

MEKONG LAND RESEARCH FORUM

**Annual
country
reviews
2019-20**

RCS**D** 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:

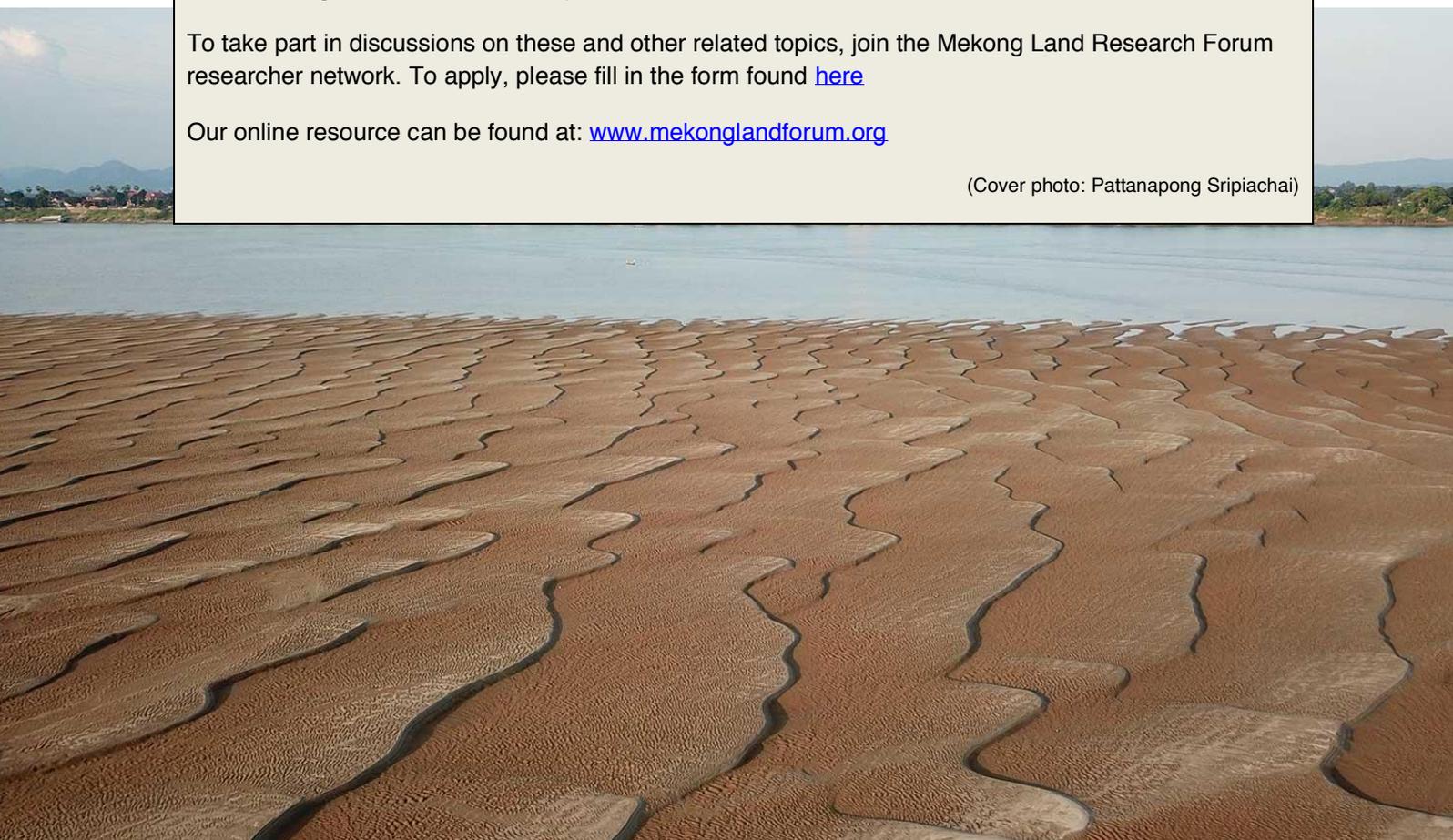
1. What are the most pressing developments involving land governance in your country?
2. What are the most important issues for the researcher on land?

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 fourth edition of the Annual Country Reviews has been compiled at the end of 2019, 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: Pattanapong Sripiachai)



The latest on land

1. The land concession model in Cambodia seems to be out of steam. After the 2012 moratorium, half of the area granted as economic land concessions has been either titled to smallholders or simply cancelled. Land-based investments have shifted towards out-grower models offering different contractual arrangements between companies and farmers. While these models allow smallholder farmers to retain control over their land, they also expose them to market as well as environmental risks (e.g. increased dependency on large agro-business companies, indebtedness) that threaten their livelihood and require novel forms of regulation.
2. The system of protected area (PA) management has considerably increased in size and now covers 41% of the national territory. While this expansion limits land access for smallholder farmers, ongoing reforms towards zonation of PAs offer an opportunity to recognize their customarily-defined land rights. But there remains the risk that smallholder interests can be easily excluded in deliberations with State authorities and nature conservation agencies.
3. Land conflict issues continue to occupy a central place in the political and social life of rural (and urban) Cambodia. With a shrinking space for contestation, smallholder farmers increasingly depend on hybrid institutions (formal and informal at multiple levels) to address their grievances. But when conditions for effective resolution are not met, conflicts unfold in violent outcomes.



