

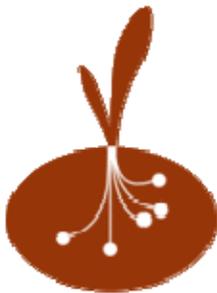
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The political economy of land governance in the Mekong Region: contexts of policy advocacy

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Abstract

As the framing of this conference suggests, land deals are shaped by context. The regional scale at which the conference defines context has relevance in terms of certain agrarian structures and social ecologies of land-based production common to the region, intertwined regional histories of agrarian change, and subjection of local livelihood systems to region-specific influences, dynamics and actors that shape land governance and contestation in this part of the world. However, context also matters at other scales of analysis and intervention, from the very local political ecologies that shape land deals between local and non-local players, to the national scale at which political economy sets the terms for land deals. A political economy approach explores the contextual configuration of interests that shape contestation, and the approach brings to bear the salience of political histories of land relations to current processes, debates and struggles. Political economy also sets the conditions for current policy advocacy, both in terms of the exclusionary issues at stake and in terms of the openings and constraints for progressive policy reform.

In this paper we will conduct a political economy of land governance in the Mekong Region, drawing out the significance of regional dynamics while noting the importance of specific experience within each country. The primary emphasis is on Cambodia, Laos, Myanmar and Vietnam (the so-called CLMV countries), but the paper also takes into account the regional role and land governance experience of Thailand and China. The paper explores the salience of political histories, particularly in countries that have gone through socialist regimes or communist revolutions and whose post-socialist experiences have played a significant part in “laying out the turf” for land deals. We explore a broad typography of land deals in the region and their geographies, and examine the ways in which land deals are done, legitimised, understood and contested from within and without each of the countries concerned. The analysis also identifies the key players involved in each country case, from militaries to land tycoons to different types of international land investors, and of course to rural smallholders who are party to or affected by these deals.

The paper draws on a research mapping and political economy analysis being conducted by the authors for the Mekong Region Land Governance (MRLG) project, funded by the Swiss Agency for Development Cooperation (SDC). The purpose of these exercises, in parallel with the project’s identification of key reform actors, is to consider the most promising pathways to influence policy and practice toward a more secure and equitable future for those most vulnerable to exclusion from land and land-based livelihoods. We will conclude our paper with reflections on the role of research and its engagement with advocacy and policy agendas in the fields of land grabbing and land governance.

Introduction: a regional political economic of land governance

In this paper, we propose a framework for the political-economic analysis of land governance at a regional level. The region in question is characterised as the “Mekong”, and more specifically our analysis dwells on the so-called CLMV countries of Cambodia, Laos, Myanmar and Vietnam. The programmatic context for the analysis is an initiative driven by concerns about security of tenure of the smallholders who continue to make up the majority of the region’s rural poor in the context of land grabbing in various guises. These concerns have led several organisations to support policy reform through the Mekong Region Land Governance program (see mrlg.org).

A recent FAO report defines land governance succinctly as follows:

Land governance concerns the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, the way that competing interests in land are managed (Palmer et al. 2009: 9)

Our working definition expands on this definition and refers to the means by which authority is wielded and collective action applied in order to achieve particular social and economic outcomes through land use, distribution, access and security. Land governance is concerned with processes, institutions, laws, practices and structures of power involving a diverse range of public and private actors.

Land governance is a scaled issue. It involves broad level influences at global and regional levels as well as at national and local scales. Analysing governance arrangements assists in understanding the links between scales. In this paper, we seek to explain the main parameters of land governance at a regional scale, with a particular focus on the Mekong region, broadly defined. Our regional political economy analysis begs the questions: why apply political economy to an analysis of land governance, and what does a regional scale analysis entail? Alternatively framed, what makes land governance a political-economic issue, and what makes it a regional issue?

Not all approaches to land governance place it in the realm of political economy *per se*. Land governance can be approached from any one of a number of angles. In a universalistic and normative sense that often recognises the need to adapt to country circumstances and yet elides the political-economic embeddedness of land issues, “good land governance” is sought through a range of global level assessment criteria, for example the World Bank’s Land Governance Assessment Framework (Deininger et al. 2011). The Food and Agricultural Organisation of the United Nations (FAO) has established a set of non-binding guidelines for “responsible” governance of land and other natural resources (Food and Agriculture Organization of the United Nations (FAO) 2012). A number of development assistance initiatives funded by Australian, German, Finnish, Canadian, Swiss and other bilateral development agencies (see <https://landgov.donorplatform.org>) have sought to improve land governance, particularly land security, in the Mekong region by programmatic means. Each of these frameworks has its own emphasis and criteria, but all work within broad “good governance” criteria of transparency, rule of law, stakeholder inclusion and equitable market structures, some marked more by market-oriented neoliberal principles and some more geared to a liberal rights-oriented approach of social inclusion. It is only recently that some donors have specifically sought to conduct political-economic analysis, in recognition of the risks and failures of programs that do not take sufficient account of the context in which they are operating.

Our position is that land governance is inherently a political-economic issue, framed by social, economic and political dimensions of power. It is concerned with determining who gets what at whose expense, and who makes rules and decisions on whose behalf. While we can discuss the wider

political economy of resources and other sources of wealth in similar terms, land goes beyond the exchange and revenue-generating status of many other commodities. In a Polanyian sense (Polanyi 1944), land is the basis of social relations, everyday life and livelihood for large numbers of rural people, and it is a source of identity, power and sovereignty at various levels from national to subnational territorial claims. This embeddedness of land in various dimensions of social, economic and political life means that its governance is framed by the contexts and histories in which it is situated, and programs that seek reform in the land sector need to address or work within the constraints and openings of the political economy that sets the conditions of land relations. The embeddedness of land relations in structures of power, authority and culture specific to the political-economy of each country context means that issues around land are also constitutive of political-economic relations at different levels – local, national, regional – and this reflexivity is an important, but sometimes neglected, aspect of land governance interventions.

