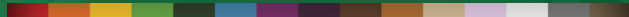


LAO PDR

Indigenous Peoples in ASEAN



Asia Indigenous Peoples Pact

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Indigenous Peoples in ASEAN: Lao PDR

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Acronyms

ASEM	Asia-Europe Meeting
ASEAN	Association of Southeast Asian Nations
FIP	Forest Investment Program
FAO	Food and Agriculture Organization
LFNC	Lao Front for National Construction
LDC	Least Developed Country
LSMP	Legal Sector Master Plan
MDGs	Millenium Development Goals
NA	National Assembly
NGPES	National Growth and Poverty Eradication Strategy
NPA	National Protected Areas
NSEDP	National Socio-Economic Development Plan
NPA	Non-Profit Associations
NTFPs	non-timber forest products
REDD+	Reducing Emissions from Deforestation and Forest Degradation
TLUC	Temporary Land Use Certificate
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
VMU	Village Mediation Unit

A. Background

The Lao People's Democratic Republic (Lao PDR) or Laos, is a landlocked country situated in mainland Asia, bordering Thailand, Cambodia, Vietnam, China and Myanmar. It is a one-party communist state, and all land belongs to the nation as a whole and is managed by the government. With a population of over seven million, Laos is the most ethnically diverse country in mainland Southeast Asia.

Lao PDR is still classified by the United Nations as a Least Developed Country (LDC). Research conducted by the United Nations Development Programme (UNDP) in 2005 demonstrated the very large gaps in well-being and life chances, which continue to divide Laos. Indigenous peoples are unequivocally the most vulnerable groups in Laos, representing 93% of the country's poor. They face territorial, economic, cultural and political pressures and are experiencing various livelihood-related challenges. Their lands and resources are increasingly threatened by government development policies and exploitation of natural resources by commercial entities. There is no specific legislation in Laos with regard to indigenous peoples and use of the term in either the Lao or English language is not allowed in written form.¹

Lao PDR's economy relies heavily on its natural resources, with over half the country's wealth produced from agricultural land, forests, water and hydropower, and mineral resources. Despite its mostly mountainous terrain and limited arable land, Lao PDR is the most rural country in Southeast Asia, with only 10% of land classified as agricultural, and 77% of the population working in the agricultural sector,

mostly on family farms. Over the past 10 years, the country has experienced significant economic growth; however, almost 39% of the population is still estimated to be living below the national poverty line. Poverty is mostly concentrated in the uplands, where indigenous peoples live, with rates of 46-50%.²

Following its economic plan of integration into the ASEAN, the Lao PDR is increasingly focusing on enhancing market-led development of productive sectors to engage in income generating activities, often on indigenous peoples' lands and territories. Private investment (both foreign and domestic) in agriculture as well as industry has increased in recent years due to the liberalization of Lao PDR's economy. The government has approved and granted large land concessions to private investors, mostly from China, Thailand and Vietnam. Land investments have harmed indigenous peoples by depriving them of access to their own land.

B. Profile of Indigenous Peoples in the Country

B. 1 The Indigenous Peoples in the Country

One of the most important measures of the extent to which indigeneity has become significant in Laos is the degree that people have come to identify as being "indigenous peoples." In a recent publication, a researcher observed that the term indigenous peoples is not a familiar term to villagers in the rural areas.³ But he adds that it does not mean that the concept has wholly been imposed from the outside; there is partial acceptance within certain groups. Large numbers of people in Lao PDR have a strong

2 Ian G. Baird, *Translocal assemblages of indigeneity in Laos*, *Political Geography* 46 (2015), Department of Geography, University of Wisconsin-Madison.

3 *Ibid.*

1 IWGIA, *The Indigenous World* 2013.

sense of ethnic identification, and so the concept of indigeneity does appeal to some peoples. According to an ethnic Brao, “Most indigenous peoples in Laos just identify with their own ethnic group, or with their relatives.” It is the history of peoples and their link to their land and peoples that is important for determining whether they are indigenous or not.

The Lao government classifies indigenous peoples as “ethnic groups” and does not recognize indigenous status, regardless of their support for the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) by a positive vote during the adoption of this Declaration by the UN General Assembly in September 2007. Only one nationality, Lao, is recognized with the notion that nationality and peoples are the same. Its argument is that Laos is a “multi-ethnic” society thus the entire population is indigenous. This thereby prevents indigenous peoples from claiming their benefits from self-determination and any specific rights.⁴ The terms ‘xon phao’, ‘banda phao’, and ‘paxaxon banda phao’ can be translated as ‘tribal’ and are generally used referring to smaller ethnic groups.⁵

B. 2 Population

The population of Laos is over 7 million, with an estimated annual growth rate of 2.4 per cent, one of the highest in South-East Asia. According to the research and classification of the ethnic groups in Laos 2007⁶, the life expectancy of Lao peoples is 55.89 years – 53.82 years for

males and 58.04 years for females.

The ethnic Lao comprise around one-third of the total population. Approximately another third of the population consists of other Lao-Tai language speakers. As for the remaining population, 30% speak one of the thirty Mon Khmer languages as their first language, 5% speak the Sino-Tibetan language and 10% speak Hmong or Iu Mien.⁷

Officially, the Lao government recognized only 49 ethnic groups in 2005. The actual number is thought to be much higher, as high as 237 according to a UNDP report, or even 240 on the basis of the distinct languages within these four language families.⁸ Even though many ethnic groups have been classified in the 1970s, the Lao government formally began to categorize its many ethnic minorities into three broad groupings; Lao Loum (Lowland Lao), Lao Theung (Upland Lao), and Lao Soung (Highland Lao). The use of the three ethnic groupings was a means of emphasizing the commonality of all Lao people and a unified Lao nationality.⁹ These distinctions were supposed to be based on ethno-linguistic family, customary habitat and customary types of agricultural production. These categories tended to oversimplify complex cultural and economic differences, crucial to development planning and socio-economic analysis as the classification is simply based on altitude. Consequently, in July 2001, the Lao Front for National Construction (LFNC) announced the use of four ethno-linguistic categories: Lao-Tai (8 groups), Hmong-Mien (2 groups), Mon-Khmer (32 groups), and Sino-Tibetan (7 groups). This new classification was

4 IWGIA, *Indigenous World 2015*.

5 According to Khampanh Keovilaysak, pers. comm., Pakse, June 7, 2013, “xon phao xon noi” cannot be used according to the government. Jim Chamberlain, pers. comm., Vientiane, June 17, 2013, reported that the term “phao koux noi” was used by the Royal Lao Government before 1975, but it is no longer in use.

6 IFAD and AIPP, *Country Technical Notes on Indigenous Peoples issues, Lao People’s Democratic Republic*, 2012.

7 IWGIA, *Indigenous World 2015*.

8 <http://www.minorityrights.org/4014/laos/laos-overview.html>.

9 IFAD and AIPP, *Country Technical Notes on Indigenous Peoples issues, Lao People’s Democratic Republic*, 2012.

formally adopted by the National Assembly (NA) in early 2009.

The **Lao-Tai** group is comprised of the Lao, Tai, Phou Tay, Lue, Nyouan, Nhang, Sek, and Tai Neua. Their system is characterised by a sedentary geographical frame, allowing permanent paddy cultivation farming on the Mekong Valley and on its outlying areas. The system also allows for swarming migration patterns, linked to land pressure, and strategies to get closer to trading crossroads. Members of the Tai-Kadai group are mostly Theravada Buddhist.

