



The Social Impacts of Privatizing an Open Public Space: A Case Study of Nam Phu Park, Vientiane Capital, Laos

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ABSTRACT

This paper aims to demonstrate the transformations of public space in Vientiane Capital, focusing on Nam Phu (Fountain) Park as a case study to understand the urbanization process impact on the urban social spaces. The Lao government has been actively involved in urban management of public spaces since the early year 2000s, following its decree to turn land into a capital (TLIC) in 2006. Public spaces and assets have been transformed in order to facilitate this transfer of “capital”, which has been driven by both foreign direct investment (FDI) and domestic direct investment (DDI). The Nam Phu Park is one of public spaces that has been privatized by the DDI, in order to develop it as a modern place to attract tourists. Leading to direct negative impact on community in the form of being restricted from access to Nam Phu Park that they had previously used. Nam Phu is a case that the Lao government and the capitalist class have collaborated together in the transformation of public space into privatization. They have been able to achieve this by obtaining legitimation from residents through the promotion of a ‘modernity and beautification’ discourse, which attempts to convince national residents that they have the duty to develop the country and sacrifice their individual interests to the common good. This changing phenomenon concerning public space transformed the meaning of space from ‘state-owned, public space’ to ‘commodified space’, which is meant to facilitate economic growth. This privatization of state land has led to many negative impacts on surrounding communities. To understand the process of transformation of Nam Phu Park, the author applies the qualitative method including observation, in-depth interviews of key informants, as well as a critical literature review to investigate the urbanisation process of public space in Laos and the implications for the powers of exclusion the community from the Nam Phu Park.

1. INTRODUCTION

On December 2nd, 1975, the Lao People's Democratic Republic (Lao PDR) was established and its government began ruling with a rigid socialist system, which was characterized by a centralized economic system, with restricted market mechanisms [1]. By mid-1979, the Lao government had initiated a model for less restricted trading relations, and in 1986 a more comprehensive program was introduced that was similar to Vietnam's renovation program, or the so-called *Đổi Mới* [2]. The Lao government referred to this economic reform program as the “New Economic Mechanism” (NEM) policy, in Laos called *chintanakanmai* [2]–[9]. Consequently, Laos opened its doors to the outside market, and formed networks with regional and international entities in order to pursue socio-economic development. With these economic policy reforms, the Lao government began attracting Foreign Direct Investment (FDI) into various sectors

ranging among agriculture, hydropower, mining and the services industry. In the 1980s and the early 1990s, the Lao government initiated a land reform campaign which was to complement the NEM policy. This challenged the existing local institutions concerning land access rights among farmers, and would consequently interfere with their agricultural practices. In accordance with the sovereign property ownership stipulations within the Lao constitution, the state administration maintains absolute control over all lands within the nation-state territory. Moreover, the state has the power to differentiate between forests and agricultural areas, which has resulted in farmers being excluded in the redistribution of farmland and having their property being placed under state supervision [10]–[13].

In response to the NEM policy, foreign capital poured into Laos due to the government opening its land markets to foreign investment in the beginning of the 2000s [14].

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With this gradual economic growth, rural people began to increasingly migrate into urban Vientiane. This has resulted in the city's "original" residents being affected by the changing economic and social conditions. Community courtyards began to slowly disappear due to the expansion of buildings and houses. At the same time, the economic situation impacted rural areas. Investment in monoculture plantations was initiated in the early 1990s and has developed dramatically since the government decreed its policy of "Turning Land into Capital" (TLIC) in the mid-2000s or '*kan han thi din pen theun*' in Lao [11], [15]–[19]. A large part of the capital inflow originates from Chinese, Thai and Vietnamese investors, with Chinese investors holding the top position presently [20]. Chinese investments have mainly been funneled into agriculture, especially sugarcane, rubber and bananas, as the Lao government sought to replace upland swidden practices with permanent agricultural plots that could be managed by the indigenous communities in those rural areas [21], [22]. In other parts of Laos, particularly in Vientiane, Chinese investors have focused on real estate and infrastructure systems. As a result, this brought their attention to public spaces which the Lao state had owned since establishing the socialist regime.

In order to pursue economic growth, the government has focused on attracting FDI, particularly focusing on public space in Vientiane. Alongside FDI, the use of DDI has also been involved in the urbanization process. DDI is generally applied to the urban management of public space. The management of public space tends to take the form of its privatization and commodification, such as in the case of Nam Phu Park. The former Vientiane mayor gave a 30-year concession to the AIF Group, allowing them to manage the park. The AIF Group privatized the park through the application the "modernity" and "beautification" concepts of Lao government policy. The function of the park changed from being an open public space into a closed, private space, consequently negatively impacting the community that could no longer access the park as previously. This paper will elaborate on this process of urbanization, in which DDI was applied in order to privatize the public space of Nam Phu Park. Furthermore, it will illustrate the implementation process of development projects that follow government policy relating to the "modernization" and "beautification" of urban space. The privatization of Nam Phu Park affected the livelihood of the Nam Phu community by excluding them access to lands that they have previously depended on for their livelihood. This occurrence cannot only be attributed to the Lao government but also the domestic private sector, both whom collaborate together. The community has attempted to claim their rights to access and use the space, revealing that there are multiple problems and inconsistencies in the ESIA. However, they negotiate to solve the ESIA that is the key issue for their

community. Furthermore, a reduction in visitors using the park indicates the failure of the privatized mode of management of the park.

However, many scholars studying the land concessions and changing landscape mostly focused on the rural areas. Consequently the urban Vientiane landscape which is radically different has not been given sufficient consideration [10], [15], [19], [23], [24]. Askew and team study on "*Transformation of Vientiane*" (2007), which focused on significant aspects of the Lao urban landscape in Vientiane [2], followed by Vongpraseuth, Lee and Choi study on "*The Transformation of the Urban Form in Vientiane*" (2014), by investigating into the characteristics of urban forms in the Lao capital [25]. While Vongpraseuth and Choi demonstrate the impact of FDI and its influence on changes in the urban landscape through the research of "*Globalization, Foreign Direct Investment, and Urban Growth Management*" [26]. Pathammavong, Kenney-Lazar and Sayaraj (2017) have shown the success and failure of land development projects in Vientiane in relation to property sales and leasing agreements through the research of "*Financing the 450 Year Road*" [27]. Chen and Kenney-Lazar (2019) study on "*Meuang Chin and the Political Hydrologies of Dispossession in Beung That Luang*", revealed the adverse social and environmental impacts to the residents surrounding the That Luang Marsh Specific Economic Zone which is a wetland concession [28]. Based on these previous articles, this paper would like to demonstrate the impact of a land concession on public space in downtown Vientiane, particularly focused on a public space that is a social space of the Lao community in urban Vientiane. By focusing on the Nam Phu Park community who has been excluded by the privatization of the public space since 2010, we can demonstrate that the negative impacts from the land concession in Laos are not confined only to rural areas but also cities such as Vientiane. The implementation of these development projects has affected the livelihoods of people causing them to change, thus motivating the people to negotiate for their community.

