

MEKONG LAND RESEARCH FORUM

Annual
country
reviews
2021-22

 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 sixth edition of the Annual Country Reviews has been compiled at the end of 2021, looking forward into the new year. There is also a regional perspective drawing together country-based observations to look at land and agricultural investments through 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, 2022

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The latest on land

1. On 3 July 2020, the Royal Government of Cambodia (RGC) assigned relevant ministries and provincial authorities to study, collect information, and identify people who have occupied and used land in Protected Areas and in forest cover for many years over potential land allocation and ownership. Moreover, the RGC also advised the inter-ministerial working group to add 10% of reserved land for common use by communities and to prevent forest land encroachment and grabbing.
2. On 24 June 2021, the Ministry of Land Management, Urban Planning, and Construction (MLUPC) disseminated a press release for the workshop of the Land Allocation for Social and Economic Development Project III (LASED-III). The period of this project is six years (2020-2026), with implementation by MLUPC and the Ministry of Agriculture, Forestry, and Fisheries (MAFF). It has a total budget 107 million USD. The project focuses on: 1. social land concessions; 2. indigenous communal land titling; 3. communal land use planning; 4. physical infrastructure development; and 5. support for beneficiaries' agricultural and livelihood development. However, there are concerns over the potential lack of inter-governmental collaboration in terms of division of responsibilities, and information and benefit sharing.
3. The Cambodia Sustainable Landscape and Ecotourism Project (CSLEP) focuses on the zoning of Protected Areas. It is implemented by the Ministry of Environment and Ministry of Rural Development. The period of this project is six years (2019-2025) with a total budget 57.58 million USD. The project mainly focuses on: 1. strengthening capacity for protected area landscape planning and management; 2. strengthening opportunities for ecotourism and NTFP value chains; and 3. improving access through rural roads. A challenge involves achieving a broad consultation with a diversity of rural stakeholders, including Indigenous peoples.



The status of research

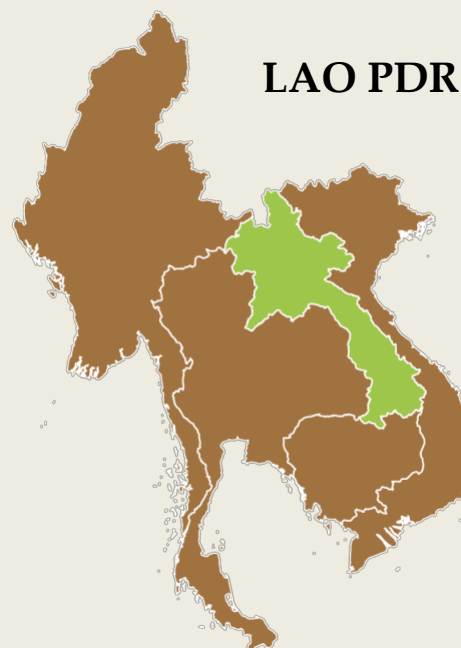
1. Research can investigate the processes of land allocation in protected areas in terms of the legal rights of land claims, including indigenous people, and the roles for local and provincial authorities, and the inter-ministerial working group.
2. Research can also explore the different perspectives of young and old indigenous peoples concerning private and indigenous communal land titling, looking at how they might maintain their culture, tradition, language, and beliefs if they claim private land titles.
3. Research can explore how different land allocation projects may conflict with or complement each other, namely private land titling in protected areas, LASED-III (social land concession and indigenous communal land titling), and CSLEP (protected areas zoning).
4. The impacts of COVID require building and maintaining a strong social and professional network of key actors and researchers.

Sary Mom is a Vice Chief in the Department of Community Livelihoods, General Directorate of Local Community, Ministry of Environment, Cambodia. She is also a Social Safeguards focal point for CSLEP. She received her MA degree at the Faculty of Social Science (Development Studies), Chiang Mai University. Her [thesis](#) was published by Chiang Mai University Press in 2018.