There are several recent discussion papers on governance (Palmer et al. 2009; Wells-Dang 2013) that use the term political-economy in quite a broad or loose sense, based on the understanding that land and other resource governance involves multiple stakeholders, relates to diverse economic interests, and that the conditions of governance are set by the political system in which they operate. In a tighter sense more informed by social theory, there is a longstanding tradition of agrarian political economy that links analysis of social relations around land, labour and capital to the role of the state in explaining class formation in the Southeast Asian countryside (see for example Hart et al. 1989). Early studies during the 1970s and 1980s were carried out in the context of the Green Revolution and a concern that opportunities for surplus extraction and accumulation in an increasingly commercialised small-scale farming sector attracted capital in such a way as to differentiate wealthier and poorer farmers and ultimately to proletarianise and impoverish the latter, while the former accumulated land and capital. In turn, some of the neo-marxist analysis in this agrarian political economic work drew parallels with a much earlier phase of political economy tied to agrarian relations, notably the debates of early twentieth century Russia (White 1989), which were intricately linked to different political platforms of revolution and reform (ibid). The extent to which agrarian structure in turn set the political evolution of different European states in the nineteenth and twentieth centuries also links structures of land ownership and social relations around them to evolution of dictatorship and democracy at a wider level (Moore 1966), giving an historical indication of the reflexivity referred to above.

Our challenge is to bring some of the rigour of these earlier studies to the new contexts of transnational capital engagement in land-based production. The recent rejuvenation of the *Journal of Peasant Studies* has achieved much in reviving agrarian political economy in contemporary contexts of land grabbing (for example see special issues 38(2), 39(3-4), 40(3)). To date, however, there has been limited consideration of the regional scale as a framework for such analysis, and it is to this that we now turn.

There are several dimensions of land governance that makes it a regional issue, and these can be illustrated with reference to the Mekong. First, there are processes such as formalisation by means of land titling and other programs that are common to all or most countries of the region. Second, there are cross-border investment and commodity flows, shaped in part by the complementary factor endowments in land, labour and capital, that link land-based production across the regional landscape and set the context for foreign direct investment (FDI) in land for agriculture, or activities such as energy production, industry, mining and tourism development. FDI is also closely linked to regional geopolitical agendas, most topically and notably China's interest in multi-stranded engagement with, often represented as economic and political support for, Mekong region countries in ways that combine economic and strategic interests (Burgos & Ear 2013). Third, land-based investments at or near borders, for example, Special Economic Zones, are promoted by regional initiatives such as the

Greater Mekong Subregion (GMS) economic corridors and associated infrastructure or by the anticipated ASEAN Economic Community (AEC). Fourth, various organisations with a regional frame of reference such as RECOFTC and Focus on the Global South are involved in “countermovement” land-based initiatives such as community forestry or advocacy for communal land titling. Fifth, there are various instances of governance or policy advocacy that are supported at a regional level, often as part of global initiatives, for example the use of the *Voluntary Guidelines on the Responsible Governance of Tenure* (Food and Agriculture Organization of the United Nations (FAO) 2012). Sixth, there are many aspects of changing land use in one country that have environmental (eg smoke haze), social (eg labour migration) or economic (eg via commodity chains and associated transnational credit arrangements through contract farming) implications for neighbouring countries. And finally, through what Sikor et al (2013) refer to as a shift in global land governance from “territory” to “flows”, we see governance across borders being enacted through control over flows of goods produced on land rather than direct control over land as territory, measures that can have social exclusionary effects.

The context in which land governance operates is also set by certain region-specific conditions. An overarching political-economic commonality in the CLMV countries is the historical shaping of land relations by various forms of socialist use, management and tenure arrangements, followed by dynamics particular to post-socialist economic and political structures and processes. These are explored below with reference to each country and as a defining theme of land relations in states that are marked by important elements of what may be termed “neo-liberal authoritarianism”. This political-economic dynamic common to the CLMV states is manifested in specific ways within each, in turn setting the constraints and potentials for various reform initiatives.

Land grabbing in the Mekong Region: issues and instances

Before we consider the key political-economic influences on land governance in the Mekong, we first outline the main issues of land access and tenure security associated with large scale land acquisitions that have brought land back to centre-stage as an issue of development and social justice. We illustrate the issues with some exemplary instances of such acquisitions, and we then consider what land grabbing reveals about current land governance arrangements and what it implies for progressive land governance reform.

There are many reasons for renewed interest in land in the Mekong Region. Foremost among these is the growing insecurity faced by smallholders resulting from various expropriations, displacements and other instances of dispossession that come under the rubric of “land grabbing”. Land grabbing is a global phenomenon, but it takes on particular regional characteristics, including the ways in which global players external to the Mekong region are involved directly (China, Middle-Eastern countries) or indirectly (Europe) in land grabbing (Borras (Jnr) & Franco 2011). The simplifications associated with the “land grabbing” narrative and associated global activism suggest that we need a more nuanced approach and, perhaps, terminology. For example, Baird (2014) suggests that what he terms the “metanarrative” of land grabbing tends to hide the complexity and local elite involvement and motivations in land seizure in places such as northeastern Cambodia, and that grabbing predates the 2008 food crisis that many associate with the phenomenon at a global level.