This article is divided into seven parts, namely the introduction, and theoretical and analytical framework that defines the relationship between the concepts of public space and powers of exclusion, combined with previous research. The third part is the methodology applied to the Nam Phu case study. Urban transformation in Vientiane is an important part of the development phenomenon which is radically changing urban landscapes. Even though the Nam Phu Park was selected as the case study to reflect urban change and the impact of land concessions, the research also sought to explore how a public space is utilized as a social space with the vernacular attributes of Vientiane residents. The discussion part is directed at how urban development promotes the exclusivity of space in Vientiane through legitimization of the Lao government in

form of privatization public space that impacts on the community and their livelihoods. Finally, the conclusion assesses the holistic benefits of development in urban Vientiane.

2. THEORETICAL ANALYSIS

“Public space” has played an important role in Lao society for a long time. This is due to the relationship between communities and space in which residents have performed their traditional livelihood practices through public spaces, such as rivers, wastelands, swamps, ponds, religious spaces and sacred spaces. Over the last decade, the Lao government has changed public space and its functions into so-called “development spaces”. The state applied the TLIC policy to stimulate economic growth, with a particular focus on public spaces in urban Vientiane. The Lao state has attempted to obtain legitimacy from the residents through the discourses of “modernity and beautification” in order to transform these spaces into development projects. The state cooperates with both foreign and domestic private enterprise in order to facilitate the privatization of these spaces. In other words, because the government has used the discourse of generating national income in order to obtain legitimacy, residents generally do not contest the decisions of the government. Within this context of the urbanization process, which is characterized by a capitalist encroachment upon public space, this research borrows the concept of the “Production of Space” (1991) from Henri Lefebvre [29] to better understand how capitalism has influenced the urbanization process in the context of Laos. Moreover, within this urbanization process, the government has attempted to obtain legitimacy in order to relocate or restrict residents from using and accessing these spaces. Simultaneously, it can be seen that this urbanization process has affected many of the residents’ livelihoods, as they are excluded from particular spaces that they have been using for generations.

Furthermore, the “Powers of Exclusion” concept will be applied to this context in order to elaborate on the relationship between power and relevant actors. These powers are groups into; 1) regulations relating to the law, 2) force (intimidation and violence), 3) the market (price and speculation), and 4) legitimation through a process of creating moral norms. The classification of powers reveals the character and method of power at each level. Generally, those without power are excluded from accessing and using a particular space. Hall, Hirsch and Li (2011) propose that exclusion is unavoidable, and always occurs whenever land is used, for example, in the “legal” expropriation of land in order to build dams. Violence can also be applied by the state in order to control communities. In the case of the market exclusionary powers, price manipulation in real estate and tourism zones is often implemented in order to expropriate lands that are being used by others. Lastly, in

regards to the legitimacy exclusionary power, “sustainable development” discourse, for example, can be used by dominant actors to obtain legitimacy from resident communities by persuading them to sacrifice their own interests in order to establish a national forest reserve [30]. As the case of Nam Phu Park in Vientiane, through the legitimization of the Lao government, capitalism has been able to encroach upon public space and privatize it. Each space has been affected by different type of exclusionary power. Although the residents who lived in these areas now designated for development have been greatly impacted, they continue to contest and respond to their new situation through practices of everyday life. In a similar vein Jeffrey et al (2012) indicated that the dialectic associated with the enclosure of commons was a way of thinking about contemporary systems of exclusion, violence and alterity [31].

3. METHODOLOGY

This research has applied a qualitative approach when collecting data in the field by observation and a historical analysis of the study site from February to June, 2018. The sample was purposively selected from the Nam Phu community, which is a traditional community and is located in the center of Vientiane Capital. The authors conducted in-depth interviews with key-informants who were representative of the government, including the Director of the Department of Public Works and Transport of Vientiane Capital (DPWT); the Deputy Director of the Public Works and Transport Institute (PTI), and the Director of the Vientiane Urban Services and Management Office (VUSMO). For each interview, the researchers spent around one and a half hours. In addition, they formally interviewed the chief of Xieng Nheun village for two hours during which time he gave and showed documents of entitlement. The chief of the Lao Women’s Union in the same village was interviewed for 45 minutes. Due to Xieng Nheun village being in a business area and surrounded by offices, most residents have their own business and some go to separate workplaces. The authors walked around the community space in the Nam Phu area and utilized informal interviews and discussions with five residents at different times. These informants consisted of two elderly residents (a retired uncle, 65 years old and an aunt, 72 years old, she is a tailor), and three adults (a brother, 54 years old who owns the Siri Guesthouse, and two sisters, one 48 years old, who sells souvenirs and the other sister 44 years old, she runs a fruit shake shop). We spent two and a half hours observing their activities. Finally, the researchers interviewed a representative of the developer for one hour. In addition to interviews, the authors performed documentary research to understand the historical and economic context of development at the Nam Phu space.

4. VIENTIANE AND THE TRANSFORMATION OF THE URBAN CONTEXT

Ever since Laos implemented market-oriented reforms in 1986, Vientiane has improved its economic, social and cultural conditions. In 1994, the first Friendship-Bridge was opened between Vientiane, Laos and Nong Khai Province, Thailand. In 1995, the first breakthrough in the process of decentralization of urban infrastructure and services occurred, marking an important step towards setting up a municipal administration system. This breakthrough was the creation of the Urban Development Management Committee (VUDMC), which is intended to be replicated in other urban centers. Established under Decree 40/FAMC (1995), VUDMC has the responsibility of planning and implementing all of the infrastructure development projects, consequently taking over the functions performed by the Department of Communication, Transport, and Construction in the Vientiane Prefecture. Moreover, one of the most important policy decisions of the government has been the decentralization of responsibilities for urban development, allocating decision-making power from the ministerial departments at provincial and prefectural levels to the level of an urban local authority. This was the first step in the process of decentralization of government responsibilities as it pertains to the development and maintenance of urban infrastructure and services.

