

MEKONG LAND RESEARCH FORUM

**Annual
country
reviews
2018-19**

RCSD The Regional Center for Social Science
and Sustainable Development
Chiang Mai University

The Annual Country Reviews reflect upon current land issues in the Mekong Region, and has been produced for researchers, practitioners and policy advocates operating in the field. Specialists have been selected from Cambodia, Laos, Myanmar, Thailand and Vietnam to briefly answer the following two questions:

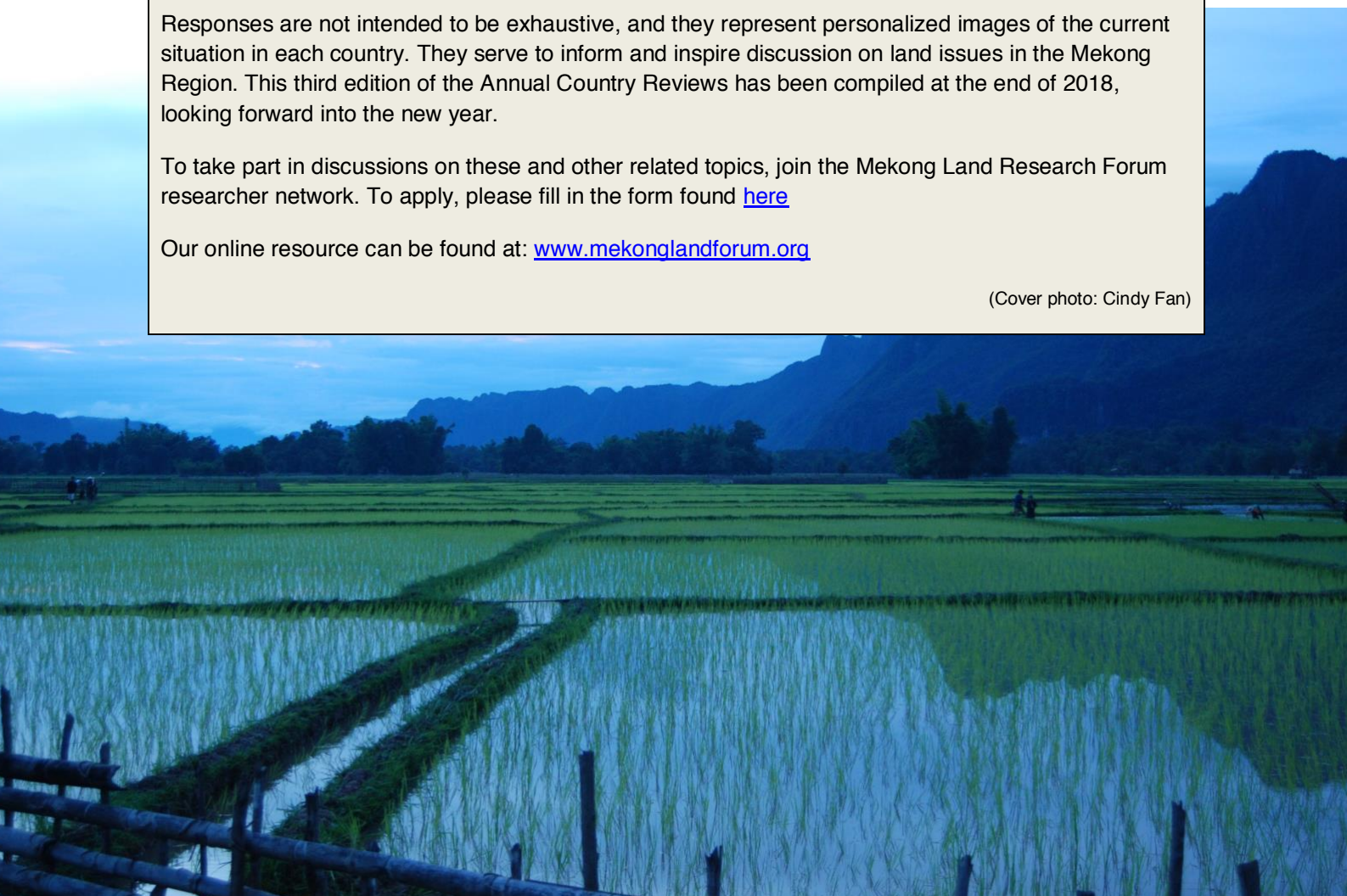
1. What are the most pressing issues involving land governance in your country?
2. What are the most important issues for the researcher on land?