In a region where smallholders have historically carried out most agricultural production, the past decade has seen a rapid emergence of large scale acquisition of land for farming and plantations by both foreign and domestic investors. In the Mekong Region, most of this investment has been effected through concessions, which are long-term leases granted at often low annual per hectare rents. The land that has been allocated for concessions is a combination of forest land and cleared land that is, in principle, available because it is deemed to be un(der)utilised or illegally occupied. Often the land is characterised as “wasteland” of various types (Ferguson 2014). It is also claimed as state land. Many

of the concession deals are done by higher levels of government without specific demarcations of territory, and it is then left to lower levels of government to “find” available land. In practice, most of these concessions occupy land and forest areas that are in fact important for the livelihoods of smallholders, hence the characterisation of the concession process as land grabbing.

The land grabbing phenomenon in the Mekong Region is driven by, on the one, hand, a peculiar juxtaposition of demand, and hence opportunities for profit through surplus extraction, created by so-called boom crops (Hall 2011), and, on the other hand, the governance arrangements that facilitate appropriation of land from smallholders and forest users. The key boom crops throughout the Mekong Region have been rubber, sugar, maize, bananas, cassava and a number of biofuel crops such as cassava. Some of the crops in question are what Borrás et al (2014) term “flex crops”, in the sense that they can be used for either food or industrial products, depending on markets and commodity chains.

The governance arrangements are explained in more detail below as a superimposition of neoliberal development strategy on socialist-authoritarian political arrangements. There is also a strong modernist ideological backup for these land deals, based on assumptions of the superiority of large scale, industrial-type production based on regularised wage labour arrangements taking advantage of presumed economies of scale.

The extent of land concessions in the Mekong region is difficult to gauge, but several inventory exercises have been carried out in Cambodia, Laos and Myanmar (Affeld 2014; Schönweger et al. 2012). Taking a rights perspective, Colchester et al (2013) present several very useful country-level studies to review trends in large scale land acquisitions for agriculture across Southeast Asia, including Cambodia and Myanmar. The report examines rights protections in existing law within the countries under study and finds that significant legal provisions exist. Yet it also finds that in Cambodia, 2.6 million hectares – or 15 percent of national territory – were controlled in 2012 by large scale concessions granted to national elites with investment support from Chinese, Vietnamese, Thai as well as Middle Eastern and Singaporean investors (ibid: 3). Significantly, the crops being grown are oriented more widely, including sugar to the European market, and this has provided for dialogue opportunities with large corporate buyers such as Tate and Lyle and the scoping of Corporate Social Responsibility into the land governance discussion.

In Myanmar, 810,000 hectares were found to have been allocated in concessions by 2011 (ibid: 4), with strong military involvement, and more than half of the land in these concessions remains uncultivated as they are being held as much for speculative as for productive purposes. Meanwhile Schönweger et al (2012) found that 1.1 million hectares in Laos are similarly under concession, representing five percent of national territory and an area larger than the total under paddy production in the country.

In both Cambodia and Laos, the concessions are heavily dominated by regional investors from China, Thailand and Vietnam. In Myanmar, Chinese and Thai investors predominate. In both Cambodia and Myanmar, wealthy and powerful domestic investors also hold concessions, in most but not all cases with financial and co-investment support from foreign backers.

Land security concerns associated with land acquisitions are quite specific to individual countries. In Cambodia, the problem is represented as one of very low rates of rural land regularisation through titling or other means, which combines with the fact that as a result of the country’s traumatic recent history few landholders can trace occupation of their current land back any earlier than 1979. In Myanmar, the high rate of displacement by ongoing civil war, combined with the ownership of all land by the state, provides a high level of land insecurity at a time when foreign investors are being invited to “develop” supposedly un- or underutilised land with little or no recognition of customary use of such land. In both Cambodia and Myanmar, non-transparent processes in concession-granting has been challenged by an increasingly bold civil society, but in both cases this has also been met with

violence and other rights abuses (Cambodian Center for Human Rights 2013).

Land grabbing in the Mekong is not limited to land concessions for agriculture. Land has been compulsorily acquired for Infrastructure development, for roads and railways in particular, as well as urban developments. There are two multiplying factors that have exacerbated land grabbing for public infrastructure. The first is the reservation, in socialist systems where land is held to be the property of “the people” as a whole, of areas deemed important for future development. This often means that for a perimeter of, for example, 25 meters on either side of trunk roads individuals are not allowed title in order not to set up the state for expensive compensation payouts later on. Second, some of the infrastructure deals, such as the 450-year road in Vientiane (<http://www.laolandissues.org/tag/450-year-road/>), involve tradeoffs whereby the investor provides infrastructure in return for land development privileges. In turn, state authorities sequester land from farmers, with compensation at low agricultural land rates, and the developer then has the onselling rights of land at greatly inflated prices for residential, industrial and commercial development facilitated by the transport infrastructure.

Resource development projects – dams and mines in particular – are another form of land grabbing in the Mekong Region. In the past, dams were mainly public investments. Most projects are now private or public-private partnerships, which means in effect that land is being taken from small farmers to make way for profitable energy investments by Chinese, Thai, Vietnamese and other overseas investors, often in partnership with state-owned enterprises and, sometimes, with companies owned by influential national tycoons, as in the case of the Lower Sesan 2 Dam in Cambodia whose major national investor is the Royal Group, a company also implicated in urban land dispossession and owned by wealthy businessman Kith Meng (LICADHO 2009; ADHOC 2014). The logging concessions associated with the clearing of reservoirs in preparations for dam reservoirs are granted in a non-transparent manner and often involve top government officials with links to military logging companies.

