

Exploring Human-Rights Based Approach in URDP

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Summary

URDP is well placed to make a valuable contribution that could assist the Lao government in creating a better understanding of the practical implementation of human rights related to livelihoods for poor people. URDP's solid reputation and its close proximity and access to villagers as well as district officials are valuable assets in this work, which probably would be groundbreaking if done in a balanced and nuanced manner, with realistically set goals. Experience also suggests that the introduction of human rights concepts will likely create new spaces for dialogue with authorities at various levels. One large contribution to be made by URDP is demonstrating the increased local development benefits that accompany improved development processes.

URDP has already begun to address parts of the HRBA within its activities, as confirmed by recent research reports on land management, rubber investment, village finance and others. Drawing these analyses, and the further questions raised by them, solidly into the center of the URDP research agenda would be a clear statement and important first step in formalizing an appropriate and feasible commitment to the human rights concerns stated in the programme document. Dealing with the difficult questions of governance is key to ensuring that the technical and socio-economic research interventions of the programme are able to deliver broad-based livelihood improvements equitably across upland society and contribute to national well-being.

1. Introduction

A field trip to URDP districts was conducted over the period of 23-29 March 2008 to hold discussions with local stakeholders about issues concerning human rights within the research and development context of northern Laos. The Phase II URDP programme document makes a commitment to incorporate human rights into its research activities, which is a reflection of the sub-goals of the Sida country strategy for Laos 2004-2008: "greater respect for human rights and the principle of the rule of law, thus securing predictability, non-discrimination and non-abuse in the administration of justice." Accompanying the human rights concerns, are commitments to equitable socio-economic development, environmental sustainability and improved governance.

The objective of the trip was to explore how upland development issues being addressed by URDP link to human rights concerns and identify practical entry-points for incorporating human rights issues into the implementation of the URDP research agenda.

The team consisted of:

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The team visited Luang Nam Tha province (Na Lae and Vieng Phu Kha Districts), Oudomxay province (Na Mo and Houn districts), and Bokeo province (Meung district). In each district we visited the District Agriculture and Forestry Offices and at least one village in which URDP conducted its preliminary data gathering activities. In addition, when possible the group met with District administrative officials, and staff from kumban. In general, discussions were conducted in a free-flowing manner, based on a number of general issue guidelines. This meant that we were able to explore a broad range of important issues in each district. Several lines of general inquiry, such as development trends, natural resource management issues, formation of kumban, village resettlement and URDP PRA process were common across districts, both at the district and village levels.

This report presents the findings and some recommendations for integrating and further deepening human-rights concerns into the URDP agenda. In summary, the discussions in the field were very fruitful and encouragingly open. There are many issues that can, and should be integrated into the URDP agenda. Moreover, the current URDP phase focus on improved livelihoods – including poverty alleviation through market integration, sustainable farming systems, food security and social equity – all require that URDP research analyse the impacts of policy implementation, explore local decision-making

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This report presents the findings and some recommendations for integrating and further deepening human-rights concerns into the URDP agenda. In summary, the discussions in the field were very fruitful and encouragingly open. There are many issues that can, and should be integrated into the URDP agenda. Moreover, the current URDP phase focus on improved livelihoods – including poverty alleviation through market integration, sustainable farming systems, food security and social equity – all require that URDP research analyse the impacts of policy implementation, explore local decision-making processes and unpack the ‘participation’ of local people and organizations in development.

2. Findings and reflections

2.1 Transformation underway

Clearly there is a major transformation under way in northern Laos. The economic and landscape implications of this transformation are evident virtually everywhere. Rubber and maize are visible in many landscape views. Especially in the urban areas, an influx of cash has produced a building boom. The presence of Chinese and Thai commercial interests is pervasive, and networks of production and marketing are getting denser by the day. Villagers are quick to report how much money they have invested, earned and lost. Hopes are high on all sides.

However, there was a general feeling of uncertainty in discussions with local people and local government. Two main questions arose repeatedly:

What will the shift to cash crops mean for villagers' ability to secure food sources?

The typical interpretation of food security in Laos has two main, interlinked components. The first is a community's ability to produce enough rice to feed its members. The second is access to cash income to purchase rice to meet the annual rice deficits. The importance of this formula is repeated by people at the village, kumban and district levels.

