

MEKONG LAND RESEARCH FORUM

**Annual
country
reviews
2016-17**

RCS**SD** 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 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 first edition of the Annual Country Reviews has been compiled at the end of 2016, 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 by Swiss Agency for Development Cooperation)



CAMBODIA



Current land issues

1. *Effective management of cancelled Economic Land Concessions (ELCs).* The government has cancelled or reduced the size of some ELCs. But little is known about how these cancelled ELCs have been managed or re-allocated.
2. *New models of Social Land Concessions (SLCs).* SLCs have been given to the poor by the government, but failed to generate the intended benefits. Poor families could not work the land and raise income due to the remoteness of SLCs, and a lack of knowledge and capital. Finding ways to help the poor work the land would contribute to decreasing landlessness in a sustainable manner.
3. *Migration, land shortage and the lack of agricultural labour.* Internal and external migration has caused a shortage of agricultural labour. However, the patterns, types and volume of migration, land shortage and agricultural labour need to be quantified in context-specific geographies.

The status of research

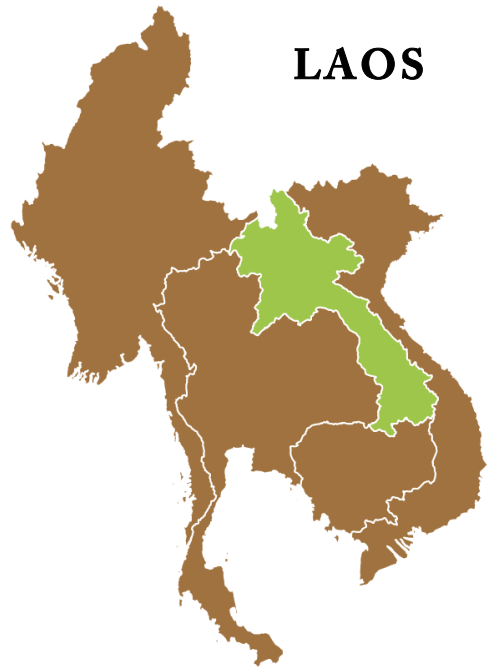
The most important issue for the researcher on land is access to comprehensive data, particularly at the national level. Many researchers work with incomplete datasets. This may distort the methodology and thus the findings, which deters government interest and support. Notwithstanding, although the government is more open to land reform, data from government sources are still difficult to access. NGOs and donors are still the most accessible sources for land researchers.

Dr. Chanrith Ngin was the Founding Dean of the Faculty of Development Studies (FDS) at the Royal University of Phnom Penh (RUPP), Cambodia. He was also the Founding Director of the Graduate Program in Development Studies at RUPP. He holds a PhD in International Development from the Graduate School of International Development, Nagoya University, Japan. Dr. Ngin has been a post-doc and visiting scholar at various universities in Europe and Asia. He serves on a number of editorial and advisory boards of national and regional academic and development institutions. He has researched and published in the areas of land conflict, civil society, decentralization, community development, migration, natural resource management, higher education, and vocational training. His on-going interests comprise large-scale land acquisitions, urban resilience, social enterprise, community networks, territorial rural development, and education and the middle-income trap.



Current land issues

1. Foreign investment remains entangled with land acquisition, compensation, benefit sharing, and community engagement. The need to conduct Environmental and Social Impact Assessments (ESIAs) is not taken seriously by investors.
2. Laos is facing a rush for mono-crops under different forms of investment such as contract farming, land leases, and concessions. It places farmers at the mercy of the market, with increasing levels of debt. Contradictory government policies do not help, which have catalysed an increase in conflicts over land. The current legal system for resolving conflict is weak and companies lack well-functioning grievance mechanisms.
3. The resettlement of communities continues due to meta-projects (hydro-power and mining).
4. The government has chosen for a Resolution on Land rather than a National Land Policy, a decision that did not follow a democratic process. It is still likely to allow large-scale expropriation without giving clear definitions on the notions of “business purpose” and “public interest”. Customary tenure rights should be recognized but not in state reserves and conservation areas, where people have lived for generations. There is a plan for communal land registration and titling, demanding technical support. The Land Law will be revised during 2017.