Land is also acquired for national parks and conservation zones. These are often considered land for public good. These protected areas have often resulted in dispossessions of smallholders from their land (in the case of Thailand) or other exclusions from accessing local resources. Nevertheless, it is common in Cambodia in particular, to see the government grant economic land concessions to private companies within protected areas (Diepart & Sem 2014).

Finally, Special Economic Zones (SEZs) involve the confiscation of land from smallholders to provide inexpensive sites for investors in manufacturing enterprises. Most of these (for example Dawei in Myanmar and Savannakhet-Seno in Laos) are at or near borders and are associated with regional transport infrastructure such as the Asian Development Bank’s East-West Corridor and its associated highway and bridge projects (Transnational Institute 2012). In other cases, SEZs are located near cities and involve displacement of landholders from highly productive plots, often to greatly inferior land in less accessible areas (Gittleman & Brown 2014).

A number of region-wide overview studies address such land issues from various perspectives (eg Rock 2004; Rutherford et al. 2008; Borrás (Jnr) & Franco 2011; Colchester et al. 2013). Borrás and Franco (2011) use three case studies from Southeast Asia, including one from Cambodia, to show how multiple external players are complicit in region-specific land grabbing, which occurs not only through granting and acquisition of land concessions, but also through demand for particular products (in this case sugar), directives on renewable energy that promote biofuels, and banking capital behind the larger investments. These instances of land grabbing suggest that governance reform needs to look beyond the land policy framework within individual countries and, in line with Sikor et al’s (2013) turn away from territory and toward flows, to look at markets and regulatory arrangements at a distance from the site of grabbing.

Political-economic influences on land governance

Having set out key regional issues and instances of land grabbing in the Mekong region, we now consider some of the broad political-economic influences that shape current circumstances and set the constraints and openings for future reform.

Key drivers

There are several key recent and current drivers of land grabbing at the regional level. From a political economic perspective, these drivers can be considered as “push” and “pull” forces. The push forces include regional capital in search of profitable land deals, transboundary resource development that takes account of unequal factor endowments within the Mekong Region, and regional initiatives. Pull forces include the provision of land as concessions, usually in the form of long-term leases, by national and local governments. These forces are strengthened by the associated ability of authorities to define land as empty, underutilised or illegally occupied, providing a legitimating power of exclusion (Hall et al. 2011). They are also the result of blatant abuses of power combined with very limited access to justice under prevailing state-business-civil society power gradients.

A key driver of land grabbing identified by Hall is the phenomenon of crop booms (Hall 2011). Key crops such as rubber, fast growing trees, shrimp and coffee have resulted in rapid land conversion to produce these commodities, based both on the global markets and associated price signals for these crops and on the opportunity for those with the capital, political wherewithal, knowledge and other means to gain access to land on which to grow them. An important aspect of Hall’s analysis is that the nature of the “grab” generated by these booms is highly contingent, on the crop itself, the political economic landscape within which the land conversions occur, and, perhaps most significantly, the extent to which the boom crop development works within or disrupts existing property relations. The latter issue in turn defines crop booms, in Hall’s terms, as “secure” or “insecure”, the latter being associated with the common understanding of land grabbing. Even in the latter case, however, the grab is not always done by large players at the expense of smallholders. In the Vietnamese Central Highlands or in northeastern Cambodia, for example, ethnic majority smallholders displace minority shifting cultivators from their lands through a range of market-based and more forceful means.

Crop booms underlie a more fundamental driver of land grabbing and associated land disputes, which is the boom in the commodity value of land beyond its productive potential. With international interest in land concessions and commercial production that pushes the demand for land far beyond the demographic pressure for food production, three of the four CLMV countries have, over the past decade, seen a rapid switch from a sense of land as an abundant resource relative to population, to land as an absolutely limited and hence scarce commodity. Following global trends, this has made land a speculative asset. Many of the concessions for plantations in Burma and Cambodia, and to some extent in Laos, remain un- or under-exploited for their agricultural potential.

History

Certain strands tie together the histories of the CLMV countries in ways that help understand the circumstances of today’s land governance in these countries. In particular, colonial experience and experiments with various guises of socialism are fundamental to understanding the political economy of land in the reflexive sense outlined above. That is, while structures of power shape land relations, land itself has been integral to the political-economic evolution of the countries in question.

Colonial and postcolonial interventions

British (in the case of Myanmar) and French (in the case of Cambodia, Laos and Vietnam) colonisation set in place a number of conditions that have resonance in today's setting. The first land law in Burma was enacted under British rule in 1894 (Land Acquisition Act), and civil society groups still refer back to this legislation as a precursor for today's land appropriation by the state in the name of the public good, while at the same time noting that the law is selectively applied so that, for example, it is used to justify expropriation but its compensation provisions are not followed (Ta'ang Student and Youth Organization (TSYO) 2011: 28).

One of the more significant colonial governance measures with regard to land that has resonance in today's debates was the creation of the category of "Wastelands" (Ferguson 2014). This notion of wasted, unused or underutilised lands of little ecological or economic significance, is fundamental to the ethos of granting land concessions. Ferguson shows how the governmentality of territorialisation has been adapted by military actors in Myanmar (ibid). In land-constrained northern Vietnam, "wastelands" were traditionally a safety valve for the poor but came under the control of village elites during colonial times (Kleinen 2011).