But even our quick look at local livelihoods uncovered a set of complex trade-offs that villagers are struggling with. Forests are being converted to rubber and other cash crops, meaning that immediate wild food sources and NTFP income are being exchanged for ill-defined future cash income. Rice fields are being squeezed out

by crops such as maize, sesame, and job's tears, while livestock are being sold to buy rice. One village responded to our question about how many times a week they ate meat by laughing and remarking that “we are lucky if we eat meat once or twice a month”. Cash from sale of maize does not help in this village – “it's not like the district town here, do you see a market selling meat?” Another village recently adopting large-scale maize production, on the other hand, reported that they can call down to the lowland town to get livestock sent up whenever they want. That is, if there is enough money left over after the average 300,000-800,000 kip each household must spend yearly on medicine to treat malaria. Khmu women who perform much of the work to produce maize said that what they really want is cash to hire labour in the fields.

The delicate balance between locally produced rice, natural food sources, cash income and actual access to purchased meat, fish vegetables and rice is not easily maintained in the village, and not well understood by most development interventions.

What are the long terms benefits, costs and considerations for these crops?

An eagerness to participate in the unprecedented of range of market options was felt in all villages we visited. The potential financial benefits of cash crops are relatively well understood, but there is a large area of uncertainty regarding the technical requirements and long-term stability of these crops. For example, many Khmu farmers asked us directly what we can do to raise maize yields in the second and third year. Several Hmong rubber planters, who have started producing rubber seedlings for sale, admitted that they have never seen rubber being tapped, and don't really know how they will get the skills to harvest when their trees mature in 2 years (although they were adamant that they need to buy the rubber tapping knives in China). Tai Dam farmers were frustrated at how quickly prices drop when local markets get flooded, leaving them with truckloads of fruit and nowhere to sell.

Access to markets and many economic benefits are close at hand for many of the poor upland communities we visited. Their stories suggest that access to technical and marketing expertise and experience are among the main constraints. In Na Lae district, we were told that the farmers are very responsive to opportunities and are willing to work through risky situations. What they need is ideas and information so that they can make more informed decisions in their efforts to adapt and innovate.

1.2 Access to livelihood resources

During the trip we encountered many expressions of concern for access to basic livelihood resources, namely land and water. Neither of these is a new issue for development in Laos, but each was raised in a way that made it relevant for URDP at this important stage in its planning.

In most villages we visited, water supply was a serious problem – not only for irrigation of paddy land, but for household use as well. The fundamental importance of sufficient and safe water does not need to be explained here, of course. The salient point is that despite the links to food security and general socio-economic well-being and its direct relevance to the development goals of URDP, officially water is considered to lie within the domain of the Ministry of Public Health and its local line agencies. As a result, DAFO staff were not particularly keen to discuss water issues. But expanding agricultural production - both lowland irrigation and upland cash crops – will have implications for the amount of water available in the region's watersheds, and ultimately water availability to households. Water's role in the calculation of tradeoffs between different land use choices should not be forgotten, especially because of the persistent need to upgrade access to clean domestic water.

Land issues were raised regularly, as well. The district authorities and local people seemed to be in agreement about the need to revisit the land allocation process. District officials in Na Mo were very open in recognizing the constraints to the land allocation they did, and the difficulties in implementing the 11 step process have already been studied by many including URDP predecessors. There seem to be two main concerns: 1) why has land not been used according to the general plans? 2) how can villagers access to land be secured in the face rapid commercialization? Although it wasn't articulated in these specific terms, there seems to be a need to understand how we arrived at the current situation of land use. Hmong clan elders in Pang Du village (in Na Mo district) were very clear in explaining their difficulties in securing land, and that it was very difficult for the village authorities to mediate disputes over land in this mixed Khmu-Hmong community. URDP research has already begun to delve into these issues in certain sites, including Pang Du. The observations that 1) impacts of land allocation are at the heart of many villager narratives and 2) there seems to be some diversity in terms of how these processes play out in different areas, suggest that land allocation issues remain an important topic for URDP research.

