

Country Technical Note
on Indigenous Peoples' Issues

Lao People's Democratic Republic



Enabling poor rural people
to overcome poverty



Country Technical Notes on Indigenous Peoples' Issues

**LAO PEOPLE'S
DEMOCRATIC REPUBLIC**

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Acronyms and Abbreviations

(Lao) PDR	(Lao) People's Democratic Republic
ADB	Asian Development Bank
ANR	Assisted Natural Regeneration
APB	Agricultural Promotion Bank
CBNEM	Community-Based Resource Management
CDD	Community-Driven Development
CLOs	Community Level Organizers
COMMIT	Coordinated Mekong Ministerial Initiative Against Trafficking
COSOP	Country Strategic Opportunity Programme
DAFO	District Agriculture and Forestry Office
DANIDA	Danish International Development Agency
DLF	Department of Livestock and Fisheries
EGDP	Ethnic Groups Development Plan
EMDPs	Ethnic Minority Development Plans
FDI	Foreign Direct Investment
GDP	Gross Domestic Product
GPAP	(UNDP) Governance and Public Administration Reform
GTZ	German Agency for Technical Cooperation
HDI	Human Development Index
ILO	International Labour Organisation
IPEC	International Programme on the Elimination of Child Labour
IDA	World Bank / International Development Association
LDC	Least Developed Country
LEAP	Lao PDR Extension in Agriculture Project
LFNC	Lao Front for National Construction
LPRP	Lao People's Revolutionary Party
LT	Lao-Tai
LWU	Lao Women's Union
MAF	Ministry of Agriculture and Forestry
NGPES	National Growth and Poverty Eradication Strategy
NLT	Non-Lao-Tai
NTFPs	Non-Timber Forest Products
PAFO	Provincial Agriculture and Forestry Office
PAS	Provincial Agricultural Services
PIS	Provincial Irrigation Service
PPMS	Project and Portfolio Management System
PRAs	Participatory Rural Appraisals
SDC	Swiss Development Cooperation
SIR	Social Issues Roadmap for the Agriculture and Natural Resources Sector
TTDC	Training, Trials, and Demonstration Centres
UNDCP	United Nations Drug Control Programme
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNFDAC	UN Fund for Drug Abuse Control
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNOPS	United Nations Office for Projects Services
UNPFII	United Nations Permanent Forum on Indigenous Issues
UXO	Unexploded ordnance
VEW	Village Extension Workers
VVW	Village Veterinary Workers
WFP	World Food Programme

Country Technical Note on Indigenous People's Issues - Lao People's Democratic Republic

Summary

To facilitate policy implementation at the country level, IFAD's Policy on Engagement with Indigenous Peoples (2009) recommended that Country Technical Notes be prepared to provide country-specific information on indigenous peoples, as well as to contribute to the development of country programme strategies and project design. A number of them have been prepared by indigenous peoples' leaders with the support of indigenous peoples' organizations. The Notes are intended as "living documents" to support learning on indigenous peoples' issues.

The concept of "indigenous" is problematic in Laos and the Government does not use this terminology but refers to Laos as a multi-ethnic society. The 2005 census identified 49 ethnic groups with at least 240 subgroups. These groups can be roughly divided into four broader ethno-linguistic groupings: Lao-Tai, Mon-Khmer, Chinese-Tibetan and Hmong-Mien. The Lao-Tai dominate politically, culturally and economically and generally inhabit the river plains. The majority of the other ethnic groups inhabit the remote, mountainous and forested areas of Laos and practise more traditional ways of life with distinct sociocultural differences; they experience marginalization.

There is no specific legislation in Laos with regard to indigenous people. A national legislation relevant to indigenous peoples is the ethnic minority policy, which upholds the principle that all ethnic groups should have improved access to services and that all discrimination must be eradicated. According to this policy, the government of Laos will make more efforts to improve the living conditions of all ethnic groups. Thus, the indigenous peoples of Laos were encouraged to move down to lowland areas where there are more economic opportunities, productive agriculture and better access to government services. However, relocation presents a threat to the traditional lifestyles of the Lao indigenous peoples. Moreover, challenges to the implementation of the principles contained in this policy are budgetary constraints and the remoteness of many ethnic minority communities.

Key issues to address for future development initiatives in Laos are: access to education in Lao language and ethnic minority languages, access to health care, increased gender equality, political participation and representation, land rights, and ensuring that internal resettlement initiatives do not increase poverty and food insecurity and respect traditional cultural and social systems.

People throughout the country are still severely impacted by the presence of unexploded ordnance (UXO) from cluster bombs dropped over Laos between 1964 and 1973, which continues to threaten their lives, livelihoods and environments¹. Maps of the ethnic distribution in Laos show that UXO contamination significantly affects areas where ethnic groups live.

Another issue of international concern is the involuntary repatriation of over 4,000 ethnic Hmong to Laos from camps in Thailand, which took place at the end of December 2009.

Since 1978, IFAD has financed 12 projects and programmes in the Lao People's Democratic Republic; 7 of these addressed indigenous peoples.

¹<http://www.undplao.org/newsroom/Speech09/UNDP%20RR%20UXO%20Lao%20VC%20opening%20remarks%20160309.pdf>

Figure 1: Map of Laos



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

1. Main characteristics of indigenous peoples

Laos has the most ethnically diverse population on mainland Southeast Asia. The 2005 census identified 49 ethnic groups with at least 240 subgroups. The Ministry of Information and Culture of Laos currently promotes the use of an ethno-linguistic classification system to distinguish among various ethnic groups in the country. The major ethno-linguistic groups in Lao are as follows: Lao Tai, Mon-Khmer, Chinese Tibetan and Hmong Mien.

The Lao-Tai dominate politically, culturally and economically and generally inhabit the river plains, particularly along the Mekong. The majority of the other ethnic groups inhabit the rugged mountain territory that covers about 79 per cent of the country and experience high-levels of marginalization. Their lifestyle reflects the working definition of Indigenous Peoples used by the United Nation Permanent Forum on Indigenous Issues (UNPFII).

Officially Laos is secular and the Government is very concerned with the construction and maintenance of national unity. The National Assembly's official Agreement N°213 of 24 November 2008 recognized only one nationality- all citizens are Lao- while recognizing 49

ethnic groups². The concern is that concepts such as 'indigenous' and 'ethnic minority' may encourage feelings of separateness or non-inclusion within the Lao state. It is these 'ethnic minority' groups that are most often identified and defined as Laos' indigenous peoples. The term indigenous is problematic in Laos: due to the country's land-locked location, the peoples and tribes that inhabit the modern state of Lao PDR have originated and migrated from many lands including southern China, the Tibetan plateau, Burma, Cambodia, Thailand and Viet Nam. It is therefore very difficult to identify any one group that can claim to be indigenous.

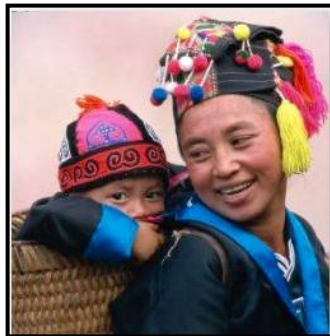
Although Laos' ethnic groups are nowadays linguistically grouped, this report will use the old geographical classification of Lao Loum (lowland Lao), Lao Theung (Upland Lao) and Lao Soung (Highland Lao).

Lao Loum



http://www.ecotourismlaos.com/images/photograllery/people/008_bg.jpg

Hmong



<http://www.aznlover.com/images/hmong-1.jpg>

Khmu



http://www.ecotourismlaos.com/activities/handicrafts/khmu_handicrafts.htm

Lan Ten



http://www.ecotourismlaos.com/images/photograllery/people/007_bg.jpg

Black Tai



http://www.ecotourismlaos.com/images/photograllery/people/017_bg.jpg

The focus will be on Lao Soung and Lao Theung, who represent the communities that are most distinct from 'mainstream' Lao society (the dominant Lao Loum), in that they practise more traditional ways of life with different sociocultural characteristics. Lao Soung and Lao Theung communities often inhabit the mountainous and forested areas,

² The Indigenous World 2012, ed.by Caecilie Mikkelsen. Copenhagen: IWGIA

which are the remotest and least accessible areas of the country. They experience increased poverty, under-development and lack of infrastructure and government services. These factors create what could be described as elements of structural marginalization associated with lack of education, healthcare, opportunities, political participation and representation.

As a whole, Laos remains underdeveloped and lacks human and material resources. Corruption is endemic and a major obstacle to the development of a just and equitable civil society. The country context is rife with inequalities in society and social structures, power imbalances, and substantial differences in both quality of life and opportunity (uneven resource distribution, access to health care, education, justice, economic opportunity, participation and political power).

The Government is officially committed to embracing the multi-ethnic dimension of Laos and improving the living conditions and equality of all peoples in the country. The informed opinion of this report is that the Government is genuine and has no policy of discrimination. However, *de facto* discrimination and human rights abuses exist, meaning that achieving equality of all peoples will be a long and difficult process.

1.1 Demographic status

Laos is a landlocked (the Lao government prefers to promote itself as 'land-linked') country, which shares borders with China, Burma, Thailand, Cambodia and Viet Nam. Laos is officially known as the Lao People's Democratic Republic (Lao PDR). The Lao PDR was formed on 2 December 1975, following many decades of colonial rule by France, civil war and political instability. The official national language is Lao, which is structurally similar to Thai. The terms 'Laotian' or 'Lao' are officially used to represent the nationality of all Lao people.

The population is over 7 million, with an estimated annual growth rate of 2.4 per cent, one of the highest in South-East Asia. However, population density is 23 people per square kilometre, one of the lowest in South-East Asia. According to the research and classification of the Ethnic Groups in Laos 2007, the life expectancy of Lao people is 55.89 years – 53.82 years for males and 58.04 years for females. From the classification of the whole population, people aged 0-14 years are 43 per cent (male 1,191,608; female 1,173,144); from 15-64 years are 54 per cent (male 1,447,788; female 1,500,016) and 65 years of age and over 65 are 3 per cent (male 85,028; female 99,875).

Laos comprises approximately 68 ethnic groups with distinct differences in languages and culture.³ 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 is a means of emphasizing the commonality of all Lao people and a unified Lao nationality.

According to the documentation of the Ministry of Culture and Information: The **Lao Loum** constitute the majority of the Lao population, at around 68 per cent, and live along the banks of the many rivers of Laos, in particular along the Mekong River. The Lao Loum consist of 12 ethnic groups; Lao, Lue, Lu, Phouan, Saek, Tai dam, Tai deng, Tai khao, Tai meuy, Tai neua, Tai Nyee, and Yang. Generally, they live in large groups located in lowland valley areas where it is convenient for communication, transportation, trading and planting rice and other agricultural production. In terms of economic

³ Lao National Statistic Center, Laos

development, Lao Loum are better-off than other groups in Laos. Buddhism is the main religion, practised by almost 90 per cent of the Lao Loum.