Land concentration was a significant concern in colonial times. Concentration occurred partly in the more prosperous and commercialised areas where profits were to be made and landlordism developed, often building on pre-existing patterns of village hierarchy. It also occurred in upland areas where rubber and other plantation crops were grown on European-owned estates, often on so-called wastelands that were carved out of shifting cultivation systems. Alternatively, land was acquired for colonial forestry purposes through expropriation of fallows in the rotational cycle (the *taungya* system in Myanmar) or were less systematically seized as supposedly empty lands.

Anti-colonialism in Burma and Vietnam in particular took access to land as a key revolutionary rallying issue. "Land to the tiller", or vernacular versions of the idea, were based not only around the expropriation of land by colonial authorities and entrepreneurs, but also against comprador classes of local landlords whose land-based wealth and prestige had often flourished under colonial rule at the expense of subaltern groups. The attraction of socialist ideas as spearheads of anti-colonialism was thus based in significant part on questions of access to land.

Finally, land reform has been an ongoing land governance agenda since the transition from colonial to postcolonial rule. In those states that made a rapid switch from colonial to socialist rule, notably North Vietnam among the countries discussed here, land reform was the first key step in a move toward collectivised tenure and management. Elsewhere, notably South Vietnam, land reform was a pre-emptive countermovement to attenuate the landlordism that was seen to be fuelling support for the Communist cause among the majority landless and land-short rural poor.

Laying out the turf: post-socialist and post-conflict contexts of land grabbing

The history of access to land as a fundamental means of production and as a rallying point in anti-colonial movements, and the socialist experiments that emanated in various forms during the post-colonial period in the CLMV countries, transcends into a particular set of overlapping post-socialist dynamics in the current political economy of land governance across the region. Hall et al (2011: 206-225) give histories of land dynamics in each Southeast Asian country in an appendix, and here we summarise very briefly the background to this post-socialist context.

In northern Vietnam, land was redistributed away from landlords to poorer tenant farmers in what later came to be seen as excessively zealous and often violent expropriations during the mid-1950s. The formation of cooperatives extended from the early 1960s into full collectivisation, whereby land was held and farmed on a fully socialised basis. Following unification of Vietnam in 1976, the collectivisation of land extended to the Mekong Delta and other parts of southern Vietnam. By the late

1970s, it was clear that what had, to a certain extent, worked in the Red River Delta when the country was on a war footing was having disastrous results extended into peacetime and into parts of the country where peasants' aspirations were to be able to produce securely for their families rather than to cultivate voluntaristically for the wider good. Quite pragmatically, commune and state authorities responded to "fence breaking" actions by smallholders through policy changes (Kerkvliet 2005). In 1986 the Doi Moi (renovation) policy set the framework for a market-based socialism that would usher in Decree #10 in 1988 that gave individual rights for households to farm, and that from 1993 onward provided long-term lease rights that could be inherited, bought, sold and mortgaged (the so-called "red book").

In Laos after the Lao People's Revolutionary Party took power in 1975, the experiment with collectivisation was even more short-lived and limited. Only about a quarter of the country's farmland was collectivised, even though official policy was for fully collectivised production, and by 1978/9 it was clear that this experiment had failed (Evans 1995). As in Vietnam, there was a strong push for each province and district to produce rice sufficient to support its population, and in mountainous northern Laos this meant the expansion of cultivation onto ever more marginal sloping land. With the New Economic Mechanism from 1986, market-based production gradually took hold, but in a country where most farming was still being practiced on a subsistence-oriented basis, where land was still relatively abundant, and where there had been a high rate of population displacement during the bombing and civil war from 1964-1973. As a result, and in contrast to Vietnam, individualised production was not closely associated with longstanding claims to land in many parts of the country.

Cambodia went through the most fundamental upheaval in socialisation of landholding during the post-1975 period. The extreme Maoism of the Khmer Rouge not only forced people into large scale communalised production, but it displaced them geographically from where they had previously farmed and dissolved the family unit and any association that such units had with land. While this tragic and violent experiment lasted less than four years 1975-1979, it had been preceded by five years of upheaval and fighting across the Cambodian countryside from 1970. Following the ousting of the Pol Pot regime, agricultural production remained partially socialised through "solidarity groups" (*krom saamakhi*) through the early to mid-1980s. The civil war that afflicted the country until the Paris peace accords in 1991 and extended until 1998 in some northwestern regions, meant that the break between people's pre-1970 patterns of land holding and their post-conflict tenure was all the more complete.

In Myanmar, the advent of the Ne Win government in 1963 saw a regime committed to "The Burmese way to socialism" impose quite a different model from the Indochinese ideological practice drawing on Soviet- and Chinese-influenced precedents. The strategy was one of self-reliance, establishment of farming cooperatives and collectives, placing of quotas on farmers to provision the state, and a generally inward looking economy strategy.

While these histories of socialised agriculture and political economic configurations are now a generation behind us, the post-socialist and post-conflict context remains fundamental to understanding the political economy of land governance in a number of respects. These are outlined in summary form as follows, but each is an area deserving of a more extended research and analytical treatment.

In Laos, Myanmar and Vietnam, there remain significant constitutional limits to individual – and therefore smallholder – rights in land. While in all countries there are provisions for individual land holdings, in the one-party states of Laos and Vietnam the constitution stipulates that land is ultimately owned "by the people" as a whole and managed in trust by the state. As we meet (in June 2015), a new national Land Use Policy in Laos is awaiting deliberation over a Lao constitutional amendment that may redefine land as state property, but there are strong moves to retain its current ownership status by the Lao people as a whole. In Myanmar, land is constitutionally owned by the state. While there are

provisions for private ownership in Cambodia through fully transferable land title, there are also concerns that by default the vast majority of land that remains untitled then becomes the property of the state, facilitating the granting of concessions on untitled land (Dwyer 2013).

