

Land Grabbing and Impacts to Small Scale Farmers in Southeast Asia Sub-Region

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1. Introduction and General Account on Land Grabbing

This paper is part of a research on Land Grabbing in Southeast Asia Sub-Region conducted by Local Action Links (Local Act, Thailand). It aims to study the situation of land grabbing and its impacts on small-scale farmers in 5 countries, namely Thailand, Myanmar, Laos, Cambodia and Vietnam. This paper presents the first draft report of the study on cases of land grabbing in Thailand, Myanmar, and Cambodia.

One of the biggest problems in the Southeast Asia Sub-Region countries, namely Thailand, Myanmar, and Cambodia is land grabbing. For the purposes of this paper, land grabbing is defined as a large-scale acquisition (normally 200 hectares or more) by a corporate investors or government entities through buying, leasing or accessing land in order to produce food or non-food crops or to use this land for extractive purposes, such as hydropower dams and logging. They make these acquisitions for the purpose of increasing supply of goods for domestic and foreign markets or making a favorable return on an investment. The FAO's definition of land grabbing adds that these acquisitions undermine food security in the host countries.

Land grab have caused a number of people in these three countries to become landless. This is because they do not have legal security over the land they live on, some of them living on state-owned land. Other has been being evicted after the state or companies with backing from the state have seized their land. As land-grabbing has become bigger in scale and more systematised in recent years, the number of people who have been evicted has skyrocketed. Millions of hectares of land have been grabbed and handed over to either foreign or domestic investors. By altering land laws to favour the interests of investors, national governments have accelerated land-grabbing. At the same time, codes of conduct have mostly been ignored or breached by foreign investors. They have rarely safeguarded the interests of those who have been evicted as a result of these projects and make sure that they are no worse off. Sometimes, their actions have broken laws in both their own countries and the host countries.

Land grabbing has become a severe opportunity cost in these countries because these investments in land crowd out investments in other sectors, such as mass manufacturing and services, which could potentially create good jobs and nurture the growth of a middle-class. Further, land grabbing is happening at a time when many

developing countries are experiencing considerable growth in mass manufacturing, receiving significant foreign direct investment (FDI) in this sector.

❖ **Dispossession of land and integration of global economic activities**

A coming together of a number of global crises—financial, environmental (climate change), energy, and food—during the past few years (from 2005 onwards) sparked a rush to grab land, particularly land in developing countries. In particular, the food price spikes in 2007 and 2008 challenged the assumption that food prices will remain low. While prices have decreased since this spike, structural factors driving this high price remain. Simultaneously, constraints on agricultural productions in some countries, such as China and Korea, due to dwindling water and arable land supply, the expansion of biofuel production, and increasing urbanization, has created food supply problems domestically in these countries. This limited food supply, the high price of food, plus the high demand for food, particularly in large countries like China, has been a key driver of the current land grab. High demand in richer countries for other resources too, such as energy, minerals, and wood, which they currently lack have also contributed to the current land grabbing phenomenon. Many governments and private actors from a variety of business sectors, such as mining, forestry, agriculture, and bioenergy, have thus looked abroad to acquire large chunks of land to build large-scale extractive, agro-industrial projects.

Three global economic processes have enabled land-grabbing to have occurred on such a large scale: (1) globalization, (2) liberalization and titling of land markets, and (3) the worldwide boom in FDI. As Thomas Friedman wrote, globalisation has made the world a flatter place. New communication and transportation technology has made it possible to communicate, transport goods, and travel long distances quicker. These improvements have made it easier for foreign investors to buy land and export goods in not only distant countries but also neighboring countries. This is certainly the case in mainland Southeast Asia.

Second, the creation of free land markets and the conversion of collective and customary land rights into formal, individual titles have also played a large role fuelling global land grabbing. The World Bank and other development organizations have spent considerable time and money to help set-up land titling systems, such as in Cambodia, Laos, and Thailand, seeking to create transparent and vibrant land markets. However, by systematically commodifying huge swathes of land into the global land market so that their ownership can be more easily transferred, these programs enabled land grabbing on a scale previously impossible. Further, they had negative and unjust distributive effects (detailed below).

Third, during this period, there was a rapid increase in FDI to developing countries, which enabled types of actors to purchase and use of land. For example, in 2007, FDI rose 32% from the previous year to US\$ 500 billion, of which \$13 billion was invested in the poorest countries. FDI can be defined as an investment in a business by an investor from a foreign country for which the foreign investor has a significant degree of control over the company in which it has invested. In numerous instances, FDI can be harmful to the host country because multinational companies seize profits from the host countries for themselves for future investments. Therefore, once the initial investment turns profitable, the capital generated from FDI will often return from the host country to the country where it originated. Also FDI has traditionally relied on natural resource use and extraction without much concern for environmental externalities, thereby spurring environmental destruction in host countries.

While investments from FDI have been directed to numerous sectors during the past few years, much of it has been directed to mining, biofuel production, and agriculture, thereby increasing demand for land. This growth in demand was partially met by governments selling state lands or granting concessions to use land and partially by individuals selling their own land. Many of these individuals sought to profit from rising prices. However, one problem is that in much of this land the individuals did not want to sell the land but the government and other actors pressured them to do so. Another problem is that in the land sold or conceded by the government, many communities were living there sustaining their livelihoods. In collusion with private sectors, government agencies subsequently evicted them, relocated them to infertile areas, and gave them inadequate compensation.

Overall, as discussed in depth below, host governments, such as Cambodia, Laos, and Myanmar, where the land grabbing is occurring have generally welcomed this increased foreign investment, even though much of their own population lacks food and they are importing environmental harm as a part of these investments. While a significant portion of this foreign investment is between developed and developing countries, another significant portion is intra-regional.

The global land rush has marked a move away from family farming, which has long been the backbone of agriculture in many recipient countries, including in much of the mainland Southeast Asian countries, and towards large-scale, mechanised agriculture. One sector in particular symbolizing this shift and where global processes have impacted land grabbing is the fast-growing tree plantation sector. Tree plantations can be seen as a 'flex crop' or a commodity since trees and forests have multiple uses. They can be used to extract the wood for industrial purposes to foreign countries, especially middle-income wealthy ones such as China and India. At the same, a

plantation is useful because of the rising demand for wood chip biofuels, which can be used as carbon offsets. During the past decade, the growth of this sector and the land grabbing associated with it has been discernable. This sector and its associated land acquisitions is likely to enlarge in the foreseeable future.

❖ **The role of state and non-state actors as agents of capitals**

The state has been a major player in land grabbing in mainland Southeast Asia in two ways. First, government agencies and state-owner enterprises of wealthier countries which lack resources, such as China and Thailand, have supported land grabbing in poorer but resource-rich countries. For example, in Thailand, the Electricity Generation Authority of Thailand has supported hydropower development in Laos which has involved significant land-grabbing and salvage logging to build the reservoirs for the dams. As another example, Chinese overseas hydropower projects are often tied to aid packages given by the Chinese Government to the recipient country. For example, the agreement to build the Kamchay Dam in Cambodia, which worsened the livelihoods of communities living nearby the dam, was part of a US\$ 600 million dollar aid package from China to Cambodia. The State Council of China must approve all overseas projects worth over US \$200 million and Chinese loans to overseas entities over US\$ 100 million before these projects can commence. This suggests that the Chinese government is supporting these large foreign investments in Cambodia and elsewhere.

Second, as mentioned, national governments in the poorer countries of mainland Southeast Asia have also been supporting increasing foreign acquisitions of land in their own countries. Their support is reflected by a number of policies and strategies together with ambitious development and growth targets. For example, in Laos, since 2001, as envisioned by Deputy Prime Minister Lengsavad, the main foundation of the government's economic development plan has been an investment-centric strategy to convert large tracts of land to rapidly achieve economic growth through production and extractive projects. This approach has focused on utilizing land for hydropower and irrigation, harvesting timber, extracting mineral resources, and growing cash crops in plantations. For example, hydroelectricity constitutes 16% of Laos's total wealth. Laos also has set to eradicate shifting cultivation and opium production and consequently turning land where these activities occur into capital is attractive to them.

In Cambodia, the government issued the current sub-decree on Economic Land Concession (ELC) in 2005 with the purpose of promoting agro-industries, generating employment in rural areas and fiscal revenue. In a government-supported investor magazine *Invest in Cambodia* the government advertises, "For investors looking to grow

and process crops, Cambodia is an ideal location with plenty of land available for agricultural concessions.” And in Myanmar, according to the Ministry of Agriculture and Irrigation’s Master Plan, the government is seeking to woo foreign investors to convert 10 million acres of ‘wasteland,’ which is though currently occupied and used by millions of smallholders, into ‘productive’ land through private commercial agricultural and industrial production, such as textile factories and palm oil, rubber, and cassava plantations.

In addition, these governments welcome foreign investors because some have brought gifts to the government along with their investments. Not only are they paying particular government officials, but also they are using their own money to build infrastructure which can help the country develop. For example, in Laos, a Thai investor named Peter Chang, who was granted a 5,000 hectares concession to build a coconut plantation, had earlier built a primary school, gave an indoor sports complex to the Ministry of Defence, and, most conspicuously, funded the construction of the Lao International Trade Exhibition and Convention Centre, or Lao-ITECC. As another example, the Vietnamese conglomerate, Hoang Anh Gia Lai Joint Stock Corp (HAGL), who has invested heavily in projects in the rubber, palm and hydropower sectors, built a \$40 million airport in Attapeu province in southern Laos in 2012.

