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Author(s): Juha Hiedanpää, Sabaheta Ramcilovik-Suominen & Matti Salo

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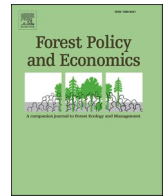
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Neoliberal pathways to the bioeconomy: Forest land use institutions in Chile, Finland, and Laos

Juha Hiedanpää^{*}, Sabaheta Ramcilovik-Suominen, Matti Salo

Natural Resources Institute Finland (Luke), Itäinen Pitkätie 4 A, Turku 20520, Finland

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ABSTRACT

Global capitalism has changed the Earth system to the extent that the current epoch is called the Anthropocene. According to the Intergovernmental Panel on Climate Change (IPCC), land use change has played a crucial role in this profound functional shift in the Earth system. The Convention on Biodiversity (CBD) and its follow-up processes have insisted the same regarding the persisting decline in biodiversity. To shed light on the institutional aspects of land use change and the transformation towards the bioeconomy, we focus on three countries – Chile, Finland, and Laos, showing (i) how these historically very different societies have designed their land use institutions in recent decades, and (ii) what kind of bioeconomy and biosociety these institutional changes seem to presuppose. Our study's timespan is about fifty years, and the analysis is based on our ongoing research in the countries and the content analysis of legal and policy documents in them. These countries obviously differ regarding their basic constitutional and institutional structure and purposes in land use policy processes. We illuminate similarities and differences in authoritative and authorised transactions and discuss, from the perspective of classical institutional theory, how the state and property are entangled in power, how nature is not understood as a common good and public property, and how the negative liberty and economic conception of democracy is prevalent.

1. Introduction

As climate change, biodiversity loss, and social and economic inequities indicate, the shortcomings in addressing and mitigating the impacts of global environmental change persist (Zalasiewicz et al., 2011; Spash, 2016). The challenge of sustainability transformation is manifold, not the least because of the global economy and the Anthropocene condition which produce human-induced impacts on all major ecosystems. There is neither a shortage of the global problems the humanity faces nor the proposed conceptions for addressing them; for example Gills and Morgan (2020) and Haraway (2015) have named the complex economic, social, and environmental entanglement the Capitalocene.

On the solution side, the conception of the bioeconomy is among the key European Union's policy solutions for tackling the current environmental and developmental challenges (European Commission (EC), 2012, European Commission (EC), 2018). The bioeconomy aims to reconcile the contested interface of the extraction of renewable resources, biodiversity loss, and economic growth (European Commission (EC), 2018), similarly to what 'sustainable development' has attempted

for the past 35 years and 'nature-based solutions' more recently. The bioeconomy is introduced as a transformative conception because it calls for a shift from fossil-based to bio-based production and consumption by building on three pillars of sustainability (Leipold, 2021; European Commission (EC), 2018, p. 71). Our focus is on institutional – legislative and societal – conditions for societal changes within the bioeconomy, what (Winkel, 2017, p. 159) refer to as the 'biosociety'.

One of the root causes of persisting climate and biodiversity problems is decision making regarding the spatial allocation of land for different uses, which in turn generates the variety of societal effects and implications (Turnhout et al., 2015). According to the Intergovernmental Panel on Climate Change (IPCC, 2019; see also Armesto et al., 2010), land use institutions have played a crucial role in the functional shift in the Earth system. The Conference of the Parties to the CBD has also reminded us that land use decisions are the root cause of biodiversity loss (Secretariat of the Convention on Biological Diversity, 2020; see also Johnson et al., 2017) and proposes that the Kunming-Montreal Global Biodiversity Framework (Convention on Biological Diversity, 2022) could lead the way out of the impasse. To emphasise the

^{*} Corresponding author.

E-mail addresses: juha.hiedanpaa@luke.fi (J. Hiedanpää), sabaheta.ramcilovik-suominen@luke.fi (S. Ramcilovik-Suominen), matti.salo@luke.fi (M. Salo).

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importance of land use, the European Union has also shown initiative, launching the European Biodiversity Strategy for 2030 (European Commission (EC), 2021) and the regulation on Land Use, Land Use Change and Forestry (LULUCF) (EU, 2018/841) as well as the Forest Strategy (EU 2021/651) to address the trade-offs between various uses of forest land.

Presumably, although there are global differences between nations and political regimes regarding how climate and biodiversity loss and related social and economic issues are addressed, there are also similarities in the institutional settings and circumstances that drive nations towards problematic nature loss situation. Our initial theoretical starting point is similar to Brown's (Brown, 2015, p. 20) assertion: "... neoliberalism has no fixed or settled coordinates... there is temporal and geographical variety in its discursive formulations, policy entailments, and material practices... Neoliberalism as economic policy, a modality of governance, and an order of reason is at once a global phenomenon, yet inconstant, differentiated, unsystematic, impure." We selected three countries from three different continents – Chile, Finland, and Laos – to gain an understanding of the details, implications, and meanings of forest land use related institutions in the current biodiversity crisis and transformation to a more sustainable bioeconomy. These countries not only present very different natural and societal settings and their contingent entanglements, but more importantly, while forest land use plays a very important role in their economies they have undergone vastly dissimilar development paths in their current expressions of authoritative and authorised land use power. This study therefore provides a meticulous treatment of land use institutions and, especially, the theoretical and political illumination of the difficulty of the sustainable transition to a biosociety.

2. Theoretical perspective – What institutions are

Land use institutions regulate, direct, create, and coordinate an opportunity for land-based actions and social and environmental outcomes, effective land use, and the possibly fairer competition between and combination of different uses of land. There are many ways to address the role and significance of institutions. Here we apply institutional theory (Alexander, 2005; Allmendinger, 2009), placing the analytical focus on the structural and functional features of institutional design processes (Hiedanpää and Bromley, 2016).

There are two well-known general theoretical approaches to institutions. For those with the new institutionalist leaning (Rutherford, 1996; Ramstad, 1996), institutions are constraints on individual actions, be those constraints formal rules, social norms, or their enforcement mechanisms such as sanctions and feelings of guilt (North, 2005; Hodgson, 2006; Vatn, 2015; Sorensen, 2018). Hence institutions – such as land use legislation and the consequent plan symbols – constitute the scaffolding for individual (Clark, 1997) and group (Searle, 1995) actions. For those with a classical (old) institutionalism leaning (Rutherford, 1996), institutions are neither internal nor external rules or structures but "collective action in the restraint, liberation, and expansion of individual action" (Commons, 1990, p. 73). Under this conception, collective action typically refers to public policy (Bromley, 2006; Pierson, 2006).

A plethora of specifications to these definitions exists, but our aim here is to intertwine these two. For his part, institutional economist John R. Commons already began to bridge the two schools by holding that collective action not only covered organised collective action (for example, land use planning units and decision-making apparatuses) but also unorganised collective action (cultural traditions, administrative routines, and habits) underlying organised collective action. Commons' (1990) insight – developed from Hohfeld (1913) – was that institutions were simultaneously both external structures and functional features of concerted action: rights, their correlated duties, no-duties, and no-rights (Commons, 1990, p. 52–93; Hoffmann, 2013).

In an institutionalist approach, the key unit of analysis in addressing

collective action and institutional design processes is a transaction: the legal control of a future benefit stream (Vatiero, 2021, p. 5).¹ One of Commons' specifications was the divide between authoritative transaction and authorised transaction (Commons, 1995). Ostrom (1976, p. 842) defined it as follows: "Authorized transactions allocate authority for persons to act in relation to others; authoritative transactions allocate authority to determine, enforce, and alter authority relationship." Chasse (1986, p. 767) specified this further: "... the parties to an unauthorized transaction cannot call upon the officials of the state to enforce the terms of a contract."

Institutions and transactions as structural and functional scaffolding for individual and social action are one way of approaching power (see, Lukes, 2004). Our institutionalist conception of power "is marked by terms such as: rights, duties, obligations, authorizations, permissions, empowerments, requirements, and certifications" (Searle, 2005, p. 10). For us, power is a coordinating force: it controls constraining and enabling structures and processes in a given situation (Foucault, 1983, p. 219). However, our theoretical standing is that power does not necessarily and only come from below, that is, from social practice, as Foucault thought, but that power becomes effective and functioning where authoritative and authorised positions are established, maintained, and changed, and hence social and productive practices altered (for the institutionalist nature of power, see Searle, 2010, pp. 145–173; Commons, 1995, pp. 47–64).

