set to be 5 ha, which was not enough for the agriculture methods of indigenous groups, and most people even were not able to secure the maximum land size.

The case of Ta Lav commune

In early 1980s, villagers had vast land for paddy and shifting cultivation, but this land was not registered. State then gave usufruct of cleared forest-land to the commune. Villagers said that during 1993-2007, villagers had enough food and income. They raised livestock, letting it roam freely in the forest. They were able to open up considerable size of land, which provided enough rice for them to eat at home, and as the road connection to market improved, they started to sell livestock and rice. They had enough land to keep some land as fallow land for regeneration.

Rubber concession came in 2008. Companies cleared forest land and planted rubber. Villagers practiced shifting cultivation, and had fallow land, which is now taken away by the economic land concession. Conflict erupted between the company and the villagers. According to the villagers, company came to take away the land while they were not there, so one of the villages moved from the village to live near the paddy fields, since they are afraid that the company will further take away their land.

Table 1:Percentage of respondent households by agriculture land size in Inn Village and Ka Nat Village before and after rubber plantation

Land size (paddy and upland) (ha)	Before rubber (%)	After rubber (%)
Less than 1	52	68.5
1-3 ha	32	19.2
More than 3	16	12.3
Total	100	100

Source: Nay Or Kaing (2015)

Table 2: Percentage of respondent households by main income source in Inn Village and Ka Nat Village before and after rubber plantation

Income source	Before rubber (%)	After rubber (%)
Paddy	70	60
Cash crops (cashew nuts, peanuts, corn, potatoes, chili, sugarcane, long beans, sesame)	7	10
Livestock	3	2
Small business	2	4
Non-timber forest product	16	9
Work as daily laborer in plantation	0	11
Others	2	4

Source: Nay Or Kaing (2015)

Table 3:Annual household income of respondents before and after rubber plantation

Annual income range (USD)	Before rubber plantation	After rubber plantation
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Less than 100	19 (14.6%)	105 (80.8%)
100-250	24 (18.5%)	22 (16.9%)
250-500	11 (8.5%)	3 (2.3%)
500-1000	76 (58.5%)	0

Source: Nay Or Kaing (2015)

Many of the respondent households have lost their agriculture land to the rubber plantation, and have less land than before (Table 1). As can be seen in Table 2, after the rubber plantation came to the village, villagers' sources of income have changed. Before, they were able to produce enough rice for themselves through paddy production and also earned cash income by collecting non-timber forest product (NTFP) including hunting. Now that there is hardly any forest, income from NTFP decreased. Villagers are not able to raise livestock because they cannot let them roam in the forest, since if the cattle wander into the plantation, then, the owners of the cattle are fined hefty amount like 300 USD. Income from livestock-raising used to be very important, since it gives them a lump-sum of money in a time of need. Since there is no more grazing ground, they have started to sell off their livestock.

With their traditional income sources such as livestock raising and NTFP collection being restricted, more villagers needed to depend on working as daily laborers. Eleven per cent of the households reported that daily wage work was their main source of income. Daily wage working in rubber plantation is 5 USD per day, but rubber companies hire laborers who come from other provinces and not from the local areas. Skilled workers/ supervisors come from Vietnam. Work in rubber plantation is not always available - only 3 days a month. Men are the ones who go for hired labor, although not exclusively. Such terms of employment as well as their negative feeling towards the company discourage most villagers from working in the company. Economic land concession, contrary to the intention of the government, does not create employment for the locals.

After economic land concession, villages did have better access to roads, bridges, schools, health centers. They received 50-100 USD as compensation from the company for their loss of land. However, this did not help much in maintaining their livelihoods. The villagers had enough to eat and cash income before the economic land concession, and most of their income increase owes more to their access to road and market where they sold their rice, NTFP and livestock. As seen in Table 3, there is now a large decrease in household income. Respondents said that they are still able to manage with this decrease in income because of the savings that they had before, but they were afraid that soon they would not be able to manage any longer.