There are thus considerable ambiguities in the CLMV countries over the extent and meaning of public and private domains in land and related resources. With such ambiguity comes negotiation, and the ability of state gatekeepers to derive private benefit in non-transparent land deals. During the period of decollectivisation, many public goods – including land – were privatised, and in Vietnam it was often Party cadres who took advantage of gatekeeping position and access to knowledge to acquire collectively used land and other assets as private goods. In the more recent land grabbing context, the continuing status of land as national or state property eases the process of concession granting, particularly where land has been zoned in such a way that fallow areas, grazing land, secondary forest and other supposed “wastelands” can be appropriated as vacant.

The issue of “wasteland” categories and associated discourses in support of land appropriation is certainly not limited, at a global level, to post-socialist and post-conflict societies. Nevertheless, in the CLMV countries the notion of underutilised lands gains an extra cadence from the ideological push for modernisation away from “backward”, “inefficient” and even “undisciplined” peasant production toward a more modernised, modernist set of labour relations found, for example, in the transition from shifting cultivation to plantation labour. This is deeply implanted in the ideological stance of socialist modernisation, and the rhetorical traditionalism found, for example, in Thailand’s sufficiency economy program is not part of state discourse. This discourse draws simultaneously on neoliberal rallying call to “turn land into capital” (de Soto 2000), but in the case of Laos there is a clever discursive transformation away from the idea of rural smallholders turning their most valuable asset into a household level wealth-generating engine toward a policy drive to turn a purportedly land-abundant country’s asset into national wealth (cf Barney 2009).

The role of the military is highly significant in all four countries, perhaps most so in Myanmar. Since 1988, and despite recent reforms, the political economy of Myanmar has centred around the control not only of the administrative levers of power by the military, but also by the *Tatmadaw*’s extension of its organisational, and its senior officers’ private, interests into the most profitable extractive opportunities associated with land and natural resources. This influence has shaped land grabbing in conflict zones in many parts of the country (Woods 2011).

In all four countries, we see configurations of political economy in which neoliberal projects in land are enacted within authoritarian polities. The nature of authoritarianism is quite specific to each country, and there are ebbs and flows in the closing and opening of spaces for challenge to rights abuses. One of the previously most authoritarian states, Vietnam, now has significant openings for mobilisation on certain types of land issues, notably those associated with compensation issues and alleged corruption in peri-urban and densely populated, agriculturally productive delta areas. Land issues associated with unrest and displacement among ethnic minorities in the Central Highlands remains highly sensitive. In Laos, where land grievances dominated a hotline set up by the National Assembly in 2011-12, land issues have become extremely sensitive, and since the enforced disappearance of Sombath Somphone, civil society groups have been very reticent about raising them (Sombath.org). In Cambodia, the media and civil society organisations are quite outspoken on land issues, and the biggest constraint is extra-judicial killing, other violence and threats against complainants, often involving the police (Amnesty International 2008; 2011). In Myanmar, land issues dominate civil society advocacy, and the media has opened up considerably. Nevertheless, activists periodically serve time in jail. The various configurations of “neoliberal authoritarianism” thus frame the broad political economy of state-society relations around land grabbing and governance reform across the region.

Geography

Each of the CLMV countries is geographically and agro-ecologically diverse, and the land issues faced historically and at present vary considerably across the national territory of each country. At the same time, we can see similarities in land issues in similar zones across countries, for example delta regions, upland zones where shifting cultivation has predominated historically, peri-urban zones of transition and so on.

In Delta areas, there is a history of commercialisation that makes characterisation of multi-generational peasant smallholding problematic (Mizuno 2011). The Ayawaddy and Mekong Deltas are both quite young in terms of expanded rice production that forms the basis of the export economy on which colonial prosperity was built. These areas also saw an early development of landlordism. The unequal land relations, heavy indebtedness and rates of landlessness that characterise these areas set some of today's land governance parameters.

Upland areas have been marked by attempts by centralised states to regularise not only agriculture, but also the legibility and permanence of settlement. Throughout the region, the dominant agricultural practice in upland areas, most of which had until recently mainly been settled by ethnic minorities, had been shifting cultivation. For a range of reasons, authorities throughout the region have taken a dim view of this practice (Cairns & Garrity 1999; McCaskill & Kampe 1997; Scott 2009), and a combination of forestry and land legislation has rendered it illegal. Furthermore, because shifting cultivation is premised on a fallow cycle, seemingly unused land has been ripe for grabbing, particularly as shifting cultivators are usually loathe to declare it as agricultural land for tax purposes. As various land and forest allocation programs have engaged in land use planning and zoning, so fallow areas have been restricted and areas have been given over to concessionnaires, creating a significant process of impoverishment among mostly ethnic minority upland cultivators (Chamberlain 2007).

Peri-urban areas provide particular challenges in terms of land conversion. Demand for non-agricultural uses of land is high in such areas with real estate and industrial development, and land prices have increased exponentially. Where farmers own land and have been able to sell at market prices, they have done very well. Where, as is often the case, farmers are tenants, then land conversion displaces them from their livelihoods. In some cases, sales and conversion is voluntary. In others, it is compulsory and compensation becomes a key issue. The delineation between public and private interest in development varies from one country to another. Under Vietnam's land law, for example, state appropriation of land is only permissible where it is required for public infrastructure, a category that is open to interpretation and challenge. In Laos, the land law rules that economic development is an allowable basis for expropriation, even if the development is for private economic gain.