The **Mon-Khmer** groups were the first inhabitants of the territory that is now modern-day Laos. They share customs, such as the exchange of great wealth at marriage, post-partum rituals, cemetery burials, sacred forests, and festivals for the territorial spirit at the end of the agricultural year. They believe in divinities -yang- which are located in specific areas and are personal. They distinguish domestic spirits – of inhabited space, space built or used by humans – from natural spirits of nature or the forest. Their beliefs establish strong moral codes within the community and help to delineate boundaries between villages and communities. They play a part in marriage practices and gender relationships, as well as figuring prominently in beliefs concerning health and illness. Apart from strong beliefs in animistic spirits, Mon Khmer groups also practice ancestor worship. This group includes the Khmu, Pray, Lamet, Makong, Tri, Tarieng, Brao, and Kri, as well as twenty-four others.¹⁰

Settled mostly in Northern Laos, the **Hmong-Mien** traditionally practice pioneer swidden or shifting cultivation, in which land is cultivated

for farming and allowed to lay fallow until ready for planting of new crops. Ancestor worship is widespread among such patriarchal clanship structures. Apart from Buddhism and animism, ethnic Mien also observe Taoism. The Iu-Mien believe there are thirty-three levels of heaven protecting the human earth. In Iu-Mien societies, leadership structures combine both secular and religious functions. Therefore, the religious leader and the head of the tribe are the same person: a leader or clairvoyant, who has responsibility for worship of place spirits. The Hmong usually distinguish political from ritual leadership, with the head of the clan being a different person from the Saengxao (or leader of beliefs). However, sometimes, the political leader is also invested with responsibility for beliefs and traditional customs.

The Hmong and Iu-Mien are the only members of this group.

The **Sino-Tibetan** group is composed of the Akha, Phounoy, Lahu, Sila, Hanyi, Lolo, and Ho.¹¹ They also traditionally practice swidden cultivation.

Ethno-linguistic Families, Ethnic Groups, and Demographic Representation

Ethno-linguistic Family	Number of Ethnic Groups	Percentage of National Population
Lao-Tai	8	64.9
Mon-Khmer	32	22.6
Hmong-Mien	2	8.5
Sino-Tibetan	7	2.8

Source: UNDP, *Customary Law and Practice in Lao PDR, 2011*.

¹⁰ Ibid.

¹¹ Idem.

The Case of the Hmong

During the Vietnam War, the Hmong were recruited as a so-called secret army by the USA's Central Intelligence Agency (CIA), and as a result, they were targets for revenge by the government which took over in 1975. By then, with the collapse of the South in the Vietnam War and the defeat of American forces, the Pathet Lao was able to take control of the government. Hmong people, especially those who had participated in the military conflict were singled out for retribution. The government of Laos was accused of committing genocide against the Hmong¹² with the help of the Vietnamese army, with up to 100,000 killed out of a population of 400,000.¹³ Atrocities included massacres, terror bombing, and mass rape. In 1981, the government issued a "Hmong policy" to deal with the Hmong insurgency. The document stresses the need to stabilize the Hmong people by persuading them to go into paddy cultivation.

Of those Hmong people who remained in Laos, over 30,000 were sent to re-education camps as political prisoners where they served indeterminate, sometimes life sentences. Enduring hard physical labor and difficult conditions, many people died. Thousands more Hmong people, mainly former soldiers and their families, escaped to remote mountain regions – particularly Phou Bia, the highest (and thus least accessible) mountain peak in Laos. At first, these loosely organized groups staged attacks against Pathet Lao and Vietnamese troops. Others remained in hiding to avoid conflict.

12 <http://www.unpo.org/article/5095>.

13 <http://wars.findthedata.com/l/448/Insurgency-in-Laos>.

Today, most Hmong people in Laos live peacefully in villages and cities, but small groups of Hmong people remain internally displaced in remote parts of Laos, in fear of government reprisals. Journalists who have visited their secret camps in recent times have described them as hungry, sick, and lacking weapons beyond Vietnam War-era rifles.¹⁴ Despite posing no military threat,¹⁵ the Lao government has continued to characterize these people as "bandits" and continues to attack their positions, using rape as a weapon and often killing and injuring women and children.¹⁶ Most casualties occur while people are gathering food from the jungle, since any permanent settlement is impossible. According to the Amnesty International's advocacy director for Asia and the Pacific, "The plight of these people has never been addressed."¹⁷

B. 3 Geographical Location/Territory

Unlike other governments, the government of Laos has not created maps that geographically depict ethnic groups as living in particular geographical spaces, as such maps could contribute to the construction of imaginary geographies of ethnic autonomous space, something that the present government of Lao PDR firmly rejects.¹⁸ This makes it difficult to depict the geographical location of indigenous peoples. However, most ethnic minorities live in the upland areas of Lao PDR, where the incidence of poverty is higher than in other areas of the country.¹⁹

14 <http://content.time.com/time/magazine/article/0,9171,501030505-447253,00.html>.

15 <http://www.worldpress.org/Asia/2641.cfm>.

16 <http://www.sommerfilms.org/documentaries/Hmong/index.php>.

17 <http://www.aljazeera.com/news/asia-pacific/2008/03/200852512274767270.html>.

18 Baird, Translocal assemblages of indiginity in Laos, 2015.

19 USAID: Country profile, Lao People's Democratic Republic, 2013.

Generally, the Mon-Khmer who engage in swidden cultivation live on the higher lands. Communities split into smaller production units and live in their fields during the agricultural season in the North; while in the South the abundance of land allows periodical migration of the whole community to new productive land within a circular trajectory, which marks the limit of each village's land. The Lao-Tai's residence is not really fixed: a fact attested by the migration history. The Hmong-Mien settled mostly in Northern Laos. The Sino-Tibetan who traditionally practice swidden cultivation, live only in certain parts where they cultivate the soil until it is exhausted and then the community must move.

B. 4 Brief Information on their Economic Systems

Different ethnic groups have very different levels of development. The Lao-Tai generally occupy lowland areas and river banks, where agriculture is more productive and infrastructure more developed. Hence, access to healthcare, education and economic opportunity are greatly increased. On the contrary, agricultural production in highland areas and upland areas, inhabited by the Hmong-Mien and the Sino-Tibetan is dominated by subsistence crop cultivation and a shifting or swidden farming system. Villagers in upland areas rely on agriculture and forest products for their livelihoods. Remote villages where ethnic minorities live typically have poor access to infrastructure, markets, agricultural land and government assistance.²⁰

Shifting cultivation in those areas can only produce rice sufficient for seven or nine months of annual consumption, and those farmers are classified as extremely poor. Poverty in the uplands and highlands is directly linked to land degradation resulting from the dominant farming systems. The incomes of local people mostly come from selling livestock, small quantities of cash crops and non-timber forest products (NTFPs). Non-farm and off-farm activities are undertaken in order to finance the purchase of additional rice and the fulfillment of basic needs.

The incidence of rural poverty is around 41 % compared with 29 % in urban areas. Moreover, urban adult literacy rates are almost double those of rural areas, and both child and maternal mortality rates differ greatly.



Source: <http://www.mapsofworld.com/laos/maps/map-of-laos.jpg>.

²⁰ Mann and Luangkhot 2008; Andersen 2011; RRDC 2009.

According to the observations of the Committee on the Elimination of Racial Discrimination in 2005, the living conditions of indigenous peoples are still not improving significantly, despite positive signs of overall country development. The low level of economic development of certain ethnic minority groups when compared to the rest of the population might be an indication of discrimination and of unequal development. The research on Lao PDR led by the International Monetary Fund in 2004 on the National Growth and Poverty Eradication Strategy (NGPES) points out that of the 142 districts in the country, 37 are classified as very poor and another 48 are categorized as poor. These districts have correspondingly larger percentages of indigenous peoples.