With the move to live near the field, access to water has become more difficult. With lack of forest access, 90% of the respondents said that they have difficulty in finding fuelwood. Villagers are now fined if they are seen trespassing or damaging the rubber trees. To illustrate the extent of damage after the rubber plantation, one woman respondent said that before she used to earn 1800-1900 USD through producing four tons of rice (USD1000), cashew nuts/ beans/ potatoes (around 250 USD) and raising livestock (around 600-700 USD). She lost two ha of her land in 2009 to rubber company, and now live on daily wages by working in the company. The company initially paid 6.25 USD per day, but now she can only earn 3.65 USD, because the work available in the plantation is not intensive.

Women respondents said that they now rarely go to the forest to collect fuelwood or NTFP, because the forest are too far and also because of security problem. Before, it took only 1-1.5 hours to collect fuelwood or vegetables from forest, but now it takes over 3 hours. With the rubber plantation, many unknown people come into the area, and they do not feel safe anymore. Much of the land that was taken away by the rubber company was upland field. Women were the ones who were working more on upland fields, and so, women felt the loss severely. Woman respondent shared that they used to collect their vegetable in the forest. Now they have to buy in the market. They were able to fish nearby but they are not able to do so anymore, since water has been contaminated with herbicide, and

fishes have died. Even some cattle died because they drank the contaminated water. Now farmers are tying their cattle, so that they do not roam around or sold them out. So, expenditure grew while income decreased.

These two study villages had their land registered under Directive 01BB. Students came to measure the land. However, their fallow land and grazing land was not considered as a land under use, and they were not able to register under their name. They were able to claim back some land from the plantation if the company has not yet planted anything on their land. But in most cases, companies will get the information of the land registration scheme and planted something on the land. This makes the land belong to the company, and many times, villagers were not able to claim back their fallow land that has been taken away by the company. Through the Directive 01BB, they have lost more land than they gained, since the definition of land for registration did not meet their way of land use. What was detrimental for women is that not only did they lose their upland field to companies but Directive 01BB registered their communal land as private land, and land inherited from their parents under men's name or joint name with their husband. Some land has been registered under their parents-in-law or parents' names, even though they are the ones who are cultivating it. In these Kachok villages, land was passed on from mother to daughter. When there is a divorce, all the land will remain with the women. As one Kachok women puts it, "Men wanted divorce and why should we give our land to them?" There is a strong sense of land ownership among women. However, with the rubber economic concession and Directive 01BB, such customary ownership of land has been challenged, and women are losing their land rights. Women tried to get back their land, and contacted the village and commune leaders to help. They were greeted with comments such as "You have plenty of land. Why can't you share some with the company?"

To illustrate how the economic concession and 01BB registration do not fit into their land use system, a woman respondent said:

I initially had 7 ha of *chamkar* (upland field). But then, the rubber company came and took my 3 ha of land. It was my 4th year in that land – I planted rice for 2 years, and potatoes for 2 years. When the company took my 3 ha of land, I deserted the rest of the 4 ha of land, and opened a new 7 ha of land. But in this new land, I could develop only 4 ha of land [by the time students came to measure the land], where I planted cashew nuts, cassava, and some rice. When the students came to measure the land, my new 4ha of land was measured and registered. But the remaining 3 ha was not measured, since it was still a forest land because I have not yet cleared the forest for planting. Students said that this is a forest and cannot be registered as *chamkar* land. But later, rubber company came to register that 3 ha of land that I was claiming. That is how I lost my 3 ha of land.

Women tried to go to negotiate with the company. It is difficult for them to go alone, because they cannot ride motorbike, and they are not used to talking with outsiders. So, when they go for negotiation, they will go with their husband. Once they go to the company, the company showed understanding. But later on, they discovered that their cashew nuts trees in their field were burnt down while they were at the company negotiating. They could not afford to take up more threats, so they have withdrew the complaint. Thus the women of Tha Lav faced multiple assault on their land rights and food security. The patriarchal land registration system as well as the company-friendly attitude of officials stripped them of their lands; and the ruthless business practices and physical threats by the plantation officials ensured that they did not fight back against the company.