In what follows, we explicate recent changes in the institutional scaffolding of forest land use in our three case countries. As for materials and methods, our work engages in a qualitative and non-systematic study of legal and policy documents and, of course, the scientific literature. The interpretation builds on a cumulative personal experience of the country-specific features of land use, forest, and biodiversity issues. We will explicate the role and significance of authoritative and authorised transactions in producing environmental and developmental problems typical of the global Capitalocene conditions on the one hand and in attempting to solve them on the other. We will provide insights into the complex ubiquitous nature of the neoliberal institutional order and current strategies of incremental change to tame the harmful and problematic functional effects of globalising capitalist structures.

3. Institutions and power

3.1. Chile – Utopian neoliberalism

3.1.1. Subsidiary state and land use as a business

The Chilean constitution, promulgated in 1980, during the reign of a repressive military dictatorship of 1973–1990, establishes that the state may restrict the rights of the citizens to protect the environment (Art.19 §8 and §24). However, this has not generally been the case when environmental values and the rights to business and private property are in conflict (Galdámez Zelada, 2018). The restructuring of the Chilean state during the dictatorship included a careful implantation of neoliberal institutions at all levels of society, as envisioned by a group of male economists trained at the University of Chicago and therefore known as the Chicago Boys (Torres et al., 2015). This process amalgamated the free market ideology as a guiding principle of land use accentuating merely the formal compliance requirement with the law instead of more strategic and forward-looking planning (Tecklin et al., 2011).

¹ Commons' conception of a transaction makes it clear that the meaning of a transaction is wider than how it is typically understood in the economic and policy literature. A transaction is not only about the rules and practices of physical control, i.e. the transference of goods or services over the institutionally and technologically separate interface (Williamson, 1996), but the classical definition of transaction instead covers why and how legal control is established, managed, and exchanged, therefore paying more attention to motivations, power, interests, agency, and ideology.

As a result, Chilean land use became captive to the constitutionally established idea that private property in a free market is a neutral and apolitical, as well as the most efficient, way to organise the economy, allocate resources, and distribute effects (see, [Prieto and Bauer, 2012](#)). The return to democracy in 1990 enabled a reform that aimed to introduce a 'third way' of land use planning, e.g., to internalise some of the social costs of urban sprawl ([Tecklin et al., 2011](#)) and re-establish the control of the limits of urbanisation. However, the result was a hybrid model that was essentially dominated by the free-market approach ([Vicuña del Río, 2013](#)).

In sum, the Chilean free market model has prioritised private property, hindering efforts to guide development through public policy interventions. [Vicuña del Río \(2013\)](#) argues that in this process, the vertical model of long-term normative planning, as exemplified in zoning, lost its role in relation to a horizontal public-private development. The state remained in a subsidiary position, virtually ignoring rural land use planning, focusing only on urban areas ([Precht et al., 2016](#)), and enabling urban sprawl through instruments that enhance the expansion of capital, rejecting any proactive interventions of land use planning ([Mansilla, 2013](#)). In this model, the civil society is individualised and atomised ([Ansaldi and Pardo-Vergara, 2020](#)), and the aggregated individual decisions are seen to best advance the common good, not the policy interventions.

3.1.2. Decentralized land use planning, whither forests?

Without effective land use planning, large areas of native forest and agricultural land have been converted to forest plantations motivated by higher land rents. Clearing native forest to establish pine and eucalyptus plantations was a major cause of deforestation in Chile from the early years of the dictatorship ([Uribe et al., 2020](#)). The Chilean state supported forest plantations by granting subsidies that mainly benefitted private forest companies ([Peña-Cortés et al., 2021](#); [Reyes and Nelson, 2014](#)), also contributing to the domestic forest oligopoly rooted in a territorial governmentality ([Farris and Martínez Royo, 2019](#)). While many small forest owners remain to this day, the subsidiary state model and an agrarian counter-reform have allowed the development of extremely unequal distribution patterns of land and forest resources within and between different areas of the country ([Reyes et al., 2014](#); [Reyes and Nelson, 2014](#)). The main response to environmental concerns has been the introduction of voluntary instruments such as forest certification ([Heilmayr and Lambin, 2016](#)).

The Chilean land use planning system is complex and long remained without a national planning instrument ([Precht et al., 2016](#)). This changed in July 2021, when the National Land Use Planning Policy came into force after more than four years of broad dialogue and participation ([Ministerio del Interior, 2021](#)). This policy, with the National Urban Development and Rural Development Policies, is intended to establish support and guidelines for land use planning at all levels, opening new possibilities for strategic planning, operating with medium- to long-term time frames ([Ministerio del Medio Ambiente, 2015](#)). In particular, the Regional Land Use Plans are central here; they are indicative instruments that serve the purpose of spatially portraying the regional development goals and policies and the public interventions they may necessitate ([Ubilla Bravo, 2015](#)).

The National Land Use Planning Policy emphasises an approach based on the three pillars of sustainability and strives to establish an integrated system of land use decision making that promotes public-private partnerships. Its contribution may be especially important in areas of the country that are beyond specific land use regulation instruments, including many forested rural areas. This policy articulates planning strategies and practices across levels, from the international commitments of Chile to the local planning. Furthermore, it guides regional level land-use (related) policies such as Regional Development Strategies, Regional Land Use Plans, and macrozone and metropolitan land use plans and policies, as well as local Municipal Development Plans and Municipal Regulatory Plans. Although the policy emphasises

the integration of rural and urban areas, forests remain in the institutional shadows of land use planning; they are only briefly mentioned, chiefly in relation to efforts to avoid forest fire.

3.1.3. The political-economic elite

According to [Clark \(2017, p. 1351\)](#), a market society and its subsidiary state have been established in Chile through two interrelated processes: "(1) the reconstruction of a powerful capitalist elite capable of exercising its hegemony over state and civil society; and (2) the individualization, privatization, and marketization of civil society subjectivities". Furthermore, [Ansaldi and Pardo-Vergara \(2020\)](#) conclude that the establishment of the neoliberal model and its subsistence as an ideological structure is the result of both the empowering of the capitalist actors and the weakening of the state. Importantly, the Chilean state, rather than becoming necessarily weak, has become co-opted by strong political-economic elites as their vehicle of accumulation (cf. [Huneus and Undurraga, 2021](#)).

In this context, it was not a complete surprise when a massive social uprising was witnessed in Chile in late 2019. The protest was the culmination of longer unrest and found its inspiration in the latent but widespread rejection of the political-economic model inherited from the military dictatorship, in practice also cherished by successive democratic governments (cf. [Somma et al., 2020](#)). The uprising led to a process of constitutional reform that intended to change the 1980 constitution, bringing an end to the legacy of the Chicago Boys ([Ansaldi and Pardo-Vergara, 2020](#)). Environmental issues were also central to the process of the 'ecological constitution' ([Moraga Sariago, 2022](#)).

However, the proposed new constitution was rejected in a referendum in September 2022, and the old constitution remains the institutional guarantor of the neoliberal processes – and is still today seen as a straitjacket on any profound social and environmental reform in the country ([Ipsen, 2020](#)), and therefore also with its consequences for forests. A new constitution process is underway, apparently with much less ambition where the environment is concerned.

3.2. Finland – Nordic (neo)liberalism

3.2.1. Strong state delegating authority

According to Section 20 of the [Constitution of Finland \(731/1999\)](#), 1999 responsibility for the environment belongs to everyone, and the public authorities ought to guarantee everyone the right to a healthy environment and a voice in decision making that concerns their living environment. Although the right to a healthy environment is an acknowledged principle of international customary law ([Knox, 2018](#); [Boyd, 2012](#)), Finland, as well as the other Nordic countries, gives the public authorities a strong mandate to secure a healthy environment for its citizens ([Viljanen et al., 2014](#)).

In Finland, land use planning encompasses three areas: the Council of the State is responsible for the strategic national land use guidelines, regional councils are responsible for strategic regional land use plans, and municipalities are responsible for detailed master plans and town plans. This tripartite system constitutes a municipality-driven infrastructure for economic development, social justice, and environmental protection. For forests, regional land use planning is most important, as it designates land for different purposes and general use types.

During the last twenty years, land use planning power has shifted from the state-level to the regional and, especially, to the local, municipal level. The regional level is of especial importance to forests. Currently, regional plans are not ratified by the Ministry of Environment; they are accepted by the Regional Councils ([HE/114, 2015](#)), 2015. As they are strategic and general, regional plans motivate and induce rights-holders and stakeholders to seek a long-term reconciliation of interests and values regarding different land uses. Moreover, regional land use plans leave much of the initiating power regarding the forest land use to the public, entrepreneurs, and specific interests. This initiating power has become an argumentative battlefield for land use

planning, especially in nature conservation issues.

