

MEKONG LAND RESEARCH FORUM

Annual
country
reviews
2023-24

 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 eighth edition of the Annual Country Reviews has been compiled at the end of 2024, looking back at the past two years, but also looking forward. There is also a regional perspective drawing together country-based observations on the state of gender and land rights across the Mekong Region.

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



Mekong Land Research Forum, 2024

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The latest on land

1. On 6 Nov 2024, a Royal Decree established a National Committee to oversee the implementation of the Land Provision and Forest Protection Program for Sustainable Development. Under this program, land will be allocated to poor landless households within the framework of social land concessions. The government hopes that providing land to landless families will prevent deforestation and illegal encroachment of nearby forests. Chaired by the Prime Minister and comprised of many ministries, the National Committee will formulate policies and identify the land to be included in the forest protection and land allocation program. The committee also has authority to amend land use plans and confiscate land from individuals who fail to meet the conditions for land possession or use.
2. In early 2024, the Ministry of Environment (MoE) announced stringent measures and “100 percent law enforcement” against forest land encroachment and other environmental crimes. By promoting “100 percent law enforcement”, the minister urged MoE rangers and local authorities to end “the culture of signing contracts to release perpetrators or encroachers”. This action has resulted in the arrest and imprisonment of smallholders, including several Indigenous people living in protected areas and REDD+ project zones seeking to clear land for agricultural purposes within their customary lands.
3. Many Indigenous communities across Cambodia continue to face significant challenges in asserting their land rights via Indigenous Communal Land Titles (CLTs). This is particularly the case for communities residing inside state protected areas. For example, several CLT applications by Bunong Indigenous communities living in Keo Seima Wildlife Sanctuary, Mondulkiri province, were refused by the MoE. The MoE opposed granting the territories requested in these collective titling applications and significantly reduced the land area claimed by the Indigenous villages. As a result, the territorial understandings of Indigenous communities continue to conflict with the state-designated protected area system.



The status of research

1. Research is needed to examine the implementation of social land concessions under the newly formed National Committee. Key questions requiring scrutiny are the fairness of the land allocation process, who benefits and who is excluded from land allocation, and whether the program helps improve livelihoods and curb deforestation as intended.
2. Further research is needed to investigate restrictions on the utilization and expansion of land for agricultural purposes by Indigenous communities within state protected areas. In addition, an examination of CLT applications within protected areas and REDD+ project zones is crucial, particularly regarding the extent to which Indigenous customary lands can be claimed in these designated areas.

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The latest on land

1. Laos experienced strong economic growth over the past decade, driven by a boom in infrastructure and land-based commodities for export. Yet, this growth did not translate into revenue generation with Laos having the lowest tax-to-GDP ratio in ASEAN. To address the debt crisis, the government is looking for ways to increase revenue, including through the land tax system. In July 2023, a new taxation law was introduced to incrementally increase tax rates across all land use categories. While it is hoped that these changes will increase revenue, reforming other features of Laos's land tax system are needed, such as addressing the government's extensive use of tax incentives to attract private investment in land concessions and special economic zones.
2. Trading in carbon credits is another opportunity for the Lao government to boost revenues while achieving its emission reduction targets by preventing forest loss. A Decree on Carbon Credits is currently being drafted and the World Bank has committed a budget of US\$42 million under the Forest Carbon Partnership Facility to purchase carbon credits from Laos from 2020 to 2025. Meanwhile, the Ministry of Agriculture and Forestry has signed agreements with nearly 20 private sector entities to establish carbon credit projects. As these initiatives attract more investors, the potential for areas slated for conservation to overlap with community forestland, land concessions, and other land uses can be anticipated.
3. Up until recently, around 3,000 villages located inside Laos's state forestlands were legally precluded from obtaining formal land rights documents, which put their tenure security at risk. In September 2023, the National Assembly Standing Committee adopted Resolution 57, marking a major step forward in securing land rights for those people living in and dependent on forests. The resolution allows the issuance of land titles for permanent agricultural, residential and construction land. Non-permanent agricultural land uses, such as areas under shifting cultivation, can be certified with land use certificates, which provide fewer rights compared to land titles.