Development is not planned or implemented with ethnicity as the overriding variable. Consequently, development impacts on the marginalized economies of isolated indigenous peoples' groups where free prior and informed consent measures are not adopted in project planning and implementation. Additionally, the higher incidence of poverty, particularly within indigenous peoples groups themselves, makes them more vulnerable socially and economically.

B. 5 On Customary Institutions

Customary institutions and mechanisms are comprised of local mediation services conducted by individuals or bodies vested with state authority, such as the 'naiban' (village chief) or the village administration. The most prominent example of a semi-formal mechanism is the Village Mediation Unit (VMU) promoted by the government in a large number of villages to mediate resolution of civil and minor criminal disputes. These bodies attempt to achieve

mediated outcomes based on principles of national law, but also take into account 'good' local traditions and practices. The VMU has additional functions, such as assisting the village administration to enhance knowledge of, and compliance with, state laws in the village. It also coordinates with judicial and other relevant bodies.

Despite the change and upheaval over the last century, many groups within the country have maintained lifestyles predominantly based upon customary norms and practice. In addition to physical manifestations of culture, in many cases the social structures, languages, and cultural practices of many smaller ethnic groups continue to flourish. Thus, for many Lao PDR citizens, customary laws remain the dominant system of norms and rules that govern and regulate their lives whereas state laws, courts, and other dispute resolution mechanisms play a subordinate role. Nevertheless, despite being the most familiar and trusted justice mechanism in Lao PDR, customary law is not currently recognized under the state's legal framework. The Ministry of Justice of Lao PDR uses the term 'khotpapheni' to refer to the customary laws of smaller ethnic groups, while 'hiit khoong papheni' refers to the customary laws of the ethnic Lao. Customary law is understood by the Hmong to mean an obligatory system for a society, based on previous practice, and an original way of life having been passed down for thousands of years - since the age of 'Kab Li kev cai'.

Aside from embodying customary beliefs, customary law provides Hmong people with a mechanism for dealing with violations of the Hmong way of life. It also provides a framework for all important aspects of life, including how people worship, marry, create their families,

cultivate, and deal with death. Ethnic Lao usually refer to the ‘Hiit Khoong’ when talking about justice. ‘Hiit’ means old law, rules or ruling system. ‘Khoong’ means customs, laws or rules.²¹ The sources of Lao customary law include Lao folk tales, Buddhist precepts, Jakata tales, and some Panchatantra tales. For ethnic Makong, customary law is a belief system manifested since ancient times, which has been preserved and passed on until modern day. Rules for ceremonial practices become principles for regulating the lives in the ethnic group and for governing relations with spirits, who punish or take action or revenge against humans who transgress against these principles or rules. In the Iu-Mien language, customary law is called ‘Leuy’ or ‘Chongcheuy’, which means “rules of governance.” This includes governance by state-based regulations, as well as by traditional customs or belief.²²

B. 6 Natural Resource Management

In Lao PDR, 80 % of the population live in rural areas and rely heavily on natural resources for livelihood. The ethnic communities mainly depend on upland farming, fishing, traditional home gardening, livestock keeping, hunting and collection of NTFPs. However, their traditional practice of shifting cultivation has been stigmatized as the main driver of deforestation, prompting the government to ban the practice in most of Lao PDR. This has had dire consequences on the livelihood security of the ethnic communities. In an effort to improve the living condition of the ethnic communities, the government has pursued a policy of resettling them from the highlands to the lowland areas. This policy has been justified on the grounds of ensuring access to education, health and other

facilities for all people of Lao PDR. However, this policy has drastically affected the lives of the ethnic communities, who had to give up their traditional lifestyles and occupations, as well as rituals and spiritual relationship with the forest.

As a matter of fact, land degradation is a constant concern in Lao PDR. In 2000, the Food and Agriculture Organization (FAO) considered 84% of Lao PDR’s land to be at least moderately degraded. Most of the country’s land has a slope of 20 degrees or more. This factor, especially when combined with the types of soil and heavy rainfall in the wet season, leads to soil erosion, particularly in the northern uplands where slopes are steeper and soil quality is poorer. Population growth, village relocations and increased investment in agriculture, infrastructure and mining projects have further increased pressure on land and led to more degradation. Land clearance and deforestation practiced in the uplands, along with illegal logging, lead to further soil erosion. To combat soil erosion and land degradation, in recent years the Lao government has promoted community-based forest management and more stabilized production through the introduction of tree crops and livestock production.²³

B. 7 Situation, Issues, Concerns and Challenges of Indigenous Women in Relation to the Respect of their Individual and Collective Rights

Lao PDR is a signatory to the CEDAW Convention and is obliged therefore to ensure that its standards are applied throughout the country, including under customary law systems. CEDAW prohibits all forms of discrimination against women (Article 2). It

21 Tossa, 2001:295.

22 Customary law and practice in Lao PDR, UNDP, 2011.

23 Lestrelin 2009; World Bank 2005; GTZ 2009; World Bank 2006b; Yokoyama et al. 2006.

also requires that women be treated equally before the law (Article 15) and includes several specific provisions concerning marriage, which prohibit forced marriage (Article 16(b)), the betrothal or marriage of children (Article 16(2)), and extend to women the same rights as men during marriage and divorce (Article 16(c)) and as parents (Article 16(d)). CEDAW also obliges states to take into account the particular problems faced by rural women, including their under-recognized heavy workloads (Article 14(1)).

Based on the revised Constitution (2003), Lao PDR has enacted a legislation to provide women with land, family, and economic rights, as well as the right to make contracts (Article 7) and to take loans (Article 47). Other rights are provided under Article 260 of the Labour Law (1994), as follows: equal rights to employment (Article 2); equal salary (Article 39); and social insurance (Articles 47 and 54), as well as political rights to participate in the National Assembly, policy and law-making; mother's rights (Articles 17 and 34); and access to education, research and training (Article 25). The Law on the People's Courts specifically recognizes equality before the law irrespective of gender. The Law on Family recognizes domestic violence (Article 29), marriage, divorce - including in the case of adultery - and property division based on equality; while property laws grant women equal access to land and to own property.

Despite both formal and customary recognition of women's land rights, the country has been slow to issue land documents to women. As of the 1998/1999 Agricultural Census, women made up only 9% of holders of agricultural land. Although women inherited land more frequently than men, more land was titled solely in the names of men, and although half

of all parcels had been acquired jointly by women with their husbands, only about 7% of parcels were documented jointly. Low levels of document issuance in the names of women have been especially prevalent in rural areas with high proportions of indigenous peoples. The public has limited knowledge of formal laws affecting women²⁴ and women's participation is hindered by low levels of literacy and education, limited knowledge of the Lao language and the greater role that men traditionally play at public meetings. Additionally, even where jointly issued, Temporary Land Use Certificates (TLUCs) only have space for one signature, and husbands usually sign. More recently, the government of Lao PDR has increased efforts to include women in land rights documentation, and there are now higher numbers of land documents that include women's names, either individually or jointly.²⁵

The Lao PDR Human Resource Development Strategy 2020 decision aims to "increase opportunity at all levels of education; reduce educational gap between areas, sex, and ethnic groups in the whole country, and to encourage more female and ethnic students to participate in all classes and courses, in formal and informal education" as well as to "recruit more and build capacity of ethnic and female staff in decision making positions." A target has been set to "attain the target of 1,800 staffs to complete Masters and PhD Degrees by 2020 or 90 personnel per year with more ethnic minority and female staff."