Rubber plantation in Luang Namtha, Laos

Rubber has been introduced in Luang Namtha in the early 1990s. Hadyao villagers learned from other Hmong villagers from China and they started to plant. Government has been promoting rubber as a crop to supplement farmers' income since around 1994, but villagers were slow to adopt the practice. So, in order to hasten the production expansion, government started to award Chinese companies for land concession to plant rubber⁵. An MoU was signed between the governments of China and Laos in 1997 to enhance trade, and large investments in rubber plantations in Luang Namtha increased. Rubber was promoted as an alternative crop to opium under China's alternative crops project, hence received blessing from China side as well. The number of cross border investment on rubber started to increase in around 2002, and reached 33,642 hectare in 2013. In Luang Namtha, there are 33 projects approved and among them 22 are for rubber. In the meantime, villagers also started to show interest and many started to be engaged in rubber plantation. For example Nam Daeng village has learned how to plant rubber from Hadyao village, through their Hmong network and started to plant on their own (see also Kusakabe et al. forthcoming; Lindeborg 2012). As the global rubber price increased, so has the size of investment, and the rubber boom was its height at around year 2008-2011. The uncontrolled expansion of land concessions for rubber has cause concerns, and Lao government stopped providing permits for rubber investment in mid-year 2012. There are 6 rubber processing factories in Luang Namtha.

Contrary to Cambodia, in Laos, companies have introduced various arrangements with villagers. The government has classified the arrangement into 1+4 (land given by villagers and rest managed by company) and 2+3 (land and labor given by villagers) and encouraged the latter, but in reality, the arrangement takes form in variety of ways. Some have done like in Cambodia – getting the concession, and putting all the input including labor by themselves. In some, they got the concession and given some part of their planted land to the community as a compensation. Some have given alternative land with rubber planted as compensation. Some have hired villagers as laborers to their plantation, and some have contracted with villagers to take care of the rubber and then to share benefits. Various arrangements can happen in the same village. Table 4 shows the variety of ways planting and benefit sharing arrangements are done in some of the villages that we have visited.

Table 4: Different modes of cultivation and benefit sharing mechanism between companies and villages

Village	Arrangements
Sophout/ Nam Talang Tai	Concession. Company built road, but nothing else.
Ta Luang	Company provides seedlings. Villagers plant on their own land, maintain, and get income for the first three months. After that, 40% of benefit goes to company.
Pa Daeng	Company provides seedlings and land provided by villagers. Half of the land is fully maintained by company and the other half fully maintained by villagers. Villagers are paid to work on the land maintained by the company.
Phu Varn	Company provides seedlings and land provided by villagers. 70% of the land is fully maintained by company the 30% by villagers. Villagers are paid to work on the land maintained by the company as daily worker or for a period.

⁵ For approval of concession, officially, province governor can approve up to 500 ha per project, which is for less than 30 years. For concession of 500-15000 ha per project for 30-40 years, national government needs to approve. However, often, in order to avoid complication, projects are divided into small projects.

Nam Noi	Company occupied the land near village and villagers are compensated by being provided with alternative land where company planted rubber. However, since the land was too far and the number of rubber too small, some villagers abandoned that land.
Lor Mu / Pa Yat Sai Mai	Land provided by village and company maintain. Agreement is to share benefit once they can tap rubber - village is to receive 20-25% of the rubber. Instead of sharing the benefit, company gave 20% of the rubber trees to the village. However, there was not enough labor in the village to take care of the rubber in this village common land, so they are planning to sell off the trees.
Nam Sing	Worked on company's rubber plantation for hired work, and instead of wage, got seedlings (for only the first year.)
Ta Varn	Get credit from rubber company but no contract.
Nam Daeng	All privately owned.
Pon Sai Sawan	Contract out their own private rubber plantation to other villagers.

There are several reasons why Laos developed differently from Cambodia. First, there is still a perception among Lao villagers that land is plentiful, unlike in Cambodia. This is actually a myth, as can be seen in the case of Sopthout where the villagers are complaining about the lack of access to forest and to upland farm, and in Nam Daeng, where they now have to rent upland farm, which is not a practice in other villages, where they can access and open land without any economic transaction (Kusakabe and Vongphakdy 2014). There are many land dispute cases brought to the district agriculture office claiming that other villagers encroached into their communal forest or to state forest⁶. But at the same time, as the head of village of Ta Luang said, there is a perception that there is plenty of land. "There is 15,000 ha of village land. Even if we have more people we can still accommodate easily. There is plenty of land."