The **Lao Theung** group embraces the Austro-Asiatic linguistic family. This group accounts for about 22 per cent of the national population. Generally this group is located in the southern area of the country in the mountainous and remote areas where they can hunt animals and look for wild products. This group consists of many small tribes (up to 36 groups): Aluck, Bid, Cheng, Dakkung, Doy, Kado, Kaseng, Katang, Katoo, Khmou, Lawae, Lawain, Lawee, Lawuck, Makong, Nyahern, Oy, Pakoh, Phai, Samed, Phong, Phounoy, Puak, Samtao, Sapuan, Sok, Soo, Suay, Taliang, TaOy, Thin, Tongleuang, Trew, Trui, Yae, and Yru.

The **Lao Soung** group consists of Hmong-Mien peoples of the Austro-Thai language family and all Sino-Tibetan language family peoples. Usually Lao Soung inhabit the tops or upper slopes of the mountains in the north of Laos at an average altitude of 1700 meters. Shifting agriculture is their main source of living. The Lao Soung is comprised of 20 groups: Hayi, Hmong Dam (Black Hmong), Hmong Khao (White Hmong) Hmong Lai (Striped Hmong), Kongsard, Korcheechad, Kormoochee, Kormouter, Korpana, Korpheh, Korphousang, Korphouyord, Korpoulee, Korsida, Kui, Laentaen, Lahou, Mouser Dam (Black Mouser), Mouser Khao (White Mouser) and Yao.⁴

As mentioned in the previous paragraph, the three geographical groupings as outlined above can also be roughly divided into four broader ethno-linguistic groupings: Lao-Tai, Mon-Khmer, Chinese-Tibetan and Hmong-Mien.

The "Lao-Tai" includes the dominant "Lao ethnic group" and the "lowland Tai" speaking groups. The "Lao-Tai" consists of eight ethnic subgroups:

Table 1: List of Ethnic Groups under Lao-Tai Linguistic Group

	Sub-ethnic		Sub-ethnic		Sub-ethnic
1	Lao	4	Tai	7	Phutai
2	Leu	5	Nhuane	8	Yang
3	Xaek	6	Tai neua		

The second linguistic group is "Austro-Asiatic, also called Mon-Khmer" group, which consists of 32 ethnic subgroups.

Table 2: List of Ethnic Groups under Mon-Khmer Linguistic Group

	Sub-ethnic		Sub-ethnic		Sub-ethnic
1	Khmou	12	Phong	23	Bid
2	Pray	13	Thene	24	Lamed
3	Xingmoon	14	Eudou	25	Samtao
4	Katang	15	Makong	26	Taoey
5	Yru	16	Triang	27	Katu
6	Yae	17	Brao	28	Kriang
7	Hahak	18	Oey	29	Suay
8	Jeng	19	Kadang	30	Pako
9	Nhaheun	20	Lavy	31	Nguane
10	Kmer	21	Toum	32	Tri
11	Moy	22	Kree		

The 'Hmong-Iumien' group consists of two ethnic subgroups.

Table 3: List of Ethnic Groups under Hmong-Mien Linguistic Group

⁴ National Statistic Center, Laos

	Sub-ethnic		Sub-ethnic		Sub-ethnic
1	Hmong	2	Lumien		

The “Chinese-Tibetan” (also referred to as “Sino-Tibetan”) includes the Chinese and Tibeto-Burman ethnic group and consists of seven ethnic subgroups.

Table 4: List of Ethnic Groups under Chinese-Tibetan Linguistic Group

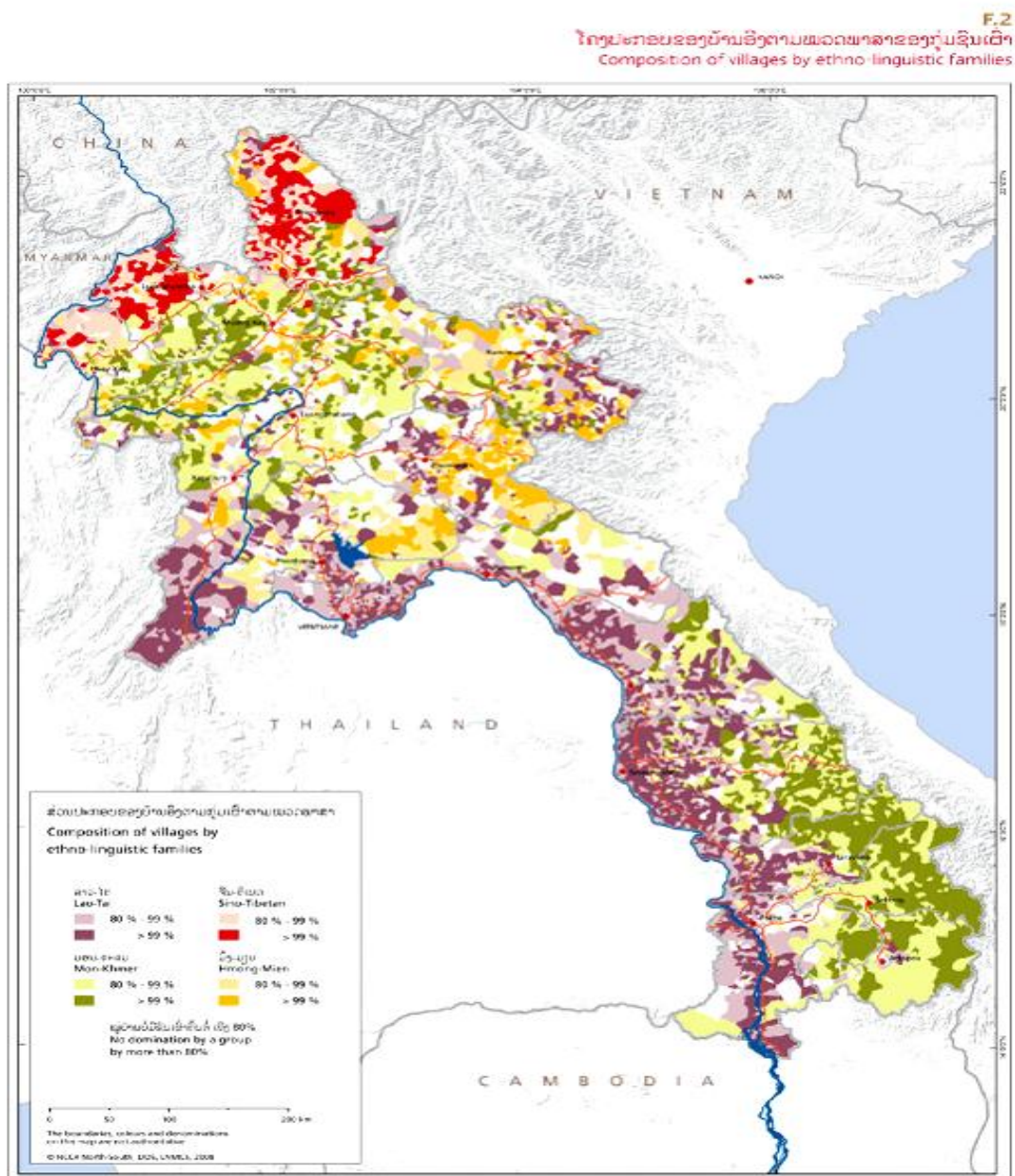
	Sub-ethnic		Sub-ethnic		Sub-ethnic
1	Akha or Ko	4	Phounoy	7	Lolo
2	Sila	5	Lahou		
3	Hor	6	Hayi		

Source: World Bank, Lao People's Democratic Republic Transport Sector Project: indigenous peoples plan (Vol. 3 of 3) pp.6-7.



Photos taken by the author

Figure 2: Composition of villages by ethno-linguistic families



<http://www.laoatlas.net/Welcome.html>

2. Sociocultural status

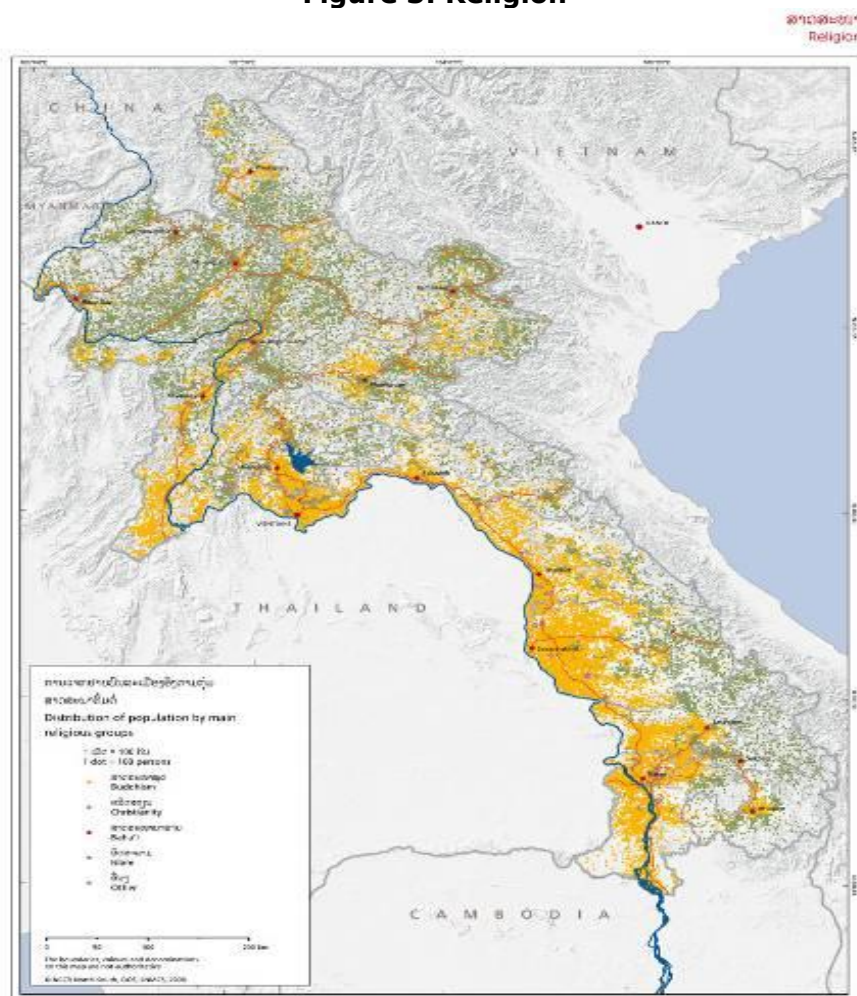
One of the main characteristics of Laos is its cultural diversity. The differences in terms of culture and language are greater among the 20 Lao Soung ethnic groups than among the Lao Theung and Lao Loum ones. Although there are many tribes within the Lao Loum itself, only Lao Theung and Lao Soung are most often considered as 'ethnic groups'.