In districts where land use planning and implementation has been more successful, there is a desire to issue title documents. The general sense is that this is an important security mechanism for villagers who are considering entering agreements with private enterprises. This is also related to the problems with issuing household registration books mentioned in URDP Research Report 14.

1.3 Kumban Phattana is moving ahead

The much discussed kumban phattana is well into the concrete stages of implementation. That said, across districts and provinces, there seem to be several different approaches, determined by the visions of local authorities and availability of resources. There are two main thrusts of work in the kumbans in this area – one political and one economic. The first task is to review the village administration system to ensure that the village leadership and all village organizations are functioning as they should. In consolidated villages there are sometimes multiple representative headman from the different ethnic groups present. This type of issue may be part of the rationale behind the effort to revisit village administration. Several district officials described this institutional recalibration as necessary for the second task, which is facilitating the shift to cash crops for poverty alleviation. Under this thrust, the establishment of Technical Service Centers at the kumban level is moving forward.

One common strategy is to move district staff out to the kumban, where they will be located in the kumban centers. In some districts such as Mueng in Bokeo, physical facilities had been built and staff had already taken up positions there. In Houn district, where there are approximately 60 DAFO staff, almost all of the technical staff had been assigned to the 14 kumbans. In other areas, resource constraints have meant slight adaptations in implementation. For example in Na Lae district, because a lack of funds and staff, the DAFO has identified one pilot kumban that will be developed as a service provider for the villages in that kumban, but will also serve as a hub for information and services for other neighbouring kumban, as well.

Within the Lao approach to decentralization, the district is the main level of planning and the village is responsible for implementation. If the kumban is successful in bringing district planning and implementation closer to village reality, there could be significant improvements in coordination of and access to important information and services. For example, currently farmers' only access to emergency loans to cover difficult cropping times is through the district office, which must guarantee farmers' applications for credit from the Agricultural Promotion

Bank. Requests must come from the villagers themselves, so linkages with district officials is key.

The current approach to kumban development is more of a deconcentration process, in which government services are made more accessible (and hopefully improved as well) to local people, rather than a devolution process in which roles and responsibilities are transferred to local institutions. In theory, at least, there is scope for using the kumban as a way to deepen local peoples' participation in agricultural development activities, and even strengthen local voices within district planning processes. In reality, it is not clear how much 'space' the kumban will create. But in one example from Na Lae, we learned how a kumban planning process was able to reorder the district development priorities to better reflect the preferences of local conditions and needs.

During the trip we were interested to several sites that have been slated for Kumban Technical Service Centers, ostensibly with URDP support. In the case of the Xieng Dao site in Meung District, the planned border point for international trade seemed to make a case in favour of that location. It would be interesting to learn more about the rationale for Kumban Technical Service Center site selection.

1.4 The Role of the District

The district is a crucial actor in most every development process under way. The district planning processes and capacity to provide support to implementation are major determinants of the local economy. In that sense, URDPs decision to better harmonize its activities with the district development plans should turn out to be a wise one. However, with the rising presence of the private sector, the district is also becoming an important force in mediating the interactions between companies and farmers. Na Lae district authorities secured funds from a Chinese rubber company to take at least one member of every household in the district to China to observe cash cropping there. This shows the extra benefits from collaboration with a foreign investor that can be leveraged if district staff can manage the relationships strategically.

There are still areas where the role of the district is not clear. When discussing the plans for the Nam Tha 1 dam with Houn district officials, they admitted that they did not have sufficient information about the dam (which will be constructed in the neighboring district of Pha Oudom) or its potential impacts, including how many people will have to be relocated. In fact, Houn district had originally designated the southern half of the district, which lies within the zone

of probable flooding impact, as the priority area for kumban development. With the uncertainty surrounding the dam, they decided to shift the kumban efforts to the north of the district.

