

MEKONG LAND RESEARCH FORUM

**Annual
country
reviews
2020-21**

RCS_{SD} The Regional Center for Social Science
and Sustainable Development
Chiang Mai University

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

1. What are the most pressing developments 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-related topics in the Mekong Region. This fifth edition of the Annual Country Reviews has been compiled at the end of 2020, looking forward into the new year. As part of the exercise, the contributors have been asked to consider the impact of COVID-19 upon land relations in their respective countries. For the first time, there is also a regional perspective drawing together country-based observations.

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: Doungtepro)



The latest on land

1. Responsible Agricultural Investments (RAI) are gaining importance in Cambodia. The Ministry of Agriculture, Forestry and Fisheries (MAFF) is developing a Contract Farming law and policies, with potential to draw upon ASEAN guidelines on RAI, and promote benefit sharing between investors and smallholder farmers.
2. The government, together with international donors, have been giving attention to social services attached to land tenure. This is particularly important for smallholder farmers and the poor who have received social land concessions, yet experience limited access to infrastructure and agricultural extension services. Correspondingly, the Cambodian Land Allocation for Social and Economic Development Project phase III (LASED III) was approved by the World Bank in June 2020, to improve land tenure security in addition to systematic land tenure registration.
3. Amid the COVID-19 outbreak, the Cambodian government has diverted its focus on land governance for small-scale farming to address returning migrants and laid-off workers from different sectors. As part of responding strategies to COVID-19, the government had vowed to improve irrigation systems for agricultural development and increase substitute employment in rural areas. This is in line with the promotion of RAI by private and public actors.



The status of research

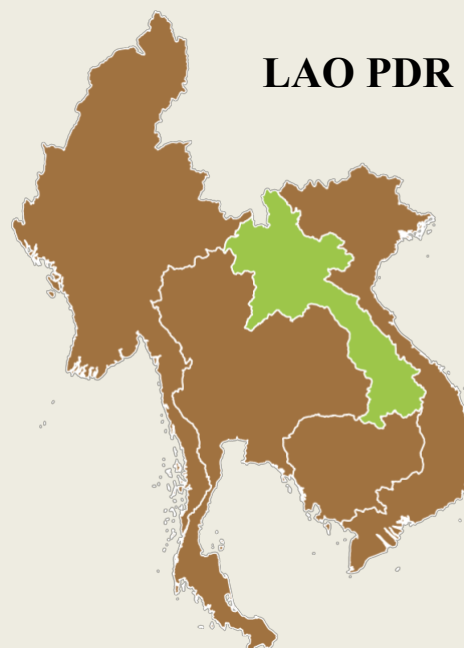
1. In connection to responsible and inclusive agricultural investments, evidence on which business models could produce equitable benefits and positive environmental impacts remains limited. There is a large gap between actual investments practices and tangible data on what works better for investors in cooperation with smallholders.
2. Land-related research should embrace the fact that smallholder farmers can play a significant role in agricultural investments that will bring huge benefits in long-term sustainable land use. Donors and government alike should fund such research, helping with recovery from the impacts of COVID-19 and to improve land tenure security for smallholders.
3. Research methodologies in the time of COVID-19 have to be more innovative and flexible to generate evidence and lessons learnt for effective land use governance. Cooperation and support to enable researchers to perform their work during this critical time are needed from donors, government institutions, private companies, and agricultural cooperatives/farmers.

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The latest on land

1. The 2019 revisions of the Forest and Land Laws entail new opportunities and challenges with respect to the recognition of customary tenure and the formalization of land and forest claims, particularly within state forest areas wherein are found approximately 35% of all villages in Lao PDR. While revised legal frameworks affirm the rights of these communities to use and benefit from their land and forest resources, they also delimit these by prohibiting, for example, non-state land titles. Efforts are underway to address tenure security challenges through reforms in policy and institutional practices.
2. Growth in the natural resources sector has been largely driven by private sector investments, principally through large-scale land concessions. The costs of this investment model—particularly for local communities—have largely outweighed its benefits, prompting a transition toward alternative investment models such as contract farming (CF). CF presents new opportunities for smallholders, as well as social and environmental impacts that are poorly regulated. Efforts to promote responsible agricultural investments face an uphill battle.
3. Regional trade infrastructure has expanded significantly in recent years, facilitating Laos's rapid integration into regional market and financial systems alongside large-scale rural transformation. The Lao-China Railway (the centerpiece of the Lao-China Economic Corridor) will begin operation in 2021, accelerating this transformation and bringing new risks and opportunities.