Nobody would question a government of a poor country for seeking to attract investment in order to promote economic development, create jobs, modernize the agriculture sector, improve infrastructure, and generate public revenue. The problem, however, has is that the promised benefits of these projects have often not materialized and when they have, they have been unequal, favouring the wealthy and powerful. For example, Chang not only refused to compensate villagers for villagers for the farming land he acquired but he also cut 3,000 hectares of dense forest and reneged on his promise to plant a coconut plantation, thereby not creating any jobs. In other instances, local communities whose land has been seized from them now work on plantation in this land and make less income than they did when they could freely use the land. Further, while the GDP of these countries, such as Cambodia and Laos, has grown rapidly in the past few decades, the growth has been highly unequal: the elite and the upper-middle class have benefited while the poor have not. Income inequality has grown in recent years.

A big problem is that the process of investing in these project is conducted in a top-down manner ignoring most of the context of the area where the investment is taking place. Sometimes, investors, such as Chang, only want to access this land to log forests. Rarely is the social context of the area taken into account, such as the livelihoods of the communities living there, their ethnic-cultural practices, and

willingness to relocate. Consequently, these international investments are occurring in areas where they are not most needed.

❖ **Institutional arrangement facilitating land grabbing**

These countries' institutional and legal arrangements are facilitating land grabbing. Global inventories of land acquisitions reveal that most deals involve long-term land leases or concessions on state-owned land. However, in some instances, the state has passed laws enabling them to seize private land. In Thailand, over one million rural dwellers have lived in forested areas for decades but they lacked any official land ownership documents. A few decades ago, the government classified much of these forested areas as "Protected Forest Areas" which meant that this land now belonged to the government. Subsequently, the government has arrested some of these people, declaring that they have been trespassing and illegally residing in these areas. For example, almost 300 farmers in the North were charged under this law in 2011.

More commonly, however, these countries' land titling programs and recently-passed laws have facilitated land grabbing and weakened customary rights of smallholders living in these areas. Thailand's land titling scheme, which was implemented a few decades ago with support from the World Bank. The scheme, however, was plagued with corruption. Numerous deeds were handed out to people using false names and other problems arose, such as titles indiscriminately dividing communal lands. Although unintended, the scheme led to large areas of land being seized from the poor and handed over to the rich who have often left the land idle. The program kindled numerous land conflicts in rural areas. Despite these conflicts, numerous protests, and lawsuits, not much has changed since the program was finished. This is due to the unequal power structure in Thailand—wealthy landowners are often government leaders—and the high degree of fragmentation in the land sector. Sixteen agencies have various responsibilities governing land and rarely cooperate with each other.

In Cambodia similar trends have emerged. Economic land concession laws have allowed the government to give almost three-quarter of arable land to investors (equivalent to 15% of Cambodia's total land). However, the government gave these concessions without following the legal system. For example, the 2011 Land Law defined new property categories did not unambiguously demarcate between state public and private land, which is mostly forested areas. Consequently, the government has granted significant swathes of state private land to investors. Also, the government has rarely enforced many items in the Land Law. This is because of the state's weak capacity and complicity between the state and private sector.

In Myanmar, the government passed two laws in 2012 which favour large foreign investors and have set the legal foundation for giving large-scale agricultural and industrial concessions to foreign investors. Under the Vacant, Fallow, and Virgin Land Law, the agricultural ministry has exclusive rights to manage. The law grants hardly any statutory land rights to farmers. The second law it passed is, the Foreign Investment Law which enables investors to be granted the right to use land for up to 70 years. This time period is much higher than the period in the previous law. The law also enables foreigners to own land for the first time.

Corruption, lack of political representation, and related weak rule of law have been key facilitators of land grabbing. It is easier for foreign investors, state-owned enterprises, and other actors to buy large swatches of land in poorer countries if they are dealing with weak and corrupt, autocratic governments. Indeed, a World Bank study found a strong correlation between weak protection of local land rights, corruption, and levels of agricultural investment. This suggests that weak land governance regimes and corruption are enabling land grabbing. In these countries, the property rights of those who are not well-connected are neither honoured nor well-protected. The governments are ruled by corrupt elites who are both politicians and landlords. This is certainly the case in Laos. It has also been estimated that of logging companies' total costs 20% consists of bribes to senior officials to secure quotas and a further 15-20% consists of bribes to lower-level officials. As Martin Stuart-Fox, a leading expert on Laos, told Reuters, "It's simply a matter of greed. Officials are grabbing what they can. Companies need land and are prepared to pay well. It all goes under the table."

❖ **Capital flows within the Lower Mekong Sub-Region**

In mainland Southeast Asia, it is also important to note the intraregional nature of capital flows. While certainly some of the capital fuelling land grabbing is coming from Western countries and other Asian countries, such as Taiwan, Korea, and Japan, a significant portion is from richer countries within the region, such as Thailand, Malaysia, and Vietnam, or neighbouring ones, such as China. Actors from these countries, often business elite supported by their governments, have becoming some of the leading land grabbers in the region. For example, Laos's neighbours and other regional countries, who are richer and more powerful but have a dearth of natural resources, have pressured the government to open up the country so that they can access Lao's abundant natural resources. It is estimated that 85% of agricultural concessions have been given to foreign companies, most of them Southeast or East Asian.

This section will discuss the role of the international financial institutions (IFIs), ASEAN and the likely effects of the incoming ASEAN Economic Community (AEC), which will begin next year, and summarize intraregional and investment from other countries in Cambodia, Laos and Myanmar.

❖ **IFIs, AEC and ASEAN**

As discussed earlier, the IFIs have facilitated land grabbing in these countries. As strong evidence, in 2009, two of the major World Bank (WB) land titling schemes in Southeast Asia were cancelled. While the WB gave face-saving explanations for terminating the schemes, the reasons they did so were much deeper and were closely linked to key factors behind land grabbing in these countries. In Laos, numerous tensions within the program arose. Foremost was the government's reserving of large areas of land for economic concessions and therefore keeping this land out of the areas to be titled. Second, the government designated land along roads and in special economic zones to be used for development. Both of these tensions led to local communities being evicted. In Cambodia, as discussed earlier, the WB's land titling scheme was corrupted into becoming a reward system for loyalty to Prime Minister Hun Sen. Cambodia's climate of violence has disrupted any notion of transparency in the scheme.

Programs initiated and funded by the ADB in these countries have also encouraged land grabbing. In Laos, the ADB supported the Land and Forest Allocation Programme (LFAP) which had the goal of stabilizing shifting cultivation. However, studies found that in the village of Ban Sivilay, under the LFAP, areas of the village's 'degraded forest' had been zoned for commercial tree farming development. In many areas, under the program, upland communities practicing shifting cultivation were forcibly resettled by the government to lowland areas. However, fertile lands suitable for permanent cultivation were already occupied. Thus, overall, the LFAP worsened land and food security and poverty.

The ADB and World Bank have additionally supported large hydropower development in the Mkoeng. For example, one of the ADB's flagship projects in the region is the Mekong Power Grid which encourages hydro-power projects in China, Burma, and Laos to distribute electricity across the region through a regional power grid. However, large-scale hydropower development has led to large-scale evictions and salvage logging in Laos and Cambodia

Last, IFIs have supported plantation development. In Cambodia, The World Bank-supported Draft Forestry Law does not clearly distinguish plantations and forests, stating that a forest can be "natural or planted". This deliberate confusion has helped

the promotion of plantations in the country. Similar to companies in the dam building industries, plantation companies receive subsidies and preferential financing from IFIs and other donors. However, as discussed above, some plantation companies have been heavily involved in land grabbing.

Next year marks the beginning of the AEC, whose blueprint was adopted in 2007. The blueprint consists of a number of laws, rules and institutions. ASEAN hopes that the AEC will make ASEAN a more competitive and integrated single market in which goods, investment, and labor can flow freely. As of August 2013, about 80% of the blueprint's measures have already been implemented. ASEAN plans to implement the remaining measures by 2015.

The Heinrich Böll Foundation worries that the AEC will enable the region's elite to acquire more power and wealth while the rest, especially smallholders in the region, will be worse off. The AEC's policies to woo foreign capital, particularly FDI could create a system which prioritizes to profits, capital flows, and market forces, not smallholders' interests. This is because governments will seek to deregulate their countries' economies so that they can attract investment. This could encourage foreign and multinational companies to increasingly participate in land-grabbing and undertake other predatory actions.

As of now, ASEAN has not done much to defend smallholders from land grabbing. The organization has created a number of frameworks and groups, such as the ASEAN integrated Food Security Framework (AIFS), an ASEAN Working Group on Climate Change, and the ASEAN Multisectoral Framework on Climate Change: Agriculture and Forestry toward Food Security (AFCC). But they so far had a negligible impact because they lack funding, manpower, and political will. These frameworks and group also do not encourage civil society participation. Also during ASEAN meetings, including the ASEAN Ministerial Meetings on Agriculture and Forestry, smallholders have had limited opportunities to voice their concerns. Moreover, ASEAN has not yet endorsed any codes of conduct which could discourage land grabbing in the region.