The latest on land

1. Despite commercial investments in land (CILs) decreasing since 2009, many investors continue to develop land granted by the government. Approximately 40% of Laos' territory is currently in investors' hands for mineral prospecting and exploration and soon a significant proportion of these areas will be cleared for mineral extraction. Since 2012, the government has suspended CILs for tree plantations and some mineral activities. New investments have shifted to both alternative commodities and using different arrangements e.g., contract farming, individual land leases.
2. The Laos-China Railway was inaugurated in early December 2021, but this is just the beginning. The Lao and Chinese governments plan to transform the land along the railway for projects in trade, tourism, and agriculture under the framework of the Laos-China Economic Corridor 2019-2030. This brings both direct and indirect development potentials but also risks for the local environment and human wellbeing, especially for vulnerable groups who are still highly dependent on land and resources for their livelihoods.
3. It is estimated that more than 200,000 migrant workers have returned from neighboring countries, especially from Thailand, having lost their jobs due to the COVID-19 pandemic. With a limited availability of job opportunities in rural areas, these migrant workers are forced to rely on land and natural resources to make a living. This may directly affect land use in rural areas.



The status of research

1. Innovative methods such as interdisciplinary and transdisciplinary research are critical for the governance of CILs, to help negotiate and navigate the trade-offs between stakeholders with conflicts of interest, and to achieve sustainable outcomes. International guides and principles, such as CSF-RAI and FPIC, have been promoted by some international actors in order to achieve sustainable agricultural investments, but the effectiveness of these principles on the ground is still under question. The long-term impacts of CILs are still not fully predicted by previous studies.
2. Systems knowledge can help understand the potentials and risks of different planned development projects along the Laos-China Railway. Research here is urgently needed in order to provide scientific evidence to better-inform decision-makers.
3. Land-use change and poverty dynamics are important areas for research in light of the COVID-19 pandemic, particularly in the context of returning migrant workers from neighbouring countries.

Dr Vong Nanhthavong is a research scientist at the Centre for Development and Environment (CDE, Lao office) under the University of Bern in Switzerland. Dr Nanhthavong received his PhD in geography and sustainable development from the University of Bern. He has more than 10 years of professional experience in land and natural resource governance in Lao PDR. His research interests include agrarian change, livelihood transformation, labour relations, and poverty dynamics.



The latest on land

1. 2021 was marked by the 1 February military coup against the democratically elected NLD government with the military appointing a State Administrative Council (SAC) as the ultimate governing body of the country. An initially peaceful resistance movement provoked a heavy-handed response from authorities. Resistance has morphed into local armed bands of Peoples Defence Forces (PDF), and the formation of a National Unity Government (NUG) to counter the regime. A civil disobedience movement (CDM) led by striking civil servants has restricted the ability of the SAC to effectively govern the country.
2. Civil society groups working on various land-related reform processes such as the drafting of the National Land Law resigned following the coup. Many local groups previously working in the land and natural resources sector have shifted their programs toward humanitarian relief or have otherwise dispersed. Rules to implement land legislation passed by the previous NLD government, which were stalled in the law harmonisation parliamentary committee, now appear to be on hold. Likewise, large multilateral and bilateral land governance projects and programs have been cancelled or suspended as donors reorientate aid towards humanitarian relief work, support for civil society, or otherwise leave the country altogether.
3. The ruling SAC, and in particular members who have championed large-scale investments in agribusiness, have promoted a broad and controversial expansion of oil palm plantations in Southern Tanintharyi Region. There is growing concern that increasing investment in the loosely regulated or monitored agribusiness sector may drive an increase in negative environmental and social impacts.
4. Increasing hostilities and conflict is creating a new generation of internally displaced persons across the country. As communities leave their villages fleeing conflict, farmlands and houses are left idle and vulnerable to appropriation by the state.



The state of research

Given the ongoing political crisis it is currently a challenging time to undertake substantial research in Myanmar around land. Nevertheless, due to the general crises and increasing levels of conflict, there are certain issues that need to be monitored:

- Documenting the cases of IDPs and both the customary (whether individual or communal) and formal land holdings of IDPs leaving their communities.
- Monitoring and documentation of investments in resource exploitation on the ground, noting new developments and their environmental and social impacts under the SAC body.