Many development plans, including infrastructure, are not planned or implemented with ethnicity as the overriding variable. Consequently, development impacts can be marginalizing on the economies of isolated ethnic minority groups unless sufficient alleviation measures are adopted and the potential beneficiaries are consulted in project planning and implementation. Additionally, the higher incidence of poverty, particularly

within ethnic minority groups themselves, makes them more vulnerable socially and economically.⁵

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*).

Figure 3: Religion



<http://www.laoatlas.net/Welcome.html>

According to Prime Ministerial Decree No. 92 of 5 July 2002 on the Administration and Protection of Religious Activities in Lao PDR, Lao citizens, foreign residents, people without citizenship and foreigners in Laos have the right to carry out religious activities and participate in religious ceremonies in their places of worship at the temple or their own established churches or mosques (Section 1, Article 4). Most of the ethnic/indigenous communities currently practise a combination of animism and ancestor worship, but some Mon-Khmer, Hmong and Yao communities hold Christian beliefs.

⁵ Indigenous Peoples Development Plan, 2006, ADB

3. Economic status and poverty

Economic development

There are some figures reporting that Laos' economic development has improved since the 1990s: according to the Asian Development Bank (ADB) during 2003-05, inflation declined from 15.5 per cent to 7.2 per cent, whereas real GDP growth increased from 6.1 per cent to 7.1 per cent. The large inflows of Foreign Direct Investment (FDI) in the hydropower and mining sectors have significantly contributed to growth in recent years. In 2006, the economy continued to perform well, with real GDP growing at about 7.6 per cent compared with 7.1 per cent in 2005.

Nonetheless, the country is still classified by the UN as a Least Developed Country (LDC), with per capita gross domestic product (GDP) at US\$ 8,298⁶ in 2011.

Differently from the GDP, the Human Development Index (HDI) looks at some of the most fundamental aspects of people's lives and opportunities, therefore it provides a much more complete picture of a country's development. Research conducted by UNDP in 2005 demonstrated the very large gaps in well-being and life chances, which continue to divide the increasingly interconnected in Laos. Laos ranked 143rd out of 173 countries in HDI in 2007. Its HDI value for 2011 is 0.524—in the medium human development category—positioning the country at 138 out of 187 countries and territories. Between 1990 and 2011, Lao People's Democratic Republic's HDI value increased from 0.376 to 0.524, an increase of 39.0 per cent or average annual increase of about 1.6 per cent.

Despite the positive signs of economic development, the living situation of people in general is still not much improved. According to the ADB Lao PDR Country Team (2006), one third of Laos' population is classified as poor, and one third of the adult population is illiterate. A small domestic market, the subsistence nature of the rural economy, skill shortages, and the remoteness and isolation of much of the population are among the structural factors constraining growth and poverty reduction.

Economic gains are often confined to the small minority elite, which brings national averages up, but does not reflect the situation for most people. Economic wealth is unequally shared, and the gaps between rich and poor are increasing. Different ethnic groups have very different levels of development.

The Lao Loum 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, ethnic minority groups are still experiencing poverty. Agricultural production in highland areas (where Lao Soung live) and upland areas (inhabited by Lao Theung) is still dominated by subsistence crop cultivation and a shifting or swidden (slash and burn) farming system. 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. Non-farm and off-farm activities are undertaken in order to finance the purchase of additional rice and the fulfilment of basic needs.

The incidence of rural poverty is around 41 per cent compared with 29 per cent in urban areas. Moreover, urban adult literacy rates are almost double those of rural areas, and both child and maternal mortality rates differ greatly.⁷ When one considers that the

⁶ <http://www.worldbank.org/en/country/lao>

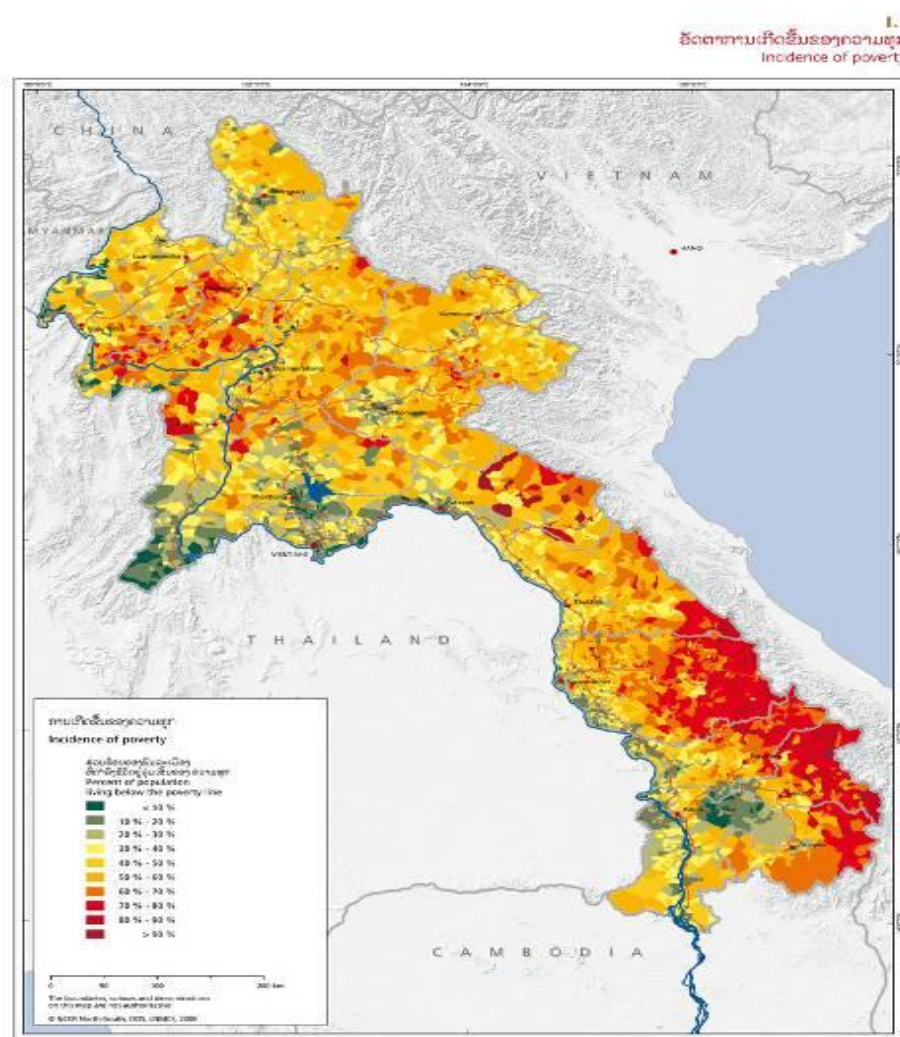
⁷ UNDP, The Human Development Index - going beyond income, 2005

majority of Laos' ethnic minority groups live in the remote, mountainous areas, it is clear why poverty is impacting most on this section of Lao society.

According to the observation of the Committee on the Elimination of Racial Discrimination on 18 April 2005, the living conditions of ethnic minority people 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 *de facto* discrimination.⁸ It is also an indication of unequal development.

From the research of Lao PDR – National Growth and Poverty Eradication Strategy (NGPES), out of 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 ethnic minority groups.⁹

Figure 4: Incidence of poverty in Laos



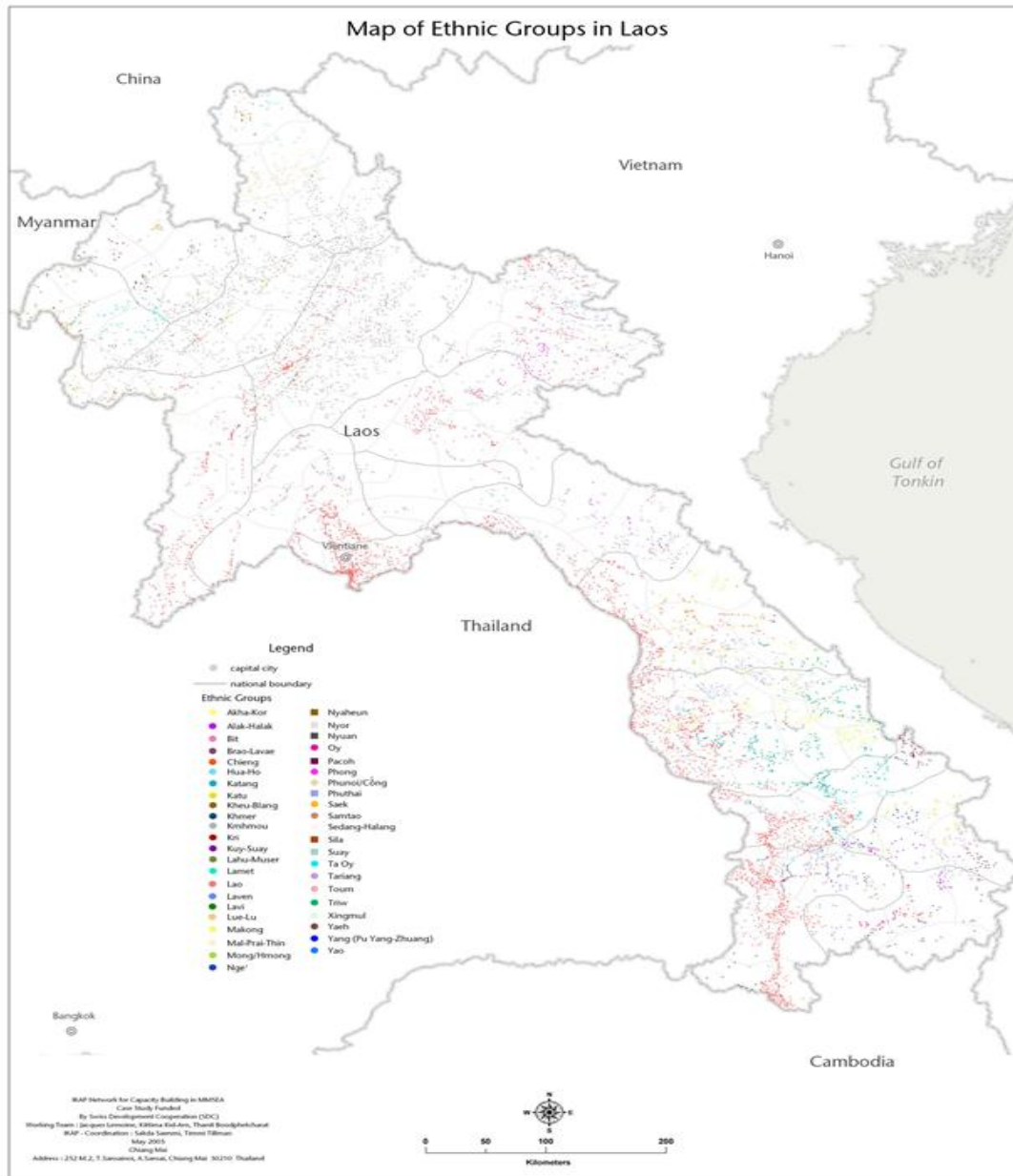
<http://www.laoatlas.net/Welcome.html>

⁸ Committee on the Elimination of Racial Discrimination, 21 February-11 March 2005