The *Land Use and Building Act (132/1999)* is currently undergoing renewal. The role and significance of regional land use plans in the multiscale planning setup and the challenges introduced by biodiversity loss and the need to provide carbon sinks were the reason the update process was divided into two: The Building Act was approved in 2022, and the Land Use Act remains in progress. The plan is to enforce them simultaneously in 2025. At the basic level, the dispute is about the mandate of regional land use planning authority to authorise different uses of land at the regional level, especially between economic forestry and nature conservation. This creates a genuine pressure to make regional land use planning more general, strategic, leaving the final land use decision power to individual landowners.

3.2.2. Strategic approach forest biodiversity

In the recent legislative reforms, land use planning, especially at the national and regional levels, has become more general and strategic. The strategic approach is indirectly strengthened by the absence of a common EU legislation for land use planning. The European approach to land use planning was exercised in 2004 when the EU directive on the Strategic Environmental Assessment (2001) was incorporated into Finnish land use and environmental impact assessment legislation. The National Land Use Guidelines were first launched and defined in the Land Use and Building Act in 2000. In 2008, these guidelines were updated to become more general. They become even more general in 2017, encompassing the overall general goals of a low-carbon society, biodiversity protection, economic renewal, and urbanisation (Finnish Government, 2017).

The Land Use and Building Act was a pioneer in promoting strategic thinking. In the updated *Nature Conservation Act (9/2023)*, which came into force in June 2023, although protected areas (for threatened and endangered species and habitats) constitute the heart of the law, there is greater emphasis on voluntary and strategic approach to conservation. Although the EU Biodiversity Strategy for 2030 targets 10% of land for strict protection, the strategy proposes that the remaining 20% of its 30% conservation target can be voluntarily protected. The 'strict' approach to nature conservation on private land must be based on formal conservation programmes and landowners must be fully compensated for formally protected land. In contrast, the 'soft' approach to nature conservation on private land is voluntary and strategic, based on the nature-oriented management of economic forests (Koivula et al., 2022) and forest certification, typically that of the Pan-European Forest Certification.

The soft approach to nature conservation is institutional battlefield mostly because of the resistance of rural landowners. The Land Use part of the Land Use and Building Act under renewal is therefore now on hold. It is argued that it may pose a threat to the constitutional private ownership rights due to the increasing interest in nature conservation that operates in a grey zone, not under the security of a formal institutional arrangement.²

3.2.3. The rise of a civil society elite

According to the Land Use and Building Act, the regional and detailed land use planning authorities are responsible for the implementation of national policies and programmes and ensuring that they satisfy the procedural quality requirements of participatory planning. At the beginning of any public planning processes, the PAS (the Participation and Assessment Scheme) must be accomplished. This introduces the purpose of the land use plan, initially screens their expected impacts and means of their assessment, and defines the participatory process prescribed in the Land Use and Building Act. Especially from a procedural perspective, participation in land use planning is thoroughly

regulated in Finland (Leino and Laine, 2012; Bäcklund and Mäntyselä, 2010) and law-abidingly enforced so that interested groups and citizens are informed of particular planning issues, given an opportunity to state their opinion about alternative courses of planned actions and their effects, and required to interactively prioritise and reconcile people's needs and interests.

Recent governments have favoured deregulation under the umbrella of Better Regulation, the purpose of which has been to make regulations more efficient, effective, transparent, and participatory (Borgström and Koivurova, 2016, p. 17). For example, the Land Use and Building Act was adjusted in 2016 to remove the regional public authority's (The Centre for Economic Development, Transportation and the Environment) right to appeal against municipal master and detailed land use plans that lack any national or regional significance and has therefore shifted the corresponding powers to civil society actors (HE/251/2016, 2016). Power has been shifted from the authorities and administration to civil society, especially to the organised civil society actors. According to the government, the purpose of deregulation is to provide new enabling legal structures, dismantle unnecessary norms, and lighten the administrative burden (Finnish Government, 2020).

However, in many cases, the public, especially the unorganised segments of civil society, has been incapable of using new opportunities. Well-organised sectors of civil society such as agricultural producers (the Central Union of Agricultural Producers and Forest Owners, MTK) and the nature conservation groups (e.g. the Finnish Association for Nature Conservation, FANC; the Association for Nature Conservation, Tapiola) are better off in the formal decision making apparatuses due to those recent initiatives that have shifted certain powers to civil society. For example, in 2019 a wolf territory was a reason for local environmental civil society actors to appeal against the master plan for a wind-mill farm in Kajaani, Northeast Finland. Consequently, the Supreme Administrative Court of Finland (SAC, 2019) decided against the positive decision by the administrative court not to allow the farm, as the wolf is strictly protected by the Finnish Hunting Act and Hunting Decree and the underlying EU Habitats Directive. Empowered civil society can influence forest land use in favour of biodiversity. The elite segments of civil society have become empowered. This change has been partly intentional, but partly a side effect of legislative reforms.

3.3. Laos – Authoritarian neoliberalism

3.3.1. Authoritarian state and the power struggles

In accordance with the 1991 Lao Constitution (Art. 17), all land is the property of the state, managed by the state on behalf of the people of the Lao PDR. The state ownership of land in the interest of the nation is affirmed in the subsequent Land Laws. The legal grounds for the individual and collective rights to own land was established in 1992 by the Prime Ministerial Decree on Land No. 99, and is also embedded within the new Land Law (LPDR, 2019).

Land use is characterised by power struggles between the various ministries, policies, and societal groups at the local levels (Suhardiman et al., 2019; Ramcilovic-Suominen and Kotilainen, 2020). This is also the situation between many donors and the Lao government (Ramcilovic-Suominen and Mustalahti, 2022). The authoritative power struggles between the local and the central policy levels have led to shifts between decentralisation and recentralisation in the country.

Since the adherence to the market economy in 1985, the Lao government – the constitutional owner of land and forests – has used the land as a primary source of state income. Initially, this was done by the state-owned enterprises, which performed the logging of Laotian forests mainly for export to pay their war debt to neighboring Vietnam (Evans, 2002; Singh, 2012). Since the early 2000s, vast areas of land have been allocated in the form of land concessions to foreign investments for development projects in mining, hydropower, plantations, and various agro-businesses (Barney, 2008). Some estimates suggest that more than 1 million ha, or 5% of the national territory, has been leased for such

² Interviews with decision makers on regional land use planning in south-western Finland in 2022.

development projects, for periods of 99 years (Kenney-Lazar, 2019).

3.3.2. Decentralisation, recentralisation, and the role of western donors on land use planning

Facing the collapse of the national economy in the newly established country in the mid-1970s, the central government assigned a substantial degree of autonomy to the provincial and district level authorities to reduce the administrative burden and responsibilities. However, by the beginning of the 1990s, faced with the dwindling natural resources, the central government decided to take back control of the land and resources (Stuart-Fox, 2006). This new ‘era of recentralisation’ started with the Lao constitution of 1991. The recentralisation was dramatically implemented, altering the local governance structures, demolishing the sub-district level as an administrative level, and significantly decreasing local and village participation (Stuart-Fox, 2006).

A decade later, this trend was challenged by international development partners, as it contradicted western donors’ agenda and rationales of participation and decentralisation. In 2000, the Government therefore re-initiated a policy of decentralisation by enacting the *Prime Ministerial Instruction No. 01, 2000*, with the aim of building “provinces as strategic units, districts as planning and budgeting units, and villages as implementation units”. To support decentralisation, Politburo Resolution No. 03/CPP (*Politburo Resolution No. 03/CPP (2012), 2012*) and the Resolution No 03/CPP were adopted. Despite the policy intention to decentralise, strong centralised leadership and authority persist (Smith and Alounsavath, 2015), which continue to compete for the management and control of land (Ramcilovic-Suominen and Mustalahti, 2022).

With a strong support from its development partners, including Finland, Laos initiated a formal land use planning and allocation process in the early 1990s. There have since been three prominent programs in place.³ Although they feature various aims and aspirations (Suhardiman et al., 2019), they are largely associated with resettlement of local communities (Evrard and Goudineau, 2004; Ducourtieux et al., 2005; Fujita et al., 2006; Kramp et al., 2020) and land commodification, land grabbing and enclosure (Baird, 2011; Kenney-Lazar et al., 2018).

