

# Land Governance Experiences in the Mekong Region

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Ministère des Affaires étrangères  
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**giz** Deutsche Gesellschaft  
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Phase 1: March 2014 – March 2018


Funds from **Switzerland** is 13 million USD

**German** contribution since May 2015, EUR 3.5 million.

**Luxembourg** will provide EUR 1 million into the Grants Facility from September 2016.

4 x 4 Year Program Phase 2 scheduled July 2018- June 2022.



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# Regional investment flows (# Deals)



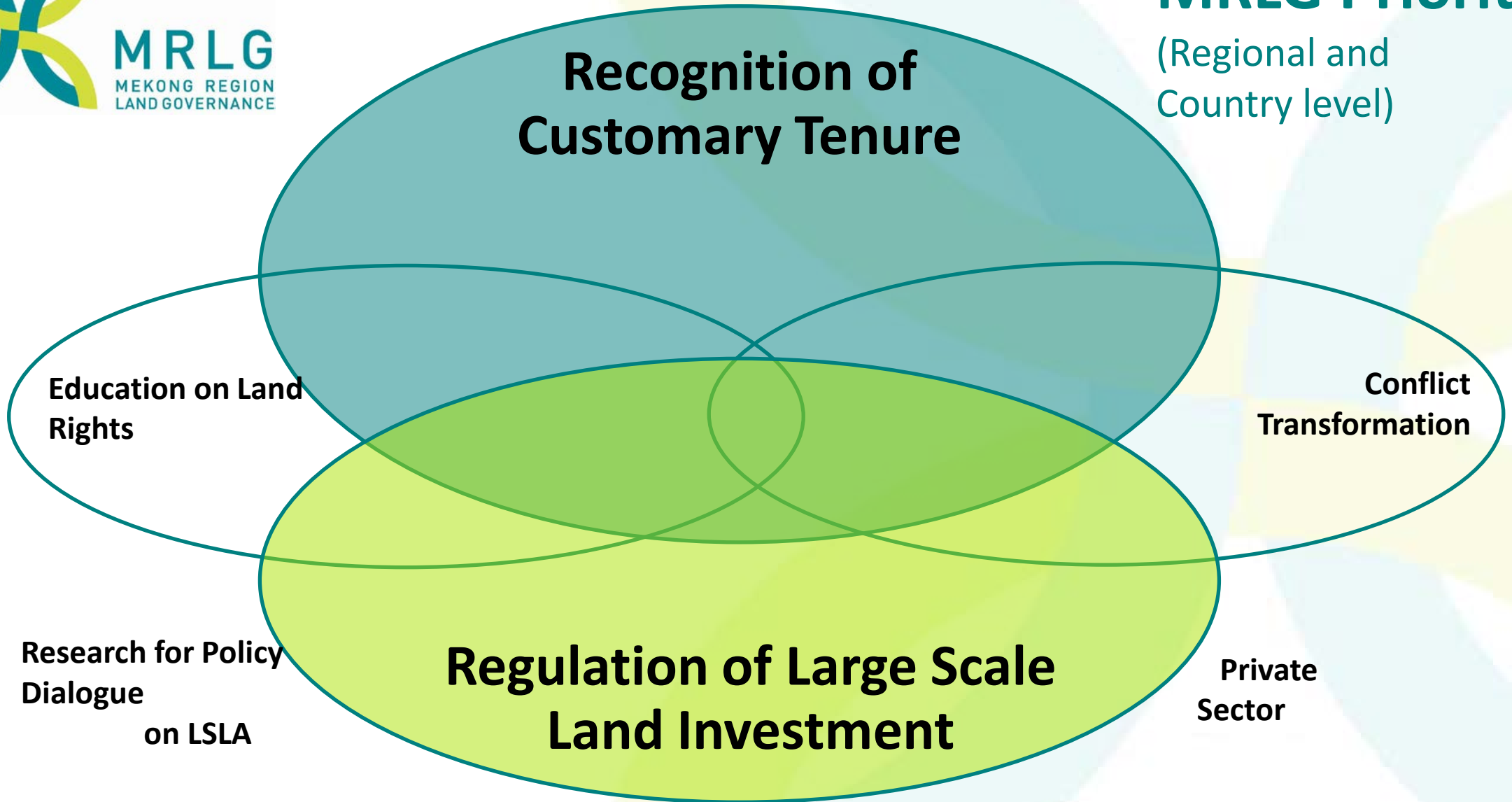
- 1. China
- 2. Viet-Nam
- 3. Thailand



- Land governance is at the very center of economic & social development challenges in Cambodia, Laos, Myanmar, & Vietnam (CLMV)
- From around 2000 onwards, governments (C, L, M) granted large areas of formerly family-farmed land as economic land concessions (ELCs) to investors
  - Mostly for industrial agriculture, mining, and hydropower
- Situation for family farmers are made worse by
  - involuntary resettlement
  - farmer families driven out of agriculture altogether, with limited prospects of finding alternative employment
  - loss of tenure or access rights without fair compensation, increase in land conflict
- Large Scale Land Acquisition is considered a main driver of tenure & food insecurity / “new poverty”
- This is both a **hot issue and a politically sensitive** topic for the region.
- Oppressed citizens, some civil unrest, widespread conflicts in all countries, and serious concerns about human rights

The projects overall goal is to contribute to family farmers in the Mekong region to have more secure tenure (ownership and access) over land by:

- Strengthening the effectiveness of a wide range of stakeholders to participate in land related reform processes through learning and regional cooperation
- Facilitating and supporting the emergence of more favourable policies and practices.





# Project Operational Mechanisms

## Learning and Alliance Building



- Horizontal Learning & Alliance Building activities
- information collection, analysis, & dissemination
  - collecting, distilling and publishing case studies
  - structured learning visits