The flow of information from villages to the district seems to function relatively well, although we feel that the networks through which information flows are not well understood. There is no doubt that the district staff themselves, and their style of interacting with the villagers, is a major factor. Representation of local ethnic groups in the district is also an interesting indicator. In Houn district for example, Khmu comprise 60 percent of the population, while Lao and Hmong represent 19 and 21 percent, respectively. Out of the 60 DAFO staff, approximately 9 are Khmu and 3 are Hmong – the rest are Lao. The district officials asserted that communication between Lao district field staff and minority villagers is not a large problem because the staff are spending more and more time in the villages. In this district, most Lao DAFO field staff have basic Khmu language skills, although competence in the Hmong language is much more limited. A better understanding of this situation might highlight some areas for improving the flow of information up and down. In any case, presumably for a number of reasons such as limited skills and educational opportunities, the district staffing is not representative of the local demographics. In the long run, this could be a signal that more capacity should be built in ethnic minority communities to secure positions within the local government system.

In general, the district authorities were open and happy to discuss a broad range of issues not limited to agricultural development, including district planning processes, kumban development and general development trends in the district. Houn district even provided us with a condensed history of village consolidation, in which the 174 villages existing in 1990 would be reduced to 90 by 2010. Currently there are 113 villages. Issues associated with village consolidation came out at several points during the trip. Village consolidation clearly provides a critical context for any URDP programme activities, and should be addressed as a topic of research and outreach whenever possible. Land use planning and village consolidation are two topics that are ripe for collaboration between URDP teams, NAFREC and the NAFRI Policy Research Centre.

1.5 People in planning

Very much related to a general discussion of the role of the district is the district planning process itself. The district planning process is based upon an intensive series of PRAs in all villages of the district (in Houn district, at least). The information gathering focuses

on understanding villagers' ideas about the problems and opportunities of development. Central to this is exercises of listing and ranking the priority areas. These priorities are then consolidated at the district level. Similarly, wealth ranking is primarily a factor of rice availability, even though we are learning from reports such as the Participatory Poverty Assessment 2006 that local people place as much or more value on access to land and livestock as an indicator of poverty.

There seems to be less opportunity to gather information on the processes of change at hand and how these affect different groups within the community. For example, in Mok Play village, Houn district, the group heard about how a traditional labour exchange system provides the solution to lack of labour for working multiple cash crop fields, but that the villagers see increased use of wage labour as the ultimate solution.

As was mentioned above, there is appreciation among district officials that URDP has taken steps to ensure that programme activities are supportive of the district priorities. We asked district staff and villagers about the PRA process that URDP conducted. District staff who were involved provided information about how the PRA villages were selected and what types of activities were conducted. The three main selection criteria were: 1) the village is a good representative of an agro-ecological zone, 2) the village is accessible and convenient, 3) the villages represent the poverty problems of the district.

We tried to engage villagers in a discussion about the PRA process, and what it meant to them. Generally, it was rather difficult to get this dialogue flowing. However, in Mok Play village, Houn district, one female informant stated that 1) the PRA of two days was an appropriate amount of time, 2) people had an opportunity to speak, 3) information provided was recorded accurately and 4) if those concerns were addressed it would help their situation. At the same, there was a sense that a more open and free flowing discussion of broader issues would have produced important perspectives as well. In most villages, women attended the PRAs in large numbers, but most meaningful participation was limited to breakout groups. During the beginning of our trip, most discussions were dominated by men, but for the final two villages we requested only women and the village headman. This drastically changed the type and breadth of information we acquired at the village level. Importantly, we did not find contradicting views from the women, but rather got a broader picture of the village issues.

Poverty and ethnicity seem to be an inherent part of the district planning process, but in discussions about how villages are selected and how people participate, there was relatively little direct mention of social diversity across and within villages. Recognizing the need to be practical about the logistics of implementing a research project in 8 districts, it is still worth considering the PRA village selection process, and how that might feed into decisions about which villages are actually selected for research and development activities. There was a certain sense that the PRA villages would by default become implementation villages. There is a similar concern at the kumban level, as URDP is harmonizing its efforts to work with the districts, programme attention and resources may be drawn to certain areas.

Finally, there was one comment from a woman in a village that URDP had been working with in the past phase, that access to extension services favoured well-off farmers. This was just a single comment, but it was a useful reminder that the project should continue to look at issues of equity, in terms of economic status, gender and ethnicity, in access to planning and implementation.