Secondly, because of the mountainous terrain and bad infrastructure, it is more difficult to access fields in Laos than in Cambodia. This might have raised cost for companies to invest in Laos, and made it easier if the company contracts farmers rather than doing it oneself. Thirdly, it is because of complicated power and governance structures in Laos⁷. Even when they get concession at the national level, provincial and district and village level have different power dynamics. So, it is easier for companies to do the contract farming arrangements with locals. Fourthly, as the rubber company in Xing district said, it is cheaper to do a contract farming and pay for land tax, than to pay for concession fees. Villagers pay tax for the size of the *hai* (upland farm) they cultivate (not for the particular plot). Company, after obtaining land for cultivation, will register that land. Once they register land, they pay land tax, which is much cheaper than the USD20 for concession.

The lack of labor in the area has made it relatively easy for farmers to bargain with companies. For example, in Pa Daeng, the initial offer by the company was to provide 70% of the benefit to the company. The villagers have been able to successfully bargain this down to 50%. They were also able to minimize the impact from being involved with the company, by experimenting with them in small scale. Only 10 households among the 63 households joined the scheme with the company, while the others observed the plantation, and started on their own. The 10 households also contracted only a small part of their land with the company and have their own private rubber plantation as well. They said that they benefit more from the existence of company, since "After the company came, it is easier. We can get hired labor easily anytime, and do not have to look around". Ta Van village was able to secure credit from the company, but still maintain the freedom to sell their rubber to those who give

⁶ Interview with Mr. Christian Metzger of GIZ.

⁷ I acknowledge Mr. Christian Metzger for suggesting me of this factor.

the best price. Pon Sai Sawan said that if the company gives lower price than what was announced by the government, they would inform the government to ask them to tell the factory to follow the government price.

For people in Lor Mu village (border to China), the largest income source is hired labor in China, which women go. Since 2014, there is no more upland farm in the village. They have converted to rubber plantation or rented out to Chinese. They have also rented out their paddy land to Chinese to plant banana. There are no more agriculture activities in the village, so women will go to China for hired labor. For this village, even though they got their own share from the rubber plantation, they were not able to spare any labor to take care of them. The head of village said, "Now, we have to buy rice. It is difficult to collect NTFP. We need to buy everything... Women are working as daily wage laborers in China, normally daily, but sometimes overnight". Women have become so much drawn into the Chinese economy and have lost their grip on their own land. While the Chinese investors work on their land and take over all the forest and paddy, women become laborers in Chinese labor market.

Noting the lack of labor, the difficult time for the villagers who plant rubber is the initial years when they need to invest a lot of money and labor, but still cannot harvest rubber. During that time, it is the women who make ends meet, while men tend to this new investment. Women will go for hired labor in rubber company's field, they will go to collect NTFP. For example in Phu Ye village, during the time when men were busy with the new investment in rubber and in paddy fields, women were going to forest and to other plantation for income. Their village had to moved to a new location near the road under the government's resettlement program. By living near the road, men have increased their mobility to go to the market more than before, while women spent more time in the forest and in the plantations. This would have implication for their long term exposure to information and social network, since women are not able to take advantage of the new location near the road (Kusakabe et. al forthcoming).

Many of the villagers were able to increase their income through other cash crops such as corn before they embarked on rubber plantation. If they did not have enough capital to buy seedlings or did not have enough land to invest on rubber, then, they will not be planting rubber. Poorer farmers were excluded from rubber plantation. Therefore, it is not correct to say that rubber has made the farmers richer, since richer farmers are doing rubber. For those who have started rubber, they are able to even further increase their income, even with the decrease in global rubber price. As one woman in Namtalang Tai village said, rubber is creating disparity in the village

Those who want to be rich will do more, those not, will do less. If we want to be rich, we do more, for those who just need enough, they will do just enough to eat. When we want to be rich, we expand the place and sell. If we do rubber, we can be rich. We want to plant rubber, but we do not have money. (interviewed 19 January 2012)

As the head of village in Nam Sing said, "After rubber production, we have become much busier. Much much busier. There is no one in the village anymore. You can see that all doors are shut". However, whether such increase in income benefited women and men equally is questionable. The increase in economic benefit does not seem to translate to women having better say in the household. On the contrary, women are losing their decision making power with the economic improvement and commercialization of agriculture. Study in Nam Daeng village, where they have benefited from commercialization of agriculture, first from corn and then from rubber, has shown that women's decision making for children's education dropped. Before they moved to the location nearby road and started up commercialized agriculture, 14.3% of women said that they were the ones who decided on children's education (men 52.4%, both 33.3%). However, after they have moved to the location nearby road, only 9.5% of women said that they decide on children's education (men 61.9%, both 52.4%).