❖ **Key accounts of China, Vietnam and Thailand investment**

Overall, it seems that most private sector companies who are granted land concessions in Cambodia, Laos, and Myanmar unfortunately seem unconcerned about their social responsibility. For example, these companies frequently break the law by expanding their investments and logging beyond the concession areas granted by the government. They also seem to often have no qualms about bribing officials.

Chinese Investment

China has been a heavy investor in mainland Southeast Asia. It is the number one country of origin for agricultural FDI in Cambodia and Laos, especially in rubber and rice. However, its investments have adversely affected the environment and local livelihoods in these countries.

In Cambodia from 1994-2011 China's investments in land, along with mining, dams and other investments, have totalled US\$ 8.8 billion. This amount is more than double than that of South Korea, the second-rank investor. In the past two years, the Cambodian government has granted over 4.6 million hectares of land to Chinese companies. Of this total, 3.3 million hectares were forest concessions, almost a million hectares were ELCs, and the rest were mining concessions. Consequently, Chinese companies control about one-fourth of Cambodia's 17 million hectares of agricultural and forested land. Critics have lambasted Chinese investment for making corruption worse, debilitating governance, violating human rights, and damaging Cambodia's environment.

The situation is similar in Laos where Chinese investment comprises almost half of all foreign investment in agricultural land, totalling 113,000 hectares. This surge of Chinese activity is especially prevalent in northern Laos. In 2005, Chinese investors signed 15-year contracts to produce sugarcane and cassava in 100,000 hectares in the northern province of Luang Nam Tha. As Chinese farmland increasingly diminishes, Chinese agricultural firms are looking to produce elsewhere, such as Laos. Besides harvesting agricultural produce, the Chinese have heavily invested in rubber plantations in the north. As the demand for cars grows, the country is expected to consume 30 percent of the world's rubber by 2020 and to meet its needs, Chinese companies have recently looked to produce rubber on Lao land. Rubber overall accounts for a large share of the land areas acquired by Chinese investments.

Chinese companies have also significantly invested in Myanmar. For example, in 2008, a Chinese Company Jilin Fuhua and the Union of Myanmar Economic Holdings agreed to develop the 'Sino-Myanmar green agricultural zone,' covering 12,000 hectares. Three years later, the two state-linked companies signed an additional memorandum on agricultural cooperation projects.

China still has not developed any comprehensive safeguards to apply to its foreign direct investment. These Chinese companies' activities are largely unregulated by the government. Consequently, this approach has created numerous negative impacts in these countries and the economic presence of China has stirred resentment

in the regent. As a Burmese Monk lamented it, 'We are China's kitchen. They take what they like and leave us with the rubbish.'

In recent years, China has promoted its "Develop the West" policy which has the goal of connecting Yunnan province to Southeast Asia's markets and developing trade relations. It is driven by southwest China's relative poverty to the rest of the country, especially Yunnan Province, and its proximity to Thailand's wealth. This goal has been one of the factors driving Chinese investment in Laos. In addition, these investments have helped improve energy security in China and helped the country gain additional natural resources to help feed its resource-intensive development.

Vietnamese investment

Wealthy Vietnamese investors have played a key role in the rubber sector and subsequent land grabbing in both Cambodia and Laos. In both countries, the governments have granted Vietnamese companies large swathes of land in a short time period. This process has gone smoothly largely because of the high degree of political support these investors have from the Lao and Cambodian governments as well as the influential position of the well-connected Vietnamese Rubber Group, who has played a key role lobbying for rubber investments. These Vietnamese companies have fostered strong relationships with both governments, ranging from the local to national level. The close relationship between Laos and Vietnam after the Second Indochina War has fostered economic collaboration between the two countries and positively affects collaboration between Vietnamese investors in the South of Laos and the Lao government.

A Global Witness report describes how two of Vietnam's largest companies, Hoang Anh Gia Lai (HAGL) and the Vietnam Rubber Group (VRG), have been granted land concessions in Laos and Cambodia to build rubber plantation. In these areas, local villagers have been expelled from their land and lost access to forests, including spirit forests and burial grounds. These companies, however, have denied any wrongdoing and the Vietnamese government has not punished them. There is worry that as the AEC begins next year and the regions' borders become more open, Vietnamese companies will expand these land-grabbing practices.

Thai investment

Thai NGOs are worried that is that after the opening of the AEC, Thai agribusinesses, particularly Charoen Pokphand (CP), could harm traditional smallholder

systems in other countries as they have already done in Thailand. In particular, they worry that these companies will introduce GMOs and unfair contract farming initiatives, and potentially seize land in neighbouring countries. CP has already established a monopoly in Laos' poultry industry in Laos and is a major player in the corn for animal feed sector in Myanmar through using contract farming schemes. Local Burmese NGOs have already raised concerns about the CP model, particularly its contract farming schemes.

Khon Kaen Sugar Industry, a Thai company, already partook in land seizures in Koh Kong Province in Cambodia. It owned 70% of a Cambodian sugar company given a land concession to build a sugar plantation. Cambodian company viciously expelled more than 4,000 villagers and relocated them without their consent so that the land could be cleared. The villagers were not consulted and declared that the land transfer was illegal. Khon Kaen sugar has refuted charges of any wrongdoing.

In addition, in recent years Thailand's energy, construction and finance companies have played a big role encouraging hydropower investment in Laos which has had led to land-grabbing in certain reservoir areas and worsened the livelihoods of many Lao communities living in these areas. Hydropower is highly profitable because of the terms of the contracts, enabling these countries to import electricity cheaply into Thailand. On average, electricity costs 3 Baht (\$0.10) per unit in Thailand but they can import it for 1.7 B (\$0.06) per unit in Laos. Consequently, Thai companies have the highest share (37%) in hydropower projects in Laos (excluding those in the feasibility stage). Thai banks have been heavily involved in financing projects because they are guaranteed high rates of returns but have yet to sign any international standards for responsible investment. While they have CSR policies, they are based upon merely aspiration statements, such as Thai Military's Bank goal to maximize "benefits to its shareholders, customers, and community at large." The banks seem to give highest priority to profit margins rather than how these projects will adversely affect local communities in Laos.

2. Case Study on Land Grabbing and Impacts to Small-Scale Farmers in Thailand

Thailand has a total land area of 513,115.020 square kilometers, or about 198,953 square miles. It is located in the center of Southeast Asia. It is like a door to Southeast Asia and Mekong Sub-Region. In 1995, Thai economy was one of the fast growing economies of the world with an average growth rate of 8-9% per year. After recovering from economic crisis in 1997-1998, Thai economy continued to grow again, although with stagnations at some intervals due to global economic recession and unstable politics, as well as great flood. Economic growth also means growth in land market at the same time due to expansion of production and investment. However, the gains from prosperous economy are not equally and fairly distributed. As a result, Thailand sees big gap in income and opportunities, especially in the North and the Northeast where poor population are concentrated (World Bank 2014).

2.1 Case Study on Land Grabbing by a Big Company in Petchaburi Province From Rice Field to 100 Billion THB Project 'Bangkok 2'

The situation of land grabbing in Petchaburi Province, two hours to the south from Bangkok, has started in 1977 by B.C. Company¹, which started its operation by buying large track of land to grow pineapple feeding canned pineapple factories.² During the initial period of land grabbing, land acquisition was done in general with no specific area. It used the method of proposed purchase and gradually accumulates the land until now (2014). B.C. Company³ spent over 37 years in buying the lands. This plot of land covers the total area of around 15,000 rai⁴ in 5 sub-districts of 2 districts, namely Cha-am and Tha Yang of Petchaburi Province. After buying land at the initial period, there was no plan on project implementation on the land. It has been left idle. Until 1992⁵ when Thailand was under military government, the ruling National Peace Keeping Council introduced a policy to expropriate private land that was left idle. As a result, B.C. Company Group came in to clear and level the land for pineapple growing,

¹ There has been no chance to check the title deeds, but it is confirmed that it is only one investor which bought this large track of land. Therefore, this study will call assumed name instead.

² 1st interviewee, as a local Real estate agents, at Nong Sala Sub-District, Tha Yang District, Petchaburi

³ assumed name

⁴ The size of land is not accurate because it has not checked title deeds at the district land office. 1 hectare equals to 6.25 rai

⁵ Before 1977, the state had a flexible policy on encroachment of state land. After 1977, an order was issued by the Office of Prime Minister on solution of encroachment of state land 1977, which has threatened investors to lose their land.

but it was not profitable. Therefore, it has stopped this operation. Later, it has dug wells and built roads, and conducted land planning. It has also dug a large pond on an area over 100 rai to get the soil for new 4 lane road, with reallocation of land space.

A new town construction 'Bangkok 2' mega project has been born when pineapple growing project to feed canneries and export has stopped due to its non-profitability. It has moved the growing area and built a new factory at Cha-am factory. The land development plan for 2016 developed by B.C. Company, which included a plan on land development for new town 'Bangkok 2'⁶ building, is a large project with a plan to build a road along the coastline with construction of a ferry dock linking Chonburi and Petchaburi. At present, the Company has started to dredge canal linking the sea.

Initial Reason for Farmers in Tha Yang and Cha-Am Districts to Sell their Land

1) Debt

At the beginning, the main reason of the farmers for selling land was indebtedness, which was the main factor for them to make decision to sell their rice fields⁷ due to their pressures caused by several factors, such as rising cost of living, falling farm price, and expenses on education of their children, including the long life story in rice farming when they only had straws and debts. All these factors pushed them to easily make decision.