In the Lao Women's Union Statements and

24 FAO 2012a; Mann and Luangkhot 2008; Lastarria-Cornhiel 2007; GOL Constitution 2003a; GOL Land Law 2003b; GOL Family Law 1990a; GOL Law on Heritage and Basis of Inheritance 2005b; GOL Property Law 1990b.

25 Lastarria-Cornhiel 2007; GOL 1999; Lestrelin et al. 2010; CEDAW 2008.

Policies, the government recognizes that “it will not be able to realize the goals of reducing poverty and improving national education and health indicators without the active participation of all women, particularly poor and ethnic minority women.”

In the Lao Law on the Development and Protection of Women, Article 3, the State has developed “policies for the development and advancement of women, the protection of the legitimate rights and interests of women by creating every condition to ensure that women have good health, knowledge, capabilities, revolutionary ethic, employment and equal rights with men, without any discrimination based on political, economic, social, cultural, and family status.”

Among the indigenous peoples, the status of women vary depending on the group. Among patrilineal groups such as the Hmong, women have less social and cultural influence, whereas a relatively high status of women is found among the matrilineal groups in the south, such as the Ta Oy.²⁶ While groups practicing matrilineal inheritance and matrilocal residence systems may provide more power and status to women and, thus, greater protections of their rights - and be less discriminatory, discrimination against women remains a significant problem among most of the indigenous peoples in Lao PDR. Their opportunities, especially in rural areas, are often limited to traditional gender roles. Men occupy the important positions and dominate decision-making in their communities, control matters relating to family, community, spiritual leadership, and religious and traditional practices.

²⁶ <http://www.everyculture.com/Ja-Ma/Laos.html#ixzz3a0MUZ8Qt>.

In rural areas where indigenous people live, many of them supplement their income by engaging in small-scale and artisanal mining on a part-time or seasonal basis. A significant percentage (as high as 75% in some surveys) of these miners are women.²⁷ Much of the small-scale and artisanal mining sector operates without regulatory oversight, leaving significant potential for negative outcomes: exploitation by middlemen trading in raw minerals; dangerous mining practices; and environmental degradation.

Disrespect to women, in the form of denying them the right to participate in decision-making, at the household and community levels, or discrimination in employment or non-traditional vocational opportunities are also areas of concern. Although development theories focus upon women empowerment by enhancing life opportunities through skills acquisition, education, and economic independence, customary systems could potentially also play a positive role in achieving the broader and deeper normative shifts needed to achieve greater gender equality, without being imposed by the Lao PDR government. Indigenous groups could reform their customary law systems, so that they can eventually take into account women’s legitimate demands for gender justice; a change that would also benefit men and communities in general.

²⁷ FAO 2012a; Mann and Luangkhot 2008; Lastarria-Cornhiel 2007; GOL Constitution 2003a; GOL Land Law 2003b; GOL Family Law 1990a; GOL Law on Heritage and Basis of Inheritance 2005b; GOL Property Law 1990b.

C. Legal Status of Indigenous Peoples in the Country

Article 8 of the Lao Constitution states that: “All ethnic groups have the right to protect, preserve and promote the fine customs and cultures of their own tribes and of the nation.” The National Assembly’s official Agreement N° 213 dated 24 November 2008 recognizes only one nationality –Lao – but recognizes 49 ethnic groups and abolishes the previous tripartite division in nationalities.²⁸

In the past, the term “ethnic minority” was officially used but this was halted, the government aiming to build a single national identity. The argument that Laos is a ‘multi-ethnic’ society where, therefore, all the population is indigenous prevents indigenous peoples from benefitting from self-determination and any specific rights.²⁹ Policy implementation of ethnic peoples’ affairs is directly under the supervision of the Lao Front for National Construction (Neo Lao Sang Xat), which was established in 1979 on the basis of the former Lao Patriotic Front (Neo Lao Hak Xat) and Lao Freedom Front (Neo Lao Issara). The resolution of the Party Central Organization Concerning Ethnic Minority Affairs in the New Era - 1992 mandated all government agencies to create a targeted plan for the development of rural, mountainous areas. The National Socio-Economic Development Plan for 2001–2005 had adopted as its objective the alleviation of poverty for ethnic minorities in remote areas. The resolution of the Party Central Organization Commission aims “to push strongly for increased production and open channels for distribution in order to change the natural or semi natural economic systems towards one of

production of goods, to promote and expand the strengths of uplands area and improve the quality of life of the citizens.”

The resolution focuses on key points: build national identity, realize equality between ethnic minorities, increase the level of solidarity among ethnic minorities as members of the greater Lao population, and resolve problems of economic and cultural inequality, improve the living conditions of ethnic minorities, expand the heritage of ethnic minorities and increase their capacity to participate in the government.

D. Laws, Policies, Programs, Bodies/ Mechanisms and the Issues and Needs of Indigenous Peoples

D. 1 The Land Law

The Land Law³⁰ was adopted by the National Assembly in October 2003. It is currently under review as land concessions to foreign investors are controversial due to their adverse social and environmental impacts. The government of Lao PDR has expressed its intention to address these issues during the revision, but although draft amendments were submitted to the National Assembly in 2012, the revisions have not yet been adopted. The revision is supposed to provide a legal framework for large-scale land reform. In addition to revising the Land Law, the government of Lao PDR has also drafted a new comprehensive national land policy that prioritizes increased local land management. It has planned to focus on increasing access to land and tenure security for rural households as part of its continued efforts to alleviate poverty.³¹

The objectives of the current Land Law are to

28 IWGIA, Indigenous World 2015.

29 IWGIA, Indigenous World 2015.

30 <http://www.forestcarbonasia.org/wp-content/uploads/2011/10/2.-Land-Law-No-04-NA.pdf>.

31 PR Newswire 2012; Sengdara 2012.

determine the technical management, protection and use of land. According to this law, Article 3, “all land in Lao PDR is under the ownership of the national community and the state is in charge of allocating use rights for land to individuals and organizations.” This is implementing the fact that after 1975, all land was converted into state property and the management of land use was decentralized to the village-level institutions. The decentralization of land management enabled the village authorities to adopt autonomous systems of land-use planning and forest management. However, Article 17 limits the areas to be used for agricultural production to 1 hectare for rice cultivation and farming, 3 hectares for industrial crops, annual crops and fruit orchards and 15 hectares for using deforested land for growing grass for livestock. Article 21 limits the area of degraded forest that can be allocated to 3 hectares.

Article 18 defines the rights to use and own agricultural land. Accordingly, the State takes charge of the centralized and uniform management of land and the allocation of land to different actors across the country. Article 22 defines the rights regarding the use and ownership of forests, which is first limited to 3 years, after which user can apply for a long-term use through a title. Art 43 relates to the procedures for land registration; TLUC is one of the necessary documents for registering land (Art. 45) and may be inherited for the remaining use period but may not be sold, leased or used as collateral (Art. 48). TLUCs are valid for three years. As of 2005, the TLUC program had been systematically implemented in two-thirds of officially recorded villages in Lao PDR.