In parallel with these land use planning initiatives, the Lao government has worked on developing national framework for land use, aiming to clarify and harmonise the uncoordinated land use initiatives. In 1997, the first Land Law (No 01/N97) was adopted, followed by the adoption of the *Land Law (04/NA 2003), 2003*, which was replaced by the third and final law, adopted in 2019 (*LPDR, 2019*), with the aim of reducing inter-ministerial disagreements and tensions (Suhardiman et al., 2019). This law signals a major shift to a more strategic and modernised land use planning and administration, introducing for the first time provisions concerning land allocation master planning, strategic planning, and detailed land use planning (*LPDR, 2019; MRLG and LIWG, 2021*). While these reforms are important and positive developments, the new land law appears to reinstall and further state control of land, legalise land grabs and giving symbolic but intangible recognition of customary rights (*MRLG and LIWG, 2021; Ramcilovic-Suominen and Mustalahti, 2022*).

3.3.3. The rise of state-controlled civil society

The neoliberal land reform described above can be seen as accumulation by dispossession (e.g. Baird, 2011; Kenney-Lazar, 2017). It is embedded in the authoritarian regime, consisting of state organs, the military, the Lao People's Revolutionary Party (LPRP), and families closely linked to the LPRP. It is characterised by client-patron relationships, patronage, rent-seeking, and the exclusion of citizens' voices, which is why it has been referred to as ‘illiberal neoliberalism’, or

‘authoritarian neoliberalism’ (Barney, 2016; Stuart-Fox, 2005; Stuart-Fox, 2006).

The lack of democracy and independent civil society is an important feature of the Lao illiberal neoliberalist project, and one that is increasingly challenged by western donors such as the EU, leading to the evolution of a donor trained and state controlled civil society. The Lao Constitution of 1991 and the *Law on Government (No. 4/NA 2016), 2016* recognise the rights and freedom of assembly and freedom of speech, but this right is conditioned and heavily regulated by state organs across policy levels, as are their mandates and activities. The Lao Non-Profit Association (NPAs – the equivalent of CSOs and NGOs) has been able to legally exist since 2009, when the first *Decree on Associations (Decree No. 115/PMO 2009), 2009* was adopted. In 2017, Decree No. 115 was replaced by *Decree on Associations (Decree No. 238/PMO 2017), 2017*, which, contrary to many expectations, has brought further restrictions, control, and limitations to civil society. This unexpected shift is probably related to the EU's condition for civil society participation in its Forest Law Enforcement Governance and Trade (FLEGT), which caused alarm among the government and two years later further legal barriers to the independent work of civil society (Ramcilovic-Suominen et al., 2021). International observers have referred to Decree 238 as to “the last nail in the coffin of civil society” (*International Federation for Human Rights, 2017*).

4. Forest land use institutions and the societal conditions of the bioeconomy

4.1. The state, property, and power

The eras of the financial meltdown (2007–2009) and Covid-19 (2020–2022) have shown that the market economy does not function without a continuous presence of international expert organisations and national governments, and especially the global financial institutions and their collaborative efforts in sustaining global and national market institutions (Mirowski, 2014; Spash and Hache, 2021). These conditions speak to the global condition and era of the Capitalocene (Moore, 2015).

A key feature of the Capitalocene is the active and authoritative pursuit of the commodification of land and nature as property and therefore capital. As Pistor (2019, p. 12) phrases it: “Capital is a *legal* quality that helps create and protect wealth” (emphasis in original). Land is by no means the mere physical location of resource, but as Bromley (2019, p. 221) reminds us, “the most important acquisition is the recognized control over a benefit stream arising from that setting and circumstances that runs into the future.” As our case countries indicate, the historical trajectories and cultural variations regarding how land is put in the service of performing and producing wealth and value are multiple. Whether private or state property, the state plays a role in the authoritative and authorised transactions of making land a property and capital (see Chasse, 1986).

In all three countries, land use institutions, in particular legislation, have played a role in how land has been coded as property and capital. One feature is how governments have actively sought to support the exercise of private property rights, especially individual and corporate, while active support for the exercise of other rights, for example, civil rights to participate in rural land and resource use planning, has remained quite weak.

In Finland, some 60% of the land cover is privately owned, and some 60% of private forests are owned by private smallholders (families) and estates, mostly as absentee owners from urban settings, not thoroughly capable of and motivated in practicing economic forestry (Karppinen et al., 2020.) However, the Finnish state has assigned rights and powers to citizens and civil society to buffer themselves against the governmental exercise of authoritative power, as it has dismantled the administrative requirements deemed unnecessary, and because interest (and capability) in silvicultural activities by forest owners is decreasing. This is closer to classical liberalism rather than neoliberalism, as in

³ Including Land Use Planning and Land Allocation (LUPLA), Participatory Land Use Planning and Land Allocation (PLUPLA), and more recently the Participatory Forest and Agriculture Land Use Planning, Allocation and Management (PFALUPAM).

neoliberalism, society is under dismantling pressure, not governmental authority and institutional structures supporting private and otherwise spontaneous economic order (Mirowski, 2009, pp. 434–440).

In Laos, privatisation and market mechanisms have played an important role, but unlike in the case of Finland's classical liberalism, the economisation has been in direct control of the state and political elite (Barney, 2013; Barney, 2016; Kenney-Lazar, 2019; Navarrete-Hernandez and Toro, 2019; Stuart-Fox, 2005, Stuart-Fox, 2006), as both economic reforms and accumulation by dispossession are embedded in the authoritarian regime. This exemplifies an authoritarian state where no real power is transferred to the civil society or citizens, yet private foreign economic actors promising development and investment can act quite freely.

In contrast, Chile shows a different trend, with the central government simultaneously delegating land use planning powers to the regional governments and dismantling the sectorial planning approach (Ministerio del Interior, 2021). Essentially, power has been delegated to land-owners as a political-economic elite for whom the pressure comes from timber buyers abroad, filtered by e.g., international certification bodies. However, the state can be strongly present while in no way in conflict with the economic interests of the elite. The more detailed role of the private sector and the rights and powers assigned to civil society through the decentralisation processes remain to be seen.

In Chile and Laos, the trend is privatisation for corporations, organised economic international and domestic actors, leaving individuals and rural communities in the shade, possibly because civil society does not play a substantial role in capitalising land. For historical reasons, Finland differs from the two other in its higher proportion of small-holder private landowners. This makes Finland's institutional scenery different. However, if similar features are witnessed in three such different countries – Laos, Chile, and Finland – one is tempted to assume that the global economy and its institutions are ordered in such a way as to support the trend, despite significant institutional, political, cultural, and economic national differences. How the resulting dynamics of power affects the environment and natural resources via land use institutions is largely a question of how the elites react in the face of challenges.

4.2. Biodiversity as common good and public property

As a feature of nature and life, biodiversity cannot be owned; indeed, how could we own the variety of ecosystem or the life itself? However, as biodiversity loss indicates, it is not a public good, because it is durable, and it is not common but public property, without being the property of the state. It is *res nullius*, nobody's property. This is exactly why it is so hard to incorporate something durable and owned by the general public (everybody) into institutional design processes (concerning property regimes, see Vatn, 2005). This feature has huge implications for the EU and global bioeconomy project, which despite the shifting position in terms of recognising the limited nature of natural resources and the need to use them sustainably and circularly, nonetheless aims to place biodiversity, nature, and life itself in the service of economy and capital provision (Birch et al., 2010; Giuntoli et al., 2023; Ramcilovic-Suominen et al., 2022).

The need to also protect biodiversity outside of protected areas is becoming better understood in our case countries' land use policies, and there is clearly momentum for biodiversity protection on a global scale. In Finland, the organised civil society groups call for both stricter definitions and boundaries between the use and conservation of nature, and this works very strongly against considering biodiversity as a common good and public property. Empowered civil society groups call for and support either the constitutional rights of landownership (to fully utilise the future benefit streams of their property) or the constitutional responsibilities of the authorities to ensure healthy and diverse environments for the citizenry. Currently, the tightest bottleneck in the renewal process of the Land Use and Building Act is biodiversity protection

outside protected areas – the issue of common good and public property. However, in the neoliberal state the property rights and obligations regarding biodiversity would have been clearly and strictly defined and enforced; and, in a fully neoliberal state, these rights should also cover nonhumans and their living environments, as neoliberal utopia economics must be merged with ethics (Mirowski, 2009).