Responses are not intended to be exhaustive, and they represent personalized images of the current situation in each country. They serve to inform and inspire discussion on land issues in the Mekong Region. This third edition of the Annual Country Reviews has been compiled at the end of 2018, looking forward into the new year.

To take part in discussions on these and other related topics, join the Mekong Land Research Forum researcher network. To apply, please fill in the form found [here](#)

Our online resource can be found at: www.mekonglandforum.org

(Cover photo: Cindy Fan)



Current Land Issues

1. Land conflict has been rampant throughout the country. But there is a lack of clear quantitative documentation and visualization of land disputes, where they are happening, in what scale, what is the state's involvement, and what are the achievements of land conflict resolution?
2. Those affected by land conflicts have formed community-based organizations, either registered or not, yet their identity has been manipulated and politicized by the opposition party and even by advocate organizations. A serious issue remains how these communities maintain their identity and autonomy vis-à-vis both state and advocacy organizations in an increasing authoritarian context.
3. Since the 2013 elections, reform has attempted to re-define state public land, state private land and private land, but there has been a problem in properly managing and mapping these new forms of land ownership. How do the public-private partnerships assist in mapping and zoning the different land categories?



The Status of Research

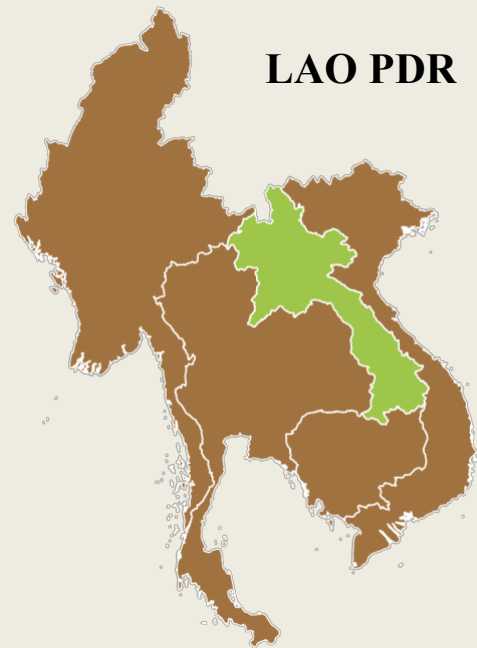
Land issues remain a sensitive topic to state, people, and corporations. Recent political changes have induced what pundits claim as a “shrinking civic space”. This has alerted both domestic and foreign researchers to scrutinise their methodological approaches, often demanding close collaboration with the state or relevant authorities. The flexibility of their approaches therefore has to be taken into account. Pressing issues to be investigated for years to come by action researchers and academic scholars, who wish to contribute to problem-solving, policy, and knowledge production, are the spaces of advocacy for land-conflict-affected communities. How do land activists, affected communities and advocacy organizations cope with and operate within a tightening sphere of political authoritarian control? In the absence of a main opposition party, resolving land conflict is now the ruling government's responsibility and accountability. How do their concession and grievance-redress policies help reduce the complexity of land conflict? How do communities take advantage of opportunities within this policy change?

With a background in political science and international development, **Sokphea Young** earned his PhD from the University of Melbourne. Currently, he is a postdoctoral research associate at University College London, where he is researching visual activism, citizenship and political imagination. He is also affiliated with Chiang Mai School of Public Policy as a research fellow. His research interests are on the areas of activism, transnational movements, civil society, environmental politics, the political economy of land and natural resource use, the politics of global supply chains, visual and social media in relation to development, and political development in Southeast Asia. His research has been published in *Asian Journal of Social Science*, *Asian Politics & Policies*, *Journal of Civil Society*, *Georgetown Journal of Asian Affairs*, *International Journal of Environment and Rural Development*, and as book chapters and other working papers.