  - cross border learning
  - training & organizational strengthening

## Quick disbursement fund



- Quick Responses to 'opportunities'
- short-term activities
  - emergencies, windows of opportunity

## Innovation fund



- Supporting Innovation
- medium-term (1 - 2 years) pilot activities
  - translate new learning into practice

## **Some MRLG Supported Initiatives on Recognition of Customary Tenure**

- Regional and national learning and alliance building platform to discuss, share experiences and take collective action on improving regulations of land investments
- Support to CSOs, VNForest and National Assembly in the revision of Viet Nam New Forestry Law
- Mainstreaming M&E in policy development process (Viet Nam GDLA)
- Strengthening Customary Tenure in Forests, through policy and pilots (Myanmar MONREC)
- Communal Agricultural Land Management Model (Lao MAF-DALaM)



## **Some MRLG Supported Initiatives on Responsible Land Investments**

- Regional and national learning and alliance building platform to discuss, share experiences and take collective action on improving regulations of land investments
- Responsible agricultural investment guidelines/code of conduct development (Lao IPD, Viet Nam MRD)
- Follow the Money Initiative
- Cambodia Land Conflict Independent Mediation Framework
- Development and testing of policies for innovative land reallocation for small and medium farms (Cambodia MAFF)

# Regional Land Forum

## Hanoi (21-23 June 2016)

Attracted over 300 participants. Those registered were from Cambodia (55), Laos (58), Myanmar (42), Vietnam (111), other ASEAN countries (18) including China and Thailand.

Multistakholder participation : Government (43); representing nine Ministries), International Organisations (58), Development Partners, Projects, NGOs/INGOs/CSOs (81), academic institutions (81) including 27 students, nine participants from farmers organisations and 16 from the private sector.

In all, 52 presentations in 3 parallel sessions + open forum + plenary; Most presentations were based on ongoing MRLG supported activities. A panel discussion with government representatives from the 4 countries

<http://mekongplatformlearning.wikispaces.com/Mekong+Regional+Land+Forum+21-23+June+2016> )



News coverage by Land Portal, Vietnam News, Jakarta Post..