Glenn Hunt works as the senior land advisor for the Centre of Development and Environment, University of Bern on their project in Myanmar. Working on land governance in the NGO/CSO sector in Southeast Asia since 2004, Glenn was based in Yangon for seven years prior to the coup. Since July he has relocated to CDE head office in Switzerland. Glenn was the lead author of the [Tanintharyi Regional Oil Palm Assessment](#) (2020). He is currently completing his PhD at the University of Bern.



The latest on land

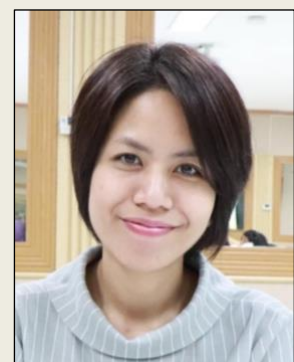
1. Initiated in 2015, the 'One Map' project aims to settle decades-long conflicts between individuals and the state over the right to certain plots of land, mostly in forest areas. But it is yet to deliver a single map for government agencies to determine their boundaries and jurisdiction over an overlapping 41 million hectares of public land. In 2021, many communities publicly refused to accept 'One Map' as the map being redrawn incorporates common lands and privately-owned village lands (under title) into forest and national reserve forest areas. In such cases, the measure for land loss compensation remains unclear.
2. The adjustment of city plans for the development of 'S-curve' industries, industrial parks, and smart cities follows the 20-Year Industrial Development Strategy (2017-2036). In 2021, local communities and civic rights groups in many provinces resisted the conversion of rural and agricultural areas to industrial zones. Under the Town and City Planning Act of 2019, new city planning has been approved for flexible promotion of economic and industrial zones. There are concerns over transparency and inclusiveness, despite the Act requiring public hearings and community participation for the adjustment of city plans.
3. The 'reclamation' of forest areas remains a focal issue for land governance. As reported in 2019, at least 46,000 cases were brought by the government against villagers and ethnic communities for forest encroachment while less than 3 percent of the total amount of land the government aimed for was reclaimed. In 2021, subsidiary legislation of the 2019 National Parks Act was pushed forward, where park authorities have sole power to permit community access. The Act is also criticized for imposing stricter penalties and allowing inspection without search warrant.



The status of research

1. Research should embrace the fact that smallholders can play a critical role in sustainable land use, thereby supporting government policy mobilisation on climate change. There remains a large gap in the literature on the interconnectedness of politics, policy, and practice on land-based climate governance and sustainable agriculture in Thailand.
2. More funding should be provided for research that fosters legal and institutional reforms towards equitable, inclusive, and flexible land policies and practices. Recent studies in Thailand call for more decentralised land governance, advocating for improvements in local administrative capacities. However, this must be crafted based on a highly democratic and inclusive process.
3. More work is needed to address the implications of the COVID-19 pandemic on land governance and land management. Pressing issues include lack of access to adequate housing and food faced by low-income families, homelessness, and services for migrants and refugees, particularly centres in densely populated urban areas.

Nattakant Akarapongpisak is an assistant professor at the College of Politics and Governance, Mahasarakham University in Thailand. Her publications focus on land politics and energy politics, social movements, and the green agenda in Thailand. Her recent research is on the development of policies and the politics of Thailand's agricultural land reform with regards to allowing non-agricultural businesses to use agricultural land reform plots.



The latest on land

1. In 2021, the implementation of the 2013 Land Law was evaluated, in preparation for an upcoming revision. The new Land Law will be submitted to the National Assembly for review and approval in 2022. Consultations and workshops are being conducted by both government agencies, academics, and CSOs to analyse the current land law and its recommended revisions.
2. The utilisation and management of agricultural land remains a hot topic. Investors and most economists advocate to remove legal restrictions and facilitate land accumulation. However, social organisations and some academics call to protect the rights of land users, especially disadvantaged groups. Due to COVID-19, more than 2 million Vietnamese workers returned to their rural homes. This reminded policy makers to make land accessible to rural residents, with a limited social safety net available. There is also debate on the conditions for converting agricultural to non-agricultural land, especially for urbanisation projects. This relates to planned revisions to laws on investment and housing.
3. Land for ethnic minorities remains on the government agenda. Within the newly launched National Targeted Programme for Socio-Economic Development of Ethnic Minority Areas (NTP-SEDEMA), residential and production land is allocated to ethnic minority households. To guide program implementation, consultations on a draft Decree and Circular have taken place. In a related topic, government agencies and development actors are discussing how to speed up the reallocation of forest land from state-owned enterprises. Pilot projects to reallocate forest land to ethnic minorities for community management started in 2021.