Vientiane municipality is the most populated, developed and urbanized zone in Laos [32]. In 1999, the VUDMC became the VUDAA, expanding its areas of authority. VUDAA enhanced the mechanisms that are meant to facilitate the decentralization of urban management. However, the government has continued to keep the urban planning agenda centralized [2]. The government's goal in improving the urban environment and develop institutional capacities in Vientiane through sustainability rehabilitation and the improvement of urban facilities and services was supported by various government agencies and international donors and organizations which included VUDAA, the Department of Communication, Transport, Post and Construction Vientiane Prefecture, the Ministry of Communication, Transport, Post and Construction, the DHU, and the PTI.

In 1997, Laos become a member of the Association of Southeast Asian Nations (ASEAN). Soon afterwards, the Lao government promoted a "tourism year" in 2000, which generated USD 113 million in the tourism sector, earning more revenue than the hydroelectric power, wood and textiles sectors in 2002 [33]. Since 2001, the ADB has sponsored VUDAA and provided financial and technical advice concerning the development of urban infrastructure in Vientiane. It was found that the increase in tourism had greatly stimulated the economy, transforming the landscape of Vientiane and the lives of its residents. It was decided that Nam Phu Park would be developed into one of

the first specially designed tourism zones. Consequently, boundaries were demarcated, park infrastructure was constructed and the park was improved upon through various 'beautification' techniques (planting of trees and flower gardens).

In the early 2000s, the Vientiane urban landscape changed markedly as many development projects altered wetlands, open spaces and public assets. For example, the Nong Chan development project occupied the Nong Chan wetlands close to the Khua Din and morning markets. The Don Chan Palace Hotel was constructed on reclaimed land adjacent to Don Chan Island and the Mekong riverbank. The Lao International Trade and Convention Centre (Lao-ITECC) was built on part of the That Luang Marsh. Roads such as the Dong Dok Road, Route 13-North, and Tha Deau Road were constructed and improved upon with the aid of the Japanese government, and the Lao-Thai Friendship Road was upgraded with concrete. In 2001, the ADB provided USD 25 million in aid to support development projects that aimed to improve the drainage system, main roads and sub-roads in Vientiane [2]. Meanwhile, the government initiated the TLIC resolution of the LPRP which was to drive the national economy following the 8th Party Congress [11], [15], [17], [19]. To attract more FDI and DDI, Lao authorities adopted digital telecommunications in order to support economic growth in urban areas and increase national income.

This process involved following the 7th and 8th NSEDPs, which mainly focused on "industrialization and modernization" in regards to development in Vientiane[34], [35]. The Vientiane mayor implemented many development projects by taking advantage of the public financial management reforms and the revisions to the state budget concerning financial taxes and custom duties. This enabled them to proceed systematically and centrally. In the last decade, the economy of Vientiane experienced a golden age, which can be linked to three major events that stimulated the economy; namely the 10th ASEAN Summit in 2004, the 25th SEA Games in 2009 and the celebration of Vientiane's 450th anniversary in 2010 [34]. These events helped to stimulate and maintain economic growth. In the mid-2000s, the income of residents rose by almost 70%, approximately USD \$2,213, which was more than double the average national income. The rapid economic growth in Vientiane (12.2% annually) was driven by the service sector, with an average growth of 24% per annum, and the manufacturing sector, which experienced a 13% growth per annum, thus representing a significant increase in earnings. By 2010, manufacturing had become the largest sector of the economy, covering 45% of the GDP. This was followed by the service sector at 39.5%, and agriculture at 15% [36]. In addition, Laos' membership into the World Trade Organization on the 2nd of February, 2013 had a significant impact on Vientiane's economy [35]. The Lao government took this opportunity

to improve upon other development projects, which included hydropower dams, mining, agriculture and real estate schemes, as it aims to continue implementing the plan in both urban and rural areas.

5. THE URBANIZATION PROCESS IN VIENTIANE

Both developing and developed countries have had to confront the decline of public spaces and wetlands resulting from population growth and the urbanization process. The declination of public spaces and wetlands have occurred as a result of new roads being paved, as well as the construction of houses, shopping malls, high rise buildings, public buildings and hotels. Similarly, Vientiane has not been able to avoid this phenomenon. In 2000, the government promoted the “year of tourism” [37], which led to the renovation of colonial buildings within the capital’s historical zone (Sihom to Nam Phu areas). Some of the businessmen renovated the colonial buildings and houses, resulting in gentrification. Accordingly, the number of tourists increased, which benefited the services sector, such as guesthouses, hotels, restaurants, and tourist agencies. Many locals moved out and either rented or sold their properties to newcomers that would begin running their own businesses and services. The strengthening of the urban economy occurred alongside the establishment of urban master plans to enhance urban growth. This was envisioned to run in parallel with the improvement of the urban environment, which included upgrading roads, drainage systems, solid waste removal and wastewater management [35], [38].

FDI and DDI play a crucial role in driving the economy of Vientiane, with private sector contributions (both domestic and foreign) having reached USD 3.3 billion over a single decade (93.4% of total investment) [39]. More recently, the government set the goal to achieve an enlarged economy that would lead to even more intensive development in Vientiane. The government aims to boost economic growth as well as the preservation of the environment surrounding the city, so as to be on a par with neighboring countries in the Greater Mekong Sub-region. Laos made significant progress, with an average GDP growth rate of 7.8% per year over the past decade, making Laos the 13th fastest growing economy in the world. Due to the increase of the national income, poverty in Vientiane decreased, and essential services such as education, health care and infrastructure became more accessible, making Vientiane an attractive place for both domestic and foreign investors [40]. The city center of Vientiane is the priority for development. The mayor of Vientiane initiated the “livable city” project in 2010 to compliment the celebration of Vientiane’s 450th anniversary and the 7th NSEDP (2010-2016) for the modernization and beautification of the cityscape. It focused on the management of public parks, streets, sidewalks, drainage and public buildings [34].