The status of research

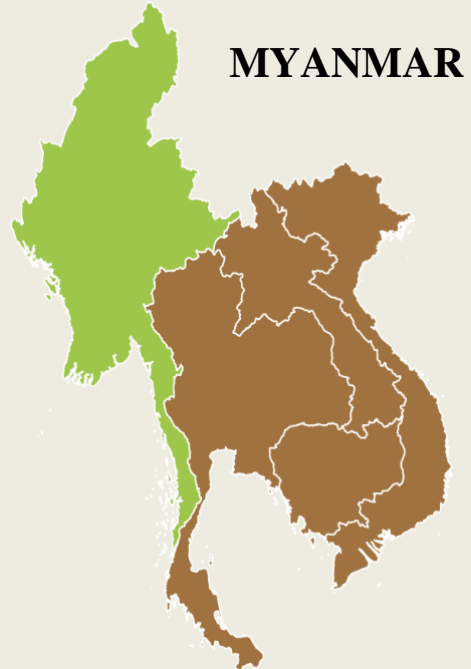
1. Research could inform additional reforms needed to ensure Laos's land tax system contributes more to public revenues and limits inequity, including analysis of different models and options to address the persistent problem of under-taxation of state land concessions and special economic zones.
2. Empirical research looking at the land rights and livelihood implications of carbon credit projects is needed. Research could help clarify who has rights to resources such as forests which contain the carbon pools, and assess the distribution of benefits.
3. Research should assess the impacts of NA Res 57 on people's tenure security, livelihoods and forest conservation, including the fairness, transparency, and accessibility of land titling and other tenure formalization instruments applied in Laos's state forestlands.

Viladeth Sisoulath is a land governance specialist in Laos with 24 years of experience in the land and forestry sector.



The latest on land

1. Major advances by Myanmar's resistance movement against the Myanmar military, particularly Operation 1027 in the north, and persistent fighting in the southern and middle parts of the country, has led to the emergence of new power dynamics. The territorial expansion of resistance groups, along with the spread of armed conflict, poses challenges to existing state institutions operated by the State Administrative Council (SAC). In areas under the influence of resistance entities and their frontiers, there is a transformation in land and resource use, access and management. This transformation includes a reconfiguration of how locals claim legality, public legitimacy, and local aspirations for land and resource use and governance.
2. Several Ethnic Armed Organizations (EAOs) have been fortifying their administrative structures along with territorial expansion on the ground and extending their governance bodies over land and natural resources. Claims to land rights by local ethnic populations have been increasingly addressed by these EAOs and other emergent armed groups.
3. In urban non-conflict zones, the state's inefficacy in land governance coupled with increasing corruption across various administrative levels have exacerbated long-standing land disputes and weakened tenure systems, with issues that could resonate for decades.
4. The weakening of state control over land and resources may lead to greater autonomy in local land relations, allowing local communities and Indigenous groups to operate with less state interference. Alternatively, it might produce tenure systems that serve the interests of emerging authorities, EAOs and other resistance groups. Local claims and interests will need to adapt and negotiate within this shifting power landscape.
5. As resistance forces, particularly EAOs, view self-determination and federalism as an ideal framework for managing resources to benefit ethnic minorities, control over land and resources is likely to remain a fundamental means for achieving political influence, financial resources, and power frontiers.



The state of research

1. Amid pervasive insecurity and armed conflict across many areas of Myanmar, conducting field-based research on land and resource issues is nearly impossible without locally based, trained community researchers, as they are better able to navigate and mitigate local security conditions compared to others.
2. Given the complexity and dynamism around highly contested landscapes, qualitative field-based research is needed to better understand how new configurations of actors, powers and institutions are constantly reshaping land and resource governance arrangements at local and national levels.