1.6 Accountability mechanisms in commercial agriculture

With the private sector playing an ever more important role in rural development, the lines of accountability among the different actors are increasingly complex. There were many district official comments concerning the need for the government to support the farmers in their relationships with private companies. In Houn district, we asked the district officials what happens in the event that a company does not live up to its contractual commitments. This question uncovered an interesting example of multi-stakeholder accountability mechanisms in commercial agriculture. Each year, after the harvest and sale of the produce, there is a meet at the province to review the performance of commercial contracts. Village headmen, district officials, provincial officials and representatives of private enterprise gather to discuss the results of the year and any problems that may have arisen. Difficult issues are discussed, and solutions are sought. This is the case for instances where the company has not provided the promised inputs, as well as when the farmers are not able to deliver the promised outputs. If disputes cannot be settled, the government can cancel the agreement, although this has not yet happened in Oudomxay. After this meeting, the government analyses and presents the information about performance to the village headman, who are free to determine which companies they wish to work with in the coming year.

We did not have the opportunity to explore this arrangement with villagers or companies.

These observations support the findings of the Rubber Boom in Luang Nam Tha study, which conclude that the question of concession vs small-holder is not as important as the basic mechanisms for accountability in the decision-making and implementation processes. These mechanisms are of course to be considered within the larger framework of civil claims and dispute resolution procedures.

Given the central importance of the domestic and foreign commercial interests, it would be very valuable to develop a strategy for engaging with the private sector within URDP research, as clearly private investors are key in the accountability triangle, linking with government and local people. This three-pointed conceptual framework of accountability is of course over-simplified. If one is to really understand the complex relationships between actors in agribusiness, one needs to unpack each actor set to ask, how are each involved? What are the roles of district and provincial government? How do companies make decisions and allocate resources? What are their medium and long term visions for doing business in Laos? How do villagers respond to opportunities, and what is the role of the village leadership? There is an interesting set of facilitating (helping companies and farmers access each other and come to mutually satisfactory agreements) and buffering (making sure that both villagers and companies uphold commitments) dynamics that must be mediated through multi-stakeholder accountability mechanisms.

1.7 General questions for consideration

This trip provided several very useful snapshots, but recommendations should be presented here for consideration. The intent is to raise a few ideas about what implications the observations we made might have on the URDP research planning process. While the details of the narrative may be unique to certain areas, the larger issues that they pointed to seem relevant at the scale of research design. Questions we discussed along the way included:

How are the planning processes linked – district, village, kumban, URDP?

Is it possible to study the district and kumban planning process to see how people participate and make their voices heard?

How effective and equitable is land management?

How is the implementation of land use planning affected by other upland development strategies, such as village relocation, and commercial

investments? What resources do people have access to, including dispute settlement and prevention?

How do the emerging accountability mechanisms work?

Is it possible to research how the Oudomxay private-public-government process functions, and if there are other mechanisms in other places?

How is the kumban decentralization changing peoples' capacity to participate?

Is it possible to do a bottom-up exploration of how local needs are being expressed through the kumban, how information is flowing and what types of activities people are participating in?

How can broader social change be integrated into the farming systems research?

Is it possible to design research that examines how changes to cropping systems impact a suite of related social issues, such as women's workload, community labour exchange networks and public health?

How can basic water needs be incorporated into agricultural development?

Is it possible to conduct research that highlights the linkages between the health and agriculture sectors to secure water for all in rural areas?

How can the scope of data be broadened to go beyond the traditional PRA?

Is it possible to develop new tools, methodologies and indicators that make use of the growing body of knowledge about poverty in Laos to draw out more of the social processes underlying the agricultural transformation?

The obvious policy implications of this line of questioning suggest strongly that the socio-economic research of URDP should be coordinated with the Policy Research Centre, so that findings can be delivered to the appropriate levels of decision-making.

2. Application of a HRBA in key areas

2.1 Framework

The Human Rights Based Approach (HRBA) to development provides the analytical framework for addressing issues from a human rights perspective. This implies that development is to be based on and through international human rights standards and norms, which provide the foundation for the state's obligation as a duty-bearer and the individual's (not the citizen's) legitimate claims as a rights-holder.