The VUDAA is the representative case of the Vientiane

government’s aim to improve the city’s environment. The improvement of infrastructure and parks required massive funding due to the government having a limited budget. The TLIC policy is a strategy of the government aiming to reduce its financial burdens. It consists of inviting the private sector to be involved and taking charge of the management of development projects. Consequently, public spaces, open spaces, public buildings, wetlands and farming lands have come to be considered as assets to generate national income. In particular, the promotion of public spaces in Vientiane to the private sector has consisted of incentives such as management and construction contracts, and the establishment of SEZs [36].

The privatization of public assets and spaces initiated in the late 2000s and early 2010s. The existence of the modern housing and commercial estates replaced public spaces, including the traditional morning market (*Talat Sao*). Colonial buildings have been used as office buildings, and hotels as dormitories for government staff of international banks and organizations. In the Nong Chan wetlands, new modern shopping centers have been developed, such as the Vientiane Centre and the World Trade Centre. In addition, the That Luang Marsh became largely enclosed in order to establish a SEZ. It was determined that Don Chan Island was to become a new focal point for the city center and a zone of modernity that would connect with the Chao Anouvong Park, Land Mark Riverside Hotel, the ASEM Villa gated community, and others. This resulted in the replacement of multiple traditional farming lands. Alongside this was the expansion of residential housing, and a dramatic increase in hotels, guesthouses, restaurants and so on. Given all these development projects and the privatization of space, it is natural to assume that the communities surrounding these projects have had to confront with multiple social and environmental impacts on their livelihoods. In addition, the implementation and operation of these newly capitalized spaces have denied the residents the opportunity to access them as previously, thus causing the villagers to lose their social space for the practice of religious and cultural rituals.

6. LIVELIHOOD OF NAM PHU COMMUNITY BEFORE PRIVATIZATION

Nam Phu is located in the city center of Vientiane. From the time of the French colonial administration, it has played an essential role as a social space, being accessed by the villagers daily in order to obtain water from the well (*Nam Sang*). The well represented the villager's unity and served as a source of prosperity for the community. Some of the villagers are Lao-Chinese and Lao-Vietnamese, but they generally present themselves as Lao. In 1912, the French government constructed the first morning market at the courtyard of Nam Phu, where communities would soon gather together to exchange the various products from their

farms [41]. The market architecture was simple, consisting of a roof made of zinc, and with open sides to circulate airflow. The vendors would set up their shops, usually only consisting of tables and chairs. Alongside the busy market activity, villagers would wait patiently to give alms to passing Buddhist monks. There were also many traditional rituals practiced regularly, such as the Rocket Festival (*Boun Bung Fai*) and the Boat Racing Festival (*Boun Xuang Heua*). Later on, in 1969, the RLG demolished the market and established a fountain, which would soon later be referred to as “Nam Phu”. The Nam Phu space became the symbol of the city center, being the location site of the zero-kilometer marking point. Furthermore, colonial buildings and government offices surrounded Nam Phu, including canteens for government officials, the National Library (NL), the Bank of Lao PDR (BOL), newspaper offices, a Scandinavian bakery and various hotels. In regards to how the livelihood of the community was in the past, one villager explained;

“At Nam Phu, there was a well and people used the water from the well. At the same time, the people talked, chatted and helped each other to scoop water from the well. When a family had a special event, the villagers gathered and practiced the ritual together. Also, we would clean and maintain both the courtyard and the well of Nam Phu. Moreover, when the Boun Xuang Heua Festival would take place, Nam Phu was one of the main meeting points of the people, who came from different villages, because in the past there was no mobile phones as there is today” (Loung Noi. 24 April 2018).

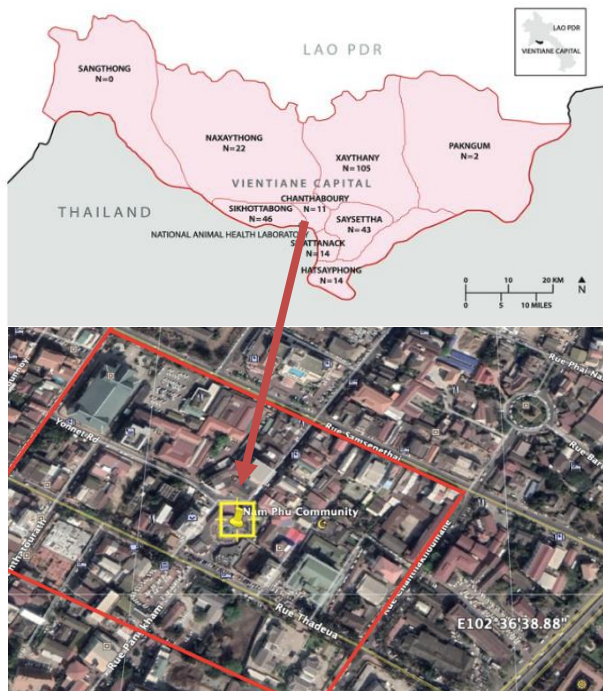


Fig. 1. Study Site of Nam Phu Community.

Although the market was demolished, the community continued to access and use the well. Occasionally, the community would use the courtyard for other important activities such as wedding ceremonies (*Heuan Dong*^{*}), offering ceremonies (*Heuan Boun*[†]) and funerals (*Heuan Dee*[‡]). The livelihood of the community remained very much connected to the Nam Phu space, which provided them an area to perform various activities and gave them a sense of belonging due to having managed and taken care of the area [41], [42]. From the 1980s to the mid-1990s, the private sector began to invest heavily in Nam Phu Park with the aim of making the area suitable for various recreational activities in order to attract more tourists. Later in the late 1990s, the government cancelled the Nam Phu concession and received a sponsorship from the Lao Brewery Company (LBC) to construct concrete benches and street lights and maintain garden landscaping.



Fig. 2. Market place in the Nam Phu space in the colonial period.