The shift to the bioeconomy will greatly depend on the extent to which the social and policy process that moves the transition to the bioeconomy and biosociety considers the structural and functional basis of the institutions, that is, power and economic relations, duties and responsibilities, and the very motivations and interests embedded within institutions. Failing to systematically challenge the current neoliberal structures and their capital accumulation priorities results in the masking of their negative effects, including unequal economic and power relations at multiple scales, giving the impression that we are acting, while we may in fact only be helping perpetuate the very conditions that keep us stuck on the current path (Eversberg, 2023).

4.3. Negative liberty and democracy

In the neoliberal economy, clearly defined property rights together with free markets are not only assumed to be an efficient information processing vehicle but also a vehicle for democratic practices (Biebricher, 2015): the stronger the democracy, the more political opportunities, freedoms, and powers are expected to be at the reach of economic actors, citizens, and civil society groups. However, neoliberalism does not require political democracy but calls for an economic theory and the practice of democracy (Brown, 2015). In the three countries, individual liberties and freedoms are balanced in some respects similarly and in others very differently.

In Finland, citizens operate in land use planning under the working rule of “may”, while the spirit of legislation lies very much in “can”: citizens may act and organise themselves and act collectively for their benefit, and to some extent, the government actively seeks to help civil society participate. Of course, it is possible to hold that the government remain innocent in how citizens and social society groups are expected to become active and capable through their spontaneous practices of freedom (Dean, 2010, pp. 149–175). Although the Finnish Land Use and Building Act explicitly orders the baseline of required public participation, which is – by any international standard – high, it does not guarantee effective public involvement or the possibility to react to land use changes. In Chile, the focus has been on creating conditions for economic liberty, though for most, this has not led to the freedom to appropriate the new structures created by decentralisation (Gutiérrez Campos, 2019). The ruling economic elite is currently scared of this possibility and the current claims requiring rights for and power to the people (Bermeo, 2020; Martins and Hemsley, 2021). In Laos, though prominent in policy discourses with international development partners, public participation and access to information are less relevant in day-to-day domestic policy affairs (Sims, 2017). In principle, although the donors are pressing for more participation and transparency, there is in practice a limitation to donor pressure, and various simulative policy changes have taken place (Ramcilovic-Suominen et al., 2021), which is also affected by the presence and influence of China in the country (Barney, 2008). In Laos the question of a free civil society is rarely raised, and when it is, it is quickly suppressed (Milne et al., 2022; Gindroz, 2017; Sims, 2017).

Neoliberalism is present when private property rights are prioritised and the reconciliation of incommensurable values, needs, and interests is necessitated – as often happens in bioeconomy policy as well (Ramcilovic-Suominen and Pülzl, 2018; Ollinaho and Kröger, 2023). The uneven distribution of economic resources and political rights is a necessary feature, not an unfortunate by-product of capitalism (Beck, 2005; Mirowski, 2014). In the case countries, all rights are entangled with each other, with Laos showing the least priority for private property rights, again questioning the typical ways of understanding the

boundaries of neoliberalist ideas.

If privatisation, individual and secure property rights, state de-regulation, market-based instruments, and the role of civil society in decision making are considered among the basic tenants of the neoliberal economy (Castree, 2010; Peck and Tickell, 2002), one can safely state that Laos has been particularly innovative in adapting to such an economy and has been highly selective in applying various neoliberal principles. The last three decades of reforms towards an open market economy show not only modification and a selective applicability of the neoliberal agenda (Barney, 2013; Barney, 2016; for more, Kenney-Lazar, 2019), but also a pure contradiction of key neoliberal principles – namely, state control, weak private property rights, and weak civil society engagements.

In our three case countries, the conception of liberty in land use planning is negative: it is freedom from something, not to something (Berlin, 2006) or in something (Connolly, 2014). Although this same rule of negative liberty applies to neoliberalism in general (Mirowski, 2009, p. 437), the nuances of the conceptions differ in our cases. There is not one negative liberty, but many. The authoritative and authorising features make negative liberty different and provide different safe places from the absence of authoritative and authorised transactions and, especially, the lack of enabling conditions for positive or creative modes of liberty. In all countries, some types of liberty are enabled, present, and encouraged, but they are at the reach of different segments of society. According to the neoliberal playbook, this should not be so (Mirowski, 2009).

5. Conclusion

The neoliberal ethos of current global capitalism, the Capitalocene and the Anthropocene, frames the concerns about climate change and biodiversity loss but especially the search for institutional remedies for development to become sustainable. Our study shows the significant role land use institutions play in reproducing such circumstances and warrants scrutiny and reform in the context of a shift to the bioeconomy if such is to avoid further crises, including those related to biodiversity and justice.

It is therefore unsurprising that national, regional, and global authorities are called to work in tandem to authorise actions to alleviate these challenges. Yet, the question is whether the escalating inequality, planetary and existential crises can be tackled with incremental adjustments of those existing institutions – that is, the existing global neoliberal institutions and structures – which reproduce the conditions that lead to biodiversity, climate and inequality crises.

Our insights regarding the prospects for radical transformation of land use institutions and their consequences are pessimistic. There are no signs that from within the authoritative and authorised transactions, meaningful collective action could currently emerge. Although we have indicated the places of improvement, states appear to be passive and unmotivated to rectify the ills – they are too strongly under the spell of the Capitalocene to find effective authoritative actions to address the effects of the Anthropocene condition. Governments push for incremental institutional change with minimum action beyond a mainstream authorised routine, but social movements and civil society outside these formal institutions offer radical hope but also conservative concerns. Nonetheless, it should not be only up to the least responsible societal groups, such as youth, students, and Indigenous peoples to clean up the mess they have inherited, or in which they have been placed. The time for national and global hegemonic actors to take responsibility and act in support of ensuring wider societal and ecological benefits is long past, even if it implies a fundamental change in how they work – and even a partial dismantling of their structural and functional scaffolding.

Bioeconomy transformation represents a case in point here, as it is too conservative to make the required shift and difference. As previously discussed, in our case countries, land use adjustments have contributed to the strengthening of the state- and investor-led bioeconomy, but from

the citizenry perspective this development has raised new concerns. The growth-focused bioeconomy conception and the neoliberal economic order it supports produce a conventional incentive structure and an institutional inertia to transformative change. Neoliberalism and global capitalism promote peculiar institutional features. On the one hand, the neoliberal structures are defended by the elite (of different kinds) because they are the guarantor of its power. This is how the elites start to resemble the conditions that allow their existence and power. This is the elite inertia. On the other hand, the state (the institutionalised governmental will) is heavily involved in economic processes, balancing between profit accumulation and environmental harm, and property rights and the practices of rights in the face of regional, national, and global turbulences and disturbances. Critical institutional studies of transformative power for a transformative bioeconomy are therefore required; and this will also create the conditions for a more positive and creative power for the shift to a biosociety.

CRedit authorship contribution statement

Juha Hiedanpää: Conceptualisation, Data curation, Funding acquisition, Investigation, Methodology, Project administration, Supervision, Validation, Writing – original draft, Writing – review & editing. **Sabaheta Ramcilovic-Suominen:** Data curation, Funding acquisition, Investigation, Validation, Writing – original draft, Writing – review & editing. **Matti Salo:** Data curation, Funding acquisition, Investigation, Validation, Writing – original draft, Writing – review & editing.

Declaration of Competing Interest

None

Data availability

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References

- Alexander, E.R., 2005. Institutional transformation and planning: from institutionalization theory to institutional design. *Plan. Theory* 4 (3), 209–223.
- Allmendinger, P., 2009. *Planning Theory*, 2nd edn. Palgrave Macmillan, Basingstoke.
- Ansaldi, O., Pardo-Vergara, M., 2020. What constitution? On Chile's constitutional awakening. *Law Critique* 31, 7–39.
- Armesto, J.J., Manuschevich, D., Mora, A., Smith-Ramirez, C., Rozzi, R., Abarzúa, A.M., Marquet, P.A., 2010. From the Holocene to the Anthropocene: A historical framework for land cover change in southwestern South America in the past 15,000 years. *Land Use Policy* 27 (2), 148–160.
- Bäcklund, P., Mäntyselä, R., 2010. Agonism and institutional ambiguity: Ideas on democracy and the role of participation in the development of planning theory and practice – the case of Finland. *Plan. Theory* 9 (4), 333–350.
- Baird, I.G., 2011. Turning land into capital, turning people into labour: primitive accumulation and the arrival of large-scale economic land concessions in Laos. *New Prop.: J. Marxism Interdiscip. Inq.* 5 (1), 10–26.
- Barney, K., 2008. China and the Production of Forestlands in Laos: A Political Ecology of Transnational Enclosure. In: Nevins, J., Peluso, N.L. (Eds.), *Taking Southeast Asia to Market: Commodities, Nature, and People in the Neoliberal Age*. Cornell University Press, New York, pp. 91–107.
- Barney, K., 2013. Locating “green neoliberalism,” and other forms of environmental governance in Southeast Asia. *CSEAS Newslett.* 66, 25–28.
- Barney, K., 2016. Environmental neoliberalism in Southeast Asia. In: Hirsch, P. (Ed.), *Handbook of the Environment in Southeast Asia*. Routledge, New York, pp. 99–114.