The status of research

Priority fields of study include:

1. Identify the barriers and the opportunities to strengthen dialogue between the private, public and civil society sectors.
2. Scrutinize the costs and benefits of land use changes emerging from policy on foreign investments. What are the impacts on communities, smallholders and macro-development due to different types of investments (such as contract farming, land leases and concessions)?
3. Laos is missing information on the roles women play in land governance. Women account for more than 50% of farmers in Laos. They are key players in improving household food security, yet their access to and control over land is often more restricted than that of men.
4. Donors do not prioritize research on land. Research facilities are insufficient, and projects often undergo a long and arduous process. There is a need to strengthen the capacity of Lao researchers, and focus on the voices of communities.

The Land Issues Working Group (LIWG) is a civil society network that has existed in Lao PDR since 2007. The group was established so that members could inform one another about land matters, especially in view of increasing land-related foreign direct investment (FDI) projects and concerns over negative impacts on the livelihoods of rural communities. Common initiatives are developed to address these issues.



MYANMAR

Current land issues

1. *Territorial claims of land & natural resources in the 21 Pinlone Peace Discussion Process.* 77 papers were presented in the first 21 Pinlone Peace Conference. There are many territorial claims by different ethnic groups, some of which involve territorial conflict. All key topics being identified, including land and natural resources, will be reviewed based on three perspectives (ethnicity, region and per issue).
2. *Reviewing land acquisitions and disputes.* A central committee was formed in May in order to resolve unfair land acquisition and land disputes. The process and resulting actions have move forward slowly. There are many concerns from the public as to how it can effectively resolve all existing land conflicts.
3. *Drafting the Agricultural Development Strategy and policy.* On October 16th, agricultural policy was endorsed following limited consultation. The Agricultural Development Strategy was immediately drafted and a selection of experts is being consulted. CSO and NGO networks are requesting to extend this consultation period and maximize their input.
4. *10-year forest restoration plan to be implemented.* Due to the severity of forest degradation, the government approved the 10-year forest restoration plan for implementation.



The status of research

Priority fields of study include:

1. How customary land can be considered and included in a new land classification system.
2. Understanding land use change and how this impacts upon the tenure rights and livelihoods of rural communities.
3. How productive and effective is large-scale agricultural land use?
4. The effectiveness of land registration under the farmland law in order to improve registration mechanisms.

U Shwe Thein received an MSc (Forestry) from Australian National University, Canberra, Australia in 1989. He currently works as Executive Director for the Land Core Group, which promotes land use rights for smallholders, including ethnic minorities and women, through programs that include evidence-based research, land rights and land laws awareness training, legal aid, and advocacy for policy change. He leads various national level advocacy initiatives. He served the Myanmar government for over 18 years as a forester, and has over 15 years experience in various NGOs in capacities such as program design and management.

Profile text abstracted from:

https://www.iss.nl/research/research_programmes/political_economy_of_resources_environment_and_population_per/networks/mosaic/mosaic_people/u_shwe_thein/



Current land issues

1. The Financial Ministry has proposed the land tax law. This law has been agreed in principle by the Junta government. The policy is believed to reduce wealth inequalities in Thailand. For now this tentative legislation has not yet been passed into law.
2. Farmers have called the Junta government to respect land rights and to avoid double standards with private investors. This is due to the Junta's policy for increased forest cover to a figure of 40% by 2027.
3. To reduce land ownership inequality, the Land Bank Administrative Institute, on behalf of the National Land Bank, is buying land that has been taken from farmers who could not pay their mortgage. This represents legislation for land reform.
4. Land along the borders has been assigned as Special Economic Zones (SEZs). In 2014, the Junta government approved six such zones, with a further seven authorised in 2015. The Committee on the Special Economic Development Zone Policy approved an infrastructure development plan in each zone to attract private investors. This comprised 45 projects in 2015 and another 79 projects in 2016, requiring a budget of almost 11 billion baht.