With the ratification in 2007 by the Government of Laos (GoL) of the International Covenant on Economic,

Social and Cultural Rights (ICESCR), many human rights standards that directly affect the people we met during our trip are now in force in Laos, including the right to education and health, right to adequate standard of living, right to food and water etc. This is to be highly welcomed, since these legally binding norms provide a solid platform for discussions with the GoL, as well as a platform for empowerment of people.

The human rights established in the ICESCR are not immediate (such as civil and political rights), but progressive. This means that the State party has an obligation to fulfill these rights over time, to the maximum of its available resource. To this effect, benchmarks have been developed to indicate whether the fulfillment of the obligation in question has been met or not. For example, if a state party to the ICESCR continuously spends increasingly large amounts of its national budget on defense and not on education, this is a violation of the right to education.

When applying the HRBA to development, a number of core concepts have evolved. They capture the most central elements of human rights and are often useful concepts to apply to development analyses and processes since they tend to be viewed as less confrontational than the promotion and protection of certain specific rights. These concepts most commonly include non-discrimination, participation, transparency, accountability and empowerment. From this follows that the application of HRBA also necessitates specific focus on vulnerable and marginalised groups.

Applying the HRBA to various development-related issues may include a number of various entry points and there is not one fixed analysis, although the analytical framework by necessity is the same – international human rights standards. Fundamentally, there are three levels of state obligations; to respect (obligation by the state not to interfere in the enjoyment of the right in question), to protect (obligation to ascertain that non-state actors do not interfere in the enjoyment of the right in question) and to fulfill (obligation to take positive steps in order to realise the enjoyment of the right in question) human rights.

Analysing and implementing the HRBA is a tool to assist both rights-holders and duty-bearers in realising human rights. Rights-holders need to be empowered to be able to claim their rights and duty-bearers have to build capacity to be able to fulfill their obligations. Within the URDP, research undertaken could obviously serve either or both stakeholder groups. UNRP is already providing support to the duty-bearer

(the GoL), while would be advisable to carry out research with the view to strengthen the duty-bearers to fulfill their obligations.

2.2 Water¹

In one way or another, water was a contentious issue in all villages we visited. In several villages there seemed to be enough water for personal use, including for sanitation, although diarrhea was a problem among children. This was claimed to be a result of poorly cooked food, but certainly also has to do with the quality of drinking water. The right to clean water for personal and domestic use is derived from the right to adequate standard of living and the right to health, ICESCR articles 11 and 12. This interpretation is widely acknowledged by the international community and plenty of opportunities are available to analyse this issue in terms of safety, sufficiency, accessibility and affordability.

Beyond the issue of drinking water is the use of water for irrigation, a common issue in the villages we visited. This relates to the enjoyment of the right to food, but also to several other human rights, such as the right to life. Consideration of water as a human right could be a first major step towards integration of human rights into livelihood-based approaches. There are several issues that could be researched in this regard:

Research with a HRBA the links between water and the enjoyment of increased livelihood security, such as food and health. Would the results point in the direction of the need to at least discuss the appropriateness of limiting certain water-demanding crops, to ensure the right to water?

How can the district or Kum Ban strengthen their capacity to ascertain that access to water is facilitated in an equitable manner? Could there be an explicit effort to increase institutional coordination between Agriculture and Forestry with Public health in order to achieve a more holistic strategy towards rural water use?

Is ethnicity an issue in access to water?

How does economic inequality affect access to water?

How do dam constructions and other commercial projects affect people's right to water? Accessibility, affordability, effects on water for irrigation etc?

What are the available avenues for individuals seeking to make claims that the right has not been realised or infringed upon? Can these avenues provide effective redress?

¹ A very useful framework is found in Filmer-Wilson, Emilie, *The Human Rights Based Approach to Development: The Right to Water*, Netherlands Quarterly of Human Rights, Vol. 23/2, 213-241, 2005.

2.3 Land

In the international human rights framework there is no established human right to land. However, the human right to own property alone or in association with others based on non-discrimination is firmly established in the Universal Declaration on Human Rights (UDHR) and in two other major human rights instruments, both of to which Lao PDR is a state party; the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, Art 5) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, Art 16). The right also includes not to be arbitrarily deprived of one's property. This has of course been one of the main points of controversy over the years, particularly in relation to land rights. For example: "When does the State have a legitimate claim to expropriate land and for what purposes?" and "What is just compensation?"