This is the response from women themselves, and when we asked the men, the percentage of women deciding was even lower in both periods. This is because as their income increase and the children's education option expands, women are not having enough information and knowledge to make decisions and rely on their husband to do so, as their husbands are the ones who go to the city and discuss with outsiders and have more information.

Large scale rubber plantation by companies had devastating impact on some of the villages. Rubber plantation was open in 2007 in Namtalang Tai village. The plantation has cut down all the trees in the forest in order to clear the land to plant rubber. Then, the same year, a large flood occurred and destroyed the village and the paddy land. This was the first time that the villagers ever experienced flood. A woman villager said:

Some villagers think that it (the flood) is related [to rubber plantation] but those who cut [the trees] does not think like that. Some people think that it is because of cutting trees in the forest, some people think that it is because of *priyong* (spirit in water). (interviewed 20 January 2012)

Women in Sopthout, where most of the land near the village was taken by the rubber concession, complained (interviewed on 7 August 2011):

We do not have land to make a living, because there is a lot of rubber plantation. The compensation is only for banana and sugarcane and bamboo shoots, only for these [but not for land]. The rubber that the company gave us is 1 ha. The hai that I lost is 9 places. One hai is more than 1 ha. It is not worth it.... Now, there is a lot of rubber plantation, I do not feel good. There is no place to make a living. The company has come to rob of our land. Income from rubber plantation is not for us, and it is for the company. When we go to collect food from forest, we go very far. We go beyond the rubber plantation. It takes half an hour or even an hour and a half to go to forest. Before, we could collect a lot of forest product near the village.... When at first when rubber plantation started, District chief came to the village and told the villagers that there is going to be a rubber plantation. Villagers were asked for their opinion. We thought that company has already paid the money to the district chief and government, so we cannot do anything. We have to agree to the district chief. Even if we did not agree, they will do anyway. Because we think that the land is state land, so we have to give. For the hai that the concession has taken away, we have lost it. We cannot do anything about it. There is no land. There is no land to do hai.

While in some villages, villagers are able to negotiate with company, in another place people's upland fields are taken away, and villagers are left helpless.

What is happening in places like Xing district, where it is very near the border with China is that farmers are willingly giving up the land to Chinese. At first, they had contract with Chinese and planted sugarcane. Later they have rented out or given out land to Chinese company to plant rubber as well as planted their own rubber. They were planting their own rice in their paddy and upland. Then, they have given up their paddy land to Chinese company for rent, and the company planted banana. As the price of rubber fell, they have cut down the rubber trees and rented out that land to Chinese who planted banana. They can earn 6000 yuan per ha per year from rent, and farmers find it easier to live on rent rather than toil on the land. Now that they do not have to do agriculture and nothing else to do in the village, women are now going to China for manual labor, especially for agriculture, which

would give them much better wage than working in Laos. As head of village in Pa Yat Sai Mai village said:

Before rubber, we could earn 5000 yuan per year through sugarcane. Now, we can earn 2-50,000 yuan per year. The main income is from renting out land to Chinese. The second is from rubber. Rubber needs a lot of investment, like pesticide..... Before, we earned only 2000 yuan, but still could save money. Now we earn this much but use it all up..... Even before we started rubber, we already had new houses. Increased profit is used for car, for food, and for house. Now, we have to even buy rice..... It is difficult to collect forest products. We need to buy everything. Before we planted rubber, we were hunting..... We are less busy than before, since we now only have to tap rubber. (interviewed on 13 March 2015)

But even though he said that they are less busy than before, this is the village where they could not get enough people interested to take care of the rubber trees. When they organized a joint maintenance of the rubber trees they got from the company, mostly women came to work on it. It seems that women's workload has not really gone down, since such weeding and other tedious jobs still remained as women's work, so they lack women's labor, while men have been freed from the hard labor in upland field and now focus only on tapping rubber.