Current land issues

1. New forms of land investment are occurring throughout the country that do not follow earlier patterns of resource extraction (e.g. agro-industrial plantations and mining) but present equally serious social-environmental problems. These include new forms of infrastructure (e.g. railways and expressways), new urban centres, tourist zones, and special economic zones. Such projects are being approved quickly without public deliberation on their values and perils.
2. Due to constraints and limits placed on granting land concessions as a result of several moratoria, land-seeking companies are increasingly bypassing the state to directly engage with communities and farmers to lease land or engage in contract farming (e.g. banana farming in the North, eucalyptus and sugarcane cultivation in the South). They provide great money-making opportunities for rural communities but also new pressures on lands, environments, and livelihoods that go unregulated.
3. The approval of the amended Land Law draft has been postponed by the National Assembly, thus opening an opportunity to better take into account concerns regarding customary and communal land rights, distinctions between public versus private purpose land investments, and project development governance that is dependent on the consent of affected communities.
4. Effective dispute mechanisms for those impacted by land investments have yet to be developed. Some companies, such as subsidiaries of the Vietnam Rubber Group, have established grievance mechanisms but these are woefully inadequate in addressing community concerns about land dispossession and environmental despoliation. Greater attention should be placed on returning unjustly acquired land rather than only providing greater monetary compensation.



The status of research

1. Land-focused research must move beyond agro-industrial plantations to a wider range of land-intensive forms of investments, as covered in point 1 above.
2. Addressing challenges of land governance in Laos requires deeper connections across academic research, education, and development practice. This could be pursued through collaborative and participatory research projects conducted with regional and local educational, research, and policy centres, intended to produce both practical and scholarly outcomes.
3. There is a deep need to train and support the next generation of Lao researchers with the conceptual knowledges and methodological skills of political ecology – an integrated approach to study and connect political, economic, and social factors with environmental issues and changes.

Miles Kenney-Lazar is Assistant Professor of political ecology in the Department of Geography at the National University of Singapore. He has conducted research over the past decade on the political economy, politics, and governance of land and agro-industrial plantations in Laos. He has begun a new project on the politics of real estate, infrastructure, and special economic zone development on the periphery of Vientiane Capital. His latest reports and publications on Laos have focused on the [Turning Land Into Capital policy](#), the [governance of dispossession](#), and the [dynamics of rural resistance to land loss](#).



Current land issues

1. Under the amended Vacant, Fallow and Virgin Land Management Law (VFV Law), unregistered land users have until March 2019 to register their land; after that any remaining unregistered land can be seized and reallocated and any unregistered user who sets foot on them can be jailed or fined. This has devastating implications for millions of rural working people in Myanmar, especially in ethnic nationality regions, with serious, negative consequences for national development, the transition towards democracy, and ultimately for the prospects for a lasting peace.
2. A few 'land to the landless' type projects have been introduced that risk formalising inequalities within this contentious and unsettled context. Efforts to monitor and evaluate pilots have been limited and the results have not been widely shared.
3. Land grabbing and confiscation is widely reported to be continuing unabated, seemingly exacerbated by recent conservation laws targeting large swathes of land currently not under control of the central government.
4. Local civil society actors (groups and organizations) across the country are increasingly mobilized in support of constructive alternatives that reflect human rights values and visions of democratic and inclusive land reform. Meaningful and concrete initiatives include: i) documenting, reinvigorating and promoting customary systems; ii) demanding and operationalizing the recognition of IDP and refugee right to return and right to customary land restitution; iii) showcasing alternatives such as community driven conservation, ethnic land policies, and public consultation/advocacy on federal land policy principles.



The status of research

1. Existing studies on the impact of public advocacy and engagement in the NLUP formulation process are few and thin. As a result, there is both a serious gap and potentially significant disagreement in understanding of the political dynamics of land policy reform in historical and institutional settings such as Myanmar.
2. More work is needed in gathering and disseminating existing analysis and insight from actually existing experiences with 'land reform concessions' as well as 'land to the landless' programs.
3. The peace process is so deeply intertwined with the land question in Myanmar, and vice versa. Yet Myanmar is certainly not unique in this regard, and insights and debates from other country experiences that are relevant for Myanmar, remain untapped.
4. Researchers could help by supporting local civil society actors and rural social movements and *their* research agendas, taking seriously the meaning and purpose of participatory action research.