⁹ Lao PDR – National Growth and Poverty Eradication Strategy (NGPES)

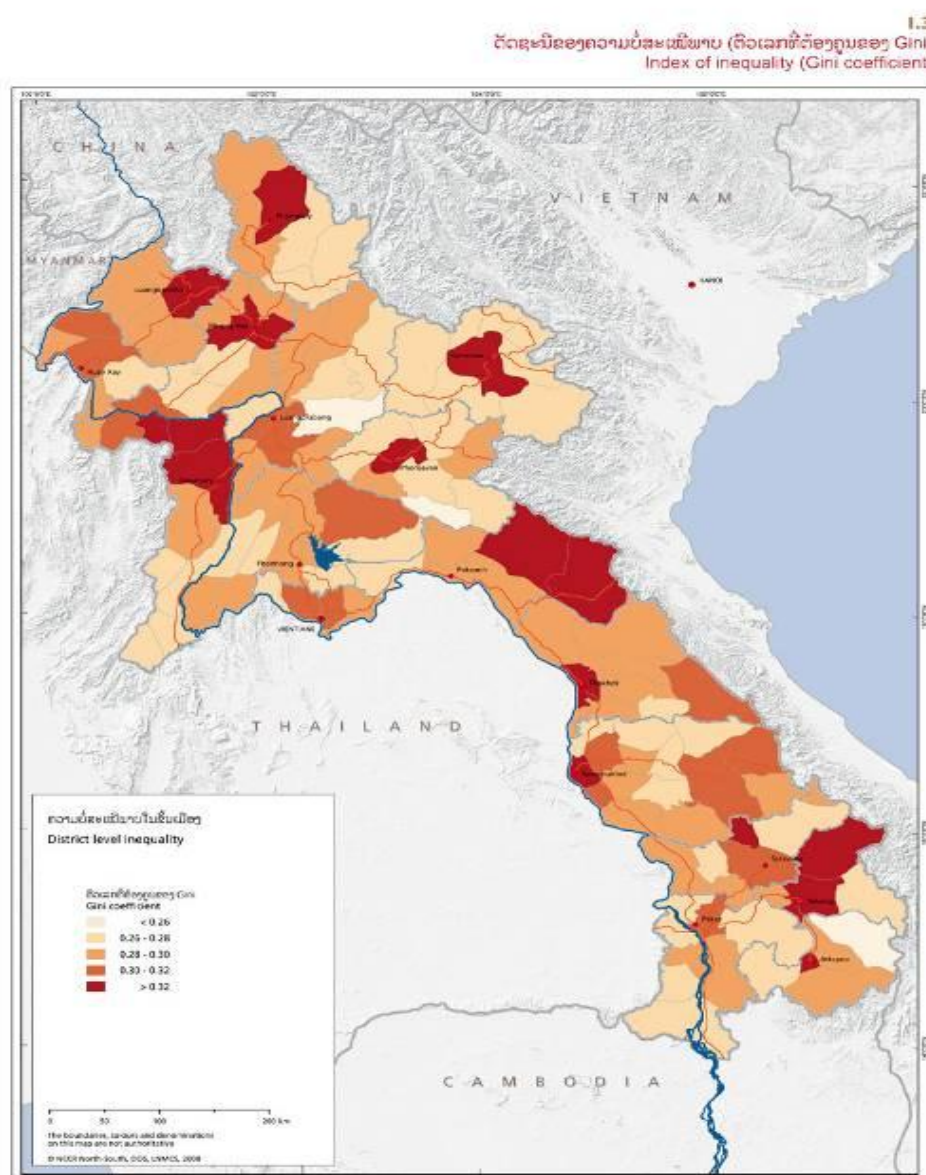
The map in the previous page (Fig. 4) shows the incidence of poverty by province in Laos. It can be seen that the highest incidences of poverty correspond with the provinces that also have the highest concentrations of ethnic minority groups, as seen in the map below.

Figure 5: Map of ethnic groups in Laos



<http://ikap-mmsea.org/images/ethnicmaplaos.jpg>

Figure 6: Index of inequality (Gini coefficient)¹⁰



<http://www.laoatlas.net/Welcome.html>

Interesting information on poverty in Laos among indigenous peoples and non-indigenous peoples derives from the World Bank's recent study on "Indigenous Peoples, Poverty and Development".¹¹ The household survey shows the evidence of disparities between non-Lao-Tai (NLT) ethno-linguistic minority groups as compared to the Lao-Tai (LT) majority. "While one in four LT live in poverty, one in two among the NLT does so. Some among the NLT ethnic groups are considerably worse off in many respects than

¹⁰ Gini index measures the extent to which the distribution of income or consumption expenditure among individuals or households within an economy deviates from a perfectly equal distribution. A Lorenz curve plots the cumulative percentages of total income received against the cumulative number of recipients, starting with the poorest individual or household. The Gini index measures the area between the Lorenz curve and a hypothetical line of absolute equality, expressed as a percentage of the maximum area under the line. Thus a Gini index of 0 represents perfect equality, while an index of 100 implies perfect inequality. See: <http://data.worldbank.org/indicator/SI.POV.GINI>

¹¹ Gillette Hall and Harry Patrinson, "Indigenous Peoples, Poverty and Development" draft manuscript, April 2010. The study was officially released by the World Bank at the Ninth Session of the United Nations Permanent Forum on Indigenous Issues.

others. And among them, those who live in rural areas are typically more disadvantaged although it was noted some deep pockets of urban poverty as well.”

The study reports that in 2002/3, “one-third of Lao PDR’s population was poor, but the incidence of poverty was substantially higher for the NLT than for the LT, at 50.6 and 25.0 percent, respectively (Table 5). In general, urban areas were less poor than rural areas; specifically, poverty was lowest in the urban areas of the highlands (14.4 per cent) and highest in the rural highlands (45.2 per cent). Among urban areas, the midlands had the top incidence of poverty (37.7 per cent). These patterns are repeated for the LT and NLT populations except that, interestingly, the incidence of poverty was slightly higher for the NLT in the rural lowlands (55.1 per cent) than in the highlands (50.0 per cent).”

Furthermore the study identifies that an important dimension of further disadvantage is gender: “NLT adult women and girls lag behind NLT men in numerous ways. Disadvantage is felt along all these dimensions in varying degrees. This fact must be front and center when thinking about policies to redress inequalities and raise living standards for all”.

The study concludes that national policies do not promote a development approach tailored to each ethnic group’s specific needs; hence policies are not likely to be broadly successful. To be successful, policies aimed at raising welfare levels must be tailored to each group’s specific needs and capabilities. Looking forward, the study suggests that policies must also address female disadvantage in order to ensure that future generations of NLT have better human capital. Failure to do so may well mean that existing disparities and the currently high poverty levels found among the NLT ethno-linguistic minorities will be reproduced in the next generation.

According to the aforementioned paper submitted to the Committee of the International Convention on the Elimination of All Forms of Racial Discrimination, the implementation of the Fifth National Plan of Action of Laos has created constructive outcomes. The most encouraging development was that greater attention has been paid to groups, especially ethnic minority people living in isolated areas, and especially women. They experienced increased opportunities to attend schools because more schools had been built, including boarding schools for ethnic minority group students who lived in remote areas.



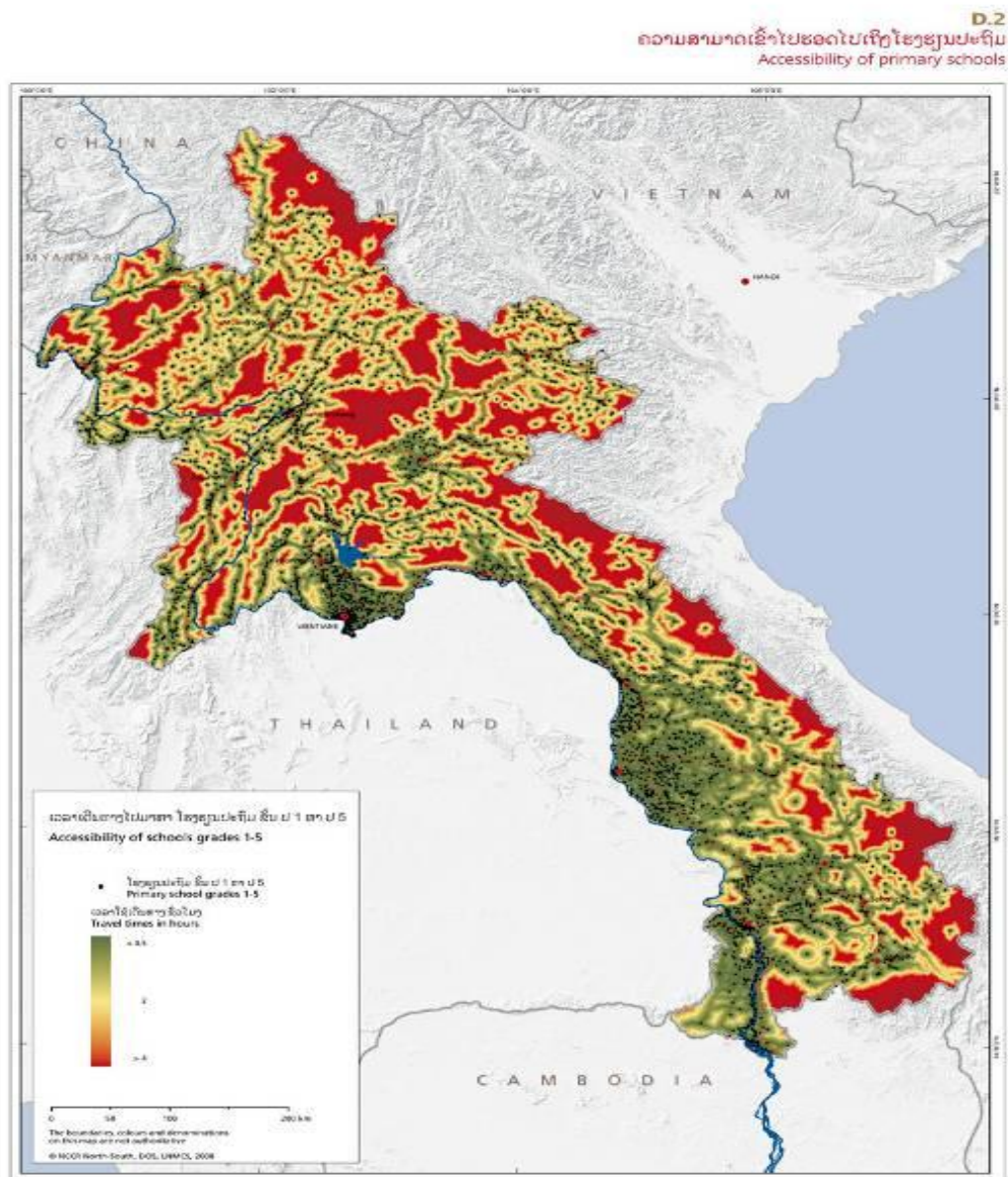
http://images.travelpod.com/users/moki_travels/asia2nd_time.1098231600.img_0651.jpg



<http://www.globalgiving.co.uk/pfil/1958/class2.JPG>

In addition, a basic health infrastructure was installed in remote areas. As a result, almost every district had a medical dispensary and a hospital. Some diseases, such as polio, had been entirely eradicated, 56 per cent of children had benefited from the expanded immunization programme, and 65 per cent of people living in remote areas now have access to clean drinking water installations. This is a tangible improvement and demonstration of genuine desire to deliver basic services such as education and health care to ethnic minority peoples.