The status of research

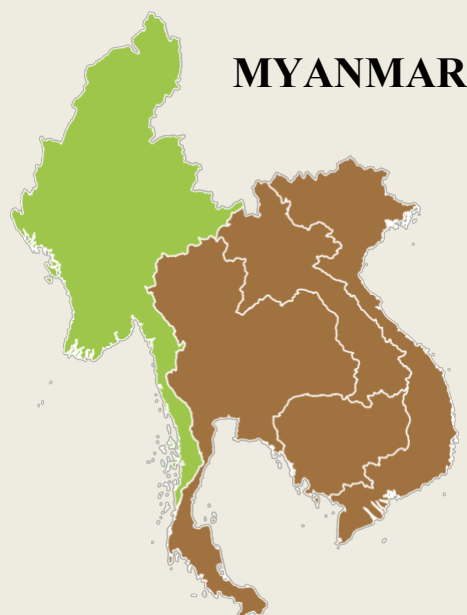
1. Research is beginning to explore the implications of legal reforms for resource claims and tenure regimes, and options for recognizing and defending these. Research into diverse customary practices, how these intersect with formal land administration, and pathways to foster more equitable and inclusive policies and practices is needed.
2. The rapid expansion of CF throughout Lao PDR has produced large uncertainties regarding its magnitude and implications for rural transformation. While research is beginning to unpack these, further investigation into the intersection between, for example, CF and boom crop dynamics, and social-ecological change is needed.
3. Research into Laos's regional integration has produced new insights on economic transitions, geopolitics, and migration. More work is needed to anticipate large-scale transformations and address key gaps, such as the implications of COVID-19 for labor migrations, cross-border trade and poverty alleviation.

Micah Ingalls serves as Team Leader for the Mekong Region Land Governance (MRLG) Project, and Associate Senior Scientist at the Centre for Development and Environment, University of Bern. He was the lead author of the (2018) [State of Land in the Mekong Region](#), among other publications. An expert in natural resources and environmental governance with two decades of professional engagement in Central, South and Southeast Asia, his work focuses on the intersection between conflict and (multi-dimensional) power in complex social-ecological systems. He is the son of a smallholder farmer and father of six, with a PhD from Cornell University.



The latest on land

1. The progress to implement National Land Use Policy (NLUP), adopted in 2016, has been too slow. Only by mid-2020 has the process of drafting a National Land Law taken motion, with the official plan made public and the formation of sub-working groups. Although some CSO representatives were identified by the government for associated committees and working groups, concerns on transparency remain.
2. Among the Mekong countries, Myanmar was most severely impacted by the COVID-19 pandemic. In October, during its second wave, the government started drafting the Myanmar Economic Recovery and Reform Plan (MERRP) that may include clarifications on land rights for farmers, and an acceleration of contract farming and market extension to other nations instead of dependence on a single market. Although the government has recently started talking about the importance of responsible investment in Myanmar, questions remain as to how MERRP can actually reflect the main principles in it.
3. Although NLD won the election at the end of the year and will form the next government, it has not yet achieved its aim to provide legal land use rights to the majority of smallholders. Rather, there are still conflicts on the ground under influence for example from the 2019 amendment to the VFV land management law. The issue of discontent among the victims of land loss remains, with a need for interim mechanisms to protect the land rights of smallholders and IDPs, and allocation of land to the landless poor, before the evolution of a national land law.



The state of research

1. Through the NLUP, a web portal will support sub-working groups who conduct public discussions and research that generate specific inputs to help draft the national land law. But the methodology of how the huge amount of information collected in the portal will be systematically reviewed/analysed, and by whom, remains unclear.
2. Despite a lot of restrictions caused the pandemic situation, research institutions continue their work online, with many conducting research by phone calls interviews.

U Htet Kyu received an MSc in Soil Science and PhD in Agronomy. He worked for the Land Use Division of Myanmar Agriculture Service for 23 years. He has also worked for Gret-Myanmar in several agricultural development projects since 2004. Recently he is a part-time national policy adviser for the Mekong Regional Land Governance (MRLG) project and as a part-time national coordinator for the Agroecology and Safe food System Transitions (ASSET) project. He also volunteers as an agriculture adviser to Myanmar Fruit, Flower and Vegetable Producer and Exporter Association (MFVP).



NB: This commentary was written before the military took over power in February 2021. While policy directions are now even more uncertain, the challenges outlined here remain highly relevant.

The latest on land

1. Inequality prevails in Thailand. For example, access to land and public housing is limited for the urban poor, with residential land prices rising by 77.7% over the past decade. Meanwhile, according to the National Bureau of Statistics, 49% of peasants share only 10% of all agricultural land in Thailand (2018 figure), which is often insufficient for production needs. The COVID-19 epidemic has emphasised these issues, such as urban shelters proving inadequate to stop the latest outbreak.
2. Villagers living in forest areas are still being prosecuted and imprisoned for unfair trespass on reserved land, despite the repeal of forest reclamation policy (Order no. 64/2014) under the National Council for Peace and Order. The National Park Service Act 2019 and the Wildlife Conservation and Protection Act 2019 restrict the right for communities to use land and natural resources in national parks and wildlife sanctuaries. These people are permitted to live in forest areas for only 20 years and the state will not accept the swidden cultivation system for example of the Karen ethnic community.
3. In the Eastern Economic Corridor (EEC) industrial zone, various projects have caused flooding and polluted nearby agricultural land due to inadequate waste disposal. The draft EEC City Plan aims to expand the industrial area over surrounding agricultural, aqua-cultural, and green zones. Local communities are demanding changes to the draft, claiming they are losing their land and have no meaningful participation in the process.