Having these standards relating to property as a base for discussion and research will assist us in unpacking a range of issues relating to land from a HRBA. The whole set of various natural resource tenure rights – including ownership but also through numerous other arrangements – and how these are protected for the benefit and security of poor people lie at the core of the entire discussion on livelihoods. This includes not only land for agricultural purposes but also importantly the access to NTFPs. Further, tenure to land is more often than not depending on the access to water. Hence, these issues are interconnected and it is also appropriate to note that tenure holders do have rights but also duties regarding the natural resource to which they have access.

From this follows, that a HRBA analysis of the current situation again must be context specific. As previously stated in this report there were various issues raised by villagers as well as district officials pertaining to land planning, allocation and actual land use. To review the land planning process, be it consisting of eleven or six parts, from a HRBA would e.g. by necessity have to take vulnerability into consideration and do so in several aspects, where the formulation and implementation of non-discriminatory practices should be analysed. This relates to ethnicity but also to gender, since CEDAW specifically address the plight of rural women (CEDAW Art 15).

It is also believed that land planning and allocation cannot be seen in isolation from the village consolidation/relocation schemes. As mentioned, such plans are being pursued with vigour, at least in some districts, and to include this parameter in any future research effort is recommended. Research on this topic in Laos thus far suggests (or even establishes)

several key findings: that such schemes creates various problems and constraints on access to land and other services (including extension) and it is thus a related issue to URDP's research. As a matter of fact, URDP has in its own research documented what effect relocation has on land allocation in a village where consolidation takes place; see research report 2007/03. Can such research be replicated and adjusted to fit also URDP's new villages and districts?

The desire by several villagers to acquire land titles is interesting from a human rights perspective. This is even more so when taking into account the findings in research report 2007/04 that a more structured and organised land allocation scheme would also include the provision of household registration books, which provided villagers with access to fundamental human rights. It should be explored with immediacy how such a process could be implemented to secure the same rights for all.

Further, it seems that the land titling process is performed entirely at the district level, involving mainly the district land management authority. This would indicate a relatively easy access for villagers to relevant authorities for raising legitimate claims relating to tenure rights. Even though it is acknowledged that such avenues presently are not utilised to their full extent, with the process of issuing titles the district's role as complaints receiver (and arbiter) should be studied within a human rights context.

In a similar vein, the district's role in providing a forum for scrutiny and evaluation of foreign and domestic companies as discussed above is equally important to explore. In the absence of civil dispute resolution through courts, could this function be expanded to receiving and entertaining complaints by people as well? Evidently, this would fall under the State's responsibility to protect the right to livelihood and could be a useful way to reduce poor people's vulnerability. If possible, incentives involved here should be explored to gain a better understanding of policy choices at district level.

Sustainable Livelihoods and Human Rights in URDP

The principles of the sustainable livelihoods approach are all similar to HRBA and the two approaches share many basic features. But why would it be useful to argue for a strengthened application of a HRBA in the URDP programme? In practice, it would be beneficial to merge the two concepts, or rather to *infuse* the SLA analysis with HRBA. There are a few reasons for this:

1. Where the SLA aims to define the structures and processes, the HRBA framework analyse *power relations* and how power is exercised. It is acknowledged that HRBA is not optimal for capturing all aspects of power and authority, but it provides an entry point for understanding where and to what extent claims for livelihood assets gain legitimacy (and response) in the exercise of power. This will assist in finding entry points for supporting improved access to livelihoods. How can the negotiating skills of poor people be strengthened within the prevailing power context? In the URDP context: **How can the decision-making processes associated with land management be broadened to allow more meaningful participation of local people? And what can be done to increase the capacity of local people and organizations to participate in these processes?**

2. The added value of bringing universally accepted human rights standards to the SLA framework is their legitimacy; their legally binding character provide a solid basis for claims that not can be set aside simply by policy decisions. In the URDP context: **How can the governments' capacity to fulfill commitments be realized through improved resource governance processes at the district and kumban levels?**