Figure 7 : Accessibility of primary schools



<http://www.laoatlas.net/Welcome.html>

Table 5: Poverty by ethnicity, urban/rural and elevation

Urban				Rural			Total		
	Lao Tai	Non-Lao Tai	Total	Lao Tai	Non-Lao Tai	Total	Lao Tai	Non-Lao Tai	Total
Lowlands									
Poverty headcount (%)	15.85	36.98	17.19	28.42	55.07	33.62	23.83	52.56	28.18
Poverty gap (%)	3.15	6.85	3.38	5.70	15.46	7.61	4.77	14.27	6.21
Poverty severity (%)	0.96	1.83	1.01	1.64	5.83	2.45	1.39	5.27	1.98
No.	6665	700	7365	12948	4130	17078	19613	4830	24443
Midlands									
Poverty headcount (%)	27.29	62.59	37.73	28.11	49.44	36.24	27.96	51.13	36.48
Poverty gap (%)	5.94	16.90	9.18	7.79	13.15	9.83	7.46	13.63	9.73
Poverty severity (%)	1.78	6.17	3.08	3.35	4.60	3.83	3.07	4.80	3.71
No.	830	490	1320	4477	3019	7496	5307	3509	8816
Highlands									
Poverty headcount (%)	12.78	18.39	14.37	30.27	50.01	45.17	28.33	49.51	43.91
Poverty gap (%)	2.32	2.04	2.24	7.35	12.79	11.45	6.79	12.62	11.08
Poverty severity (%)	0.76	0.47	0.68	2.64	4.52	4.06	2.43	4.46	3.92
No.	316	168	484	3413	12383	15796	3729	12551	16280
Total									
Poverty headcount (%)	16.84	43.79	19.58	28.60	51.13	37.71	24.97	50.62	33.56
Poverty gap (%)	3.39	9.83	4.04	6.33	13.50	9.22	5.42	13.24	8.04
Poverty severity (%)	1.03	3.21	1.25	2.10	4.85	3.22	1.77	4.74	2.77
No.	7811	1358	9169	20838	19532	40370	28649	20890	49539
Source: Lao Expenditure and Consumption Survey 2002/03									

Nevertheless, the Committee on the Elimination of Racial Discrimination indicated that Laos still lacks factual studies on ethnic minorities, which are extremely important for future studies and for country development regarding poverty reduction. Most of the studies that do exist have been conducted by outsiders rather than Lao people, who must be involved in the process of identifying their own developmental and human rights issues and be active in their future resolutions. It is very important for Laos to have its own assessment and evaluation mechanisms in order to gauge the extent of racial discrimination and ascertain its principal causes. Statistics broken down by ethnic group on political participation and the standard of living of the population should be included in the many periodic reports. The reduction of poverty, particularly in rural areas and among ethnic minority groups, is an urgent task if the government of Laos wants to reach its goal of poverty reduction by the year 2020.¹²

¹² Committee on the Elimination of Racial Discrimination, 21 February-11 March 2005

The issue of migration

The widespread incidence of poverty, limited educational and vocational training opportunities, economic hardship, a narrow industrial base and growing consumerism compel large numbers of Lao people, especially ethnic minority people, to migrate in search of economic opportunities.

Because of the similarity of culture and language between Lao and Thai, many ethnic minority people migrate into Thailand. Approximately 81 per cent of labour migrants cross borders in search of these opportunities, the majority of whom comprise the lowest socio-economic group.¹³ It is within the context of this cross-border movement that the migrating population is at the risk of being trafficked for forced labour, sexual exploitation and the worst forms of child labour, or what migrant communities sometimes refer to as 'unlucky' migration.¹⁴

According to the data released from the Thai government, there are at least 50,000 illegal Lao people working in Thailand, in Bangkok in particular, and another 45,000 who work along the Lao-Thai border. Teenagers and young Lao from ethnic minority groups, aged between 14 and 24, constitute the majority of illegal migrants; most of those migrants are women and girls. Of great concern are the estimated 30,000 children under 15 years of age who are currently working in Thailand.

Figure 8: Human trafficking routes



<http://www.afesiplaos.org/page-6-16-Background.htm>

¹³ ILO/IPEC, Ministry of Labor and Social Welfare, 2003, Labor Migration Survey in Khammuaane, Savannakhet and Champasack

¹⁴ Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT), July 2004. Country Paper: Lao PDR, http://www.nottrafficking.org/content/Reading_Rooms/lao_pdr.htm

Although exact statistics of ethnic composition do not exist, it is safe to assume that, as poverty and lack of education are the major push factors to illegal migration and trafficking, a significant number will be from ethnic minority groups. The map above confirms that many migrants originate from the mountainous provinces of northern Laos, inhabited by indigenous peoples, travelling first to Vientiane and then into Thailand.

Land and resource exploitation

There is increasing pressure in Laos' drive for development to exploit the land and its natural resources. In particular, mining projects, hydroelectric dams and tree plantations are sectors in which both Lao and international investors are showing increased interest. This is affecting ethnic minority groups, which are facing challenges to their traditional livelihoods as well as sometimes being forced to resettle.¹⁵

Moreover, since the government facilitates the direct investment from China to plant rubber trees, the life of ethnic minority groups is becoming harder because significant quantities of their land have been conceded to Chinese investors. This type of investment has had a very negative impact on the traditional lifestyles of ethnic minority groups. At present, there are more than 150,000 hectares of land that have been ceded to private investors for 30-50 years. Yunnan Natural Rubber Industrial Co. is the main investor and it already plans rubber plantations on 66,700 hectares. Furthermore, the company is aiming to double its planting, which will reach 133,300 hectares by 2010 and 333,300 hectares by 2015 according to its projections.¹⁶

4. Unexploded ordnance (UXO)¹⁷

"Around 12,000 UXO-related accidents occurred since 1973. Data gathered by UXO Lao in areas where it operates in from 1999 to present, show 934 casualties, divided into 655 injuries and 279 deaths. Data indicate more than 50 per cent of the victims are children and more than 81 per cent are male. Bombies (Cluster Bombs) are the most common cause of accidents. Please note that UXO Lao only receives reports of UXO accidents in areas it operates in. Actual UXO accidents nationwide may be more than this.

A study in 2006 conducted by UNICEF on UXO Risk Education Needs Assessment shows that there is a high level of awareness and understanding among both adults and children and the risks associated with coming into contact with UXO. Nevertheless, despite these known risks, many people, on an almost daily basis, continue to interact with live or potentially live ordnance. These interactions can be categorized as voluntary and deliberate (e.g. moving UXO from agricultural land or scrap metal collection) or involuntary and unintentional (e.g. sub-surface UXO while farming.) The assessment demonstrated that decisions on behaviour towards UXO are made within a complex and interlocking milieu of economic, social, political, and cultural factors."

COPE is an NGO working in Laos with victims of UXO. The above information from its website outlines the extent of the UXO problem in Laos. If one compares Figure 9 below with the maps showing the ethnic distribution in Laos, it is clear to see that UXO contamination significantly affects areas where ethnic groups are living, particularly Lao Soung and Lao Theung.

¹⁵ Please see the report: 'From the Indigenous World 2009, Laos', which provides more details on these issues and how they are affecting ethnic groups in Laos: <http://www.iwgia.org/graphics/offentliq/pdf/Laos.pdf>

¹⁶ Megan Goldin, Laos face thorny land issues in Asia's orchid, 2008

¹⁷ Unexploded ordnance are explosive weapons (bombs, bullets, shells, grenades, land mines, naval mines, etc.) that did not explode when they were employed and still pose a risk of detonation, potentially many decades after they were used or discarded.

MAP OF UXO IMPACT AND BOMBING DATA 1965-1975



1. Village centres (32 per cent)
2. Upland rice fields (18 per cent)
3. Lowland rice fields (13 per cent)
4. Near forests (12 per cent)
5. Paths and roads (7 per cent)

1. Handling of UXO (24 per cent)
2. Farming (22 per cent)

- 3. Forest products collection (14 per cent)
- 4. Lighting fires/cooking and other domestic activities (12 per cent)
- 5. Playing with UXO (11 per cent).

Some numbers to remember:

- In excess of 260 million - Estimated number of sub-munitions (bombies) from cluster bombs dropped over Lao PDR between 1964 and 1973.
- Thirty per cent - Estimated failure rate of sub-munitions under ideal conditions.
- 78 million - Estimated number of sub-munitions that failed to explode.
- 387,645 or 0.49 per cent - Number or percentage of estimated unexploded sub-munitions destroyed by UXO LAO from 1996 to April 2008.¹⁸

For further information, see: www.copelaos.org

5. Involuntary repatriation of Hmong refugees

At the end of December 2009, over 4,000 ethnic Hmong were forcibly repatriated to Laos from camps in Thailand. Despite international protest, both the Lao and Thai authorities insisted that they were not genuine refugees, but illegal economic migrants. The Hmong claimed that due to their ethnic group's alignment with US forces during the 'Secret War' in Laos, they have faced persecution by the Lao government, and feared a return to Laos. Thailand claimed to have received assurances from Lao authorities that the Hmong would not be mistreated upon repatriation.

To date, it is unclear what will happen to these people. The situation should be monitored closely by the international community¹⁹.

6. Political status and national legislation specific for indigenous peoples

Since the foundation of Lao PDR in 1975, the new Government has stated its intention to administer the country by using the Rule of Law. In 1991, the Constitution was issued. Since then, many laws have been released and some existing legislations have been adjusted to fit with the development of Laos.

The Constitution defines Laos as a multi-ethnic state, with equality among all ethnic groups. Article 8 reads:

*"The State pursues the policy of promoting unity and equality among all ethnic groups. All ethnic groups have the rights to protect, preserve and promote the fine customs and cultures of their own tribes and of the nation. All acts of creating division and discrimination among ethnic groups are forbidden. The State implements every measure to gradually develop and upgrade the economic and social level of all ethnic groups."*²⁰

This article does not make any distinction between Lao Loum, Lao Theung and Lao Soung and reflects the Government's intention of creating greater unity among all Lao peoples.