Article 55 limits the right to use land for individuals and organizations to the regulations of the state management plan (on which the

land use contract attached to the TLUC is based). Since the 1990s, Lao PDR had begun to formalize individual land-use rights and strengthen tenure security through land titling and land allocation programs. Land titling was implemented in urban and peri-urban areas, with the eventual (though yet unrealized) goal of extending it throughout the country. The project was considered moderately successful, distributing titles for 122,934 parcels, 85% of the government’s target. In rural areas, the state distributed temporary land-use certificates (TLUCs) for agricultural and forest land.³²

The current land tenure policy reform has two major components: the extension of land titling and the allocation of state land to individual households or village collectives. Of the 236,800 square kilometers of the total land area of Lao PDR, 79 % comprises mountainous areas and plateaus, including 29 National Protected Areas (NPAs).³³ In addition to the NPAs, some 276 areas of locally significant conservation or watershed value have been designated as conservation or protection forests at the provincial and district levels. In villages where land and forest allocation have been completed, village conservation areas have also been demarcated, in which villagers are allowed to collect firewood and some NTFPs for local consumption only. One of the controversial issues in Lao PDR has been the promotion by the government of land concession in an effort to attain the development goals set for 2020. However, land and resource mobilization tactics employed to attract foreign investments led to many discrepancies in terms of quota management for land concessions. After a comprehensive assessment of the problem

32 USAID: Country profile, Lao People’s Democratic Republic, 2013.

33 Protected area report, PAD-Mekong, 2003.

in 2007, the Prime Minister announced an indefinite moratorium on large land concessions for industrial trees, perennial plants and mining.³⁴

On 20 February 2012 the district governor of Sangthong granted five largely ethnic Lao communities with the first communal land titles (at that time referred to as ‘din lat louam mou’ in Lao) issued in Laos.³⁵ Then, on 24 July 2012, less than six months later, another similar form of land titling was done in 14 indigenous peoples’ resettlement villages of the Nam Theun 2 Hydropower Project in Central Laos. The 32,000 hectares of land included in the project had been subjected to “communal land titling,”³⁶ as compared to the one in Sangthong, which is now being referred to as “collective land titling.” Communal tenure refers to “situations where groups, communities, or one or more villages have well defined, exclusive rights to jointly own and/or manage particular areas of natural resources such as land, forest and water,”³⁷ and communal land titling represents the codification of the communal land tenure arrangements the way indigenous peoples own their land collectively.

D. 2 The National Land Policy

As indigenous peoples have no specific rights, stronger legal tenure over natural resources is one way of securing resources and livelihoods.³⁸ The legislative drafting related to natural resources and access to and control over land and forests was done in 2013. The first ever National Land Policy was drafted, with significant input from international civil society organizations.

34 IFAD and AIPP, Country Technical Notes on Indigenous Peoples issues, Lao People’s Democratic Republic, 2012.

35 Baird, 2013; Bounmany, Phommasane, & Greijmans, 2012.

36 Nakai District’s Administrative Bureau, 2012.

37 Anderson, 2011: 1.

38 IWGIA, Indigenous World, 2014.

Key recommendations affecting indigenous peoples included: the right of villages to refuse land concessions based on internal decisions (i.e. consent); the full recognition of communal land and communal titling; the establishment of specific and transparent grievance mechanisms; and formal recognition of customary land tenure rights. The final recommendation is of particular importance as the vast majority of land occupied by indigenous peoples are under communal ownership and untitled. The National Land Policy is meant to provide direction for a revision of both the Land and Forestry Laws. However, as of April 2015, the National Land Policy draft has been put on hold and has not yet been approved by the National Assembly. The draft policy was submitted to the NA’s fifth ordinary session in July 2013 for debate. To date, it has not been approved yet.³⁹

D. 3 The Forestry Law

The main objective of the current Forestry Law revision is to ensure sustainability and avoid deforestation and degradation of existing forest areas and, at the same time, to increase forestry cover to 70% by 2020, as Forest Carbon Asia explained. This has clear implication for forest communities. Many indigenous peoples’ communities are found in forest areas and base their livelihoods on forest resources. In Lao PDR, the forests comprises about 70% of the land, divided into 3 main state-management types of areas: productive forests, protected forests, and conservation areas. These also comprise other management areas such as village forests. However, there is still confusion regarding responsibility on land classification and land allocation. Thus, local stakeholders stress the need to increase local peoples’ responsibility in forest management and protection.

39 <http://www.laolandissues.org/tag/national-land-policy/>.

Natural forests and forested lands are the property of the national community, which the state represents when allocating individual use. According to Article 5 of the Forestry Law,⁴⁰ individuals and organizations have the right to possess and use forests and their resources only with prior approval from authorized agencies. Article 13 of the law states that individuals and organizations can use forests but limited to degraded forests and these shall be allocated according to the labor and financial capacity. The allocation must not exceed 3 hectares per labour force in a family, and Article 14 prohibits transforming forests for other purposes.

Reducing Emissions from Deforestation and Forest Degradation (REDD) is an effort to create a financial value for the carbon stored in forests, offering incentives for developing countries to reduce emissions from forested lands and invest in low-carbon paths to sustainable development. REDD+ goes beyond deforestation and forest degradation, and includes the role of conservation, sustainable management of forests and enhancement of forest carbon stocks.⁴¹

The Lao PDR has been selected as a Forest Investment Program (FIP) pilot country in June 2010. Asia Indigenous Peoples Pact, in collaboration with national project partners, implemented a project entitled “Promoting Rights-Based, Equitable and Pro-Poor REDD+ Strategies in the Mekong Sub-Region.” The project covered 5 Mekong sub-region countries (Cambodia, Lao PDR, Myanmar Thailand and Vietnam). The overall goal of the project is to promote approaches in national REDD+ strategies that take both long-term forest conservation and the rights and concerns of

indigenous peoples into account. The overall project indicator is that national governments in the project countries are integrating the issues of indigenous peoples’ rights in their respective REDD+ strategies. It was implemented from March 2012 to September 2013. The project progress in Lao PDR is limited in comparison to Cambodia and Vietnam due to the rather restrictive political environment for indigenous peoples.⁴²

D. 4 The Agricultural Law

The 1998 Agricultural law⁴³ includes some references to the land allocation program. According to Article 11, the state allocates the use of agricultural land for production and according to the abilities to provide every household with sufficient land to undertake production, subject to their capacities to be granted the right to use. Land allocation is a means to transfer towards fixed cultivation and aimed at decreasing and ultimately stopping shifting cultivation. According to Articles 14 and 18, individuals and organizations which received approval to use agricultural land must cultivate the land within 3 years, otherwise their use will expire. Article 73 states that village authorities also have the duty to allocate some areas for cultivation and animal husbandry for each family within the village.

D. 5 The Property Law

According to the 1975 Law on Property of Lao PDR,⁴⁴ Article 2, there are five types of property in Lao: state, collective, individual, private and personal. Communal property is not provided for. Article 22 spells out obligations of holders of land use rights to develop their allocated

40 <http://faolex.fao.org/docs/pdf/lao89474.pdf>.

41 <http://www.un-redd.org/aboutredd>.

42 AIPP/RAI/December 2013.

43 http://www.ilp.gov.la/lao_law/agriculture_law.pdf.

44 http://www.wipo.int/wipolex/en/text.jsp?file_id=180213.

land, stating that individuals retaining property without clearance or any form of production will be subject to fines and expropriation.