The status of research

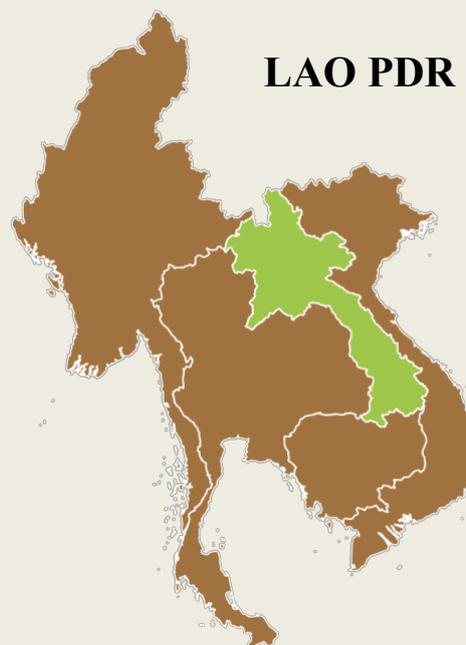
1. The very significant rise of boom (and bust) crops has resulted in both land degradation and land governance issues that impact smallholder farmers. Yet the research agendas on smallholder land rights and smallholder-driven agro-ecological transformation remain largely disconnected. There is a wide scope to conceptually bring them together to co-produce a credible narrative for a smallholder pathway towards agricultural development.
2. Land-focused research should embrace the fact that smallholders are mobile and increasingly derive their livelihood from non-farm activities. The interplay between farm and non-farm sectors, from labour management and income formation viewpoints, should inform our understanding on land distribution, land use and land governance in general.
3. To enhance the role that knowledge plays in policy-making processes, researchers should engage in addressing questions that are more directly relevant with the policy-making agenda.

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The latest on land

1. The way various actors and institutions (re)shape land governance across scales (e.g. through various forms of land investments, large infrastructure development, land use planning) has significantly influenced local communities' ability to adapt to the changing governing landscape. Since 2011, The Agro-Biodiversity Initiative (TABI), a joint project between the GoL and the Swiss Agency for Development Cooperation (SDC) has developed a Participatory Forest and Agriculture Land Use Planning Allocation and Management (pFALUPAM) approach, emphasizing the role of agro-biodiversity in land use planning processes. It brings to light the importance of taking grassroots realities into account and highlighting the need to discuss possible trade-offs embedded in land use planning. Most importantly, it shows that a defined land use plan can only be implemented when it is supported by the right institutions at the local level.
2. While customary land tenure and land rights are recognized in ongoing policy discussions on land governance in Lao PDR, they are seldom positioned as one of the key building blocks to strengthen people's livelihoods in general and with regard to food production and food sovereignty in particular. Bottom-up, inclusive and iterative land use planning processes could serve as an entry point to discuss both government and local community views on how they could negotiate access to land for various purposes (e.g. food production, forest conservation, climate adaptation) towards an integrated, synergized landscape planning.
3. Current discussions to increase national forest cover to 70% by 2025 need to take into consideration the overlapping boundaries between forest and agricultural land. Farm households' access to land, rooted in their customary land rights and tenure, need to be better integrated in the overall land use planning processes, linking with national development objectives.



The status of research

1. Research on land governance needs to combine the context of a contemporary struggle over access to land with a consideration of water, energy and the overall process of food systems transformation.
2. In looking at the importance of customary land tenure in Lao land governance, a more comprehensive understanding of local institutional arrangements, pertaining to access to both land and labour, could serve as a key foundation towards the better positioning of government land policies to promote farm household and community livelihood options as well as their role in environmental protection.
3. There is a need for comprehensive research to link local community livelihood options and strategies with processes of agrarian transformation across scales, including regional economic integration, large infrastructure development, and migration.

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The latest on land

1. In March 2019, the deadline to register land under the amended Vacant, Fallow and Virgin (VFV) Land Management Law passed. While the government has not actively enforced this law, if left unchanged it threatens the customary land holdings of rural communities especially those in the ethnic upland regions, who could effectively be criminalized for operating on unregistered land. On the other hand, some farmers with the assistance of civil society groups have been actively using this opening in the VFV land law to formalize their use of unregistered land plots.
2. In the context of a weak legal framework to recognize customary land tenure systems that are common in ethnic upland areas, local peoples' land claims often come up against official development priorities related to economic growth and conservation. This threat has become more serious since Myanmar experienced a sharp drop in foreign investment and slowing economic growth in the wake of the Rohingya crisis in late 2017. In response, the government mounted vigorous attempts to raise new investment from East Asia, namely the 1700-kilometer-long China-Myanmar Economic Corridor, part of China's Belt and Road Initiative. The government is reported to be creating a "land bank" in order to facilitate these projects.
3. A few 'land to the landless' type projects were introduced by the NLD government, which also continued the policy to restitute land to households who had their land confiscated under the military regime. This program is still in its early days, but assessments conducted by the NGO GRET in 2018 suggest that many recipients have not been able to make use of this land due to its poor quality, lack of infrastructure, and lack of access to financing. Similarly, the government's restitution efforts have been slow and partial.
4. In January 2018, the National Land Use Council was established as the body responsible for implementing the 2015 National Land Use Policy, the guiding document for creating a new National Land Law. Members of ethnic armed organizations and civil society around the country have been demanding that the new law be a "federal land law", with the Karen National Union already starting to draft a Federal Land Policy. What such a law might look like remains unclear.