In Laos, the wide range of rubber plantation implementation is seen, but women's workload has increased a lot both in agriculture and as wage labor in China, while their decision-making in the family and community has decreased.

Conclusion

In Rattanakiri, Cambodia and Luang Namtha, Lao PDR, both experienced large economic land concessions for rubber plantation. However, these land concessions have been implemented very different. In Cambodia, the company took over the land and there was no option of contracts with the local farmers. They needed to demarcate the land through Directorate 01BB, through which farmers officially lost their land since the scheme did not recognize the land use system of the indigenous people. On the other hand, in Luang Namtha, Laos, the arrangements between companies and local villagers have been diverse. This can be because of the difficulty in terrain as well as local governance system that outsiders find it difficult to maneuver.

The impact of these cross border investment on rubber plantation varies by implementation. In Cambodia, women and men benefited from the overall access to the market before the concession. After the concession, while all villagers lost a large chunk of their land, women lost almost all their land. The rubber concession and the land registration that followed lead to women officially losing their customary land rights. In Laos, there were more farmers who planted rubber privately. They had more negotiation power with the company compared to the farmers in Cambodia. In both Cambodia and in Laos, the state facilitated the companies' investment, and concessions were supposed to facilitate the control of "unruly" areas in remote areas of the country (de Schutter 2011; White et al. 2013). However, in Laos, the government's aim of employment creation, agriculture modernization and trade improvement were not realized especially in the border area where local Laotians and Chinese companies made their own deal which lead to Laotians becoming laborers in China, while the Chinese utilize the Laotian land. Border plasticity (Sturgeon 2005) is at work.

The thesis of Archambault and Zoomers (2015) of re-masculinizing agriculture through commercialization did not apply straight-forwardly in this situation. In Cambodia, the loss of land and

the deteriorating security has left women to be more house-bound, while men go out for hired work. However, the main agriculture work still remained as women's work while men are going for off-farm work. In Laos, women's work load has increased – while the whole infrastructure development has decreased women's workload, for example, fetching water and husking rice, their labor demand for agriculture has increased. With men now working on rubber, women are pulled to producing rice as hired labor. So, agriculture work has not become masculinized but when it comes to benefit, it does not coincide with the workload of women and men. Even when women are working more, still, their decision making power does not seem to be increased because of larger disparity in knowledge and exposure to outside more than before.

The study confirmed what Doss et al. (2014b) argued on the importance of context-specific analysis of the impact of cross-border agriculture investment especially on the different impact of women and men. Relationship with the companies, geographical terrain, local governance system, control of the state, household division of labor and balance with other crops and labor demand all influence the outcome of the benefit sharing between company and villagers and intra-community, intra-household division of work and benefits.

References

- ADHOC (2011) *The report of land and housing rights 2011*, ADHOC, Phnom Penh.
- Andriessse, Edo (2011) *Laos: a state coordinated frontier economy*, Working paper No. 522, Institute of Social Studies, The Hague.
- Archambault, Caroline S. and Annelies Zoomers (2015) "Introduction: the pressing need to secure women's property rights under unprecedented land pressure and tenure reform" in Caroline S. Archambault and Annelies Zoomers (eds) *Global trends in land tenure reform: Gender impacts*, London: Routledge, 1-12.
- Baird, Ian G. (2014) "Degraded forest, degraded land and the development of industrial tree plantations in Laos", *Singapore journal of tropical geography*, 35, 328-344.
- Behrman, Julia, Ruth Meinzen-Dick, and Agnes Quisumbing (2011) "The gender implications of large-scale land deals", IFPRI Discussion paper 01056, Environment and Production Technology Division and Poverty, Health, and Nutrition Division, January.
- Cotula, L. (2013) *The great African land grab? Agricultural investments and the global food system*, Zed Books, London.
- Cotula, L. and Vermeulen S. (2011) "Contexts and procedures for farmland acquisitions in Africa: what outcomes for local people?", *Development*, 54, 1.
- Daley, Elizabeth and Clara Mi Young Park (2012) "The gender and equity implications of land related investments on land access and labour and income generating opportunities: A case study of selected agricultural investment in Northern Tanzania", Food and Agriculture Organizations, Rome.
- Daley, Elizabeth and Sabine Pallas (2014) "Women and land deals in Africa and Asia: Weighing the implications and changing the game", *Feminist economics*, 20:1, 178-201.
- De Schutter, Olivier (2011) "How not to think of land-grabbing: three critiques of large-scale investments in farmland", *Journal of peasant studies*, 38:2, 249-279.
- Doss, Cheryl, Ruth Meinzen-Dick, Allan Bomuhangi (2014a) "Who owns the land? Perspectives from rural Ugandans and implications for large-scale land acquisitions", *Feminist economics*, 20:1, 76-100.
- Doss, Cheryl, Gale Summerfield, and Dzodzi Tsikata (2014b) "Land, gender, and food security", *Feminist economics*, 20:1, 1-23.
- Douangsavanh, Linkham, Souklaty Sysaneth, Monthatip Chanphengxay, Phouvieng Ladavong,