- Beck, U., 2005. *Power in the Global Age*. Polity Press, Cambridge.
- Berlin, I., 2006. Two Concepts of Liberty. In: Miller, D. (Ed.), *The Liberty Reader*. Edinburgh University Press, Edinburgh, pp. 33–57.
- Bermeo, N.G., 2020. Ordinary People in Extraordinary Times: The Citizenry and the Breakdown of Democracy. Princeton University Press, Princeton, pp. 138–176. <https://doi.org/10.1515/9780691214139-009>.
- Biebricher, T., 2015. Neoliberalism and democracy. *Constellations* 22 (2), 255–266.
- Birch, K., Levidow, L., Papaioannou, T., 2010. Sustainable Capital? The Neoliberalization of Nature and Knowledge in the European “Knowledge-based Bio-economy”. *Sustainability* 2010 (2), 2898–2918. <https://doi.org/10.3390/su2092898>.
- Borgström, S., Koivurova, T., 2016. *Environmental Law in Finland*. Tietosanki, Helsinki.
- Boyd, D.R., 2012. The constitutional right to a healthy environment. *Environ. Sci. Policy Sustain. Dev.* 54 (4), 3–15.
- Bromley, D.W., 2006. *Sufficient Reason: Volitional Pragmatism and the Meaning of Economic Institutions*. Princeton University Press, Princeton.
- Bromley, D.W., 2019. *Possessive individualism: A crisis of capitalism*. Oxford University Press, Oxford.
- Brown, W., 2015. *Undoing the Demos: Neoliberalism's Stealth Revolution*. Zone Books, New York.
- Castree, N., 2010. Neoliberalism and the Biophysical Environment: A Synthesis and Evaluation of the Research. *Environ. Soc.: Adv. Res.* 1, 5–45.
- Chasse, J.D., 1986. John R. Commons and the democratic state. *J. Econom. Issues* 20 (3), 759–784.
- Clark, A., 1997. Economic reason: the interplay of individual learning and external structure. In: Drobak, J.N., Nye, J.V.C. (Eds.), *The Frontiers of New Institutional Economics*. Academic Press, San Diego, CA, pp. 269–290.
- Clark, T.D., 2017. Rethinking Chile's ‘Chicago Boys’: Neoliberal technocrats or revolutionary vanguard? *Third World Q.* 38 (6), 1350–1365.
- Commons, J.R., 1990. *Institutional Economics: Its Place in Political Economy*. Original 1934. Transaction Publisher, London.
- Commons, J.R., 1995. *Legal Foundations of Capitalism*. Original 1924. Transaction Publisher, London.
- Connolly, W.E., 2014. Freedom, teleodynamism, creativity. *Foucault Stud.* 17, 60–75.
- Secretariat of the Convention on Biological Diversity, 2022. Conference of the Parties to the Convention on Biological Diversity. Kunming-Montreal Global Biodiversity Framework. <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf> (Accessed June 26, 2023).
- Dean, M., 2010. *Governmentality: Power and Rule in Modern Society*. Sage Publications, London.
- Ducourtieux, O., Laffort, J.R., Sacklokham, S., 2005. Land policy and farming practices in Laos. *Dev. Chang.* 36 (3), 499–526.
- European Commission (EC), 2012. *Innovating for sustainable growth: a bioeconomy for Europe*. Publications Office of the European Union, Luxembourg.
- European Commission (EC), 2018. *A Sustainable Bioeconomy for Europe: Strengthening the Connection Between Economy, Society and the Environment*. Updated Bioeconomy Strategy.
- European Commission (EC), 2021. *EU biodiversity strategy for 2030: bringing nature back into our lives*. Directorate-General for Environment. <https://data.europa.eu/doi/10.2779/677548> (Accessed 22.9.2022).
- Evans, G., 2002. *A short history of Laos: the land in between*. Allen & Unwin, Sydney.
- Eversberg, et al., 2023. The more things change, the more they stay the same: promises of bioeconomy and the economy of promises. *Sustain. Sci.* <https://doi.org/10.1007/s11625-023-01321-4>.
- Evrard, O., Goudineau, Y., 2004. Planned resettlement, unexpected migrations and cultural trauma in Laos. *Dev. Chang.* 35 (5), 937–962.
- Farris, M., Martínez Royo, Ó., 2019. El capitalismo del holding transnacional en el sector forestal chileno: la consolidación de una hegemonía territorial. *Izquierdas* 45, 23–50.
- Finnish Government, 2017. *Valtioneuvoston päätös valtakunnallisista alueidenkäyttötavoitteista*. <https://www.ymparisto.fi/sites/default/files/documents/VATp%C3%A4%C3%A4t%C3%B6s14.12.2017.FI.pdf>. Accessed July 26, 2023.
- Finnish Government, 2020. *Normin purku*. Available online. <https://valtioneuvosto.fi/hanke? tunnus=LVM034:00/2017>. Accessed February 15, 2020.
- Foucault, M., 1983. *The Subject and Power*. In: Dreyfus, H.L., Rabinow, P. (Eds.), *Beyond Structuralism and Hermeneutics*. The University of Chicago Press, Chicago.
- Fujita, Y., Phengsopha, K., Vongvisouk, T., Thongmanivong, S., 2006. Post-socialist land reform in Lao PDR and its impact on community land and social equity. In: Paper presented on The Eleventh Biennial Global Conference of The International Association for the Study of Common Property (IASCP) in Bali.
- Galdámez Zelada, L., 2018. Constitución y medio ambiente: Algunas ideas para el futuro. *Rev. Derecho Ambiental* 9, 72–92.
- Gills, B., Morgan, J., 2020. Global climate emergency: after COP24, climate science, urgency, and the threat to humanity. *Globalizations* 17 (6), 885–902. <https://doi.org/10.1080/14747731.2019.1669915>.
- Gindroz, A., 2017. *Laos, The Silent Repression. A Testimony Written After Being Expelled*. p. 145.
- Giuntoli, J., Oliver, T., Kallis, G., Ramcilovik-Suominen, S., Monbiot, G., 2023. Exploring new visions for a sustainable bioeconomy. In: Giuntoli, J., Mubareka, S. (Eds.), *Publications Office of the European Union, Luxembourg*. <https://doi.org/10.2760/79421.JRC132650>. ISBN 978-92-68-00294-0.
- Gutiérrez Campos, L., 2019. *Neoliberalismo y Modernización del Estado en Chile: Emergencia del Gobierno Electrónico y desigualdad social*. Cultura-hombre-sociedad 29 (2), 259–280.
- Haraway, D., 2015. Anthropocene, capitalocene, plantationocene, chthulucene: making kin. *Environ. Humanit.* 6 (1), 159–165.
- Heilmayr, R., Lambin, E.F., 2016. Impacts of nonstate, market-driven governance on Chilean forests. *Proc. Natl. Acad. Sci.* 113 (11), 2910–2915.
- Hiedanpää, J., Bromley, D.W., 2016. *Environmental Heresies: The Quest for Reasonable*. Palgrave, London.
- Hodgson, G.M., 2006. What are institutions? *J. Econom. Issues* 40 (1), 1–25.
- Hoffmann, S., 2013. Property, possession and natural resource management: towards a conceptual clarification. *J. Inst. Econ.* 9 (1), 39–60.
- Hohfeld, W.N., 1913. *Some fundamental legal conceptions as applied in judicial reasoning*. Yale Lj 23, 16.
- Huneus, C., Undurraga, T., 2021. Authoritarian rule and economic groups in Chile: A case of winner-takes-all politics. In: Basualdo, V., Berghoff, H., Bucheli, M. (Eds.), *Big Business and Dictatorships in Latin America. A transnational history of profits and repression*. Palgrave Macmillan: Springer, Switzerland, pp. 91–122.
- International Federation for Human Rights, 2017. *New Decree on Associations Is the Last Nail in the Coffin for Civil Society*. <http://www.fidh.org>. <https://www.fidh.org/en/region/asia/laos/new-decree-on-associations-is-the-last-nail-in-the-coffin-for-civil>.
- IPCC, 2019. *Climate Change and Land: An IPCC Special Report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems*. Available online. <https://www.ipcc.ch/srccl/>. Accessed February 15, 2020.
- Ipsen, A., 2020. Repeat players, the law, and social change: Redefining the boundaries of environmental and labor governance through preemptive and authoritarian legality. *Law Soc. Rev.* 54 (1), 201–232.
- Johnson, C.N., Balmford, A., Brook, B.W., Buettel, J.C., Galetti, M., Guangchun, L., Wilmschurst, J.M., 2017. Biodiversity losses and conservation responses in the Anthropocene. *Science* 356 (6335), 270–275.
- Karppinen, H., Hänninen, H., Horne, P., 2020. *Suomalainen metsänomistaja*. Luonnonvara- ja biotalouden tutkimus 30/2020. Luonnonvarakeskus, Helsinki.
- Kenney-Lazar, M., 2017. Governing dispossession: relational land grabbing in Laos. *Ann. American Assoc. Geograph.* 108 (3), 679–694.
- Kenney-Lazar, M., 2019. Neoliberalizing Authoritarian Environmental Governance in (Post)Socialist Laos. *Ann. American Assoc. Geograph.* 109 (2), 38–348. <https://doi.org/10.1080/24694452.2018.1537842>.
- Kenney-Lazar, M., Dwyer, M.B., Hett, C., 2018. Turning land into capital: Assessing a decade of policy in practice. *Land Issues Working Group, Vientiane, Laos*.
- Knox, J., 2018. *Global Recognition of the Right to a Safe, Clean, Healthy and Sustainable Environment*. Available online. <https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/Annualreports.aspx>. Accessed February 15, 2020.
- Koivula, M., Louhi, P., Miettinen, J., Nieminen, M., Piirainen, S., Punttila, P., Siitonen, J., 2022. Talousmetsien luonnonhoidon ekologisten vaikutusten synteesi. In: *Luonnonvara- ja biotalouden tutkimus 60/2022. [Nature-oriented management of economic forests: the synthesis of ecological effects]*. Luonnonvarakeskus, Helsinki, p. 83.
- Kramp, J., Suhardiman, D., Keovilignavong, O., 2020. (Un)making the Upland: Resettlement, Rubber and Land Use Planning in Namai Village. *The Journal of Peasant Studies*, Laos. <https://doi.org/10.1080/03066150.2020.1762179>.
- Leino, H., Laine, M., 2012. Do matters of concern matter? Bringing issues back to participation. *Plan. Theory* 11 (1), 89–103.
- Leipold, S., 2021. Transforming ecological modernization ‘from within’ or perpetuating it? The circular economy as EU environmental policy narrative. *Environ. Polit.* <https://doi.org/10.1080/09644016.2020.1868863>.
- LPDR, 2019. *Land Law of Lao PDR*. No.70/NA Dated 21 June 2019.
- Lukes, S., 2004. *Power: A Radical View*, 2nd edition. Routledge, London.
- Mansilla, P., 2013. Los instrumentos del desorden: Estado y actores subnacionales en la producción de los espacios periurbanos. *Persona y Sociedad* 27 (2), 41–68.
- Martins, A.N.G.L., Hemsley, P., 2021. *Collective Memory and Means of Claims in Democracies: Evidence from Chile (2019–2021)*. On line. <https://preprints.apsanet.org/engage/api-gateway/apsa/assets/orp/resource/item/60fec30d8f6bf6be3710114/original/collective-memory-and-means-of-claims-in-democracies-evidence-from-chile-2019-2021.pdf> (Accessed August 29, 2021).
- Milne, S., Mahanty, S., Lamb, V., Barney, K., To, P., Ironside, J., Wells-Dang, A., Thuon, T., Hirsch, P., Chann, S., 2022. *Civil Society in the Mekong: What Can We Learn from Environmental Struggles?* New Mandala Blog. <https://www.newmandala.org/civil-society-in-the-mekong-what-can-we-learn-from-environmental-struggles/>.
- Ministerio del Interior, 2021. *Política Nacional de Ordenamiento Territorial*. Diario Oficial de la República de Chile N° 42.994 (5 July). Chile.
- Ministerio del Medio Ambiente, 2015. *Guía de orientación para incorporar la dimensión ambiental en procesos de ordenamiento territorial sustentable*. Ministerio del Medio Ambiente, Santiago, Chile.
- Mirowski, P., 2009. Postface: Defining Neoliberalism. In: Mirowski, P., Plehwe, D. (Eds.), *The Road from Mont Pelerin: The Making of the Neoliberal Thought Collective*. Harvard University Press, Boston, pp. 386–416.
- Mirowski, P., 2014. *Never Let the Serious Crisis Go to Waste: How Neoliberalism Survived the Financial Meltdown*. Verso Books, London.
- Moore, J.W., 2015. *Capitalism in the Web of Life: Ecology and the Accumulation of Capital*. Verso, London.
- Moraga Sariego, P., 2022. *Constitución Ecológica. Aprendizaje del proceso constituyente chileno*. *Rev. derecho ambiental (Santiago)* 18, 1–12.
- MRLG and LIWG, 2021. *Assessment of the new Land Law and Forestry Law in Lao People's Democratic Republic: Focusing on Customary Rights*. MRLG and LIWG Report. LIWG, MRLG, Vientiane.
- Navarrete-Hernandez, P., Toro, F., 2019. Urban systems of accumulation: half a century of Chilean neoliberal urban policies. *Antipode* 51 (3), 899–926.
- North, D.C., 2005. *Understanding the Process of Economic Change*. Princeton University Press, Princeton.