D. 6 The Legal Sector Master Plan (LSMP)

In 2003, the Ministry of Justice, the Supreme People's Court and the Office of the Supreme People's Prosecutor and the Ministry of Public Security initiated the development of the Legal Sector Master Plan (LSMP) toward the year 2020. This was to ensure a comprehensive building and systematic development of the legal system. At the same time, the 7th Party Congress (2006) also set the policy to "gradually develop Lao as the rule of law states." Therefore, the LSMP that was initiated was adjusted accordingly. The legal sector master plan toward the year 2020 was adopted formally by the government on 11th September 2009 by Decree No. 265/PM. The main spirit of the LSMP is: "aiming at creation of state of the Lao PDR to become state that secures legal responsibility toward its citizens and ensuring that the citizens fundamentally perform their legal obligations toward the state." The LSMP toward the year 2020 was formally adopted by the government on 11th September 2009 by Decree No. 265/PM. Two experts were engaged: one Lao national lawyer and one external expert as anthropologist who defined the scope of survey of the customary laws of 49 Lao ethnic groups.

D. 7 The National Socio-Economic Development Plan (NSEDP)

The seventh National Socio-Economic Development Plan (NSEDP) 2011-2015 was geared to achieve the Millennium Development Goals as the government pursues its commitment to address social welfare issues. In 2010, it completed a framework and financing plan to accelerate

achievement of the MDGs by setting six specific targets: access to enabling infrastructure; sustainable practices for improved food security and environmental sustainability; universal access to basic education and gender equity; women's equal participation and empowerment; improved maternal and child health; safe water supplies and improved sanitation for all rural areas and remote communities.⁴⁵ The development of community land titles is also one of the objectives of the 5-year NSEDP, which aims to issue 1.5 million title deeds over a five-year period (2011-2015). So far, forest land allocation has largely been limited to leases and concessions for plantation development by private enterprises. Experiences as the one in Sangthong demonstrate the potential of building upon local communities' knowledge and skills to reduce poverty while protecting the natural environment.⁴⁶

D. 8 The Decree 92

Decree 92 which was signed in July of 2002, works to control every aspect of religious life as it is "on the control and protection of religious activities in the LPDR." Many ethnic minorities in Laos are Christians so this decree is especially relevant. The law gives the government the power to control the construction of buildings, trainings, associations, donations and religious documents and books. It not only allows but emphasizes that surveillance of religious activity takes place. The policy states that "The sole objective of the activities of a religion in the Lao PDR can only be to support and to serve the development of the country."

45 <http://www.un.org/en/ga/president/65/initiatives/lcds/laos.pdf>.

46 IFAD and AIPP, Country Technical Notes on Indigenous Peoples issues, Lao People's Democratic Republic, 2012.

E. Government Projects/Programs and the ASEAN Integration Plan: Analysis of Impacts/Potential Impacts to Indigenous Peoples

In 1997, the Lao PDR became a member of ASEAN. Since then it hosted the Vientiane Action Plan ASEAN meeting of November 2004, where ASEAN adopted a new policy on human rights which committed it to establishing the ASEAN Commission on the Promotion and Protection on the rights of Women and Children by 2010. The Lao PDR is the incoming Chair of ASEAN in 2016.

The Association of South East Asian Nations (ASEAN) was formed in 1967 and since then has expanded membership and developed various frameworks aimed at increasing regional integration and development. One of the most recently developed is the ASEAN Economic Community, an economic bloc with a common market similar to the European Community set to take formation in 2015. Each country taking part in the Economic Community has agreed to earmark research funds to focus on a particular developmental sector, one most likely to have the greatest impact on the country's economy or social structure. Lao PDR has chosen to focus on both renewable energy and agriculture given that the majority of the country's population is employed in the agriculture industry. Seeking to capitalize on the power of the Mekong, with the aim to become the battery of Southeast Asia, Laotian researchers, backed by the country's Ministry of Science and Technology, will also look into scaling up the country's use of hydropower. The World Bank has also committed 17.8 million USD to build up hydropower and mining industries in the country, which account for around 21% of the national revenue.

The problem is that the World Bank as well as the Lao PDR see hydropower and mining, which accounted for over 21 % of national revenue in 2013, as core drivers of the Lao PDR economy.⁴⁷ But any hydropower development that might affect the Mekong Basin countries is a contentious issue. A 2012 study found that "continued hydropower development will have a devastating impact on the livelihoods of millions of the basin's inhabitants,"⁴⁸ mostly where indigenous peoples live.

The study also warned that dams will impact on already-declining fish stocks and lead to losses of arable farmland. According to the same study, "in the Lower Mekong Basin, at least twelve potential mainstream hydropower developments are currently being considered by private sector developers."⁴⁹ Ten of these proposed projects are planned for Lao PDR, and the other two for Cambodia.⁵⁰ Site preparation for the first of these projects, Xayaburi, is underway. The Lao government and its Thai developer are into preparatory ground works and resettlement plans for those whose lands are needed for the dams' construction, without having carried any environmental impact assessments, nor asking the indigenous peoples' communities for their free prior and informed consent. According to the Ministry of Energy and Mines hydropower development plan, the Lao PDR government includes 72 new large dams, 12 of which are under construction and nearly 25 more are at advanced stages of

47 <http://www.scidev.net/global/agriculture/news/laos-green-energy-asian-economic.html>.

48 Scott Pearse-Smith, The impact of continued Mekon basin hydropower development on local livelihoods (Consilience: the journal of sustainable development, 2012) - See more at: <http://www.scidev.net/global/agriculture/news/laos-green-energy-asian-economic.html#sthash.FMotz5Qx.dpuf>.

49 MRC, 2009a.

50 ICEM, 2010a.

planning. Moreover, previous high-profile cases in the Xekong Province dating back several years are still unresolved, with national and provincial authorities unable to arrive at suitable conclusions.

The socio-economic Development Master Plan, initiated by the Vietnamese government and ratified by Cambodian and Laotian authorities is part of the ASEAN Integration Plan. 2015 also marks the end of Laos Five-year economic plan to balance economic development with social and cultural development. This ambitious economic project was supposed to stimulate economic growth by increasing capital forces, attracting foreign investments, intensifying commercial relationships and any form of socio-economic activities that can provide monetary return among the concerned countries throughout 13 provinces (four in northeast Cambodia including Ratanakiri, four in south Laos and five in central Vietnam).⁵¹

As a result of the dams' projects, communities face forced evictions from their homelands where the rivers, forests, and resources are located with which their lives and identities are deeply rooted and entangled. Construction of the planned dams is likely to spell ecological disaster, threatening the livelihoods and integrity of the communities who depend on these resources. Planned hydropower development projects are on the increase recently. The huge Don Sahong dam is posing social and environmental impacts on both the natural environments and on indigenous peoples from Lao PDR and Cambodia who have not been consulted about the project. In many parts of the Sesan River, fishing resources have decreased drastically and villagers observe their meagre catch, proof that the reproduction cycle has dropped

tremendously due to several dams constructed in Vietnam. Although located in Cambodia, the Lower Sesan 2 dam construction has begun with upstream alarming human and ecological consequences in the Lao PDR.⁵² This is a 400+ megawatt dam that will immediately displace more than five thousand Lao and indigenous peoples, and impact tens of thousands more, in addition to causing irreversible damage to the ecosystem of the Greater Mekong River.⁵³ This is but one of many hydropower dam projects that are planned for the waters that flow through the Mekong basin.⁵⁴

There is increasing pressure in Laos' drive for development to exploit the land and its natural resources.⁵⁵ Both Laos and international investors are showing increased interest particularly in mining projects, hydroelectric dams and tree plantations. This is however, affecting indigenous peoples who are facing challenges to their traditional livelihoods as they are being displaced and forced to resettle at times. Moreover, since the government facilitates direct investments from China for rubber tree plantations, the lives of indigenous peoples have become more difficult as significant portions of their lands have been conceded to Chinese investors.⁵⁶ To date, more than 150,000 hectares of land had been ceded to private investors for 30-50 years. Yunnan Natural Rubber Industrial Co. is the main investor with 66,700 hectares already allotted for rubber plantations. The company had aimed to double its planting, which reached 133,300 hectares in 2010 and 333,300 hectares by 2015

52 Baird 2009b.

53 Hirsch & Wyatt 2004.

54 AIPP report on ASEAN, Cambodia, Frederic Bourdier, 2014.

55 IWGIA, Indigenous World 2009.

56 Lao people's Democratic Republic, Country technical notes on indigenous peoples' issues, IFAD, 2012.

51 AIPP report on ASEAN, Cambodia, Frederic Bourdier, 2014.

Dams of Laos in the Mekong Basin

Commissioned, Under Construction and Planned Dams
in May 2013

Map Description:
The map shows every known commissioned, under construction, and planned dam in the basin. 'Unknown' dams are mainly dams and reservoirs constructed for use in irrigation and/or water supply, the names of which are currently unknown.