The major creditor of all times of the farmers is Bank for Agriculture and Agricultural Cooperatives (BAAC). Debts due to other banks or informal funding source were minimal.

2) The Future without Successors

“Now, the children are not interested in rice farming⁸”
“After finishing her study, my daughter has got a job as civil servant in town. She is married and settles there. She will not

⁶ The same person.

⁷ Piyaporn Arunpong, "Debts, Land and Food in the Current of Vulnerability of Producers", in 'Peasants: the Detrimental Life', Pongtip Samranjit, editor, 2013, p. 128-129

⁸ The same person.

*come back to do farming like me.*⁹

The value taught throughout generations of the Thai rural poor is 'study to be a master and a boss'. All parents of farming households sending their children to study with an aim for them to live a life without difficulties, hardship and instability, while are easily and always exploited and manipulated, and without bargaining power. Therefore, they teach their children to study and become civil servants, or work in secure companies, which is happier and more comfortable than rice farming. As a result, most decisions to sell their rice field were not opposed by their children. 'I gave the land to my grandchild, who immediately sold it'.¹⁰

The major problem that separate children from their farms is an educational system. It partially plays a role in providing alternatives in livelihood, which might be better than farming. Education also injects the perception that farmer's life is full of hardship and has no future. Furthermore, social and economic changes are the factors influencing decision of children how to choose their way of life to exist without great hardship. In addition, state policies do not encourage curriculum of educational institutions to teach children true values of farmer's way of life. Yet, it should not be forgotten that the path of children in leaving rice field is pushed by their parents so that they would get education and quit farming occupation.

'Sometimes, it is family members who play a part. For example, father does not want to sell the land, by his son sells it. Father has to sell the land to distribute the money to his children. When this child sells the plot near the road, the children who have the plots at the back, are forced to sell their land because their plots do not have access to the road.'

3) Price Current

Farming society based on the culture of subsistence is attracted to change called 'development' through export-oriented economic development policy since 1961. As a result, farmers have learned more skill from production based on human or animal labor with natural inputs to purchase of production inputs, which require costs and wages. Market and trade emerge and enter into all households. Farming society has changed

⁹ 2nd interviewee, at Tha Khoi Sub-District, Tha Yang District, Petchaburi.

¹⁰ 3rd interviewee, as a farmer who sold her land, at Bang Luang Doad Sub-District, Bang Barn District, Ayudhya

its traditional value towards materialism, while the only medium of relationship in society is 'money'.¹¹

Farmers in the current of economic-based development promoting the value of materialism, which takes rice field merely as asset that can be liquidated, following the government policy under the leadership of Thaksin Shinawatra in 2003.¹² It is the year that rice fields of farmers were sold the most,¹³ while the price has soared up from 100,000-150,000 THB to 250,000 or 3,000,000 THB per rai for land along main roads. Furthermore, as the impacts of the policy direction plus economic expansion, investors have come in to buy land. There is a process of land speculation, which pushes land price to continue rising non-stop. As a result, many farmers faced financial failure, or did not have successors, and, thus, decided to sell their rice fields.

"Farmers have not thought about this in those days. Those who sold their land later spent all their money and they do not have land anymore. They only have a small plot on which their homes were built. In the future, how their children would live. We sell our land when we see others selling their land. We want to be rich like others."

4) Pressure and Threat

The cultural way of agriculture of farmers takes possession and inheritance of land as important. Furthermore, the key principles on good land include that it should be located along the road, easily accessible, closed to canals and have good neighbours. Therefore, farmers respect one another with traditional agreements that they should share walkways and water for farming. It is a reciprocal living in farming society. Therefore, when other farmers sold their farms which would block communal walkways, those who live on inner plots of land would not have neighbours or bargaining power because new land owners are influential outsiders. As a result, they are not confident in their future if they could have access through the land owned by others. The new owners are not their cousins or community members. 'Some realized that they do not have friends or access to main road. At the end, they had to sell their land. Many were forced to sell their land because their plots are land-locked.'¹⁴

¹¹ Thararat Bamrungsri, "Change in Life of Farmers in Thanu Sub-District, Uthai District, Ayudhya, after Selling their Land", dissertation 2010, p. 3-4.9

¹² Read in Order of Office of Prime Minister on Policy on Securitization 2003, points 1-27, copied from <http://www.kodmhai.com/Rbk/New2/N30.html>: March 9, 2014

¹³ 1st interviewee, on March 3, 2014

¹⁴ Same person, March 5, 2014

Regarding threat, there is no clear evidence. However, there are some surrounding factors from the mechanism of buying lands in different forms, which have put pressure and threats as shown in the following examples.

- Large machineries are brought in to level the land with loud noise and spreading information on the project on mega urban area development as 'Bangkok 2', surrounding rice fields.
- Sent key agents to talk on a regular basis to put pressure and persuade farmers. *'Going once it might fail, but a few visits will finally force them to sell.'*¹⁵
- Sent local influential people to come and offer to buy the land
- Spread news on the network of influence and status of those who are behind this purchase, both the project owner and influential people who benefit from the project.

'At that time, B.C. company'¹⁶ had to visit this local influential guy. Then, this guy contacted local agents to assign one to contact land owners. Beside this local influential guy, the chief of provincial administration organization always facilitate this transaction.'

Mechanism of Investors in Grabbing Land

1) Awareness of the situation of bankruptcy: Every time after the state introducing special loan or economic promotion projects and attracting farmers to take part, farmers will become indebted and bankrupt soon. At the end, they will get notice from banks to pay their debt and lawsuit will be filed to confiscate their land. As a result, farmers are forced to sell their land as soon as possible to pay off their debts. The state mechanism implementing this operation provides opportunities for farmers to seek loan to invest in their farming. The main financial institution is Bank for Agriculture and Agricultural Cooperatives (BAAC). Moreover, following boom crops and market price are also additional factors that push farmers to be indebted, such as a project on cropping to replace rice farming, second rice cultivation, CP chicken farming,

¹⁵ Same person

¹⁶ Assumed name

etc. Indebtedness results from lack of skill on the part of farmers and fluctuation of prices while cost of production is rising.

The coming of B.C. Group¹⁷ is always at the right time when farmers were facing financial pressure. In addition, the overall economic situation also pushed the farmers to hurriedly make decision to sell their rice fields because most farmers started to follow the mainstream society in consumerism.

2) Building Price Current: The ongoing land price attracted farmers to sell their rice fields in the midst of fluctuation of rice price and the rising cost of production every year, while they lacked labor. As a result, a good number of farmers liquidate their assets, i.e. rice fields, as capital, and changed their occupation. One can see the rising price of land for the past 3 decades (1977-2014) when the price was about 60,000-70,000 THB to 100,000-200,000 or even as high as 3,000,000 THB per rai. This land price corresponds to the state policy on acceleration of title deed issuance process and various agricultural loan projects.

‘Agents will get price quota from influential guy in the province. Then, they will buy land at lower prices. If they could do it, they would make gains from surplus.’

3) Selection of agents: The successes of B.C. Company Group¹⁸ in buying land started with selection of land buying agents. They must be ***‘good and well-known persons’***.¹⁹ In addition, they should have a capacity to ask or know local people at all levels. Therefore, the network of agents buying land for B.C. Company in Tha Yang and Cha-Am Districts is big and complex, with some directly accountable to local representatives and independent who get their earning per plot of land. The network of agents will get their share in different forms depending on agreements ranging from village level where they have roam around the village to enquire for information. At the sub-district level, there are 1-3 agents. For example, in Cha-Am District, Nong Sala Sub-District has 5 agents, Bang Gao Sub-District had 3 agents, Na Yang Sub-District has 1 agent, while in Tha Yang District, Nong Tapong Sub-District has 2 agents and Puktian Sub-District has 2 agents.²⁰ All agents are directly controlled by ‘a millionaire’ who is the influential guy in the province who deals with the Company and

¹⁷ Assumed name

¹⁸ Assumed name

¹⁹ The same person

²⁰ The same person

mediate with state agencies, with a support from the chief of provincial administration organization. 'The influential guy' will determine the price on each plot of land, and inform commission for agents who can buy the land. Then, 'the influential guy' will contact and facilitate ownership transfer process after the transaction is concluded.

‘If farmer did not want to sell land on the first visit, he will sell on the second, or the third visit.’

4) Ongoing Follow-up: Transaction on land deal is not easy, because the way of life of Thai people, especially farmers, is traditionally and closely linked with land. Therefore, buyers should be popular or well-known person who come in on the right time and is respectable, showing sincerity, and make regular visit. In particular, the agent should be patient with good technique of negotiation and persuasion, knowing when to push forward, all of which are essential qualifications of agents, which helped achieve successful deal of land grabbing at a large track of 15,000 rai.

5) Process of forming Landlocked Farm: Practically, large track of land can be bought by buying smaller plots in disperse depending on willingness of farmers. Small plots are gradually accumulated. Based on administration principle, agents tried to buy plots surrounding major spots and seal off entrance to other plots, preventing owners of inner plots from having access to communication and bargaining power. This is a key mechanism pushing for massive sale of lands. Therefore, the process of making inner lands landlocked is another core method pushing owners to sell their lands.