Nam Phu played an important role as the social space for the community to interact with each other. The community's memory of the park is full of nostalgia; their past memories of social activities continuing to be imposed upon the present, transformed space. Another villager, Pa Siew, reminisced about community gatherings at Nam Phu;

“Villagers consumed the water from the well at Nam Phu. Also, the morning market was used as a space for people from different sub-districts to come and exchange goods here during the colonial times. Every morning my neighbor and I gave alms to the monks at the corner of the high building here. In the 1960s, the

^{*} *Heuan Dong* is a wedding celebration for the bride and groom. Lao culture often holds the ceremony in the front yard of the house.

[†] *Heuan Boun* is a traditional ritual which invites monks to have breakfast or lunch and then bless the family.

[‡] *Heuan Dee* is a funeral ceremony for a person who has passed away. Lao culture often holds the ceremony inside the house.

market was demolished and was replaced by the fountain (Nam Phu). People could drive around the fountain and park their vehicle. At that time, it was called Vongvien[§] Nam Phu; people drove around in circles to see the fountain. On some occasions, if any house organized an event to make merit, such as a house wedding ceremony or funeral ceremony, we enclosed a special area to hold those events. We had a sense of ‘neighborhoodness’ here and shared food with each other. These are good memories for me, even though most neighbors have moved out, we keep contact to present” (Pa Siew. Personal interview: 5 April 2018).

The community perceived Nam Phu as a common space (*puen thi luam*), which played an important role in supporting traditional and cultural activities. Nam Phu was used as a social space to gather together and interact with people [2], [42]. By mid-2000, Nam Phu was playing the role of a public space for everyone to access and use. Furthermore, it would become a popular tourist destination that would attract the services sector and help it grow. The Nam Phu area is very lively due to its central area and the surrounding official buildings, trade houses, hotels, guesthouses, restaurants, bakeries, and other tourist attractions which add complexity to area. The Nam Phu zone attracted many tourists who came to see the fountain and its surrounding scenery, while enjoying local foods and beverages. This was particularly pleasant from the balconies of the surrounding heritage buildings. As the residents focused on attracting more tourists, they also began renovating their houses and setting up shops at the front of your houses. This was most noticeable along both sides of Setthathirath Road, Pang Kham Road and Samsenthai Road as well as areas directly surrounding Nam Phu Park. Nam Phu Park was designated as a historical conservation zone, which included a few colonial buildings along Samsenthai Road, Lane Xang Avenue, and the buildings surrounding the Nam Phu space [32]. Describing her community of Nam Phu, Aeuy Nui stated that;

“Nam Phu was a common space; the villagers around here access the area to relax while the children use it as a community playground. In 2000, the landscape of Nam Phu was beautiful and attractive. It was an open public space where people exercised, chatted, and enjoyed the fountain scenery. I am full of nostalgia and perfect memories that impress my mind until today” (Aeuy Nui. Personal interview: 26 April 2018).



Fig. 3. People gathered for an anniversary celebration at the Nam Phu space.



Fig. 4. Scenery of Nam Phu in early 2000. Photo credit to Sayarath (2005).

The pictures above illustrate that Nam Phu remains as an open space, which is accessible and attractive, both for the community and tourists. The surrounding neighborhoods are able to continue practicing their normal urban lifestyles, as they are allowed to access Nam Phu as a public space for relaxation and exercise. Furthermore, the local youth of Nam Phu community use the space as a playground while accompanied by their parents and grandparents. However, the surroundings of Nam Phu have gradually changed due to gentrification, which has affected the “neighborhoodness” of the community as newcomers gradually move in and push out the local residents. Therefore, the social relationships within Nam Phu community have declined and residents have become more concerned about their individual lives rather than interacting with the newcomers.

7. FINDINGS

7.1 The Privatization, Modernity and Beautification of Nam Phu Park

Every investment project has to submit a project proposal to the “One Stop Service Office (OSSO)”, or the Investment Promotion in General Business Department at the Ministry of Industry and Commerce. The Ministry of Information, Culture and Tourism (MICT) supervise and

[§] Vongvien is a traffic circle that people can drive around.

manage Nam Phu Park as a cultural heritage zone. Previously, the VUDAA considered Nam Phu as a formal public space for leisurely activities. There has been considerable progress regarding the decentralization of governance and urban development in Vientiane, with VUDAA acting as the main unit responsible for their implementation. VUDAA aimed to achieve long-term support to continue the development of the park, such as expanding the focus to secondary and tertiary infrastructural and service improvements. This was done to ensure that everyone felt that there were improvements to the environment, especially urban infrastructure systems.

However, in 2010, the former Vientiane major signed the concession of Nam Phu Park to the AIF Group. The Nam Phu concession constituted approximately 4,080 square meters under a 30-year Build-Operate-Transfer contract. At the time, there was a rumor that the AIF Group used its connections with the provincial governor to acquire the concession without going through the necessary procedures. There was also the claim that the director of the AIF Group and his family had done much good for the nation. In addition, this particular family has played a crucial role in obtaining investments for a variety of businesses in Laos, such as the Mekong waterfront development initiative called Sunflower Park. The developer had the aim to develop Nam Phu into a tourist destination that could bring benefits to the community by implementing improvements to the area's urban landscape. Since the implementation of the project, the Nam Phu space has been modernized, with facilities including air-conditioned buildings, kiosks, restaurant booths, a large parking lot, ornamental trees, and relevant maintenance systems. Besides these structural additions, entertainment infrastructure such as a performance stage for live music, a sound system and lighting have been added. The construction process resulted in various negative impacts on the local community, namely a loss of customers, noise pollution, and multiple piles of construction waste.

The AIF Group originates from the oldest company in Lao's history, Fa Wattana Co., Ltd., founded in 1991. It was one of the first privately-owned firms and the first precious metal trading company in the Lao PDR. The AIF Group is one of the biggest and most dynamic business groups in Laos. It has a variety of business practices and a profound understanding of the business environment in Laos. AIF Group was able to further improve its position as a competitive and agile business company, adjusting to changing business environments, and benefiting from its business connections. This has resulted in the company's rapid and sustainable development in the last five years. Furthermore, AIF Group plays a crucial role in the business environment of Laos due to its application of strategies of running a business, alongside its strong network connections within the Laos administration.