Even though Laos does not have specific legislation for its ethnic minority communities, the former 1991 Constitution and current adjusted Constitution of 2003 have explained and prescribed (chapter four, articles 34-51) that all Lao people have fundamental rights and obligations to develop the country. Article 35, for instance, guarantees that Lao

¹⁸ <http://www.uxolao.org/Victims.html>

¹⁹ More information on this mass deportation can be found at:

<http://www.unhcr.org/refworld/country,LAO,4562d8cf2,4c33311149,0.html>

²⁰ Constitution of Lao PDR

citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group. In addition, article 2 of the family law states that men and women have equal rights in all aspects pertaining to family relationships. Family relationships arise independently from place of origin, socio-economic status, nationality, ethnicity, educational level, occupation, beliefs, place of residence and other factors.²¹

In 1981 the Government adopted a Policy on the Hmong people²², which aimed to strengthen the political opportunities for Hmong to participate in the governing process. The policy also attempted to improve the living conditions of Hmong people, and to increase national security for the country as a whole. In 1992, the policy²³ was adjusted and developed into a resolution of the Administrative Committee of the party, "The Ethnic Minority Policy", which applies to all ethnic groups throughout the country. There are no specific articles in it, rather it is an agreement on the principles that all ethnic groups should have improved access to services and that all discrimination must be eradicated. Moreover the policy does not outline specifically how to achieve these principles.

Challenges to the implementation of the principles contained in this policy are budgetary constraints and the remoteness of many ethnic minority communities. Socially and culturally, many of the more remote Lao Soung and Lao Theung communities feel disconnected with mainstream Lao culture and the Lao Loum-dominated government. The number of ethnic minority politicians in the Lao People's Revolutionary Party (*Phak Pasaxon Pativat Lao*) increases each year. However, their representation in parliament is still not proportionate to their population.²⁴

The Lao Front for National Construction (LFNC) (*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*), is an important part of the political system of Laos under the leadership of the Lao People's Revolutionary Party (LPRP). The LFNC brings together political organizations, social-political organizations and outstanding individuals representing the various social classes, strata, ethnic groups and religions, and oversees Lao national affairs with the aim of promoting a sense of solidarity and equality among the population, irrespective of social status, ethnicity or spiritual belief. The LFNC is tasked with building greater national unity, strengthening the political and spiritual unanimity of the people, and encouraging the people to realize the principles and policies of the Lao People's Revolutionary Party (LPRP) and strictly adhere to the Constitution and laws. It also takes part in the development of relationships and co-operation between Laos and other countries. The LFNC liaises with the LPRP, with government ministries and with relevant committees in the implementation of its work.

The National Assembly is the central forum that claims to speak on behalf of all Lao people, and has the power to make decisions on the fundamental issues of the country; it is defined as the body of representatives of the rights of the multi-ethnic people of the country. The National Assembly is currently made up of 115 members who are elected by universal adult suffrage to serve a five-year term; it elects the President of the People's Democratic Republic, who is Head of State.²⁵ The National Assembly comprises six Committees: the Legal Committee, the Economy and Finance Committee, the Culture and Society Committee, the Ethnic Minorities Committee, the Security and National

²¹ National Assembly, Family law, 1990

²² Originally the policy was called the Hmong policy because the Lao Soung and Hmong in particular were considered as disconnected and dis-integrated from the new Lao state.

²³ According to Noychansouk, the Government of Laos today emphasizes its ethnic policy on education and resettlement to lowland areas. The target, from now until 2020, is for the country to expand schools to remote and countryside areas throughout the country in order for all ethnic communities to be able to have access to education. Resettlement of ethnic peoples down to plain areas is also important for them to be able to access many government services, such as healthcare. Moreover, minority people can have sustainable rice farming for themselves and it also can help to reduce the deforestation of the old slash-and-burn cultivation.

²⁴ Satoshi Y, the situation of minorities in Laos

²⁵ <http://www.na.gov.la/>

Defence Committee and the Foreign Affairs Committee. The Ethnic Minorities Committee is responsible for ethnic affairs throughout the country and has the obligation to supervise and oversee the implementation of the plan for socio-economic development and state budget related to ethnic issues, to study the draft plans and state budget related to ethnic issues, to study and make recommendations on draft laws and draft regulations on ethnic issues, to supervise and oversee the implementation of the constitutions and law in the ethnic sector, and to exercise other rights and duties as assigned by the President of the National Assembly or by the Standing Committee of the National Assembly.

The law on Election, article 3, has clearly identified the rights of ethnic people in elections. According to the law, all Lao people have the right to vote for their representatives in the National Assembly when they reach 18 years of age, and they have the right to nominate after reaching 21 if they have the capacity to do so.²⁶ In addition, the preamble of the Lao Constitution refers directly to the multi-ethnic dimension of Laos and the role that all have played in the development of the Lao nation.²⁷

Although there is no policy of discrimination on ethnic groups in terms of participation in politics, the number of indigenous group representatives in the LPRP is still very low²⁸ when compared with the number from Lao Loum. Therefore, the main question will be whether the ethnic minority representatives in the National Assembly are fewer because they do not have the capacity to nominate, or because of the limitation of the policy itself, which lacks the clear definition of the prescription of how many ethnic minority group representatives should be in each term of the election. Either way, there is a connection to human rights. If the cause is the lack of capacity to nominate, this suggests inequalities in the educational system. If the cause is the limitation on the policy, this points towards inadequate laws and policies to encourage equal participation.

8. National sectoral policies and indigenous peoples

According to the development plans included in each Plan of Action, the Government of Laos has always mentioned how to reduce poverty and improve the living standards of ethnic groups. But in terms of practice, implementation it is not easy because of budget constraints and a lack of human resources.

According to the current ethnic policy, the Government of Laos will make more efforts to improve the living conditions of all ethnic groups. In order to be able to achieve this, the current priority is in education: from now until 2020, the Government, in cooperation with international organizations and the private sector, will expand schools to all parts of the country.

Lao Soung and Lao Theung are being encouraged, coerced, possibly even forced, to move down to lowland areas where there are more economic opportunities, productive agriculture and better access to government services such as education and health.²⁹ Relocation of Lao Soung and Lao Theung makes it easier for them to fulfil their rights to education, healthcare and development, but presents a threat to traditional lifestyles and associations with land and nature. Thus in the development process, human rights trade-

²⁶ The law on National Assembly Member election has described and prescribed how people in Laos have the right to vote and to nominate; the law also rules on the termination of people's right to vote and to nominate.

²⁷ National Assembly, Constitution, 2003, Laos

²⁸ According to the National Assembly, the current number of the parliament is 115, with 29 female members. The members from Lao Loum cover 80 per cent of the overall current members, with 92 people, while members from Lao Theung are 17 people (almost 15 per cent), and Lao Soung has only 5. 21 per cent, with six members.

²⁹ Ministry of Education, the research on gender equality and educational opportunity for ethnic groups

offs are often a reality – the right to education, healthcare and development versus social and cultural rights.

The National Assembly, the Ethnic Affairs Committee, the Social and Cultural Affairs Committee of the National Assembly, and The Lao Front for National Construction, as organizations of the government, all have a duty and obligation to develop ethnic communities.

The Social and Cultural Affairs Committee of the National Assembly is principally legal in nature. Its function is to supervise and oversee the implementation of the socio-economic development and state budget in the sociocultural sector. The Lao Front for National Construction is responsible for promoting human development of ethnic minorities, ensuring that educational opportunities are made available to ethnic minorities, promoting and preserving cultural traditions, improving and expanding healthcare and enhancing the administrative mechanism for ethnic minorities including their promotion in rural development activities by ensuring that other agencies are aware of the requirements for the participation of ethnic minorities. The Lao Front for National Construction is represented at the provincial, district and village levels.³⁰

9. Ratification of international treaties and their implementation

Table 6: Laos: International treaties and conventions

No	Name of Convention	Date of Signature	Date of Ratification\Accession
01	International Covenant on Civil and Political Rights	7 December 2000	29 September 2009
02	Convention on the Rights of Persons with Disabilities	15 January 2008	29 September 2009
03	International Convention for the Protection of All Persons from Enforced Disappearance	29 September 2008	Not yet ratified
04	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Not yet signed	Not yet ratified
05	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	21 September 2010	26 September 2012
06	Convention on the Rights of the Child		8 May 1991 (a)
07	Convention on the Elimination of All Forms of Discrimination against Women	17 July 1980	14 August 1981
08	International Covenant on Economic, Social and Cultural Rights	7 December 2000	13 February 2007
08	International Convention on the Elimination of All Forms of Racial Discrimination		22 February 1974 (a)
09	UN Convention Against Corruption	10 December 2003	29 September 2009

The Constitution of Laos has been amended to incorporate human rights principles outlined in the international treaties and conventions that Laos has become a party to. Chapter four, articles 34 to 51 explain the basic rights of Lao citizens (see Annex 1).

³⁰ Ministry of Culture and Information, cultural profiles

In addition, basic rights as delineated in international instruments are included in many other national laws, such as the law on the protection of the rights and the interests of children, 2006. The Government of Laos has set up the National Human Rights Research Centre in Vientiane, whose main objective is to support, encourage, and implement human rights within the country. Its mandate also considers the carrying out of research on ethnic minorities. The Centre was approved by decree, No. 95, dated 11/07/06 and by Prime Minister's decree, No. 137, dated 24/07/2006.

The reality is that the basic rights outlined in the Constitution are not protected. There is only very limited freedom to conduct research, create artistic and literary works or engage in cultural activities. All of these are tightly controlled by the party. There is limited freedom of speech, press, assembly or right to set up associations and stage demonstrations. Although these rights may be guaranteed in the Constitution, the penal code of Laos has very broad definitions of what constitutes a betrayal of the nation, rebellion and improper gathering and use of intelligence, effectively giving the State the legal loopholes to curtail any or all of the rights guaranteed in the Constitution at any time. And it does, very simply, by requiring permits for all media outlets, any association or public demonstration.

Laos voted for the approval of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007.

10. International organizations and agencies

As the umbrella agency of international organizations in Laos, UNDP is working to ensure that good laws are written and implemented, that government staff capacity is improved and that human rights issues are integrated into all development planning. In order to improve the human rights of all ethnic groups in Laos, it is essential to strengthen the legal system. To this end, UNDP has been working closely with the Ministry of Justice, the Public Prosecutors Office, the Peoples Supreme Court and the Lao Bar Association to strengthen the rule of law. UNDP has also been assisting the Government with understanding and implementing its international obligations as a party to the numerous conventions it has signed.