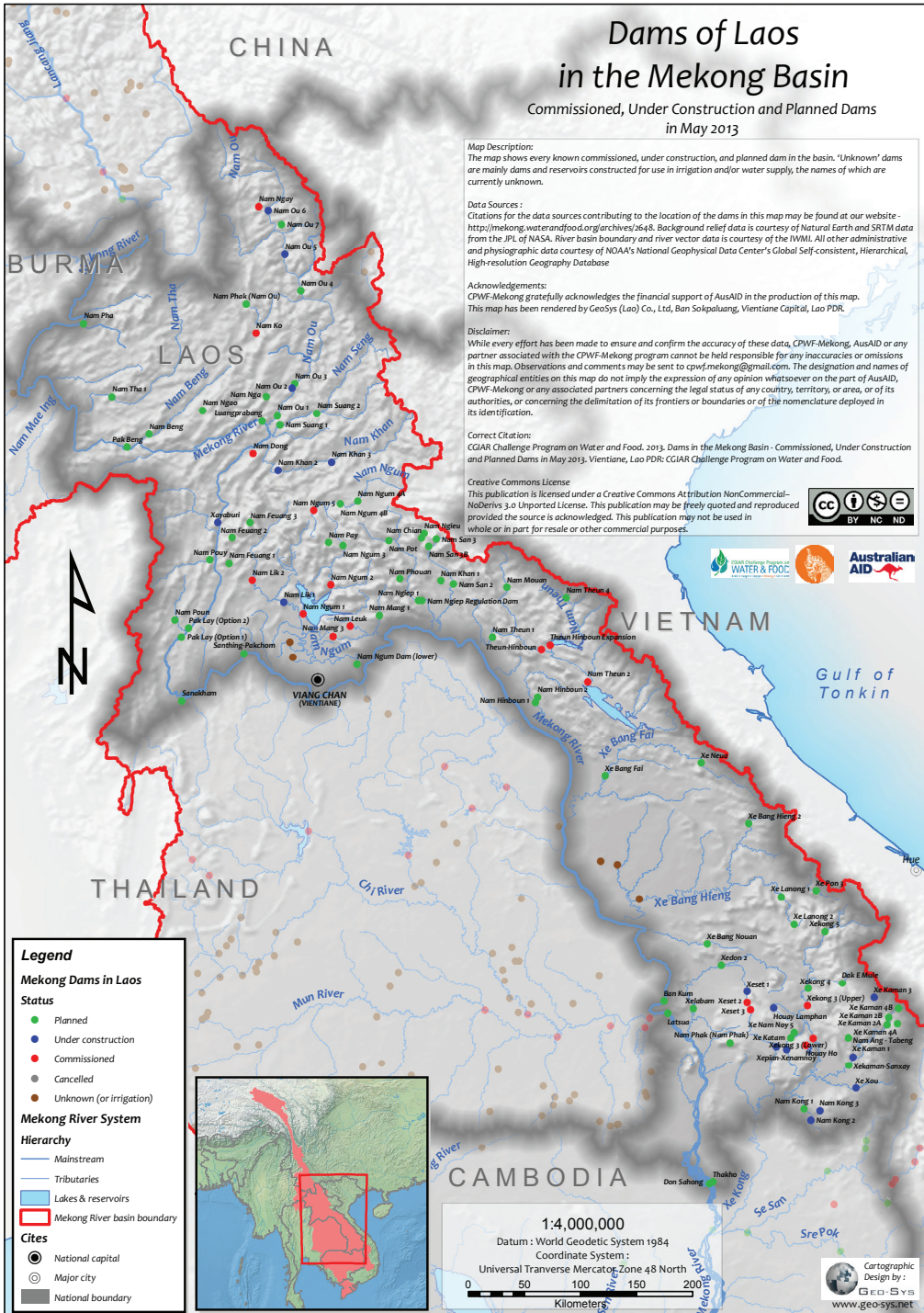
Data Sources:
Citations for the data sources contributing to the location of the dams in this map may be found at our website - <http://mekong.waterandfood.org/archives/2648>. Background relief data is courtesy of Natural Earth and SRTM data from the JPL of NASA. River basin boundary and river vector data is courtesy of the IWMI. All other administrative and physiographic data courtesy of NOAA's National Geophysical Data Center's Global Self-consistent, Hierarchical, High-resolution Geography Database

Acknowledgements:
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Disclaimer:
While every effort has been made to ensure and confirm the accuracy of these data, CPWF-Mekong, AusAID or any partner associated with the CPWF-Mekong program cannot be held responsible for any inaccuracies or omissions in this map. Observations and comments may be sent to cpwf.mekong@gmail.com. The designation and names of geographical entities on this map do not imply the expression of any opinion whatsoever on the part of AusAID, CPWF-Mekong or any associated partners concerning the legal status of any country, territory, or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries or of the nomenclature deployed in its identification.

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Legend

Mekong Dams in Laos Status

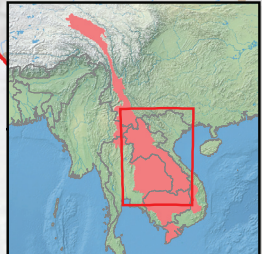
- Planned
- Under construction
- Commissioned
- Cancelled
- Unknown (or irrigation)

Mekong River System Hierarchy

- Mainstream
- Tributaries
- Lakes & reservoirs
- ▭ Mekong River basin boundary

Sites

- National capital
- Major city
- ▭ National boundary



1:4,000,000
Datum: World Geodetic System 1984
Coordinate System:
Universal Transverse Mercator Zone 48 North

Cartographic Design by:
www.geo-sys.net

according to its projections.⁵⁷

New channels for conflict resolution are, however, being piloted, such as the Vietnamese state-owned Rubber Group which announced that it will establish a complaints mechanism and test a community consultations and compensation scheme for its plantations in Savanakhet and Champasak provinces in response to international media attention created by the human rights advocacy organization Global Witness. In Attapeu and Xekong provinces, families from 17 different communities filed a complaint in February 2014 to the International Finance Corporation (IFC) complaints mechanism accusing the World Bank's private investment arm of breaking its own safeguard policies by investing in a Vietnamese firm, Hoang Anh Gia Lai (HAGL), that operates several rubber plantations in Ratanakiri, breaking a raft of local laws, as the company has received financial support from the World Bank's IFC. However, outsider access to the affected indigenous communities is monitored by the government and it remains difficult to acquire information. Meanwhile, indigenous peoples' communities continue to resist to be able to keep their culture, tradition and way of life alive.⁵⁸

F. Key Issues and Challenges

Indigenous peoples in Lao PDR face limited opportunities and lack of channels or mechanisms to allow their full and effective participation in decision-making regarding issues and concerns related to their traditional institutions, governance and livelihood practices. Non-transparent and top-down land acquisitions facilitated by the government have

increased the intensity of social conflicts, many of which go unaddressed.