Coastal zones face specific types of land pressures. Coastal tourism and coastal aquaculture are both high-value enterprises, which have served to displace and otherwise affect farming communities. Both are polluting activities, and in the case of aquaculture the external effect of creating a saline environment has had impacts on farmers beyond the areas converted, reclaimed or cleared for shrimp farming. Cambodia and Vietnam have seen exponential increases in coastal land prices over the past two decades.

Geography as an influence shaping land conflict is not limited to agro-ecological zones as described above. Another key regional dynamic is the geography of conflict associated with FDI in land and natural resources in border areas. In Myanmar in particular, the combination of an opening up of the country for foreign investment with the advent of cessation of hostilities between the Burmese military and the country's several ethnic-based insurgencies along the Chinese and Thai borders has attracted a burst of investment that threaten to stoke new conflict as people are

dispossessed of their land in favour of the new investors. The leadership of all sides in the old conflicts have been complicit in this particular manifestation of land grabbing (Buchanan et al. 2013; Woods 2011). Border areas also attract other configurations that result in dispossession, for example the implementation of opium substitution programs on the China-Myanmar borderlands by means of favoured Chinese investors being given access to land previous under poppy cultivation (Kramer & Woods 2012). Other geographical locations that define specific conditions of land alienation include areas deemed suitable for special economic zones, early experience with which has been one of marginalisation even when such zones are in the international spotlight as at Thilawa in Myanmar (Gittleman & Brown 2014).

Power configurations

The political economy of land grabbing and associated land governance are shaped by social, economic and political power. Some of these transcend national borders across the Mekong region, while others are specific to the configuration of each national system of power and authority. We can frame power configurations in terms of actors and by the nature of interactions between them.

Actors

Across the region, certain key groups of actors exert power and make the decisions that lie behind land grabbing and attempts to respond to it.

Investors in land that is deemed to be “grabbed” include a relatively small number of very influential companies, and a much larger number of smaller investors. Vietnam, Thailand and China are the source of a significant proportion of FDI in plantation agriculture. Among the really large players are the Hoang Anh Gia Lai corporation from Vietnam (Kenney-Lazar 2012) and the Vietnam Rubber Group. Both of these have also invested in Cambodia, largely through powerful business tycoons there, and both are partly capitalised by Deutsche Bank and the International Finance Corporation (Global Witness 2013). From Thailand, the Mitr Phol sugar corporation has been behind some of the more controversial land deals in southern Laos and southwestern Cambodia. Chinese investors in banana cultivation, for example, tend to be less prominent companies, and often the deals are done with provincial or even district authorities.

In Cambodia and Myanmar in particular, tycoons and prominent figures are important actors in land grabbing, both in their own right and in collaboration with foreign investors. In Myanmar, connections with the military are important, while in Cambodia the most prominent tycoons have close connections with the ruling Cambodian People’s Party. In Laos and Vietnam, wealthy business figures have emerged and tend to have strong Party connections, but as one-party states the relationship is based less on patronage and more on relationships built around corruption and gatekeeping. These private bases of power built on relationships with public authorities are discussed below in reference to interactions inherent in land deals.

While a significant part of the literature on land grabbing refers to “the state” as complicit in land deals that dispossess citizens whose interests the same authorities are in principle responsible for protecting, the states are in fact variegated and complex. Following national legislation that provides threshold requirements for approval of deals of different areal sizes at progressively higher levels of government, many of the larger land deals are done at the national level, with the responsibility for finding land then devolved to local authorities. In other cases, local authorities have done numerous cross-border deals without reference to higher levels of government, which has had the effect of making inventories of land deals extremely difficult. Furthermore, there have been many cases of overlapping deals (LICADHO 2009) as different levels of government have acted without reference to

one another, and often the granting of concession contravenes national policy in terms of the quality and topography of land that is granted (Affeld 2014: 8). At a functional level, much of the land zoning in upland areas has been done by forestry departments, while land administration comes under different ministries. Royalties and revenues, meanwhile, go through ministries of finance.

The military authorities of the CLMV countries have been significant actors in land grabbing. In some cases, notably Myanmar and Cambodia, military figures are implicated in abuse of authority for private acquisition of land, and military involvement in land grabbing extends also to the seizure of land for military purposes and also military protection of influential persons in their seizure of land and other resources from local communities (LICADHO 2009; Woods 2011). In Myanmar, there has been extensive documentation of military confiscation of villagers' plantations, farmland and grazing land, both to make room for new military bases and encampments, and to grow food for soldiers based at these military centres. The problem is especially acute in ethnic minority areas ((AASYC) et al. 2009). Elsewhere, militaries and police forces provide protection to land concessionaires when force is applied in evicting smallholders to make way for land concessions. In Cambodia, a number of incidents of violence against protesters in defence of their land has resulted in death or injury. More generally throughout the region, military ownership of forestry and other natural resource companies dates from the post-revolutionary era when militaries had to assist in finding their own operational budgets. The military in all four countries has also had a close involvement with logging.

Civil society actors are concerned with land issues across the region. Of the four countries, Cambodia has the longest established group of non-governmental organisations (NGOs) working on land issues. There is a large number of NGOs working on land issues in Cambodia, some of the most prominent of which include the Cambodia League for the Protection and Defense of Human Rights (LICADHO), Equitable Cambodia, the Cambodia Legal Education Centre (CLEC) and the Cambodia Human Rights and Development Association (ADHOC), and all of which work with a combination of legal challenges, community empowerment through information, and mobilisation around key cases, and human rights is an important framing principle for these organisations (Bugalski 2012). Vietnam has seen the emergence of NGOs documenting and advocating on land issues, for example the Land Alliance (Landa). The Land Issues Working Group in Laos and the Land Core Group in Myanmar are based around broad coalitions, including relevant government agencies and individuals concerned for progressive land governance reform in recognition of the conflicts and other problems associated with land grabbing.