UNDP's Governance and Public Administration Reform (GPAR) programme is aimed at enhancing the capacity of civil service to deliver services to the poor and those in remote areas. GPAR is developing basic policy and legal systems as well as the human resources needed by relevant ministries and offices. GPAR has expanded outside of Vientiane and into the provinces of Khammouan, Luang Prabang, Saravanne and Xieng Khouang. In so doing, this programme should impact on the remote Lao Soung (Luang Prabang, Xieng Khouang) and Lao Theung communities (Saravanne, Khammouan), improving their access to justice and the protection of their rights.

Many other small and large NGOs operating in Laos are targeting sustainable development in rural areas. Projects abound in agriculture, eco-tourism, education (formal and non-formal), health, community legal education and promotion of traditional handicrafts, which all directly impact upon ethnic minority communities living in very remote areas.

11. IFAD operations in Laos in support of indigenous peoples

Since 1978, IFAD has financed 12 projects and programmes in Laos, providing a total of US\$ 105.8 million in loans. IFAD's strategy in the country is to promote economic growth, sustainable livelihoods and food security among poor rural people, especially

women, and particularly among vulnerable and marginalized groups in upland areas, who are the most vulnerable to food security. The regional strategy includes reforming property and tenure rights of various marginalized minorities and indigenous peoples, promoting access to advisory services and inputs for sustainable, adaptive and integrated farming systems, and promoting access to markets for selected inputs. IFAD has provided alternative livelihood systems through the development of sustainable agricultural systems and diversification of farm income for former opium growers, considering indigenous sustainable practices and knowledge systems. Furthermore in the area of education, IFAD has provided bilingual (indigenous and national language) primary education.

Seven projects out of eleven address indigenous peoples. The projects are implemented by the Government in the mountainous regions: Province of Xieng Khouang in the north-east of the country and in the mountainous districts of Khop, Xienghone, Ngeun and Honsa of Sayabouri Province and in other districts which belong to the list of poor and very poor districts identified by the National Growth and Poverty Eradication Strategy (NGPES). The key issues addressed by the projects are improving sustainability of livelihoods, economic growth, food security, income and poverty alleviation.

The projects have included innovative features such as the adoption of a cultural-specific approach to ethnic groups and the use of the participatory approach involving the beneficiaries and the local institutions. The following are the latest projects implemented in the country.

RURAL LIVELIHOODS IMPROVEMENT PROGRAMME IN ATTAPU AND SAYABOURI³¹

Programme type	Rural development
Project ID	1301
Approval date	19 April 2005
Implementation period	2006-2014
Total cost	US\$26.0 million +2.5 million supplementary
IFAD loan	US\$17.3 million + 2.5 million supplementary
IFAD grant	US\$689,000
Total cost benefiting ethnic minorities	US\$13.0 million (IFAD loan US\$ 8.6 million + 1.88 million supplementary)
Executive agencies	Provincial authorities of Attapeu and Sayabouri
Indigenous beneficiaries	Lao <i>Theung</i> and Lao <i>Soung</i> (between them Hmong, Yao, Lua and Khmu)

Background and objective

The programme, in line with the Government commitment of leaving the 25 least developed countries by 2020, works towards economic growth and the sustained improvement of livelihoods among poor households and communities, and particularly targets women and marginalized groups in poor villages in the uplands and in resettled or merged villages in the lowlands.

Programme area

The programme area comprises three southern districts in Attapeu (8,246 km²) and five northern districts in Sayabouri (8,492 km²), which all belong to the list of poor or very poor districts identified by the NGPES in that 50 per cent or more of the households are poor (66 per cent and 44 per cent of the population is indigenous in Attapeu and Sayabouri, respectively). Subsistence agriculture is the dominant occupation.

³¹Source: Appraisal Report, December 2005; President's report [EB 2005/84/R.14/Rev.2]; Design document formulation vol. 1 Main report [report no. 1570-LA] August 2004; Supervision Reports [21 September -10 October 2006, 5-20 November 2007]; Aide Memoire of Mid Term Review Mission, August-September 2008; UNOPS Supervision Missions 2006 and 2007.

Programme components and activities

The programme has the following four components:

(i) social development. This component has the following subcomponents: (a) *community development*; (b) *health*, which involves the construction or rehabilitation of dispensaries and provides medical equipment and furniture, water, sanitation, electricity connections or solar panels, and the training of locally recruited young women as nurses; (c) *education* works to construct new primary schools, provide necessary furniture and teaching equipment and materials, and upgrade the teaching skills of teachers from ethnic minority villages; and (d) *drug detoxification and rehabilitation*.

(ii) economic development and natural resource management. This component has the following subcomponents: (a) *agriculture*; (b) *marketing, off-farm income generation, private sector and small- and medium-enterprise development* (the starting point for this subcomponent is a detailed situation analysis and the development of strategies in order to decide where and how the programme can intervene in a particular market in order to stimulate the provision of business development services); (c) *rural microfinance*; and (d) *natural resource management*.

(iii) rural infrastructure. This component has two subcomponents: (a) *local roads* and (b) *warehouse construction in support of the food-for-work activities*.

(iv) institutional development and capacity-building. There are two subcomponents: (a) *strengthening capacity for policy analysis* within the Government to: document the relevant lessons learned, analyse and disseminate them and assess their implications for future policy formulation and improvement, feed this information into the policy-making machinery of the Government and engage in discussion with policymakers on the impact of rural development policies on the poor; and (b) *management and coordination of the investment programme*, which will internalize programme management and coordination within the government structure and systems, ensure a district focus through the devolution of authority, human and financial resources and accountability and introduce a participatory and gender-sensitive work culture by the service providers at the provincial and district levels.

Lessons learned

1. More care needs to be exercised with regard to strategic directions for all the activities, the need for consolidation of activities before embarking on multiple activities, and linking those activities to each other. In this regard, concept/strategy papers should be prepared and consolidated into one document.
2. Future interventions on community-based resource management (CBNEM) should start modestly to the extent the communities can appreciate them, and be expanded later as learning is internalized.

NORTHERN REGION SUSTAINABLE LIVELIHOODS THROUGH LIVESTOCK DEVELOPMENT PROJECT³²

Project type	Livestock development
Project ID	1396
Approval date	14 December 2006
Implementation period	2007-2012
Total cost	US\$18.4 million
IFAD loan	US\$3.0 million
Total cost benefiting ethnic minorities	US\$14.7 million (IFAD loan US\$2.4 million)
Executive agencies	Ministry of Agriculture and Forestry
Indigenous beneficiaries	Lao <i>Theung</i> and Lao <i>Sung</i>

Background

The project is targeted at ethnic minorities and women in the poorest districts of the northern upland provinces and aims to address issues of shifting cultivation.

Project area

The project area comprises 18 districts in the 5 northern provinces of Bokeo, Houaphanh, Luang Namtha, Luang Prabang and Xieng Khouang, where the majority of the population, predominantly Lao *Theung* and Lao *Sung* ethnic groups (including Khmu, Hmong, and Akha), lacks access to productive resources essential for subsistence. The principal constraints faced by Lao *Theung* and Lao *Sung* ethnic groups in the project area relate to: (i) falling productivity from upland agriculture; (ii) lack of adequate land and forest for food production and gathering; and (iii) lack of access to appropriate technologies and marketing opportunities for improved livestock production and trade. Given the dependency of upland communities on swidden agriculture, and its falling productivity and land availability constraints, there is an urgent need to shift to higher-value production per hectare and per unit of labour.

Project objective

The overall project goal is to contribute to the improved sustainability of livelihoods of upland smallholders; the specific objective is to enhance village livestock systems through improved livestock productivity and profitability under integrated upland farming systems.

Project components and activities

The project has three main components:

- **enhanced village livestock systems.** This will be achieved through stabilization of shifting cultivation in the upland areas based on the principle of ensuring sustainable livelihoods for the local population and for people resettled from these areas.
- **capacity-building for community-driven development.** Project measures to ensure target group participation include: (i) mobilizing and organizing ethnic smallholders into village-based production and village revolving fund groups; (ii) facilitating improved access to resources for better management and marketing of livestock products; (iii) developing audio-visual extension materials in ethnic languages for radio broadcasts in project areas; and (iv) providing capacity building for extension workers so that they can develop the social, gender and cultural skills needed to work with diverse cultural communities.

³² Source: President's report [EB 2006/89/R.24/Rev.1]; Asian Development Bank: Report and Recommendation of the President to the Board of Directors, September 2006; Design Report; Quarterly Report, December 2007; Quarterly Report, June 2008; Quarterly Report, September 2008.

- **implementation management.** The project is expected to have an influence on the key policy and institutional areas and to gradually decentralize functions, resources and accountability for the planning, financing and implementation of initiatives. The project is also expected to have impacts on participating institutions in terms of effective coordination, improved communication, guidance and technical support; and reinforcement of the role of Department of Livestock and Fisheries (DLF) as the lead agency responsible for planning and reviewing progress of livestock sector objectives.

The project will develop appropriate technologies and methodologies for training and extension. It will support the recruitment and training of selected upland ethnic staff and provide Lao language training programmes, as well as training in numerical skills in upland ethnic communities, aimed at women, to reduce their gender-based disadvantages and improve their capacity to absorb new technology.

The gender action plan aims to facilitate the equitable participation of women, particularly poor upland ethnic women, in all project outcomes and impacts. The project will aim to improve women's knowledge of and access to financial, physical and social capital for improved livelihoods.

Innovative features

Project innovations include the cultural-specific approach with ethnic groups and the appointment of social specialists; enhancing the outreach of the Government's extension service through capacity-building at the village and household levels; and providing the resources needed to introduce participatory, poverty-focused, gender-sensitive approaches to small livestock development in the project area.

SUSTAINABLE NATURAL RESOURCE MANAGEMENT AND PRODUCTIVITY ENHANCEMENT PROJECT³³

Programme type	Resource management and productivity enhancement
Project ID	1459
Approval date	17 December 2008
Implementation period	2009 - 2016
Total cost	US\$36.8 million
IFAD grant	US\$15.0 million
Total cost benefiting ethnic minorities	Approx US\$18.4 million (IFAD grant US\$7.5 million)
Executive agencies	Ministry of Agriculture and Forestry
Indigenous beneficiaries	Alak, Brao, Cheang, Co Tu, Katang, Laven, Makong, Ngae, Nhet, Oy, Suoy, Ta Oy, Trieng, Yru

Project area

The project is implemented in 5 provinces where approximately half of the population is comprised of indigenous peoples. The five project provinces officially recorded 33 distinct ethnic minorities, not including small numbers of migrated groups from other provinces such as Lolo, Akha and Hor.

The project has developed a detailed study on indigenous peoples in the project area, which makes part of the project documentation as a working paper: the 'Ethnic Minority Development Framework' of the Project Design Report.

³³ Source: President's report [EB 2008/95/R.25]; Asian Development Bank: Report and Recommendation of the President to the Board of Directors, December 2008; Project Design Report (and Working Papers), August 2008; Inception Report, February 2008.