6) State agencies and officials are involved in facilitating the process: Money power normally lays its foundation by building good relationship with local politicians and civil servants, and people popular and respected to local communities by providing some benefits. It provides fund or machineries for local development, such as building road for the people to travel, digging canals, allowing the people to stay on and make their living, etc. Images of the agents, B.C. Company²¹ and relationship with local civil servants and community members make it difficult for farmers to refuse selling their land.

Conclusion

²¹ Assumed name

Private land ownership administration in Thailand basically follows mechanism of land market. This causes land concentration and speculation. The state minimally interferes in this market mechanism. However, the state plays a role in indirectly facilitating land grabbing by promoting private and foreign investment in different businesses, especially agri-business which requires large track of land for cultivation while the state does not have measures to limit or control land grabbing by both private and foreign individuals and business corporations. On the contrary, the state tries to be flexible or exempt some strict measures on control of land possession for investment promotion. However, beside land grabbing for production, it is evident that the non-interference by the state resulted in land price rise, concentration and speculation. Consequently, private land is left idle, and leading to distort land market and economic revenue, while many people need land for their production, especially small-scale farmers who want land for their farming.

3. Case Study on Land Grabbing and Impacts to Small-Scale Farmers in Myanmar

Myanmar has a total land area of 676,578 square kilometers. It is the largest country in Southeast Asia, and the 40th largest in the world. Information from World Bank indicates that 67% of its population live in rural areas, and are primarily engaged in farming. Therefore, land is the major input for livelihood of the majority. Myanmar is classified as the poorest country in Southeast Asia. Around 25% of its population lives under poverty line with high rate of poverty in rural areas. Moreover, the information also shows that 30-50% of rural households are landless, especially in border zone where the majority is ethnic groups. Myanmar has over 135 ethnic groups. On the whole, economic system of Myanmar has opted capitalism later than 4 countries, namely Thailand, Vietnam, Cambodia and Laos. Yet, land market in Myanmar has rapidly expanded in the past 2 decades, resulted in land ownership for commercial purpose to expand considerably, while the price of land in urban and rural areas has rapidly soared up (USAID 2013a: 4-5). Regarding the ratio of land use, the information from World Bank and FAO states that around 17% of the national land area is cultivable land, 2% is permanent farmland, 0.47% is grass land for animal grazing, while 49% is forestland and around 25% is irrigated farmland (FAO 2011a; World Bank 2012a quoted in USAID 2013a: 6)

Myanmar has just adopted market economy during the rule of State Law and Order Restoration Council (SLORC) after 1988. However, the land expropriation at the early stage by this government, especially in different states of ethnic groups, has not resulted from economic factor, but significantly political aim. In other words, it aimed at stability of the army by moving and stationing its troops in ethnic states. Expropriated land was then distributed to families of military officers stationed in these ethnic states (Foundation on Human Rights in Mon Land, 2004). Later, SLORC government has formulated market economy develop plan by different programmes of

privatization so that private sector would have access to and administration of resources. This policy has resulted in expansion of domestic and foreign investments (FSWG 2011: 28). A decade after adopting this plan, it is found that the rate of land ownership in the country has rapidly expanded. Report of Ministry of Agriculture and Irrigation in 2003 indicates that between 1993 and 2003, land ownership for agriculture by households has risen 25% with ownership of smaller than one acre rising at 150%, over 50 acres rising at 385%. During this same period, land ownership for commercial purpose has risen as high as 900% with the total sized of land under private ownership rising at 325%. This rapid increase is resulted partly by expansion of cultivation on idle land (Woods 2001 quoted in USAID 2013a: 18).

Recently, the government introduced its more intensive national development policies along the direction of neo-liberalism. There is renewal of farming system by granting local and foreign private sectors the right to land. This policy has resulted in rapid soaring land price and large scale transfer of land, especially land in urban area, although there is no infrastructure, such as water and electricity, in many areas. Land price in rural areas also rises due to speculation by people of Myanmar without investment in production on the land. It is purely land concentration for speculation. Land speculation is a result of expectation that there would be foreign investment after the end of military rule and massive economic and political reforms (USIAD 2013a: 18). Such situation will inevitably push economic system of Myanmar to suffer from bubble like the one occurred in Thailand during 'Tom Yam Kung' economic crisis in 1997.

3.1 Case study on Land Grabbing in Shan State

Investment-induced land grabbing and land seizure by military has been detrimental to the lives of those affected. Some overview discussion prior to field study suggested the land grabbing cases have soared after quasi-political reform and ceasefire agreement.

Land commercialization for agriculture has taken place since early 1990s. According to the report produced by Food Security Working Group (FSWG) in 2011, a government appointed committee began to allocate large blocks of land for commercial plantation in 1991 in supporting the transition to the market economy and enhancing the potential for agriculture development. By 2010, a total of 1,728,269 acres had been reported as allocated to 216 companies in eleven states and divisions.²²(FSWG 2011)

²² As cited by FSWG in its 2010 report from Department of Agricultural Planning (DAP), 2010, p 82

In Kachin State, Shan State (South) and Shan State (North) altogether 32 private corporations have invested in large scale commercial farming contracts totaling 393,292 acres, 65,772 acres and 40,937 acres in each of the regions respectively. (FSWG 2011) Shan State itself is the state with the second largest iron deposit in the country. Companies from Thailand and China have aggressively invested Shan State mainly for agriculture and mining. Foreign investment in Myanmar's mining sector is reached more than US\$ 2.8 billion by the end of 2013. (The Nation 2014)

Another salient aspect in studying the land issue in Shan State is the ethnic diversity and identity. Decades of armed conflicts contribute to the absence of land tenure security. This is also the case in Myanmar where the central government and armed ethnic opposition groups disagree over control of large areas, including access to the resources in these areas (land, forests, water, minerals etc).²³ This is a crucial element in defining actors involved in the land grabbing. Military government has been playing a prominent role in confiscating and allocating the land for the private sector. Some armed ethnic groups after ceasefire agreement earned concession to confiscate the land under pretext of being engaged in developing some areas.

Pangpet Steel Mill No (2)

Union of Myanmar is the country with rich mining deposits such as gold, copper sulphate, coal, iron, cinnabar, amber etc. Under British colony, the mining was operated under British companies then after 1948 independence the State-private joint venture was introduced. After 1960s when the private foreign companies were nationalized, the State took over the mining and mining processing companies.

Land confiscation under decree of Ministry of Industry for the establishment of Pangpet Steel Mill was started in 2004. The conversion of agriculture land affecting 5000 families and 10 villages resulted in the prolonged land conflict. The research portrayed the process in which the villagers went through a negotiation with State and its agencies. Pangpet is one of the areas where Pao ethnic group resides. Thus, a brief history of Pao armed group is taken into account as an additional background depicting its role in the case of land dispute.

Deployment of the national armed forces to seize the land has been a common feature of land grabbing in the country. U Teng Thung (42 yo), an organizer, recalled the day in 2004 when the military troops were deployed to the villages forcing people to

²³ Land Core Group (LCG), The Role of Land Tenure Security for Smallholder Farmers in National Development. *A policy discussion brief by the Land Core Group of the Food Security Working Group*

sign a piece of paper, agreeing to give away their land for the State project. The villagers resisted the order until the military returned with full armed forces.

Then the State managed to confiscate 5000 acres of land without proper compensation. The compensation was based on rather subjectivity of the authority that some villagers were given Kt 5 *laks*/acre (US\$ 500/acre) and some Kt 5000/acre (US\$/acre). For the villagers in Pangpet, the land was sacredly inherited from their ancestor as the whole generation had been cultivating the land for staple crops like corn. Pangpet is one of the main food suppliers for Taungyi, the capital of Shan State.

For the villagers in Pangpet, losing the land means loss of livelihood and culture. The villagers, during the interview, argued that they did not seek for sufficient compensation as their lives depended on the land they cultivated. At present, only the old people reside in the villages as most of youths migrated for jobs to China and Thailand. Some also migrated to Menet Mountain to work at opium plantation.

Aung Ban Military Hospital Project

Aung Ban is a business town famous for its vegetable products and market. It supplies vegetable to big cities like Yangon and Mandalay. In 2000, the State military launched its project, 700-bed military hospital, the second biggest military hospital in the country. The military hospital project in early 2000 was only one of the land confiscation cases in Aung Ban. In 1993, the military confiscated the pear farming land in 7 villages to be sold to a Korean company, Mid Flower. The company used the land for an apple plantation.

The experience of military penetration in the daily life has been recurring in Aung Ban. During the intensive civil war, the National Army arbitrarily recruited the youths mainly high school students to become porters carrying army ransom and ammunition. In the early 2000, the military distributed letters to the villagers asking them to sign the letter, an agreement to give away their land for the hospital project. One of the villagers interviewed said that people in Aung Ban have lived with the traumatic experience of brutal casualties by the national army during 1988. U Chi Mong, 61, said that the second floor of his wooden house still bear the story of casualties as the bullet holes from 1988 casualties still remain. All villagers still have a collective memory of armies opening the fire in random. Thus, when they came back in 2000 forcing people to give up their land, people were terrified.

Most of the people live in Aung Ban are from Danu ethnic. The stories of the national army disrupting the peaceful life of the people have been experienced by many

generations. During the land confiscation in 1990s, the army picked up some high school students to become the porters. The military also made it a compulsory for the students to perform heavy work during military ceremonial events.