- Bounthong Bouahom (2009) "Rubber in the GMS: An integrated research exercise on rubber development in Lao PDR", February, The Sustainable Mekong Research Network.
- FAO (2013) "Trends and impact of foreign investment in developing country agriculture: Evidence from case studies", Rome.
- German, L. Schoneveld, G. Mwangi, E. (2013) "Contemporary processes of large-scale land acquisition in Sub-Saharan Africa: legal deficiency or elite capture of the rule of law", *World Development* 48, 1-18.
- Gironde, Christophe (2012) "The rubber-tree boom in Cambodia: assessing small landholders' optimism", paper presented at the International Conference on Global Land Grabbing II, October 17-19, Organized by the Land Deals Politics Initiative (LDPI), Ithaca, NY.
- Global Witness (2013) *Rubber Barons: how Vietnamese and international financiers are driving a land grabbing crisis in Cambodia and Laos*, May.
- Goldstein, M. and C. Udry (2004) "Gender, power and agriculture investment in Ghana" (downloaded from <http://web.mit.edu/14.771/www/genderag4.pdf>, on 12 October 2014)
- Guttal, Shalmali (2008) "New and old faces of hunger. Cambodia, Timor Leste and food crisis", *Focus on the global south*, 13 December, 1-20, cited in Schneider (2011).
- Hicks, Charlotte, Saykham Voladeth, Weiyi Shi, Zhong Guifeng, Sun Lei, Pham Quang Tu, Marc Kalina (2009) "Rubber investments and market linkages in Lao PDR: approaches for sustainability", Discussion paper, March, The Sustainable Mekong Research Network.
- Julia, with Ben White (2013) "Gendered experiences of dispossession: oil palm expansion in Dayak Hibun community in West Kalimantan" in Ben White, Saturnino M. Borrás Jr., Ruth Hall, Ian Scoones and Wendy Wolford (eds.) *The New Enclosures: Critical Perspectives on Corporate Land Deals*, New York:Routledge, 377-398.
- Kenney-Lazar, Miles (2009) "Rubber production in Northern Laos: Geographies of growth and contractual diversity", June.
- Kusakabe, Kyoko and SengkhamVongphakdy (2014) "Gender vulnerabilities of resettlement and restricted mobility of ethnic groups in northern Laos", in Ragnhild Lund, Kyoko Kusakabe, Smita Mishra Panda and Yunxian Wang (eds) *Gender, mobilities, and livelihood transformations: Comparing indigenous people in China, India, and Laos*, Routledge, London, 134-165.
- Kusakabe, Kyoko, Ragnhild Lund, Smita M. Panda, Wang Yunxian (forthcoming) "Resettlement in Lao PDR: Motility, resistance and gendered impacts", *Gender, Place and Culture*
- Lagerqvist, Yayoi Fujita (2013) "Imagining the borderlands: Contending stories of a resource frontier in Muang Sing", *Singapore Journal of Tropical Geography*, 34, 57-69.
- Li, Tania Murray (1999) *Transforming the Indonesian Uplands: Marginality, Power and Production*, London: Routledge.
- Li, Tania Murray (2011) "Centering labor in the land grab debate", *The journal of peasant studies*, 38:2, 281-298.
- Lindeborg, Anna-Klara (2012) "Where Gendered Spaces Bend: The Rubber Phenomenon in Northern Laos", Ph.D dissertation, Kulturgeografiska institutionen. Geografiska regionstudier 89. 261 pp. Uppsala.
- McAllister, Karen (2012) "Rubber, rights and resistance: the evolution of local struggles against a Chinese rubber concession in Northern Laos", paper presented at the international conference on Global Land Grabbing II, October 17-19, Organized by the Land Deals Politics Initiative (LDPI).
- McCarthy, John F. (2010) "Processes of inclusion and adverse incorporation: oil palm and agrarian change in Sumatra, Indonesia", *Journal of peasant studies*, 37:4, 821-850.
- Mujenja, F., Wonani, C. (2012) *Long-term outcomes of agricultural investments: lessons from Zambia*, IIED, London.
- Nhoybouakong, Monemany, Sivannakone Malivarn, Daovinh Souphonphacdy, Alomlangsy Rajvong,