The status of research

1. Much research on land during 2021 was designed to provide information and inputs to the evaluation and revision of the Land Law. Topics included an analysis of modalities of land accumulation and land concentration, and land for ethnic minorities.
2. Recent important research by social organisations in Vietnam include studies on compulsory land acquisition, and agricultural land accumulation and concentration by LANDA (Land Alliance) with support by MRLG, and a further study on accumulation and concentration by Agrico, with support by Oxfam. Tien Phong (supported by iSEE) launched a report on customary tenure.
3. Due to COVID-19 restrictions, most research activities and consultations must be conducted online. This limits access to the field for researchers to interact with local communities.

Truong Quoc Can is currently Director of the Consultative Institute for Socio-Economic Development of Rural and Mountainous Areas – CISDOMA. He has more than 10 years working intensively on land issues in Vietnam and in the region. He has led/coordinated several field studies, policy reviews and intervention projects on the topics of land accumulation and concentration, and customary land tenure. He has also been an active advocate for the protection of land rights for smallholders, women, and ethnic minorities.



LAND AND AGRICULTURAL INVESTMENT IN THE MEKONG REGION

There is a continuing interest to use more inclusive agricultural investment models in the region, be it through contract farming or land leases, where farmers retain control of their land in a more equitable relationship with investors.

- In **Lao PDR**, there is interest to issue an *Instruction on Contract Farming* and develop a contract template in 2022. Workshops and field visits were held during 2021 to inform the Ministry of Planning and Investment (MPI) and the Ministry of Agriculture and Forestry (MAF) on these new initiatives. There have also been opportunities to monitor the implementation of the 2019 *Instruction on Investment Approval and Land Management Mechanism for Leasing or Concession to Cultivate Crops*.
- **Cambodia** is looking to draft a Contract Farming Law. To engage with preparations for this law, the Centre for Policy Studies (CPS) conducted research into smallholder-investor relations, the usage of different investment models for certain crops, and how this relates to land tenure.
- In **Vietnam**, there is ongoing debate surrounding a state interest in land concentration and accumulation. The debate includes whether or not this can improve productivity and efficiency in the agricultural sector and whether it will benefit or further marginalise smallholders. All eyes are on how the interest will be promoted through the upcoming revision to the Land Law.
- The launch of **Thailand 4.0** projects an economic model with aims to bridge the gap between upper-middle and upper-income status for the country. Agriculture and biotechnology are among ten target industries, with a focus on technology and innovation. Together with a *20-year Agricultural and Cooperative Strategy for 2017-2036*, the concept of mega farms is promoted, pooling at least 30 farmers to cultivate a single product and improve economies of scale.
- In **Myanmar**, uncertainty shrouds the governance of the country due to the military coup and ongoing civilian resistance. There is an investment limbo, with both multilateral partners and foreign investors reluctant to engage in the present climate. Internal policy developments are now on hold.

On the back of interests in contract farming and land leases, international donors such as the United Nations Food and Agricultural Organisation, the German Gesellschaft für Internationale Zusammenarbeit (GIZ), and the Swiss Agency for Development and Cooperation have seized the moment to engage with government stakeholders around the region, linking inclusive models to broader visions of responsible agricultural investment (RAI) such as through the ASEAN-RAI Guidelines. In lieu of face-to-face meetings, throughout 2021 several online INGO-led workshops have taken place engaging dialogue between multi-country and multi-stakeholder actors on the topic. The Mekong Region Land Governance (MRLG) project continues its RAI workstream, promoting responsible practices while offering to facilitate policy developments around the region.

Daniel Hayward works as an international development researcher, focused on land relations, agricultural value chains, and an energy transition. He is based at Chiang Mai University as project coordinator of the Mekong Land Research Forum. He is also a Country Research and Engagement Consultant for Land Portal, as well as consultant for a variety of local and international NGOs and research institutes.