The [Transnational Institute](#) (TNI) is an international research and advocacy institute committed to building a just, democratic and sustainable world. For more than 40 years, TNI has served as a unique nexus between social movements, engaged scholars and policy makers. TNI's Myanmar programme aims to strengthen (ethnic) civil society and political actors in dealing with the challenges brought about by the rapid opening-up of the country, while also working to bring about an inclusive and sustainable peace.



THAILAND



Current land issues

1. Inequality remains the most important land issue in Thailand, which will likely continue for a long time. The only measure that might rectify this structural problem is the new Land and Building Tax Act, which was finally passed on 17 November 2018. The Act will replace the current House and Land Tax Act B.E. 2475 and the Local Land Development Tax Act B.E. 2508 as of 1 January 2020. But the new tax law is unlikely to reduce land inequality in the near future, as its current objectives are to ease the tax burden on property owners, increase public revenue, and encourage more efficient land utilization.
2. An increasing number of Chinese investors reportedly have bought land and properties in Thailand, mostly in popular destinations, such as Pattaya, Bangkok, and Chiang Mai. Because of affordability, proximity to China, freehold ownership, and large Chinese communities here, properties in Thailand continue to attract Chinese buyers. Local developers even organize roadshows in China to lure new buyers. This trend has likely contributed to the continuing increase in property value and the constant decrease in housing affordability for local people.
3. Large development and infrastructure projects are underway, such as the Eastern Economic Corridor (EEC), Special Economic Zones, and high-speed train projects. These initiatives have stirred up several local land markets. Stories about land grabbing and land conflicts abound.
4. Digital platforms and social networks have become more popular among land and property sellers and buyers. Such digital marketplaces have facilitated property searches and transactions, making land less of a local and tangible commodity.

The status of research

1. Information on land ownership and transactions should be made public to facilitate better research and to increase public accountability and transparency.
2. In the context of continuing investment in urban infrastructure and with land inequality issues in mind, more research is needed on land value capture. The results could lay the groundwork for revamping future property taxes and other fiscal measures that aim to alleviate problems of inequity and fairness.
3. Digital technologies in general are disrupting land and property industries around the world. In particular, blockchain technology is likely to have further impacts on the land market beyond using cryptocurrency, such as Bitcoin, for land transactions. Researchers should keep a close eye on this emerging trend, examine its potential impacts, and explore possible policy measures in advance.

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VIETNAM



Current land issues

1. Land conflicts have been emerging through concessions for urbanization projects. In 2018, this most clearly manifested through the scandal surrounding Thu Thiem New Urban Area. In 1996, the prime minister approved development of the area into a modern economic and cultural centre of Ho Chi Minh City. But since the early 2000s, disputes have arisen between residents and the government over planning and land compensation policies. One of the most pressing issues has involved the City People's Committee utilizing 4.3 hectares of land in Block 1, Binh An Ward, District 2. With hundreds of households sending letters of complaint to the central government, an inspection found that this area is not covered by the Prime Minister's approval, and that the land acquisition does not have a legal basis.
2. Despite government policies on forest protection, forest land encroachment and mismanagement persists around the country. Under public pressure, in 2018 a number of cases were investigated. For example, in Soc Son district in Hanoi, forest land was illegally allocated to individuals for the construction of housing and other purposes. In Thanh Hoa Province, protected forest land was allocated to the FLC without being reported to the Prime Minister.
3. There is much continued evidence of land wastage as a source for illegal encroachment. In the cities of Hanoi, Ho Chi Minh City, Hai Phong and Quang Ninh, from 2016 to 2018 authorities have terminated 516 inefficient projects and collected over 3,000 hectares of land. One of the prevailing problems involves government officials taking advantage of their position and authority while performing public works.

The status of research

1. More research should be conducted into how land policy has been violated/translated into practice, where potential violations have taken place, and the resulting scale and scope of land conflicts in both urban and rural areas
2. Evidence should be documented of public participation in land governance, to elaborate on how mechanisms can be improved
3. In general, the gap between research and its ability to inform policy must be narrowed, where it can be used as a scientific basis for broader advocacy purposes

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