The status of research

There is a pressing need for further research on the following topics:

1. Research can investigate the problem of land access for the urban poor. There is a barrier even for the middle class to find quality housing. Such research can inform planning regimes and resulting government policy.
2. There have been a number of legal cases against villagers living in forest areas in Thailand. There should be a study to compile these cases, framing a call for equitable legal reform.
3. There is need for analysis of the relevant institutions and stakeholders in the development of the Eastern Economic Corridor (EEC), both for special industrial estates and large-scale construction projects in the EEC area.

Pornpana Kuaycharoen is a social activist in Thailand with long working experience in forest and land issues. She is currently the coordinator of the NGO [Land Watch Thai](#). Her research interests concern Special Economic Zones and land dispossession in Thailand and the Mekong Region. She also coordinated a recent translation into Thai of the [State of Land](#) publication.

Translation by Soravis Laokermhung



The latest on land

1. In 2020, the Vietnam government issued new policies on land price adjustment, including new sanctions against administrative violations. Resolution No. 84 / NQ-CP sets a 15% reduction in land rent payable during 2020 for enterprises, organizations, households, and individuals who directly lease land from the State and had to stop production under the influence of the COVID-19 epidemic. A deadline extension is also given for the payment of land rent.
2. The ambiguity of land access and use continues to influence disputes in many parts of Vietnam. The provision increasing the ceiling on land use and value is leading to conflict between users. For example, in Phu Yen district, Son La province, a dispute over access to communal agricultural land between Bac Phong and Kim Bon communes has been ongoing for 13 years. This has recently escalated to physical confrontation, with weak engagement by the administrative department unable to help resolve the dispute.
3. The COVID-19 epidemic has led to the closing of many companies and factories in cities, and so young labour have moved back to rural areas looking for agricultural land. This has created disputes due to insufficient land to support all these livelihoods.



The status of research

1. Land issues remain a very sensitive topic. Researchers often face significant challenges when collecting data from various agencies or stakeholders. More support from local people, officials, and investors are needed during the data-gathering process.
2. Research should focus on policy and practice on the ground, including the function of land administration and the process of solving disputes. In particular, research should focus on the role of different stakeholders in the allocation of land concessions, encouraging transparency in the process.
3. Due to the COVID-19 epidemic, the collection of field data has become hard for researchers, where local people are suspicious about strangers in their community. There are limited opportunities to present results at workshops or conferences.

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LAND AND COVID-19 IN THE MEKONG REGION

Despite the fact that the Mekong countries have escaped the worst public health impacts of COVID-19, the pandemic has affected many aspects of life and livelihood. In a region where so many continue to depend directly or indirectly on land for their livelihoods, it is not surprising that COVID-19 has had implications for governance, tenure, use of and research related to land.

As the individual country reviews indicate, loss of jobs and associated income in non-farm sectors in the region means that many have sought to return to the land as a kind of safety net. However, the assumption that farming is a cushion that can absorb the shock of the pandemic is complicated by many factors. In Cambodia, government expectations – and sometimes exhortations – for people to go back to farming when, for example, they lose their jobs in closed-down garment factories do not work if people have no land to go back to. In Thailand, the generational shift in livelihoods means that, unlike a generation ago during the 1997 financial crisis, migrants cannot simply go “back” to rural places and agricultural occupations that they have never experienced during their adult lives.

In Myanmar, the pandemic has disrupted fishing livelihoods in places such as Dawei, which in turn places extra pressure on land. In Vietnam and Lao PDR, pressure on land is increased further as rural-urban and transnational migrants return home when they lose their jobs. In Cambodia, the pandemic’s impact on tourism, migrant remittances and factory work has coincided with ecological disaster affecting the Tonle Sap fishery and with the micro-credit crunch. The end result has been significant loss of land to creditors, exacerbating the existing and ever-growing inequality in landholding in the country.

Recovery from the pandemic in the Mekong region presents opportunities and risks. Opportunities to “build back better” need to draw on awareness of how land tenure security helps the rural poor withstand shocks. Risks include the short-cutting of social and environmental safeguards as governments and the corporate sector rush to build back faster to kick-start economic growth in post-COVID times.

Overall the COVID-19 pandemic reminds us of the precarity of livelihoods dependent on movement of people and goods and on economic activity that is easily disrupted by global events. In this sense, land becomes more important than ever as a place to live, as a source of income security, as an intergenerational asset, and as a refuge from events beyond people’s control.

Philip Hirsch is Emeritus Professor of Human Geography at the University of Sydney and a research affiliate at RCSD, Chiang Mai University. He has written extensively on environment, development, natural resource governance and agrarian change in the Mekong Region. Among his books on land are: Hall, D; Hirsch, P.; Li, T., 2011, *Powers of Exclusion: Land Dilemmas in Southeast Asia*, Singapore University Press; and Hirsch, P.; Woods, K.; Scurrah, N.; Dwyer, M., eds., forthcoming, *Turning Land into Capital: Development and Dispossession in the Mekong Region*, University of Washington Press. Professor Hirsch helped conduct a recent study on the impact of COVID-19 on migrants in the region, available [here](#).