The status of research

Land ownership inequality has been a long and persistently pressing problem in Thailand. A small rich elite in the country controls more than 80% of land. The Junta government's approach to Special Economic Zones and forest cover policies has exacerbated this problem. State policies for progressive land taxes or the establishment of a land bank have not been effective. Even the strengthening of the roles of local actors in managing communal land has failed to tackle unequal land ownership and land distribution. Thus land governance and mechanisms to strengthen state agencies should be a key research theme to provide not only knowledge on land issues but also policy recommendations to assist equal land distribution.

Associate Professor Dr. Kanokwan Manorum teaches at the Faculty of Liberal Arts, Ubon Ratchathani University, Thailand. She earned her PhD in Rural Sociology from University of Missouri-Columbia, USA. Since graduation in 1997, she has worked in Thailand and the Mekong region in many fields such as water and land governance, development, and participatory impact assessments. Much of her work has involved policy recommendations on dams and irrigation management in Thailand and the Mekong region. She has worked with the recognition research network M-POWER (Mekong Program on Water, Resilience and Environment Research), operating on the Steering Committee for 8 years. Now she works with the Water Land Ecosystem Program (WLE Greater Mekong).



Current land issues

1. *Public participation in land governance.* Vietnam's Land Law (2013) and other legal documents like the Grassroots Democracy Ordinance (2007) contain provisions for public consultation in decisions on land use planning, registration, compensation and resettlement. However, these policies are inconsistently followed, with ethnic minorities and women lacking chances to participate.
2. *Corruption in land conversion.* Land is consistently ranked as one of the most corrupt sectors in both economy and society. Local and provincial officials have discretion to apply many land policies and can collude with domestic and foreign investors to make extra-legal deals. The current Prime Minister, with the Communist Party's backing, made countering corruption a priority in 2016. It is too early to say whether this will have an impact on land issues.
3. *Persisting land-related conflicts.* The most dramatic example of land-related protest in 2016 was around the Formosa steel complex in Ha Tinh province, which was the source of widespread fish poisoning due to untreated cyanide emissions. Other conflicts on land continue, with a focus on coal plants, dams, and polluting factories. Investors are given preferential access, without complying with to appropriate land and environmental regulations.
4. *Vietnamese land investments in Laos, Cambodia, and elsewhere.* State-owned and private companies increasingly turn to foreign investment as a means to expand their agricultural businesses and access timber, minerals, hydropower, and other resources. These investments have had mixed success economically (witness the plunge in rubber prices for instance) and negative effects on local communities and environments. As a result, there are now opportunities emerging to engage with some Vietnamese companies to improve their practices.



The status of research

Access to information remains the biggest challenge, but the situation is improving. Vietnamese print, online, and social media cover many land issues. Most government documents are available on the web, although little information is translated into English. Quantitative survey data on land can be obtained from the census, Vietnam Household Living Standards Survey (VHLSS), Provincial Competitiveness Index (PCI), and Provincial Governance and Public Administration Index (PAPI). The Law on Access to Information, passed by the National Assembly in April 2016, will come into effect on 1 July 2018 and should lead to more detailed land data being made public.

Andrew Wells-Dang is Senior Governance Advisor at Oxfam in Vietnam. Since 2012, he has co-managed the Advocacy Coalition Support Program, an initiative to facilitate multi-stakeholder cooperation on environmental and social policy issues in Vietnam. Andrew has also worked as a researcher and NGO representative in China, Laos, Cambodia, and other Asian countries. He holds a PhD in political science from the University of Birmingham, UK. Andrew is the author of *Civil Society Networks in China and Vietnam: Informal Pathbreakers in Health and the Environment* (Palgrave Macmillan, 2012), and is a frequent contributor to publications on politics and development in Southeast Asia.