The director of AIF Group has denied these rumors and

argued that the government invited them to operate the Nam Phu project in order to implement the government policy on urban management to improve Vientiane as a "livable city", consistent with the 7th and 8th NSEDP discourse which emphasized "industrialization and modernization". Furthermore, the AIF Group believed that the development of Nam Phu would be attractive for tourists. As the director of the AIF Group, Mrs. King, stated;

"The AIF Group has the potential to be an important site of development in regards to diversifying business in Laos, especially as it pertains to infrastructure development. The government has seen our obviously vast portfolio for a half of a decade. Nam Phu Park is one of the projects that we have adopted from the developed countries. The design aims to act as an open park with an entertainment stage, and surrounded by restaurants and other facilities in order to attract tourists and provide a more modern urban lifestyle. Our project is an alternative space with free-flowing open air and colorful lighting at night. Furthermore, this is a conservation place combined with the modern environment, and located in the city center of Vientiane" (Mrs. King. Personal interview: 15 May 2018).

The government would like to develop the urban landscape of Vientiane to be modern and beautiful. However, due to the government not having a sufficient budget for improving urban public parks, including Nam Phu Park, the government decided to invite DDI to become involved in urban development initiatives. The AIF Group has a lot of development project experience, including technology and real estate investments. The Head of the Vientiane Urban Management and Service Office (VUMSO), who is a representative of the Vientiane Cabinet, stated;

"The Lao government applied the strategy of 'turning land into capital' to generate the national income by inviting FDI in land development. The 'Vientiane New World' project will be attractive to foreigners seeking to invest in this space. At the same time, the state believed that this project is representative of Vientiane becoming a developed city through real estate projects around the city. Soon, the Lao-China Railway will open. This will be attracted more FDI to Laos" (Mrs. Vilayvone: Formal interview: 30 April 2018).

7.2 The Role of the Relevant Government Offices

The approval of development projects depends on the size of the project and its authorization by the Department of Public Works and Transport, which manages the budget for Vientiane. According to the Public Investment Law, construction bidding should fall under its domain if the budget is below five billion kip. In terms of operations,

engineers at the Department of Public Works and Transport work with the Office of Public Works and District Transport to have on-site monitoring and ensure quality control [43]. The Department of Industry and Commerce screens projects for financial and technical feasibility, which depends on the size of the investment project and the size of the investment, before forwarding them to relevant line ministries for review. According to the size of the investment, the project is then considered by the Prime Minister's Office or the Government Office for adjudication. Meanwhile, the MICT is responsible for the preservation of ancient places in Laos, which includes Nam Phu. However, the MICT has been excluded from any involvement in the Nam Phu development project. Mr. Bounthieng, a representative of MICT, stated that;

“Our institute has not been involved in the decision-making process of the Nam Phu project. Other government institutions have questioned about how Nam Phu was allowed to be given as a concession. Who approved the project? We are stuck with these questions, and haven't received any satisfactory answer. Even though we know, we cannot tell the truth. Moreover, our institute could not cancel the contract because the investor already implemented the project and they got the legal concession from the Vientiane mayor without a bidding process. However, we would like to conserve Nam Phu as open space as it used to be.” (Mr. Bounthieng, Personal interview: 19 March 2018).

In 2011, the DHUP of Vientiane approved the construction plan, which had been assigned to them from the Vientiane mayor. The concept of the park was to remain an open space, combined with temporary restaurants. In 2016, the AIF Group added a second floor to all of their restaurants around the park, constructed a few permanent shops and a clock tower without obtaining the approval from relevant departments. The AIF Group seemed to be using the strategy of implementing their plans first and then later seeking their approval only after they had already completed their implementation. Ultimately however, the approval was given by the director. The villagers requested that the government examine the approval process of the construction because they disagreed with the clock tower that ended up blocking the view and natural beauty of Nam Phu Park. The DHUP requested that the investor demolish the clock tower, but due to the investor having connections with high-ranking officials, the order to demolish the tower was ignored. An urban planner, Mr. Buavanh, indicated that;

“When the AIF Group required the approval of construction and shop drawings, I checked them under the construction standards. They were in accordance with the standards, in which case the mayor agreed to go ahead with the project. Therefore,

the DHUP approved its construction. At first there were no problems. However, later on the investor decided to make additions without obtaining any approval. We could not say anything, as everyone knew that the investor has a strong backup. Finally, the construction drawings were approved anyway. Indeed, it seems that some unethical activities occurred, but we could not argue against the 'power of capital'. Of course, everyone interprets us negatively. The community also had many issues with the new construction changes, and when we brought our problems to the high-ranking officials to consider and solve the problem, but they were ignored. Due to this, we asked the investor to demolish the second floor of the restaurants and convert them to be opened-air buildings instead, but the clock tower has remained.” (Mr. Buavanh, Personal interview: 24 March 2018).

The investor was able to obtain the approval of the construction project even though the drawings were illegal according to the construction regulations. One villager, who is a retired government officer, wrote a letter on behalf of the villagers to request that the PTI re-check the architecture and construction of the additions, stating that they do not match with the original construction drawings that were approved. The PTI played an intermediary role as a representative of the community and petitioned against the negative aspects of this development. For example, they did not agree with the choice of architecture nor the dark red theme that was imposed upon the site. The addition of the clock tower was also considered bizarre and unnecessary. It had neither the French colonial nor traditional Lao style. For them, the area became more of an enclosed and private space rather than being a public space as it was previously. As the Deputy Director of the PTI stated;

“The former Vientiane mayor allowed the Nam Phu concession. The responsible institutions were excluded, and had no role in the decision-making process of the project. We knew only after the project was implemented and the villagers let the National Assembly know about the environmental issues that resulted (noise pollution and wastewater). We all doubted about how this public space was given a concession. According to the urban master plan, Nam Phu is a conservation place; it is a public space that existed with the community for a long time. Indeed, we disagreed with the privatization of Nam Phu, as both a 'modernized' place and its aim of urban beautification. We were unsatisfied with this development but we could not do anything. We helped the villagers write a letter to make authorities aware of the environmental issues as mentioned. Nam Phu should be conserved as an ancient space, it should not be 'modernized' nor 'beautified'. This is what the

government wants, but not us” (Mr. Chanthachack. Personal interview: 15 November 2017).