- Ollinaho, O., Kröger, M., 2023. Separating the two faces of “bioeconomy”: Plantation economy and sociobiodiverse economy in Brazil. *Forest Policy Econ.* <https://doi.org/10.1016/j.forpol.2023.102932>.
- Ostrom, V., 1976. John R. Commons's foundations for policy analysis. *J. Econom. Issues* 10 (4), 839–857.
- Peck, J., Tickell, A., 2002. Neoliberalizing space. *Antipode* 34 (3), 380–404.
- Peña-Cortés, F., Vergara-Fernandez, C., Pincheira-Ulbrich, J., Aguilera-Benavente, F., Gallardo-Alvarez, N., 2021. Location factors and dynamics of tree plantation expansion in two coastal river basins in south-central Chile: basis for land use planning. *J. Land Use Sci.* 16 (2), 159–173.
- Pierson, P., 2006. Public Policies as Institutions. In: Shapiro, I., Skowronek, S., Galvin, D. (Eds.), *Rethinking Political Institutions: The Art of the State*. New York University Press, New York, pp. 114–134.
- Pistor, K., 2019. *The Code of Capital: How the Law Creates Wealth and Inequality*. Princeton University Press, Princeton.
- Precht, R.A., Reyes, P.S., Salamanca, G.C., 2016. El Ordenamiento Territorial en Chile. Pontificia Universidad Católica de Chile, Santiago de Chile.
- Prieto, M., Bauer, C., 2012. Hydroelectric power generation in Chile: an institutional critique of the neutrality of market mechanisms. *Water Int.* 37 (2), 131–146.
- Ramcilovic-Suominen, S., Kotilainen, J., 2020. Power relations in community resilience and politics of shifting cultivation in Laos. *Forest Policy Econ.* 115, 102159 <https://doi.org/10.1016/j.forpol.2020.102159>.
- Ramcilovic-Suominen, S., Mustalahti, I., 2022. Village forestry under donor-driven forestry interventions in Laos. In: Bulkan, J., Palmer, J. (Eds.), *Routledge Handbook on Community Forestry*. Routledge, London. <https://doi.org/10.4324/9780367488710-33>.
- Ramcilovic-Suominen, S., Püzl, H., 2018. Sustainable development—a ‘selling point’ of the emerging EU bioeconomy policy framework? *J. Clean. Prod.* 172, 4170–4180. <https://doi.org/10.1016/j.jclepro.2016.12.157>.
- Ramcilovic-Suominen, S., Carodenuto, S., McDermott, C., Hiedanpää, J., 2021. Environmental justice and REDD+ safeguards in Laos: Lessons from an authoritarian political regime. *Ambio* 50, 2256–2271. <https://doi.org/10.1007/s13280-021-01618-7>.
- Ramcilovic-Suominen, S., Kröger, M., Dressler, W., 2022. From pro-growth and planetary limits to degrowth and decoloniality: An emerging bioeconomy policy and research agenda. *Forest Policy Econ.* 144, 102819 <https://doi.org/10.1016/j.forpol.2022.102819>.
- Ramstad, Y., 1996. Is a transaction a transaction? *J. Econom. Issues* 30 (2), 413–425.
- Reyes, R., Nelson, H., 2014. A tale of two forests: why forests and forest conflicts are both growing in Chile. *Int. For. Rev.* 16 (4), 379–388.
- Reyes, R., Sepúlveda, C., Astorga, L., 2014. Gobernanza del sector forestal chileno. Tensiones y conflictos entre las fuerzas de mercado y las demandas de la ciudadanía. Ecología forestal. Bases para el manejo sustentable y conservación de los bosques nativos de Chile. Ediciones Universidad Austral de Chile, Valdivia, Chile.
- Rutherford, M., 1996. *Institutions in economics: the old and the new institutionalism*. Cambridge University Press, Cambridge.
- Searle, J.R., 1995. *The Construction of Social Reality*. Oxford University Press, Oxford.
- Searle, J.R., 2005. What are institutions? *J. Inst. Econ.* 1, 1–20.
- Searle, J., 2010. *Making the social world: The structure of human civilization*. Oxford University Press, Oxford.
- Secretariat of the Convention on Biological Diversity, 2020. *Global Biodiversity Outlook 5*. Montreal. <https://www.cbd.int/gbo/gbo5/publication/gbo-5-en.pdf>. Accessed July 26, 2023.
- Sims, K., 2017. More growth, less freedom? Charting development pathways in Lao PDR. Chapter 7. In: Howe, B. (Ed.), *National Security, Statecentricity, and Governance in East Asia. Security, Development and Human Rights in East Asia*. https://doi.org/10.1007/978-3-319-58974-9_7.
- Singh, S., 2012. *Natural Potency and Political Power: Forests and State Authority in Contemporary Laos*. 2012. University of Hawaii press, Honolulu, p. 192.
- Smith, H.F., Alounsavath, O., 2015. *Forestry Legality Compendium for Lao PDR*. Department of Forestry and Department of Forest Inspection, supported by FAO/World Bank Cooperative Programme. In: GIZ / Pro-FLEGT VPA Support Programme, SUFORD – SU Project (DOF - Finland / World Bank), p. 271.
- Somma, N.M., Bargsted, M., Disi Pavlic, R., Medel, R.M., 2020. No water in the oasis: the Chilean Spring of 2019–2020. *Soc. Mov. Stud.* 1–8.
- Sorensen, A., 2018. New Institutionalism and Planning Theory. In: Gunter, M., Madanipourand, A., Watson, V. (Eds.), *Routledge Handbook of Planning Theory*. Routledge, London, pp. 250–263.
- Spash, C.L., 2016. This changes nothing: The Paris Agreement to ignore reality. *Globalizations* 13 (6), 928–933.
- Spash, C.L., Hache, F., 2021. The Dasgupta Review deconstructed: an exposé of biodiversity economics. *Globalizations* 1–24. <https://doi.org/10.1080/14747731.2021.1929007>.
- Stuart-Fox, M., 2005. Politics and reform in the Lao People's Democratic Republic. In: Working Paper No. 126, Asia Research Centre. Murdoch University, Perth, Australia.
- Stuart-Fox, M., 2006. The Political Culture of Corruption in the Lao PDR. *Asian Stud. Rev.* 30 (1), 59–75.
- Suhardiman, D., Keovilignavong, O., Kenney-Lazar, M., 2019. The territorial politics of land use planning in Laos. *Land Use Policy* 83, 346–356.
- Tecklin, D., Bauer, C., Prieto, M., 2011. Making environmental law for the market: the emergence, character, and implications of Chile's environmental regime. *Environ. Polit.* 20 (6), 879–898.
- Torres, R., Azócar, G., Rojas, J., Montecinos, A., Paredes, P., 2015. Vulnerability and resistance to neoliberal environmental changes: an assessment of agriculture and forestry in the Biobio region of Chile (1974–2014). *Geoforum* 60, 107–122.
- Turnhout, E., Behagel, J., Ferranti, F., Beunen, R., 2015. The construction of legitimacy in European nature policy: expertise and participation in the service of cost-effectiveness. *Environ. Polit.* 24 (3), 461–480. <https://doi.org/10.1080/09644016.2015.1008260>.
- Ubilla Bravo, G., 2015. Proceso de formulación del Plan Regional de Ordenamiento Territorial de la Región Metropolitana de Santiago. Gobierno Regional Metropolitano de Santiago, Santiago, Chile.
- Uribe, S.V., Estados, C.F., Radeloff, V.C., 2020. Pine plantations and five decades of land use change in central Chile. *PLoS One* 15 (3), e0230193.
- Vatiero, M., 2021. *The theory of transaction in institutional economics: A history*. Routledge, New York.
- Vatn, A., 2005. *Institutions and the Environment*. Edward Elgar Publishing, London.
- Vatn, A., 2015. *Environmental Governance: Institutions, Policies, and Actions*. Edward Elgar Publishing, London.
- Vicuña del Río, M., 2013. El marco regulatorio en el contexto de la gestión empresarialista y la mercantilización del desarrollo urbano del Gran Santiago. Chile. *Revista invi* 28 (78), 181–219.
- Viljanen, J., Heiskanen, H., Raskulla, D.S., Koivurova, T., Heinämäki, L., 2014. Miten ympäristöperusoikeus toteutuu? Ympäristöministeriö, Tampereen Yliopisto ja Pohjoisen Ympäristö- ja Vähemmistöoikeuden Instituutti, Tampere.
- Williamson, O., 1996. *The Mechanisms of Governance*. Oxford University Press, New York.
- Winkel, G., 2017. Towards a sustainable European forest-based bioeconomy. Assessment and the Way Forward. European Forest Institute. ISBN: 978-952-5980-42-4.
- Zalasiewicz, J., Williams, M., Haywood, A., et al., 2011. The Anthropocene: A new epoch of geological time? *Phil. Trans. R. Soc. A* 369, 835–841.