There is a strong and growing international donor interest in land issues. The Swiss Agency for Development and Cooperation (SDC) supports country and regional programs, including the one (MRLG) that has supported a state of knowledge review through a research mapping exercise on which this analysis builds. GIZ has a longstanding involvement in land use planning and land administration in the region. Australian Aid has historically played a key role, alongside the World Bank, in land titling programs in Southeast Asia, first in Thailand from 1984 and then more recently in Laos. The World Bank has been involved in land titling programs in both Laos and Cambodia, but both of these were aborted in part because of incompatibility between the program principles based around transparent market-based property rights in land devoid of state interference and that formalised existing smallholder usufruct, on the one hand, and the governance arrangements and ideological underpinnings of the political economic systems through which they were being administered, on the other, which saw such land being reserved for state projects or handed over to wealthy investors (see for example Bugalski & Pred 2013). In this sense, there is a tense and challenging relationship between some of the international principles of "good land governance" on the one hand, and domestic political economy on the other. Particularly in the case of land, sovereign prerogative is a sensitive issue for the governments concerned, and donors have to take a cautious approach in imposing universalistic solutions.

Interactions

By definition, land deals involve combinations of actors rather than individual agencies, companies or government officials. Deals are done both within and across borders. The relationship between particular public and private actors is an important defining element of the political economy of land deals in the region, but it is manifested and represented differently in each country. In Myanmar, the term “cronism” is often used to portray the cosy relationship between senior military figures and favoured tycoons such as U Htay Myint through his Yukaza Company (The Kachin Development Networking Group (KDNG) 2010; Alternative ASEAN Network Burma (ALTSEAN) & (ALTSEAN) 2014). In Cambodia, an important analytical term for the system of reciprocal political and economic favours is “neo-patrimonialism”, which describes the superimposition of modern, bureaucratic instruments of power onto a system of patronage that allows capture of legal and administrative machinery by those in authority and to maintain power through disbursement of favours through various levels. Land concessions rank highly among these favours. The two main titles associated with senior political/bureaucratic authority (*Aek-oudom*, or “Excellency”) and wealth disbursed for the public purse (*Ok-nhyaa*) creates an elite network through which patronage is disbursed and political support is cultivated, for example in the case of Ok-nhyaa Senator Ly Yong Phat who with his wife Kim Heang received a large concession of 16,751 hectares for sugar cultivation in Kompong Speu Province under the guise of the Phnom Penh and Kompong Speu Sugar Companies respectively (Subedi 2012: 39). In Vietnam and Laos, which are one-party states, the intimate relationship between public and private elites is less blatant, but in the case of Laos it has been established in part through kinship, via a (literal) intermarriage of influential political families with wealthy families often with roots in the pre-1975 aristocracy (Stuart-Fox 2006). In Vietnam, private wealth has been accumulated more recently by entrepreneurs, many with strong Party credentials in their family backgrounds, and real estate has been an important source of accumulation for such families in a country without a history of a powerful wealth-endowed core elite. HAGL, the company referred to above and one of the larger regional land-grabbing enterprises, is a case in point here, having accumulated the capital now being invested across borders in real estate development in Ho Chi Minh City (Kenney-Lazar 2012).

There is still a lot of research to be done on transboundary political-economic relationships that facilitate the land deals under discussion here.

Policy and legal reform

Land law and land use policy are a key part of the regional land governance landscape. Legislation in each country has been seen as part of the existing problem, for example the 1991 Land Law in Cambodia that provided for economic land concessions (Neef & Touch 2012), or the Vacant, Fallow and Virgin Lands Management Law in Myanmar passed in 2012 that allows for expropriation of smallholders’ land for large scale agricultural enterprises (Savage 2013). Each is enacted on a country by country basis, and each country has gone through land policy and law reform at different times, in some cases through several iterations.

Through various advocacy coalitions, the process of policy and legal reform has involved quite extensive public consultation in each country, although the degree of inclusiveness and openness in consultation processes varies from one country to another. International NGOs have played a prominent role in helping support and coordinate consultation processes, and in the case of Laos there is quite a heavy preponderance of non-Lao voices at the respective meetings – in part because of a climate of fear and nervousness about speaking out on land issues among Lao nationals, both those

working with civil society groups and those facing grievances in a more direct manner.

Conclusion: research and engagement with advocacy

In this paper we have endeavoured to give a broad overview of the political economy of land governance in the context of concern over land grabbing in the Mekong region. While this is a field much too large and complex to cover comprehensively in a single paper, we consider it important to understand the deep embeddedness of land issues in the histories and contemporary structures of power that shape regional relations influencing land.

Advocacy for policy reform in support of enhanced security of land access by smallholders, and by women and ethnic minorities in particular, requires the mustering of a good evidence base and a coherent analysis. From the above review, and our broader assemblage of a repository of research materials relevant to land governance in the Mekong Region, it is clear to us that there is a wealth of existing and available research and some key areas in which further research may be pursued strategically. There is a need for sustained and concerted effort for the research and advocacy communities on land issues to think and work together, and for a regional approach to build on and strengthen the busy advocacy coalitions on land in each country of the Mekong Region.

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