<http://vietnamnews.vn/society/298479/mekong-countries-share-land-governance-experience.html#PFWChQHGX9u2jwHM.97> Jakarta Post, 22nd June 2016

<http://www.thejakartapost.com/seasia/2016/06/22/mekong-countries-share-land-governance-experience.html> -



# Preparing and Assisting Affected Communities to Engage in Non-Judicial Grievance Mechanisms

Quick Disbursement Fund, Cambodia



Photo courtesy of Equitable Cambodia

The activity aimed at building the capacity of Indigenous Peoples communities in Ratanakiri, Cambodia to engage effectively in negotiations to obtain redress for land tenure and livelihood impacts of HAGL's large-scale rubber plantations.

## Background

In Ratanakiri, at least thirteen villages, containing some 11,000 people, the majority indigenous, had been adversely affected by HAGL's rubber plantation development, while at least 5 more villages remained threatened by the expansion of HAGL's plantations. The affected communities filed a complaint with the IFC's Compliance Advisor Ombudsman (CAO) which on 10 February 2014 found the complaint met its three eligibility criteria for further assessment. On April 2014 the CAO secured the agreement of HAGL to engage in a dispute resolution process. The process was long and complicated and funding had to be sought from multiple sources. At a critical moment when there was a gap in funding, Equitable Cambodia accessed the Quick Disbursement Fund to continue supporting the community in the conflict transformation process.

## Major Accomplishment

Extensive training and capacity building in land rights and negotiation skills resulted in community representatives standing strong in front of powerful company representatives to state their demands and defend them by clearly articulating their legal rights. They were also empowered to clearly define their "problems" and to inventory losses that corresponded with demands in a precise way to seek compensation. This was a major achievement and had a powerful effect on company negotiators. On the 19th of September significant agreements were reached with the eleven villages that have already lost land and resources to the HAGL plantations. Some of the most important agreements are:

- If through the joint visits of key stakeholders it was ascertained that HAGL has cleared and developed customary lands and resources of the communities, then the company committed to (a) offer

compensation for this land; and (b) if the villagers do not accept the compensation, return the land to the community

- HAGL agreed to support the villagers in securing title to their land.
- HAGL also agreed to adopt an operational grievance mechanism in relation to their agribusiness operations in Cambodia.

For the full agreement please visit:

(<http://www.inclusivedevelopment.net/wp-content/uploads/2015/09/Joint-Statement-Villages-Group-3-19-Sept-2015-Eng.pdf>)

## Stakeholders

Equitable Cambodia and Inclusive Development International worked in collaboration with HA, IRAM, CIYA, BCV and Global Witness. Beneficiaries were approximately 15,000 people predominantly indigenous people, spanning at least 6 language groups (Kachok, Tampuan, Jarai, Kreun, Lao and Khmer). The impact was significant across at least eighteen villages in Ratanakiri that were adversely affected or threatened by HAGL's plantation development.

## Project duration

02 March 2015 to 31 August 2015.

## For more information:

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**Breakthrough in Cambodia Mediation (Siem Reap, September 19, 2015) – A major breakthrough was reached in the mediation between fourteen Cambodian indigenous communities and the Vietnamese rubber firm Hoang Anh Gia Lai (HAGL), during meetings held this week in Siem Reap, Cambodia.**

**On 15-19 September 2015, community representatives of 14 indigenous villages affected by HAGL's land concessions in Ratanakiri province, company representatives of HAGL and its subsidiaries, and the communities' advisors met in Siem Reap. The meeting was facilitated by the Compliance Advisor Ombudsman (CAO).**

See more at:

<http://mrlg.org/resources/major-breakthrough-in-cambodia-mediation/#sthash.Pv6BUIWD.dpuf>

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