Laws and policies

- Constitution of Finland (731/1999). (Accessed August 28, 2021). <https://www.finlex.fi/fi/laki/kaannokset/1999/en19990731.pdf>.
- Decree on Associations (Decree No. 115/PMO 2009), 2009. Government of Laos. Lao People's Democratic Republic.
- Decree on Associations (Decree No. 238/PMO 2017), 2017. Government of Laos. Lao People's Democratic Republic.
- HE/114/2015, 2015. Hallituksen Esitys Eduskunnalle Laiksi Maankäyttö- ja Rakennuslain Muuttamisesta. Finlex. <https://www.finlex.fi/fi/esitykset/he/2015/20150114> (Accessed August 28, 2021).
- HE/251/2016, 2016. Hallituksen Esitys Eduskunnalle Laiksi Maankäyttö- ja Rakennuslain Muuttamisesta. Finlex. <https://www.finlex.fi/fi/esitykset/he/2016/20160251>. Accessed August 28, 2021.
- Land Law 04/NA 2003, 2003. National Assembly. Lao People's Democratic Republic.
- Land Use and Building Act (895/1999), 1999. Finlex. <https://www.finlex.fi/en/laki/kaannokset/1999/en19990132>. Accessed August 28, 2021.
- Law on Government (No.4/NA 2016), 2016. National Assembly. Lao People's Democratic Republic.
- Nature Conservation Act (9/2023). <https://www.finlex.fi/fi/laki/alkup/2023/20230009>, 2023. Accessed May 21, 2023.
- Politburo Resolution No. 03/CPP (2012), 2012. Central Committee of the Lao People's Revolutionary Party (LPRP).
- Prime Ministerial Instruction No. 01 (PM Instruction 01), 2000.
- SAC, 2019. Supreme Administrative Court of Finland decision. <https://www.kho.fi/fi/in dex/paatoksia/vuosikirjapaatokset/vuosikirjapaatos/1576147951912.html>. Accessed March 30, 2020.