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The latest on land

1. In November 2024, a protest was held in front of Chiang Mai City Hall to oppose two Royal Decrees to regulate forest land use in protected areas. The decrees establish conservation projects across six areas, including four national parks, a wildlife sanctuary, and a hunting prohibition zone. The new framework allows eligible residents to use up to 20 rai of land per household within designated zones over a 20-year period, with strict conditions on land transferability and occupancy by non-family members. While the government claims the decrees will help address longstanding land use conflicts in protected forest areas, local communities and land rights activists argue the decrees insufficiently recognize their customary land rights and threaten their traditional way of life.
2. Thailand's increasing vulnerability to floods, drought, coastal erosion and landslides have brought to the fore land issues in climate change governance and the role that land policy plays in adaptation planning. The devastating floods in the North this year were exacerbated by land use changes both within Thailand and across the border in Myanmar, highlighting the need for cross-border cooperation. This included deforestation to plant rubber and corn for animal feed, and increased mining activities in Shan State that led to unprecedented levels of mud damage in the Thai border town of Mae Sai in Chiang Rai province.
3. In Thailand's central plains, communities continue to be impacted by policy changes following the deadly floods in 2011. The 2011 floods were pivotal in shaping government policy to protect the more populous and prosperous urban centers of Bangkok and industrial estates from flooding by diverting excess water from the Chao Praya River Basin to designated low-lying farmland areas. Communities living in designated flood retention zones, mostly low-income farmers, have their homes and farmlands inundated for months at a time, causing significant impacts to their lives and livelihoods. Affected villagers have not only lost decision making power over their land use, they also report a lack of sufficient public assistance during the flood and insufficient compensation for damages and lost incomes.



The status of research

1. Better understanding is needed of the linkages between climate change, impacts on land use systems, and the land tenure implications, including those which result from adaptation planning. Research can inform specific aspects of adaptation planning including climate proofing land policies so they can better address climate change risks and integrated land and water management.
2. The exclusionary effects of protected areas and impingement on land rights of communities living within them remains an important arena of struggle in Thailand. Research looking more deeply into the lived realities of communities in and around protected areas, including the different ways that conservation-driven or other exclusions provide conditional access to land and livelihoods for particular groups, could provide a more nuanced understanding of the intersection between land tenure and conservation.

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The latest on land

1. Three new laws on land, housing and real estate business became effective on 1st August 2024. Updates to the 2024 Land Law aim to ameliorate ongoing tensions that have arisen from Vietnam's shift from agriculture to industrial development. A key source of disputes has been large-scale land acquisitions by local authorities for urban development projects, which have enabled public officials to reap benefit from private investors who gain access to smallholders' land at low prices and rates of compensation. Vietnam's amended land law brings significant changes to land prices, agricultural land use, land acquisition and compensation. It aims to fairly value land by more accurately reflecting market prices, increase transparency in and compensation for large land acquisitions, and improve living standards for those displaced by development. The amendments also include provisions for direct negotiation between developers and individual land users.
2. Although the government has been allocating land use rights over state forest land to households and communities since the 1990s, implementation remains a challenge. In 2023, the National Assembly issued resolution No. 100/2023/QH15 assigning the government to complete forest allocation and leases with land use certificates by 2026. However, reallocation of forest land sourced from state forest enterprises is slow due to lack of resources for surveys and cadastral mapping, differences between forestry planning and actual forest use, and inconsistency between land and forest allocation processes, which are guided by the land law and forestry law respectively, and under the jurisdiction of two different ministries. How the process can be fast-tracked to meet the 2026 target remains unclear.
3. In March 2024, Vietnam received a \$51.5 million payment from the World Bank's Forest Carbon Partnership Facility (FCPF) for reducing 10.3 million tons of verified carbon emissions between 2018 and 2019. According to project proponents, the benefit sharing plan "designed through a consultative and transparent process" will benefit forest owners and nearby communities. Vietnam has gained experience from the pilot to support the development of a legal framework for carbon markets.