- Malabou Baylatry, Souphanhdone Voravong, Somphone Khamphanh (2009) “Rubber: costs or benefits to the Lao PDR?”, February, The Sustainable Mekong Research Network.
- Nolte, Kerstin (2014) “Large-scale agricultural investment under poor land governance in Zambia”, *Land use policy*, 38, 698-706.
- Park, Clara Mi Young and Elizabeth Daley (2015) “Gender, and agricultural investments in Lao PDR” in Caroline S. Archambault and Annelies Zoomers (eds) *Global trends in land tenure reform: Gender impacts*, London: Routledge, pp.17-34.
- Rabe, Alison (2013) “Directive 01BB in Ratanakiri Province, Cambodia: Issues and impacts of private land titling in indigenous communities”, in collaboration with Ratanakiri Communal Land Titling Working Group, April, Asia Indigenous Peoples Pact.
- Schneider, Alison Elizabeth (2011) “What shall we do without our land? Land grabs and resistance in rural Cambodia”, paper presented at the international conference on Global land grabbing, 6-8 April, University of Sussex.
- Schoneveld, G. C., German L.A., Nutakor E. (2011) “Land =-based investments for rural development? A grounded analysis of the local impacts of biofuel feedstock plantations in Ghana”, *Ecology and Society*, 16:4.
- Scott, James C. (2009) *The art of not being governed: An anarchist history of upland Southeast Asia*, London: Yale University Press.
- Sturgeon, Janet (2005) *Border landscapes: The politics of Akha land use in China and Thailand*, London: University of Washington Press.
- Sturgeon, Janet (2014) “Cross-border rubber cultivation between China and Laos: Regionalization by Akha and Tai rubber farmers”, *Singapore journal of tropical geography*, 34, 70-85.
- Thongmanivong, Sithong, Fujita Yayoi, Khamla Phanvilay, Thoumthone Vongvisouk (2009) “Agrarian land use transformation in Northern Laos: From swidden to rubber”, *Southeast Asian Studies*, 47:3, 330-347.
- Tsikata, Dzodzi and Joseph Awetori Yaro (2014) “When a good business model is not enough: Land transactions and gendered livelihood prospects in rural Ghana”, *Feminist economics*, 20:1, 202-226.
- Voladet, Saykham, Yanyong Inuon, Aung Win Htut, Winston Set Aung, Men Prachvuthy, Louis Lebel, Graham Eagleton, Pippa J. Featherston, Angela L. Bush (2014) “Increasing the benefits from contract farming to rural households in the Mekong region: Insights from studies of rice and sugar”, in Louis Lebel, Chu Thai Hoanh, Chayanis Krittasudthacheewa, Rajesh Daniel (eds.) *Climate risks, regional integration, and sustainability in the Mekong Region*, Sumernet secretariat, Bangkok, 123-145.
- White, Ben, Saturnino M Borrás Jr., Ruth Hall, Ian Scoones and Wendy Wolford (2013) “The new enclosures: critical perspectives on corporate land deals”, in Ben White, Saturnino M. Borrás Jr., Ruth Hall, Ian Scoones and Wendy Wolford (eds.) *The New Enclosures: Critical Perspectives on Corporate Land Deals*, New York:Routledge, pp.1-30.

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