3. Although the SLA (and the HRBA) emphasizes participation, this is not enough. Undoubtedly, (the right to) participation in itself has an inherent value, but it has to be analysed in a broader framework of empowerment and accountability. These are areas where traditionally the SLA has been considered weak and where HRBA offers rights-based analysis at all levels of exercise of power. In the UDRP context: **How can accountability mechanisms be devised to better ensure that local people's rights are ensured in the increasingly complex mix of public, private and individual commercial interests?**

3. Livelihoods and Human Rights – a few reflections²

A common methodological framework for addressing poverty in rural communities is to apply a sustainable livelihoods approach (SLA). Several approaches have been developed but they share some basic, fundamental denominators. Starting at the “micro-level”, a SLA identifies what various forms of resources, assets, a household may have. Such resources may be owned or merely accessible and they may be material or social assets. The more assets individuals, households or communities have, the less vulnerable they are. This vulnerability analysis is a key feature in a SLA, since it builds on the broad definition of poverty, where risks lead to insecurity and vulnerability is the outcome of decline in well-being. Identification of people’s accessible assets is therefore crucial in finding strategies to mitigate the risks which lead to insecurity.

² Overseas Development Institute (ODI) has devoted significant amounts of research to this topic. A good reference point is Moser, Caroline and Norton, Andy: “*to Claim our Rights – livelihood security, human rights and sustainable development*” ODI, 2001

Further, a SLA builds on the assumption that people need a range of different assets to achieve a positive (and sustainable) livelihood outcome; there is no single asset category sufficient to create this. This requires a holistic approach to the analysis of assets and also thorough analysis of the vulnerability context in which the assets exist. Here, the structures and processes which define people’s access to livelihood assets need to be understood. This includes analysis of e.g. government institutions and legal frameworks; formal as well as informal, inasmuch they affect people’s accessibility to assets.

In conclusion, a SLA provides a framework for understanding and addressing the entire range of policy issues relevant to poor people, not just education and health. It puts people at the centre of development and emphasises that people have strengths, not just needs. It requires a participatory development process where focus is on access to assets, processes and institutions and an analysis where vulnerable groups are given priority.

There is an interesting interface between SLA and HRBA and the URDP well placed to make a valuable contribution that could assist GoL in creating a better understanding of the practical implementation of human rights related to livelihoods for poor people. URDP’s solid reputation and its close proximity and

access to villagers as well as district officials are valuable assets in this work, which probably would be groundbreaking if done in a balanced and nuanced manner, with realistically set goals. Experience also suggests that the introduction of human rights concepts will likely create new spaces for dialogue with authorities at various levels. One large contribution to be made by URDP is demonstrating the increased local development benefits that accompany improved development processes.

Finally, it should be acknowledged that the URDP has already begun to address parts of the HRBA within its activities, as confirmed by recent research reports on land management, rubber investment and village finance. Drawing these analyses, and the further questions raised by them, into the center of the URDP

research agenda would be a clear statement and important first step in formalizing an appropriate and feasible commitment to the human rights concerns stated in the programme document. Dealing with the difficult questions of governance are key to ensuring that the technical interventions of the programme are able to deliver broad-based livelihood improvements equitably across upland society and contribute to national well-being.

About the URDP Field Report Series

The URDP Field Report Series provides an opportunity for researchers to share intermediate results arising from field work. It also provides a way to systematically collect and share knowledge that is often lost during the research process itself.

The Upland Research and Capacity Development Programme (URDP) is a partnership between the National Agriculture and Forestry Research Institute (NAFRI) and Sida to strengthen the research capacity within Lao PDR. The current phase (2007 -2012) focuses improving research capacity to understand and address the impacts of rapid economic transformation on the uplands livelihoods and the environment.

Activities are centred around three functional components:

1. **Research management:** Developing and implementing an integrated research agenda in the four provinces and strengthening NAFRI's research management capacity.
2. **Capacity development:** strengthening NAFRI's human, organizational and institutional capacity to carry out quality research and support evidence based policy-making for improved development practice.
3. **Information services:** Expanding services from Phase 1 and better communicating NAFRI's research to key actors (policy makers, extension agents and farmers').

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