The status of research

1. The land law 2024 includes new regulations on land acquisition which are expected to provide fairer compensation and reduce complaints. Research should focus on the impacts of the new regulations after several years of implementation.
2. The government is developing a national digital land database to improve land management, provide easy-access public services and monitor the effectiveness of land policies. Given that digital land database pilots have come up against barriers, studies are needed to identify gaps and solutions related to legislation, institutional capacity and resources to support the process of database development.
3. While Vietnam is developing its own carbon standards and regulations on the domestic carbon market, studies are needed to ensure benefit sharing arrangements are equitable and local people's rights to land and livelihood are protected.

Thúy Le Thi Bích is the national coordinator for the Mekong Region Land Governance (MRLG) project in Vietnam. She has worked on land governance issues in Vietnam and networked with land-related NGOs, academic institutes and government agencies for seven years.



GENDER AND LAND IN THE MEKONG REGION

Across the Mekong region, several recent developments highlight both advancements and new challenges for gender equity in land access, use and control.

Land policies in many Mekong countries are increasingly embedding gender equity on paper. For example, Vietnam's revised Land Law includes prohibition of gender-based discrimination (Art. 11) and gender equality principles (Art. 23), a step forward that reflects the advocacy efforts of a coalition of civil society actors. Other legal and policy instruments currently being developed have been critiqued for being 'gender blind', including Cambodia's draft Land Law, and regulatory frameworks for contract farming currently being drafted in Cambodia and Laos.

In practice, formal legal guarantees remain contingent upon gendered, class-based and racialized patronage relationships that determine who is able to assert private ownership and collective rights over land and natural resources. Exclusion is enacted through multiple institutions and gender norms that view women as upholders of family harmony. The promotion of joint land titles is beneficial but insufficient to protect unmarried, divorced, and widowed people's rights, or those of matrilineal communities. In Vietnam, low rates of joint ownership persist in rural areas, and women constitute fewer than 10% of farm owners, though they make up 60% of the agricultural labor force. This inequity is exacerbated in the case of less educated women and those from ethnic minority groups. Even when women do own land, this does not always equal control over land nor control over decisions related to land use.

There is growing recognition that restrictions on rural people's land access and livelihoods due to the expansion of protected areas and large-scale cash crops, have gendered effects. These include increased food insecurity and household debt burdens that are frequently managed by women. A recent review of 126 cases of agricultural land use change in Southeast Asia found that outcomes for gender equality were negative in more than 60% of cases and had positive outcomes in only 15% of cases, even where outcomes for poverty were positive.

Restrictions on civic space across the Mekong region have affected advocacy efforts on gender and land rights. Furthermore, land conflict and displacement are escalating gendered vulnerabilities, particularly in Myanmar, where political unrest has led to mass displacements. Displaced women face heightened risks of gender-based violence and often lose access to land and resources vital for survival.

Climate change also has gendered effects on land and livelihoods. Severe flooding in August-September 2024 (also linked to the anthropogenic effects of dam construction, loss of wetlands, and deforestation) caused widespread devastation in the region, impacting agricultural communities. Floods and extreme weather events can increase women's unpaid caregiving burdens, as they often manage household recovery and food security. People who lack land rights can be particularly vulnerable in the aftermath, with limited access to recovery assistance and resources.

There is also an emerging conversation about the land rights of gender-diverse people, highlighted by Thailand's 2024 marriage equality law and draft gender recognition bill. These legislative changes could have implications for land access for LGBTQ+ people, although the region as a whole remains largely silent on this front.

Ultimately, more comprehensive gender-disaggregated data and qualitative research into gendered power relations regarding land and ecologies is needed in the region.

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