The collective memory of fear and military terror remain in the people's daily lives. When the military forced the people to sign a letter stating that they agreed to give away their land for military project, many people quickly signed it without any resistance. Few resisted by continue working on their farmland and forced to undergo a punishment in a form of terror. After the land being confiscated, two farmers in Aung Ban had heart attacks as they were shocked by the reality of being dispossessed. Around six people interviewed mentioned that in the beginning, they were confronted with the reality of losing the livelihood. Without other skills than farming, all of them became petty traders and street vendors.

Land grabbing by military does not only confine to military infrastructure project and military acting as a broker for the private companies and developers. In Heho, for instance, the military seized the land for its additional institutional income under the pretext of zoning the land for security purpose.

Early 1990s, the government seized the land in Heho for the purpose of developing new variety of rice. The land itself had been a customary land. Since early 1990s then the government had allowed the villagers to grow the land as tenants that they In 1996, the Ministry of Industry declared the land in Heho to be used for national industry purpose for growing raw material for medicine industry. It was said that Virginia Tobacco also planned to establish a plantation site in that area.

Since the State claiming the land in early 1990s, the villagers have been obliged to pay an annual tax for cultivating the land. In early 1990s, the tax was 500 Kyat. Then later in the end of 1990s, the military took over the land, the villagers were obliged to pay the tax at Heho military head quarter. The military argued that the land was under their authority as the State declared it as a security zone. The villagers, since then, have been obliged to pay annual rent for approximately 1.5 acres of land they cultivate. This year, the annual rent costs 45000 Kyat (USD 45).

For the military, the annual tax is an additional income generating that they earn 12 Lakhs/year (1200 USD) from this annual tax. Around 300 people from 30 villages in Heho are affected by this security zone policy. In July 2013, the military and the township parliament members signed an agreement stating that the military would return the land to the people. After signing the letter, the military commander

summoned three opinion leaders to Taungyi military head quarter where they were forced to sign another letter stating that the military would not return the land to the people but rather conduct an investigation of the land ownership. The villagers believe that it was a strong gesture from the military denying the people's ownership over their customary land.

Inle Hotel Zone

Inle Lake is one of the famous touristic areas in Myanmar. After 2010, there has been an increasing foreign tourists influx to the country encouraging the establishment of tourist zones by the private companies. The land grabbing in Inlay was started early 2013 when the government claimed the land as the property of forestry ministry. The Shan State government then hired two private companies, ***Pyusing*** which means "purity" and Taungyi Mio Company to clear up the agriculture land and make it ready for construction site. Around 83 villagers from 6 villages are affected by this hotel zone project.

From the outset, the State denied the rights to proper compensation for the affected land. Hence, the State compensated only the crops demolished during the land clearing. The compensation for the crops was based on harvesting season. It offered 40000Kyat/acre for one harvesting season within 3-year period. Then, the 83 villagers decided to take up a protest by trying to stop the land clearing process. In the end, 65 out of 83 decided to accept the compensation, as they feared of the consequence of halting the ongoing State project. Eighteen people continued to fight against the land clearing. Another two walked out from the fight; with only 16 remain, the government started taking legal action by filing a lawsuit against the 16 on February 9, 2013. They are charged with article 18 and 55 b.

Aung Jon Mio, 24 y.o, one of the 16 recalled the legal process that he had gone through without legal aid provided. He had to attend the court at Nangsuy every week. Then the trial venue was moved to Kelo court in Taungyi. The other villagers, dropping their demands for the compensation, express their solidarity support by accompanying the 16 in going through the legal process.

Kayah Land Grabbing

Kayah is located in the eastern Myanmar on the north border of Shan State. The case study of land grabbing in Kayah focuses on the land grabbing by private cement

company, Square Power, China-German investment. The representatives of the company measured and marked 1000 acres of land to be used for the plant site. The land is a customary farm-land cultivated with maize, seasonal fruits, paddy and peanut.

The company published a blue print elaborating the construction plan and route from limestone quarry, cement raw material, to the plant site. The land measurement included the area for raw material. Around 5000 people from 20 villages are affected by this project plan. The most affected ones are those who live in villages like Parchea and Loikaw, the place where the karst mountain-limestone quarry are located. The company earned the license to measure the land from the local government based on the approval of the central government. The company offered different range of compensation based on the level of damage and land loss. Intimidation by national armed forces and different range of compensation instigated horizontal conflict among villagers. Later, a committee consisting of representative of villagers was set up by some activists to consolidate the villagers in anticipating further division and reclaiming the land.

Kayah is also affected by a military project, High Grade Military Training School No 14 in Maphrosay where 4000 people are affected. The project demolished paddy and maize field. The national armed forces built this school to secure the investment in the area, which is geographically and strategically linked to Naypyidaw military base.

Strategy of land reclaiming

The strategies taken up involve actors including non-government organizations (NGOs), mass organizations and political party such as Generation 88 and National League for Democracy (NLD) and also local organizers. The discussion and interview on the strategy was also to assess whether there had been some political space and leverage could be seized within the struggle in reclaiming the land.

In the case of Steel Mill no (2), the experience of the villagers in engaging to legal procedures or going through legal framework in reclaiming their land was started through their involvement in farmer forum organized by Paung Ku in Yangon in 2013. The forum came up with a statement with six demands, those are giving back the land to the dispossessed, providing farmers with micro loan, creating a fair market allowing the farmers to benefit from their farming activities, land registration for farmers, stipulation of land law that protects the farmers and rights to freedom of association for farmers.

From the forum, the organizers learnt to build a network with other farmers. After the forum, a hearing was organized at parliament in Naypyidaw where they met with some members of parliament and land investigator committee. The land investigator committee from the township visited the area affected by the establishment of the Steel Mill and offered the villagers some compensation. However, the villagers refused the offer, as reclaiming the land has always been their demand. In 2012, Pao Youth organization helped advocating the case by inviting the media. After the hearing, the police summoned the organizer to go to the police station. Nevertheless, the event brought the media attention on the situation at the village. The villagers have lost their faith in the State. According to organizers interviewed, the political reform was so superficial that the supporters of the military regime still play a prominent role in shaping the country's direction.

To certain extend, diaspora helps build understanding on the salient of organizing in the context of reclaiming the land. The people in Aung Ban, for instance, learnt a strategy to address their grievances by sending a letter to the President from three educated youths who studied in Yangon. When they came back to their hometowns, Ngaung Kone and Thor Mai Kham villages, they disseminated their political insight to the villagers including the changing political constellation in the parliament.

The resistance from the villagers in Inle took a different form as the land grabbing took place after the political reform. The 83 villagers affected by the land clearing held a protest during the demolition of their rice field. The independent media such as Radio Free Asia (RFA) and Democratic Voice of Burma (DVB) played a prominent role in covering the protest. Nevertheless, during the interview, the villagers hoped that 2015 general election could bring some positive impacts, as the political parties would compete in offering program during the campaign.

Conclusion

Even the military government argued that the military infrastructure projects, mining, hydro power, tourist investment and other mega projects are for purpose of economic development and security of the country, but the ethnic minorities and local people perceived these as land grabbing, as these projects confiscated land and livelihood from them. Especially when those development projects were implemented in the way of human right violation, deployed military and force to take away the lands from the people. The emergence of local organizations and national network are developed gradually through the experiences of reclaiming back the land with significant support of some NGOs.

However, reclaiming back the rights of the people and amending land policies to be in favor of the people still require a long way to go with various strategies and lessons. At least the local organizations and networks are working together to strengthen their members and strategies to reclaim their rights. The so called political reform just only came out from the starting point, but from now on it will be pushed forwarded by the people who had been suffered such a long time from politics and economic development. The next 2020 general election can be somehow a pin point to consider how far the space for reclaiming back the land of the people will be created by those important sectors in society, politicians, journalists, and civil society organizations.

4. Case Study on Land Grabbing and Impacts to Small-Scale Farmers in Cambodia

Historical and Current Context

Cambodia is one of the countries with high rates of land grabbing. Despite recognition of land rights in national laws, ordinary citizens remain facing difficulties in claiming their full rights over the land. Over 770,000 people (almost 6% of the total population) have been negatively affected by land grabs (ADHOC, 2014, p. 26) and more than 2.2 million hectares of land have been transferred from villagers into the hands of the corporations and rich people under the economic land concession scheme (LICADHO 2014, p.10).

The roots of the issue can be traced to the Khmer Rouge regime during 1975-1979, when private ownership was abolished and all land records were destroyed. There was no legally private ownership over any plot of land across the county. Possession rights have been recognized again by Land Law 1992 and amended by Land Law 2001, which states that Cambodian citizens who occupied the land prior to August 31, 2001 (the first day the law has been passed) and fulfill five conditions, i.e., the possession must be continuous, peaceful, in good faith, unambiguous, and known to the public, have the right to use the land for living and for doing business (article 38).

The possessors have many of same rights as the owners, including the right to prevent other people from entering or using their land. Land Law 2001 (chapter 19, article 248) considers that *'an act or conduct, in fact, that is a hindrance to the peaceful holder or possessor of immovable property in an area not yet covered by the cadastral*

index maps, the ownership rights of which have not yet been fully strengthened as a violation of legal rights and a penal offenses '*under this law*'. This means that the rights of land possessors who do not have legal titles should also be protected, not different than land owners and it is illegal to interfere with their occupation, including through eviction.