Dam constructions have devastating impacts on indigenous communities as these involve forced relocations of villages. The communities also have to make way for the rubber plantations that hold shares in the dams. Development and investment projects, such as the Nam Theun 2 hydropower dam construction, have required village relocations as well. Resettlement programs impact both those being relocated and the residents of the receiving community. The government's forced relocation efforts have been poorly planned, leading to shortages of cultivable land, increased competition over land and increased land conflicts. Resettlement also undermines the authority of customary leaders, changes livelihood strategies and disperses family groups who rely on each other for agricultural labor.⁵⁹

The government considers hydro energy to be the main thrust of growth and economic development. Large dams such as Nam Theun 2 and Nam Ngum 3 have caused indigenous peoples' communities serious economic and social dislocations in addition to loss of biodiversity. Due to loss of land and natural resources, food security has remained a primary concern of the affected indigenous peoples. Although the material needs for housing, electricity, roads, schools, and health centers are provided at the resettlement villages, there is serious doubt that indigenous peoples' livelihoods will be restored to the pre-resettlement level, or the conditions will be culturally appropriate and sustainable in the future. The poor quality of land in the resettlement villages continues to pose severe

⁵⁷ Megan Goldin, Laos face thorny land issues in Asia's orchid, 2008.

⁵⁸ IWGIA, Indigenous World 2015.

⁵⁹ Mann and Luangkhhot 2008; GTZ 2009; GOL 2008b; Bird 2009.

problems for villagers, who are unable to grow sufficient food to feed their families, and to pay for the electric bills.⁶⁰

The ASEAN is pushing forward with economic projects, but most of the proposed development of hydropower, minerals and forest-based programs will be implemented in remote areas of the country where indigenous peoples depend heavily on natural resources for subsistence. The Lao government and the ASEAN Economic Community need to work in tandem to carry out environmental impact assessments, taking into account the free prior and informed consent of indigenous peoples, to come up with a research plan and a course of action that will take note of past mistakes and enable Laos to limit its hydropower projects in order not to put indigenous peoples or agriculture industries at further risk.

Brief Profile, Key Strategies/Programmes and Actions of Indigenous Organizations, Movements, Alliances, Networks

Because of the highly centralized political system of Lao, there is hardly any space for the effective engagement and participation of citizens in decision making at all levels. In particular, the recognition of civil society organizations in Lao is very limited, and their activities are severely restricted. Non-government organizations, registered as Non-Profit Associations (NPA), cannot operate independently as their activities require permission from local and/or national government bodies. In this context, there are very few indigenous organisations registered as NPAs. A number of them are based at the local level. On the other hand, a number of international organizations are registered in

Lao, and their activities are also regulated and restricted. Most of them are working on issues relating to conservation and natural resource management, socio-economic projects.

In 2012, in Lao PDR, outside the official Asia-Europe Meeting (ASEM) process, civil society representatives from Asia and Europe organized the “alternative ASEM” meetings to coincide with the official ASEM Summits. A few months after, Sombath Somphone, one of the leading organizers was stopped on the way back from his office at the traffic police post and then taken away in a pick-up truck as recorded by the closed-circuit television cameras of the area, and as reported by the Amnesty International report on his enforced disappearance. In spite of the international pressure on the government to conduct investigations, Sombath is still missing until today. Sombath Somphone was well known in Laos for his decades of work on behalf of farmers and sustainable farming practices.

60 <http://www.forestpeoples.org/topics/african-development-bank-afdb/news/2013/04/experience-asian-indigenous-peoples-finance-lend-0>.

INDIGENOUS PEOPLES HUMAN RIGHTS DEFENDERS NETWORK

The Indigenous Peoples Human Rights Defenders Network (IPHRD Net) is a platform for solidarity, coordination and support among indigenous human rights defenders and their organizations. Through the IPHRD Net, indigenous peoples human rights defenders can more effectively address human rights issues and violations wherever these occur by working with other indigenous peoples organisations, other human right organisations, and with regional and international human rights mechanisms and bodies.

THE FUNCTIONS OF THE IPHRDS NET ARE AS FOLLOWS:

1. Mechanism for exchange of information and updates relating to human rights of indigenous peoples
2. Facilitation of technical, logistics and other forms of support
3. Forum for planning, capacity building and skills enhancement of network members
4. Mechanism for strengthening solidarity and cooperation.

ACTIVITIES

1. Documentation of human rights violations against indigenous peoples for use in lobby and advocacy at all levels
2. Manage the database of human rights violations against indigenous peoples in Asia
3. Capacity-building on human rights documentation and advocacy
4. Awareness-raising on human rights, in particular the UN Declaration on the Rights of Indigenous Peoples
5. Advocacy on indigenous peoples issues at all levels
6. Networking with other civil society organisations to gather support on the issues and concerns of indigenous peoples
7. Facilitate direct support to indigenous peoples human rights defenders at risk.

www.iphrdefenders.net

Have you witnessed a human rights violation against indigenous peoples?

Report to: www.iphrdefenders.net/index.php/iphrd-human-rights-violation-form

Are you an IPHRD at risk needing assistance?

Contact us at: www.iphrdefenders.net/index.php/request-for-assistance-form



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AIPP PRINTING PRESS

AIPP at a glance

The Asia Indigenous Peoples Pact (AIPP) is a regional organization founded in 1988 by indigenous peoples' movements as a platform for solidarity and cooperation. AIPP is actively promoting and defending indigenous peoples' rights and human rights, sustainable development and management of resources and environment protection. Through the years, AIPP has developed its expertise on grassroots capacity building, advocacy and networking from local to global levels and strengthening partnerships with indigenous organizations, support NGOs, UN agencies and other institutions. At present, AIPP has 47 members from 14 countries in Asia with 7 indigenous peoples' national alliances/ networks and 35 local and sub-national organizations including 16 are ethnic-based organizations, five (5) indigenous women and four (4) are indigenous youth organizations. It also specifically aims to empower indigenous women through networking, education and capacity building activities with the overall goal for indigenous women to assert, promote and protect their rights as women and as indigenous peoples.

Our Vision

Indigenous peoples in Asia are fully exercising their rights, distinct cultures and identities, are living with dignity, and enhancing their sustainable management systems on lands, territories and resources for their own future and development in an environment of peace, justice and equality.

Our Mission

AIPP strengthens the solidarity, cooperation and capacities of indigenous peoples in Asia to promote and protect their rights, cultures and identities, and their sustainable resource management systems for their development and self-determination.

AIPP Programmes

Our main areas of work among the different programmes are information dissemination, awareness raising, capacity building, advocacy and networking from local to global. Our programmes are:

- Human Rights Campaign and Policy Advocacy
- Regional Capacity Building
- Environment
- Indigenous Women
- Communication Development

AIPP is accredited as an NGO in special consultative status with the UN Economic and Social Council (ECOSOC) and as observer organization with the United Nations Framework Convention on Climate Change (UNFCCC), Convention on Biological Diversity (CBD), Green Climate Fund (GCF), Global Environment Facility (GEF) and the World Intellectual Property Organization (WIPO). AIPP is a member of the International Land Coalition (ILC).

Asia Indigenous Peoples Pact (AIPP)

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