7.3 The Exclusion of Nam Phu Community Through Privatization

According to the concession agreement, the Nam Phu space aims to promote eight activities, which consist of the development of restaurants, souvenir shops, leisure spots, parking lots, restrooms, an exchange rate counter, and other necessary facilities plus the organization of social activities. In 2010, the investor began construction of the facilities. However, during the construction process the site was contested by the residents of the surrounding area. This was because the community members suffered a slump in their local economy due to a drop off in customers. The customers found it difficult to enter the Nam Phu space because there was no parking space and complained about the increased air and sound pollution from the construction process. In addition, the construction process encroached upon the residents’ homes, causing them an increased amount of stress. Moreover, the residents were restricted from using the front area of their houses due to the construction process.

In 2012, the renovated Nam Phu space had its formal reopening. From now on, the space would be open from 7:00 am to 12:00 pm during which time music was constantly played. According to the management, the rights for the space’s control had transferred to the investor, hence Nam Phu suddenly changed from being an open space to one placed under private control with fixed opening and closing times. This situation impacted the residents who lived around the fountain, as they no longer felt free to access and use the space. Moreover, the music from the band was very loud and the bad smell of the restaurant garbage was nauseating. The flooding of wastewater onto the roads and the residents’ homes also occurred due to being blocked by the construction waste. The residents appealed to the developer many times, but they never received any feedback or quick responses to solve their grievances. Subsequently, the community formed a lobby group and submitted a letter to the Mayor’s Office and the NA to raise awareness of the problems and seek solutions for them. Eventually, the problems of unnecessary noise pollution, smelly garbage and overflowing wastewater were mitigated, but the smell of wastewater was unresolved, especially during the night time. One villager who lived close to the park stated that;

“Today, we cannot access Nam Phu at all, because the investor has turned the area into a night entertainment district. Nam Phu has become a private space; the residents do not feel free to access and gather as they did in the past. Nam Phu community had many cultural activities and frequently gathered together for communal activities. Nam Phu was used as a relaxing space for people and tourists. After the

government leased the area to the private company in order to make it beautiful and modern, we would no longer use Nam Phu as a public space. In the present, this area has become more of a commercial center and newcomers have replaced the locals’ and run many businesses (mostly in the service sector). Many people rent their houses to foreign investors and capitalists which has led to the gentrification of the community. This has caused the Lao culture to gradually disappear because people have focused on their own well-being and interests. Some traditional activities cannot be performed as in the past, such as the Boun Bung Fai Wat Chanh and Boun Pi Mai Laos. As Vientiane becomes more urban, the landscape of the Lao style has changed, together with the relationship among the society that is going gone soon.” (Pa Siew. Personal interview: 5 April 2018)

In order to defend the development project at Nam Phu, the government argued that the main objective of Nam Phu is to generate national income. This would be done by following the TLIC policy, alongside the “livable city” model of Vientiane to modernize and beautify the urban landscape. These were the goals of the government itself, which contrasted with the needs of the community. The community revealed the history and the meaning of the Nam Phu space, which contained their social memories of their traditional and cultural practices [29]. The privatization of the park destroyed the representation and production of the villagers’ “social space” that resulted from their everyday practices. Upon reflecting on his memories before the privatization of the area, Ai Kone, a local villager mentioned;

“In the early 2000s, Nam Phu was well-maintained and very much impressed both locals and tourists. It was an open public space with a beautiful landscape, decorated with a beautiful garden and benches for people to relax. The villagers were able to access the area every day for exercise and relaxation. It was a social space where we chatted and occasionally organized activities. Also, we would water the flowers and keep the fronts of our houses clean. However, ever since Nam Phu became privatized in 2010, it seems to me that the developer has lost a lot of money, their business has been unsuccessful and the area is just not that popular. Because there are not many customers and the food are expensive. Simultaneously, the tourists are not impressed because the Nam Phu has changed its environment and its function. Also, the new architecture and design of the clock-tower was unattractive and blocked the view of Nam Phu. The new style of Nam Phu at present is ugly and the people are unsatisfied. Most importantly, we have lost an important public space that we have been able to use for a long time now.” (Ai Kone. Personal interview: 11 May 2018)

Due to Nam Phu being privatized, villagers were no longer able to access the park as usual, and they have lost much of their social life among the community. Furthermore, if they want to access the park, they have to pay in the same way that costumers pay. This situation in which locals are excluded from a previously free access space due to its privatization relates to the third perspective of power of exclusion; “the market is a power of exclusion as it limits access through price and through the creation of incentives to lay more basis for individualized claims to land.” [30, p. 5]. The privatization of the Nam Phu space had environmental, socio-economic and cultural impacts on the local residents of the area. The residents had their traditional and social interactions disrupted, and in some cases, they completely disappeared. Another effect was that social unreliability increased and cultural practices gradually faded away. The benefits that emerged from privatizing this space did not respond to the community’s needs. Instead, some outside groups received benefits from the bidding process, while the government benefitted from some small income increases generated from the concession of public property. Meanwhile the local community plays its role by reacting to the circumstances imposed upon it.

Laos has been governed as a socialist country with a single party for almost 45 years. Thus, all the rights of public assets belong to the state. The Lao government has the policy to develop the nation by encouraging transnational and domestic capital investments into the infrastructure system. Ordinary people are to a large extent, voiceless in the decision-making process of large development projects, which are regarded as state ventures. Consequently, the Nam Phu space was given as a concession by the Lao government in order to promote the beautification and modernization of the park. Due to this, the management authority became completely dependent on the private sector, which sought to transform Nam Phu’s function from an open public space that was used as a social gathering area for the community, to a private space in which service charges were applied to everybody, including the local residents. This was because the state wanted to generate income without concerning itself directly with the negative impacts that the community would receive. The most serious impact being that they now had to ask for permission and pay for access to the park. Environmental impacts included drastic increases in noise and air pollution, which not only affected their health but deterred tourists from visiting the area. Moreover, the residents feel insecure because the community has not been interacting with each other as they did before. One family mentioned that their life after Nam Phu has been ruled by the private sector. In this quote they describe how their life has had to confront unwelcome changes relating to the use of the space.