The possessors can request land titles or turn their possession into ownership when they have continuously enjoyed their legal possession for at least five years. However, in reality the land registration system is complicated and costly. Vulnerable people/communities are hardly to complete the process (UNHR 2012, p. 24; Palthy 2007, p.27). Additionally, both local authorities and people have limited or no knowledge of law and regulations (Yat and Shi 2014) due to poor legal dissemination. While people have not received their land titles yet, power holders have often taken advantage of them by grabbing their land. In many cases, state actors, including police, military soldiers, military police and local authorities, have been also actively involved in these unlawful actions (Schwedersky, 2010).

In November 2014, approximately 3.7 million land titles have been delivered to people across the country (Ministry of Land Management Urban Planning and Construction, 2014) but millions of plots of land in Cambodia remain unregistered. It is estimated that the registration process could take more than 10 years to be completed whereas some people predict that it might take even 45 years (Murotani, 2014, p. 204). Recent years land title program has made some progress due to Prime Minister Hun Sen issued the campaign of Directive 001 in May 2012, which 'provisionally suspend the granting of ELCs'. The first phase of the program has been completed in June 2013, only one month before the general election in July 2013, raising the question about its long-term commitment and sincerity as it seemed more like a pre-election ploy to attract voters. ADHOC, the Cambodian NGO, criticises that although the programs have successfully delivered the land titles for hundreds of thousands of people, they 'have failed to address the needs of people who are most in need of land tenure security, i.e., people who live in informal settlements and disputed areas, as well as indigenous people' (2013, p.22).

Today, land grabbing and conflicts over the country remain high despite the adoption of the Land Law and other related programs. The problem is extremely complex as a consequence of a turbulent history, together with the present economic, social and political contexts and requires much more attention.

Land-Grabbing and Forced Eviction in Cambodia

In Cambodia, the common causes of land-grabbing and forced evictions include economic land concessions (ELCs), state's city beautification and development projects and land speculation; details below.

❖ Economic Land Concessions (ELCs)

More than 2.2 million hectares of land have been leased out to both domestic and foreign investors under ELCs, equivalent to more than a half of Cambodia's total arable land. Although the land law 2001 announces that the state can grant on only 'state private'; in reality the land often overlaps with communities' areas, affecting over 420,000 citizens of Cambodia (Herre & Teodorott, 2014; LICADHO, 2014). Most of ELCs have been granted for large-scale plantations, including rubber, sugar cane, cassava, rice, corn and etc., resulting in loss of livelihoods, violation of human rights and massive displacements of affected individuals and communities (United Nations, 2007; Subedi, 2012).

❖ City Beautification and Development Projects

In some circumstances, people have been evicted for the creation of city parks or erection of monuments and etc, attempting to develop and modernise the country. In the Cambodian context, the beautification is the mechanism that the military use to remove poor people from their squatter settlements in the city; then the state can sell the land to investors and build up modern buildings (Springer, 2003). Development projects, such as construction of infrastructure, dams, mining or other extractive industries, have often lead to forced evictions to serve so-called public interest.

❖ Private Development Projects

In some cases the state forcibly evicts people from their land in order to make a way for private development projects such as tourist and casino developments and etc. The case of the Chinese Union Development Group, which has signed a 99-year lease to land in Koh Kong province, is one of examples. As a result of its resort and casino development project on the 36,000-hectare site, thousands of villagers have been forced to relocate from their land (Mony, 2013).

❖ Land Speculation

In the last few years, land has been grabbed for speculation purposes as land values increase. Investors purchase the land in urban areas and economic zones and sell it for a high profit. In Cambodia, due to ineffective implementation of land rights, powerful individuals and groups can obtain the land for speculation or 'unproductive purposes'. This land acquisition may occur through lawful or unlawful actions, including 'outright land-grabbing' (Engvall & Kokko, 2007, p.25). The government officials often receive money from these investors or speculators and forcibly evict people from their home and mostly with inadequate compensation (ADHOC, 2014; Westeröd, 2010).

In the following section, the cases of land-grabbing in Sihanoukville will be examined. Based on secondary data, observation in affected villages of Sihanoukville and group interviews with representatives from villages and co-coordinators from Coalition of Cambodian Farmer Community (CCFC), a Cambodian civil society group, the study views the eviction process, impacts and patterns of land grabbing.

Land Grabbing in Sihanoukville

Sihanoukville (also known as Kompong Soam and Preah Sihanouk) is a coastal province and located about

Fast Fact

- Total area: 253,668 ha
- Total population 196,851 persons
- Population Density 230 persons/km²

- Provincial Border
 - East - Kampot & Kampong Speu Provinces
 - West - Sea (Gulf of Thailand)
 - North - Koh Kong Province
 - South - Sea (Gulf of Thailand)

- SEZs area: 2,508 ha
- ELCs to Agro Industry: 12,800 ha
- Concession to Eco-tourism project: 3,300 ha

230 kilometers southwest of Phnom Penh. The province is divided into 1 municipality and 4 districts (Mittapheap, Prey Nob, Stueng hav and Kampong Seila), composing of 27 communes and 111 villages. It is important in terms of abundant resources and its significant development on trading, industry, agriculture and tourism (Council for the Development of Cambodia, 2013, p.94). Sihanoukville is one of the first Special Economic Zones (SEZs)²⁴ which is state-owned and managed by Sihanoukville Port Authority in cooperation with Chinese government.

Sihanoukville's economy and tourism seem to be steadily growing; meanwhile, there are a high number of land-grabs. Villagers have been evicted from their lands and hardly able or unable to claim their rights. The NGO Forum found that Sihanoukville was one of the provinces with the highest cases of land disputes from 2008 to 2009 (2010, p.10) and in 2010, Sihanoukville ranked first in land disputes resulting in forced eviction with eight cases (2011, p.7). In 2013, there were 15 cases of land disputes, affecting 1882 households in the province. Today the number is still high and the number of affected households in each case of land disputes in Sihanoukville is usually less than 50.

A Case Study of Okampuchea village

Okampuchea is located in Ream commune, about 30 kilometers far from Prey Nob district. The village was formerly located in Kbal Hong area since 1993, with only 13 families mostly dependent on subsistence farming and fishing. The number of households has risen by more than 50 during 1995-2000 and villagers lived there peacefully on the five-hectare area without any prohibition from the state actors until the threat of eviction from the Navy Army in 2004. The Navy began to violently evict all villagers from their residential areas in 2007 and eventually, villagers relocated to the

²⁴ Special Economic Zone is defined as the special area for developing economic sectors with different regulations such as tax incentives and lower tariffs in order to attract foreign investments.

present site in 2009. Now there are almost 60 households living in a small piece of land without farming area.

On February 19th, 2007, one of villagers was prohibited to repair his own home by seven members of the Navy. They threatened that he would be arrested and his house would be burnt down if he rebuilt it again. On February 27, nine of Navy personnel armed with seven guns returned to the village and announced that they will confiscate the village's land. The violent fight took place for a very short period of time during their meeting and no agreement was reached. On April 24th, approximately 60 of Navy personnel came to the village again. They burnt down five houses, beat two villagers and arrested one of them. This time villagers dared not to fight against the Navy.

After the brutal violence and conflict, villagers filed a complaint to the Ream Commune authorities and sent letters requesting assistance from other relevant organisations and some NGOs such as ADHOC and LICADHO; however, they were still not able to find the solution.

On January 1st, 2009, fifty villagers were called to the meeting, which was attended by the Naval Military Commander and the naval soldier at Ream Base, Ream Commune authorities and the chiefs of neighboring villages. Villagers were informed that they lived on the site of the naval military school and had to leave immediately. The commune authorities tried to negotiate with naval soldiers to provide new land for the evicted villagers so finally they offered the Okampuchea area, which is their current location.

Each of 45 families has been offered a 20 x 30-meter plot of land without any other compensation. They received no money from the state and had to build new houses by themselves with support from NGOs. They have been left on the bare land without direct access to a public road and connection to water, electricity, sanitation, and other services. Additionally, the new site is far away from schools and livelihood opportunities.

A Case Study of C.E. 5 (C.E. Pram) community

C.E.5 community is a part of Pou Thoeung village, located on 110 hectares of land in Bet Trang commune, Prey Nob District. There are 126 households (more than 200 people). Villagers have firstly occupied the area since 1993. Most of villagers earn their living from cassava, small-scale fisheries, and working in garment factories.

In 2005, the land prices in Sihanoukville rose high, leading up to eviction for speculative purpose. In the end of that year, villagers were ordered to meet with authorities at the Sihanoukville governor's office for several times with 10 villagers per meeting. The authorities convinced them that their land belonged to the private companies; nevertheless they never presented any land title document as evidence. They ordered villagers to vacate their land immediately but villagers refused. However, the authorities still came to the community occasionally until the violent eviction occurred in 2008.

On February 2, 2008, more than 100 police arrived the community, confronting with approximately 200 villagers. They burned two houses and arrested the chief of the village. All of villagers decided to fight back until the police released their chief and withdrew the community. In that circumstance, some villagers were beaten and injured.

Although authorities still came to the area from time to time after the violent event, villager decided to fight for their own land with supports of NGOs. Sun Sopath has been chosen as a representative of the community in dealing with the issue. With the loyalty and strong will of the representative and the efforts of villagers to resist forced eviction, C.E.5 is one of a few success stories.