The state of research

While there are numerous research priorities, one of the most challenging issues for researchers on land is to investigate what is happening in areas of limited access, usually affected by armed-conflict and characterized by weak and contested governance. These areas are often subject to the various forces that contribute to large-scale dispossession of local communities, human rights violations and environmental degradation. Researchers have been testing out different methodologies to investigate these areas, and more discussions are needed in order to promote shared knowledge about this topic.

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The latest on land

1. Inequity in landholdings and their distribution persist in Thailand, with lands becoming concentrated into the hands of a small number of affluent Thais with access to information, capital, and connections to authorities. With inaccessible or obsolete data on landholders, it is difficult to foresee and bridge the inequality gap between rich and poor.
2. The Royal Thai Government (RTG) promulgated significant legislation related to land in 2019, namely the Community Forest Act, the National Park Act, the National Land Policy Committee Act, and the Wildlife Preservation and Protection Act. Even though these laws carry some recognition of community rights to land and resources, there are many prohibitive and punitive stipulations. In addition, the new Land and Building Tax Act that is expected to mitigate land concentration and increase land productivity is not nearly progressive enough in its setting of tax ceilings, tax relief and exemption, and tax rates for landholdings under unproductive use.
3. The forest reclamation policy by the previous junta has been enforced strictly and coercively towards forest-dependent populations despite their settlement for generations. Local communities have encountered forced eviction, human rights violations, crop destruction and judicial harassment. In 2019 the policy continued to be cited in court cases surrounding such incidents. It has also favoured investors and operated based on an environmental rhetoric including conservation, biodiversity, ecological sustainability, and increased green areas.
4. RTG policies promoting economic development create negative impacts for local land users, and deny local participation in decision-making. These include the transformation of agricultural into industrial areas for the Eastern Economic Corridor (EEC); the expansion of sugar plantations, biomass power plants and unregulated waste recycling plants; and the granting of land concessions to private companies for mining in protected watershed areas.



The status of research

1. The way the RTG distorts land reforms proposed by Thai civil society organizations (CSOs) needs scrutinizing, particularly how government responses may address or intensify land inequality in Thailand.
2. More analysis is needed of land use changes where large-scale land acquisition takes place, including areas converted for cash crop plantations, Special Economic Zones (SEZs), and industrial zones.
3. Documenting case studies of local struggles for land through participatory action research can help communities and CSOs advocate and build public awareness on land issues in Thailand.

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The latest on land

1. *Persevering land disputes.* The ambiguity of public purposes and private/group interests in compulsory land acquisition projects continues to fuel widespread land-related protests, demonstrations, petitions and complaints. According to the Ministry of Natural Resources and Environment, 98% of total complaints and denunciations in 2019 related to land issues. Likewise, the Government Inspectorate reported that land is the majority issue in 67.7% of complaints, an increase of 5.9% from 2018. The clearest example of persistent land protest was the conflict in Dong Tam commune, Hanoi province, where residents opposed the decision by authorities to give their land to Viettel, Vietnam's largest telecommunications group.
2. *The shortcoming of land price valuation regulations.* A disparity continues between compensation values decided by relevant administrative agencies and actual market prices when the State expropriates and converts agricultural land from households and individuals. At the expense of smallholder peasants, investors benefit from increased land values, while the state gains substantial revenues from land levy and land-use charges. This issue has been the primary cause for most major land disputes.
3. *Inequity in access to land and land control.* Although the State has promulgated several policies to ensure rights to land and benefits from its use for vulnerable groups such as women, the poor, and ethnic minorities, the implementation, monitoring and evaluation of these policies remains weak. For instance, according to a 2018 PAPI (Provincial Governance and Public Administration Performance Index) report, approximately 13% more men have their name on Land Use Rights Certificates than women, while many ethnic minority households have not been allocated land, even though the Land and Forest Allocation policy has been deployed for two decades.



The status of research

1. Land issues remain a very sensitive topic. Researchers often face significant challenges when collecting data from various agencies. More support from local people, officials and investors are needed during the data-gathering process.
2. Research should be used to explore gaps between policy making and practice on the ground, particularly in relation to land conversion and crop-pattern changes. Research can propose recommendations to improve effective implementation of land policy.
3. Researchers should become more active through land-related workshops and conferences to share their study results and contribute theoretical and empirical arguments to policy makers.
4. Analysing land issues in Vietnam requires better linkages between academic researchers, policy makers, local officials, NGO agencies and social mass organizations.

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