“Ever since I have lived here, I was born in this community, the most pain I have experienced in my life is now since we do not have the right to use any of the space in Nam Phu. It used to be a community space that we took care of, as a community. These days, we cannot even park our car in front of our house. I feel destitute, I have never suffered like this. I realize that this development project is meant to improve our city, but the local people should be involved in the decision-making because we live here and we are the most affected. Now our community is gone, our social space has been taken away, some residents have moved out and moved to other places to find a better life. Recently, we formed our own social space by rotating social events in the houses of our community members. The state has focused only on the economic conditions, but does not care that our livelihood has also gone” (Bounlieng family. 24 May 2018).

In late 2016, Nam Phu had renovated once more. This time by building permanent restaurants, which were also constructed higher than what was specified in the contract. The investors also installed permanent gates at the front and back of the park. As a result, the residents drafted a letter of petition again to complain about the architecture of the restaurants and clock tower, which were not in accordance with the contract of concession. The residents blame the development project for creating more negative impacts than positive ones for the community. Their livelihoods have steadily become more insecure, due to the decreased numbers of customers every day. This is because there is not enough parking space and it is expensive to pay for parking. In addition, the renovations do not meet the expectations of tourists who anticipated a fusion of Lao traditional with French renaissance colonial architectural styles. Instead, it looks like an Eastern European train station gone wrong.

The developer changed the Nam Phu landscape in order to make it beautiful and modern, which affected the community’s livelihoods as the authority of its management passed to the private sector. Consequently, the developers immediately limited the community’s use and access to the area. Consequently, the meaning of Nam Phu has been changed from a “public space” to a “private space.” This is because the project manager has determined the opening and closing times of the park to control the flow of people. This small but significant phenomenon reflects how the community has been detached from its traditional association with the Nam Phu space, thus creating a radical change from what used to be a center of their cultural universe. Their social space has effectively disappeared and the relations between the community members has followed a slow decline ever since.

These exemptions to the rule took place because the Vientiane government needed to develop the cityscape but

lacked the budget to renovate public spaces in the Lao capital. Therefore, the government viewed this project as an opportunity to supplement their meagre budget. Nam Phu is one example of public spaces being appropriated by the government in order to earn income from its privatization by using the rhetoric of modernization. In accordance with this policy, a new relationship regarding sovereign authority is created between the government and developers who in their view represent the champions of the needs of Lao society.



Fig. 5. Nam Phu Park in 2016.



Fig. 6: Nam Phu Park in 2018.

The negotiation issue is ongoing as the residents and PTI have made claims against the architectural and environmental dimensions. This is because this space is a historical place that needs to be conserved as an open space in its original form. In response, the government put out a notice to reduce the height and slow the expansion of the restaurants. Afterwards, the PTI and the residents drafted a letter to protest the privatization of Nam Phu to the government and the NA, because the project was not abiding by the stipulations in the concession. However, the NA responded by passing the complaint to the governor at the district level to solve the issue. Even though the mediation procedures for solving the problems contrast with reality, the residents have not given up trying to claim their Nam Phu space back. The organization of

contestation against the park has taken place partly because the people in the area are educated, and the PTI and other organizations have given them consistent support.

“I am the chief of the village, a representative of the residents who have claimed this Nam Phu space for many years and I become very stressed every time that I meet the residents and I have arguments with the developer. Even on the opening ceremony day, the developer did not invite me to participate in the ceremony. I disagree with this development project and I am not happy about the situation that has happened with our space. I and the residents have kept fighting with them to destroy the clock tower, which blocks the Nam Phu scenery.” (Por Sone. 30 March 2018).

Many residents are concerned about the ESIA due to being excluded from the decision-making process of the development project. Those in charge of the development process have not concerned themselves about the livelihood security of the residents. Nam Phu Park is a case study that reflects the deteriorating social relationships within Lao society, in this case because communities are being broken up due to losing their social space that was previously used for gathering and interacting with fellow community members. The sense of belonging to the community and taken care of common property has disappeared. As a result, the residents have begun to ignore the responsibility to protect common property and the environment, leading to increased social disorder in urban Vientiane.

8. CONCLUSIONS

The development situation of Nam Phu is a reflection of the reality that has been happening in Lao society everywhere due to the government’s “power of exclusion”, which is used against the people no matter where they live. With this power, authorities can force residents to move out, regardless of situation or ethics of the project. The government has claimed the right to improve Vientiane under the discourses of “modernity and beautification” and transforming Vientiane into a “Livable City”. Based on the constitution of Laos, the government has the right to allow the concession of Nam Phu Park to the private sector. With the privatization of Nam Phu, residents were excluded due to the transformation of the park’s function (from a public space used for various activities to a private space functioning as an entertainment district). Nam Phu transformed into a “market” place where residents would now have to pay for various service charges. This circumstance is similar to what Hall, Hirsch and Li (2011) have indicated; *“legitimation establishes the moral basis for exclusive claims, and indeed for entrenching regulation, the market and force as politically and socially acceptable bases for exclusion”* [30, p. 5]

According to the third “power of exclusion” of Hall et al.

(2011), the transformation of “public space” into “private space” leads to the exclusion of certain groups through market mechanisms such as entrance fees and parking fines, which effectively exclude those groups that cannot afford to pay them. The management decisions of the investor have very much created negative environmental and socio-economic impacts on the residents.

The open public space had been turned into a business zone. The community is not able to access and use the space for leisure purposes as they had previously. In addition, the residents have had to deal with many more outsiders using the front spaces of their homes in order to park because they too want to avoid the new parking fees. This area is one of the most crowded parts of the city because it is located in the center of the capital, is surrounded by commercial shops and offices, and is a tourist area. Today, the social memory of the community of communal gatherings, chatting, and other traditional forms of interaction have decreased and almost disappeared from the area. This is because the Nam Phu square has become privatized, resulting in the community losing their valuable social space. The social memory of Nam Phu has been replaced by outside concepts of “modernity” and “beautification” which have little concern for the livelihoods of the original residents. The investor has set up gates to restrict peoples’ access to the park, thus causing their sense of belonging and community to gradually fade away. However, the community at Nam Phu continues to lobby its claim for their right to use the space, although as of yet it has not been successful. This initiative demonstrates that Lao residents are often voiceless and not able to secure adequate compensation or consultation in the development process. This means that the residents do not always agree with the decision-making of the government. This case also demonstrates that the situation taking place in Vientiane has many hurdles to overcome in order to achieve real positive change.

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