Sun refused the enormous amount of money from people who tried to evict the land. He believed that several high-rank politicians were behind this eviction. To protect his community land, Sun has contributed many things; for example, he spent his own money to buy food for other villagers when they had to engage in a variety of activities,

such as road protests, for resisting forced eviction. Meanwhile, villagers have a sense of solidarity and are ready to fight to protect their own land. They have not only utilized direct action but also the tactics. For example, Sun has donated a significant amount of money to the Sihanouk governor's office and was awarded a certificate acknowledging his contribution in front of hundreds of people, giving him the power to negotiate with authorities. Sun states that *'we have to play a number of different roles to deal with these power holders'* (Interview, Sun Sopath, male, age 36, Sihanoukville, October 19, 2014).

Today villagers still stay on their land and eventually obtain the legal documents that allow them to occupy the land. However, they have to continue their resistance to gain the official land certificates. Furthermore, the village is now surrounded by factories and some of them have fenced off their sites which obstruct the travelling path of villagers. They are determined to deal with this problem as well.

Effects of Land-Grabbing and Forced Evictions

1) Effects on Social and Economic aspects

Forced relocations tend to have negative impacts on livelihood and employment of affected people. Most of people have become landless and homeless. In many cases they have lost their farmland and cannot grow their own food. Furthermore, they have to spend a lot of money to build new houses without proper compensation from the state.

In case of Okampuchea village, although they have been provided the new land, they still lack land insecurity. They have not received land titles yet and each of them has been given only a written receipt issued by the Navy, with the name of the recipient, plot number and stamp of the Navy. With this document, villagers are allowed to stay on the land but not to own it. Furthermore, on November 1st, 2013, the naval school warned the representative of Okampuchea that the village's present land will be transferred to a foreign company. They thus remain concerned about further eviction.

Okampuchea villagers were left on bare land without any shelter during construction of new houses. The site does not include infrastructure and services. Villagers have to collect water from a distance of about 2 kilometers. Additionally, villagers complained that the new land is inadequate for farming which makes them facing food insecurity.

In particular, the new site is isolated and surrounded by the Naval Military School and a Chinese company, blocking access to public roads so it is difficult to travel. Consequently, some of children dropped out of school and villagers lost their livelihood opportunities.

The new site is in the middle of the naval base and the Chinese-owned Yi Jea investment group. Yijea Company receives a concession of more than 3,000 hectares of land in Ream National Park under the Economic Land Concession (ELC) scheme in 2004 and develops it as a tourist place. Since April, 2014, the company has fenced off its area, blocking the road leading to the village. This makes it extremely difficult for villagers to travel.

This eviction has destroyed the livelihoods of small-scale farming of the community. Without farming land they have lost food and regular income. Today Spean Ches villagers earn their living from construction work, housekeeping for guesthouses at Otres beach, collecting forest vegetable for sale and some are still unemployed.

2) Effects on Physical and Mental health

The Centre for Child and Adolescent Mental Health conducted the assessment of mental health of families evicted from Dey Krahorm, Phnom Penh and found that they suffered from severely mental problems after the eviction. They have depression, difficulty in sleeping and etc. due to their anxiety about food, shelter, livelihood and fear of further displacement (UNHR, 2012, p.60). Although the official assessment of mental health has rarely been conducted; it is reasonable to assume that affected people from other evictions have been suffering very similar symptoms.

Spean Ches village has not received any compensation. They have been living in slum-like settlement on the roadside, facing with more difficult situations of life, worse health condition, and risk of road accidents. The village has tried to submit the complaint to related authorities at both local and national levels to give their land back or at least to grant them a new suitable land but there is still no positive response. They were once offered an alternative land but it is located in a remote area, far distant to places of employment and facilities such as school. Living on the roadside without the ownership document, villagers still fear of further forced eviction.

During the case study interview, a 53-year-old woman of Spean Ches village recounted that

'It seems like we were in Pol Pot regime. On that day my husband was shot and imprisoned. We are in our own country but have no land. We are Cambodians but our social ranks are even lower than foreigners. After eviction, many people are hopeless and depressed; some are committed suicide' (Interview, a villager, female, age 53, Sihanoukville, October 19, 2014).

3) Impacts on Children's Education

Forced evictions often have affected on children's education. They had to stop going to school during relocation and even had to drop out of school due to the new site is too far from their school. In many cases, it could be the result of changes in parental employment or income.

Resistance to Land-Grabbing

As land-grabbing and violent forced evictions continue throughout the country, community resistance to land-grabbing has emerged and is increasing. The oppression of the state has led to the opposition of citizens through a variety of demonstrations. Many peaceful protests have been brutally repressed by police, military police and

soldiers; protest leaders usually have been arrested and detained and mostly their complaints have been ignored. However, they have no choice but must protect their own land.

1) Assistance of NGOs & Civil Society Organisations

Many Non-Government Organisations, such as LICADHO, ADHOC, CNRO, CCFC, etc. have provided various forms of assistance to vulnerable people and communities, including humanitarian aid, capacity building, and legal support.

In Sihanoukville, Cambodian League for the Promotion and Defense of Human Rights (LICADHO) and the Cambodian Human Rights and Development Association (ADHOC) have played important role in legal support to affected communities. They helped communities in dealing with the government agencies and the court. In case of Spean Ches, LICADHO has immediately sent the medical team to the community after the violent eviction. In addition, the Cambodian National Research Organization (CNRO) has provided capacity building of villagers in access to justice and raise awareness among private companies and government officials. These have encouraged communities to stand up for their rights. In many cases, they have been prevented to help communities by the authorities; moreover, some of NGO workers have been threatened, harassed or even detained.

2) Community Resistance & Networks

Community movements against land-grabbing have been growing in time. Many communities have worked together as networks, helping each other defend their land and fighting against the government. Coalition of Cambodia Farmers Community (CCFC) is one of several community networks, founded by 12 communities since January 2011. CCFC aims to facilitate the collaboration among communities and to deal with land problems and evictions. Currently, CCFC is working with 74 communities in 10 provinces. CCFC staff regularly visit Sihanoukville communities and provide consultation, empowerment, training sessions, etc; although, they have been threatened by the authorities.

In Sihanoukville, 19 communities have been working together as a network since 2009 with assistance of NGOs. During the study interview, some of villagers declared that after experienced with threats and harassment, they have attempted to move without identifiable leaders and have not had the name for their network, avoiding at risk of being targeted. The community network has been working to resist the land grabbers through protests, marches, petition, road-blocking, etc. However, their problems remain unresolved. During the interviews, some villagers expressed feeling of hopelessness. One of them said '*nobody can help; only the Prime Minister Hun Sen can resolve this problem*'. Nevertheless, villagers resist that they will continue their fight against land grabbers.

Conclusion

Cambodia is one of the countries with high rates of land grabbing. Over 770,000 people (almost 6% of the total population) have been negatively affected by land grabs and more than 2.2 million hectares of land have been transferred from villagers into the hands of the corporations and rich people under the economic land concession scheme. Today, land grabbing and conflicts over the country remain high despite the adoption of the Land Law and other related programs. The problem is extremely complex as a consequence of a turbulent history, together with the present economic, social and political contexts and requires much more attention. In Cambodia, the common causes of land-grabbing and forced evictions include economic land concessions (ELCs), state's city beautification and development projects and land speculation.

Sihanoukville's economy and tourism seem to be steadily growing; meanwhile, there are a high number of land-grabs. Villagers have been evicted from their lands and hardly able or unable to claim their rights. The three study cases of communities in Sihanoukville illustrate the patterns of land-grabbing for speculative purposes, in the context of weak enforcement of law, corruption, patronage system and imbalance of power. Land-grabbing has various undesirable effects. Villagers not only lost their home and farmland but also their livelihood, their physical and mental health and their access to basic services. Furthermore, many of children have dropped out of school.

Key actors who involve in land-grabbing include government officials (local authorities, police, military police and soldiers), both domestic and foreign investors, wealthy elites and the powerful. They have grabbed the land of vulnerable people through violent force and unlawful evictions. Evicted people mostly have not received proper compensation. Although this kind of action is obviously against the constitution and land law, those involved usually have not been punished. There is a big gap between the law and reality.

The oppression of the authorities has led to the opposition of citizens. Cambodian people are rising to resist land-grabbing across the country including those of Sihanoukville with help and supports from NGOs and civil society organisations such as ADHOC, LICADHO, CCFC, etc. 19 affected communities and those which are at risk of land-grabbing and forced eviction in Sihanoukville have collaborated as a network to deal with land issues. They demonstrate, sign a petition, march, block the road, etc. to suppress the state and the powerful; nevertheless, their problems are rarely resolved.

The overall picture is that land grabbing, whether by the state or the private sector, has been taking place in all 3 countries with either direct or indirect state facilitation. Direct state action has involved national security or national development as a rationale, and state policies of encouraging private investment, especially foreign investment, to exploit large tracts of land without any intervention in the land market, played an indirect role. To allow the land market to function freely without a regulatory regime has been a controversial issue everywhere. There are people who disagree with treating land as a commodity, even if the country is operating under a capitalist system, because it is a limited resource that remains essential to the livelihoods of so many poor people, most of whom are excluded from the market.

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