The target group is typified by: the presence of logging and extraction of non-timber forest products (NTFPs) by companies and individuals; non-awareness of rights in relation to the forest and its products; insecure land tenure; limited agricultural land combined with reduced forest cover; reduced fallows that are degrading further already low fertility soils; and low levels of literacy and numeracy.

Project objectives

The key project objectives are: (i) more efficient and sustainable natural resources management; and (ii) improved sector productivity.

Project components and activities

The project has three components:

- **capacity-building in agricultural and natural resource sector management.** Poor farmers are encouraged to join farmer organizations and producer associations; this will make the farmers more attractive partners for private sector investment, as well as give them the capacity to negotiate with potential investors.
- **agricultural productivity and commercialization subprojects.** A widespread information campaign publicizes the availability of subproject financing at the grass-roots level to ensure that the target group participates in the formulation of the subprojects. Further training is provided to the district and *khumban* (*village cluster*) staff for this purpose. The subprojects would be placed in three categories based on prime objectives: Poverty Reduction, Agricultural Commercialization, and Effective Natural Resources Management.
- **project management.** Agency staff at the national, provincial, district and *khumban* level will receive capacity-building support for managing the agriculture and natural resource sector.

Strategy

The project strategy is based on an in-depth analysis of Laos' situation regarding the environment, trade, social issues, land-use and poverty profile.

The Provincial Agriculture and Forestry Office (PAFO) and District Agriculture and Forestry Office (DAFO) lack adequate training in working with ethnic minorities in the project area: the project will provide on-the-job training for staff who could eventually act as DAFO extension workers.

To provide an enabling environment for ethnic minorities to participate in the project and receive benefits in each of the subproject areas where ethnic minorities are found, two district Community Level Organizers (CLOs), one woman and one man, will be appointed by the project per participating district. The CLO will be trained in participatory forms of social mobilization to build upon existing clan- or kinship-based production groups, where relevant, to develop sustainable ethnic minority development plans (EMDPs) for subprojects in the uplands.

Lessons learned

In ethnic minority areas, the information channel and its transfer methodologies need adjustment for men and for women. Ethnic minorities are significantly less literate than Lao Loum, and women are less literate than men. Women are often excluded from discussions about agricultural practices and inputs, yet routinely work longer hours and more consistently than men in agricultural food production.

The method of communicating information needs to be: (i) sensitive to gender differences in agricultural responsibilities and resource access; (ii) sensitive to ethnic minority differences in land use and decision-making processes; and (iii) adapted to

different community absorption rates based on ability to speak or read and write Lao language.

Tenure security must be an important project component, as this has an impact on the type and variety of crops people are willing to plant, on the poverty status of communities, on any potential for farmer cooperation, and on the social equity of rural households. For poorer households, increased productivity on its own may not mean increased participation in the market economy, but may mean improved food security if coupled with tenure and resource access security. Thus rights to land and forest resource access and use must be more clearly defined and formalized.

While customary tenure cannot mobilize land for raising capital in the same way that individual tenure can, it has been proven to provide a varied livelihood base which ensures both food and livelihood security. Thus tenure reform should not rely on individual tenure alone, but encompass common use land, including grazing land, rotational cultivation areas and forests.

SOUM SON SEUN JAI - COMMUNITY-BASED FOOD SECURITY AND ECONOMIC OPPORTUNITIES PROGRAMME³⁴

Programme type	Agricultural development
Project ID	1608
Approval date	13 December 2011
Implementation period	2011- 2018
Total cost	US\$19.3 million
IFAD loan	----
IFAD grant	US\$13.96 millions
Total cost benefiting ethnic minorities	US\$13.26 millions
Executive agencies	Ministry of Agriculture and Forestry
Beneficiaries	Ethnically diverse poor and food-insecure rural households

Background and objective

The programme goal is to contribute to the reduction of extreme poverty and hunger in Sayabouly and Oudomxay Provinces. The development objective is to ensure sustainable food security and income generation for the rural poor in the target villages.

Programme area and target group

The programme will target 225 villages, where the incidence of poverty is higher than 30 per cent, in nine districts in two provinces: four districts in Sayabouly Province and five in Oudomxay Province. The main target group will consist of ethnically diverse poor rural households, with two primary subgroups: (i) highly vulnerable food-insecure households with limited capacity to enter the market; and (ii) poor households that are moderately food-secure and have a greater potential to enter the market.

Programme components and activities

The programme has two components:

(i) integrated farming systems, which comprises three interrelated subcomponents: (a) improving upland conservation and production systems; (b) livestock development; and (c) water management.

³⁴ Source: President's Report [EB-2011-104-R-23-Rev-1]

(ii) links to markets, which comprises two subcomponents: (a) village access roads; and (b) improving access to markets.

The expected outcomes include strengthened farmers' organizations able to promote the community-based management of natural resources; adoption of the proposed technologies; and improved access to water. The main expected outputs are additional land cultivated during the dry season and/or forage crops planted; Non-Timber Forest Products sustainably harvested and/or domesticated; additional land under irrigation; and small livestock vaccinated.

The approach to the non-Lao-Tai ethnic groups is entirely consistent with IFAD's Policy on Engagement with Indigenous Peoples and will involve: (i) using local languages; (ii) ensuring that traditional land-use practices are integrated into the ongoing land-use planning and the proposed agricultural development activities; and (iii) practising the principle of free and prior informed consultation on all programme activities through the provision of adequate information, and through a third party if necessary.

In addition, two micro projects were approved under IFAD's Indigenous Peoples Assistance Facility (IPAF):

Indigenous knowledge conservation and promotion project, 2008

Organization: Community Knowledge Support Association (CKSA)

IP Group: Akha

Project area: Louang Namtha Province

Grant amount: US\$ 21,000

This project helped strengthening and preserving indigenous peoples' knowledge in Louang Namtha Province. Through research, documentation and publication of Akha indigenous knowledge, traditional and culturally appropriate sustainable development practices focusing on traditional plants (whose high nutritional value was an important resource in local diet), seed banking and natural resources management, this project aimed at improving the livelihoods of Akha's communities. The project benefitted 739 Akhas by supporting the preservation of their traditional knowledge while attempting to balance with market requests coming from the close Chinese border. In the three targeted villages traditional plants were collected and documented and information resulted in the publication of a booklet which was then widely distributed in the area.

A Committee authority to preserve traditional plant seeds and villagers groups were created. A study trip for learning and exchanging experience regarding the plant seed, plants and natural resources management was organized and involved both the Akha committee authority and the leaders of the villagers groups.

Indigenous Families Life Skills Project, 2011

Organization: Community Association for Mobilising Knowledge in Development

IP Group: Khmu and Hmong

Project area: 14 indigenous villages in Houayxay and Phaoudom districts, Bokeo Province, Lao PDR

Grant amount: US\$ 39,500

The project goal is to improve the quality of life of indigenous village women and their families in 14 targeted villages of the Bokeo province by increasing their capacity and confidence through advocacy activities for protection of rights and

improvement of livelihoods. The project will undertake awareness raising, leadership training, support nursery establishments and management of NFTP, construct a field station and strengthen CAMKID. It will include a Community Life School designed to fit in with the local culture, strongly participatory and particularly focused on women.

11.1 IFAD's partners in Laos

- Asian Development Bank
- Bank of the Lao PDR
- United Nations International Drug Control Programme (UNDCP)
- United Nations Development Programme (UNDP)
- United Nations Office for Project Services (UNOPS)
- World Bank / International Development Association (IDA)

For more information, see:

<http://operations.ifad.org/web/ifad/operations/country/projects/tags/laos#>

12. Key issues for future development initiatives

1. Access to education in Lao and ethnic minority languages
2. Access to healthcare
3. Increase gender equality
4. Political participation and representation
5. Ensure that internal resettlement initiatives do not increase poverty and food insecurity
6. Land rights
7. Ensure that internal resettlement initiatives respect traditional cultural and social systems

Source: <http://www.iwgia.org/graphics/offentlig/pdf/Laos.pdf>

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Annexes

Annex 1: Constitution of the Lao People's Democratic Republic (Articles 34-51)



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

President's Office

DECREE

Of the

PRESIDENT

Of the

LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the Promulgation of the

Amended Constitution of the Lao People's Democratic Republic

Chapter 4

Fundamental Rights and Obligations of Citizens

Article 34. *Lao citizens are persons who hold Lao nationality as provided by the laws.*

Article 35. *Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group.*

Article 36. (New) *Lao citizens aged eighteen years and above have the right to vote and those aged twenty years and above have the right to be elected, except insane persons, persons with mental disorders and persons whose rights to vote and to be elected have been revoked by a court.*

Article 37. *Citizens of both genders enjoy equal rights in the political, economic, cultural and social fields and in family affairs.*

Article 38. *Lao citizens have the right to receive education and upgrade themselves.*

Article 39. (New) *Lao citizens have the right to work and engage in occupations which are not contrary to the laws. Working people have the right to rest, to receive medical treatment in times of illness, [and] to receive assistance in the event of incapacity or disability, in old age, and in other cases as provided by the laws.*

Article 40. *Lao citizens have the freedom of settlement and movement as provided by the laws.*

Article 41. (New) *Lao citizens have the right to lodge complaints and petitions and to propose ideas to the relevant State organizations in connection with issues pertaining to the public interest or to their own rights and interests. Complaints, petitions and ideas of citizens must be examined and resolved as provided by the laws.*

Article 42. (New) *The right of Lao citizens in their bodies, honour and houses are inviolable. Lao citizens cannot be arrested or searched without the order of the Public Prosecutor or the people's courts, except if otherwise provided by the laws.*

Article 43. *Lao citizens have the right and freedom to believe or not to believe in religions.*

Article 44. *Lao citizens have the right and freedom of speech, press and assembly; and have the right to set up associations and to stage demonstrations which are not contrary to the laws.*

Article 45. *Lao citizens have the right and freedom to conduct studies in and to apply advanced sciences, techniques and technologies; to create artistic and literary works [;] and to engage in cultural activities which are not contrary to the laws.*

Article 46. *The State protects the legitimate rights and interests of Lao citizens residing abroad.*

Article 47. *Lao citizens have the obligation to respect the Constitution and the laws, to observe labour discipline, [and to comply with] the regulations relating to social life and public order.*

Article 48. *Lao citizens have the obligation to pay duties and taxes in accordance with the laws.*

Article 49. *Lao citizens have the obligation to defend the country, to maintain the security and to fulfill military service obligations as provided by the laws.*

Article 50. *The rights and freedoms of aliens and apathies are protected by the laws of the Lao People's Democratic Republic. They have the right to file claims in the courts and [to lodge petitions with] other concerned organisations of the Lao People's Democratic Republic and have the obligation to respect the Constitution and laws of the Lao People's Democratic Republic.*

Article 51. *The Lao People's Democratic Republic grants asylum to foreigners who are persecuted for their struggle for freedom, justice, peace and scientific causes.*

