



STATE OF LAND

IN THE MEKONG REGION

POLICY BRIEF 1

Pathways towards sustainable land systems

Setting the stage

The agrarian transition in the Mekong Region

Over the past two decades, the Mekong Region has undergone rapid agrarian change, supported by public sector policies promoting agricultural commercialisation to alleviate rural poverty, provide income opportunities, and modernise agricultural production systems. Relatedly, the rapid expansion of markets and changing national policies to accommodate and encourage land-based investments in the agricultural, forestry, mining and energy sectors, have radically altered rural landscapes across the Mekong Region (Cambodia, Lao PDR, Myanmar, Thailand, and Vietnam). ^[1]

The global food crisis of 2007–2008 was an important trigger of this wave of land-based investments, not only in the Mekong Region: the increase in crude oil

prices kindled the demand for sugar, starch and vegetable oil for biofuel production, and the weakened US dollar led to intense speculation on the raw materials market. The complex processes of change that resulted from these—characterised by shifts to market orientation and changing agricultural landscapes, including large-scale commercial agriculture as well as significant uptake of cash crops by smallholders—we refer to as **the agrarian transition**.

National governments in the Region welcomed the agrarian transition not only as a source of tax revenue but also as an opportunity to create employment, diversify income, and alleviate poverty in rural areas and, in so doing, achieve the **Sustainable Development Goals (SDGs) of the United Nation's 2030**

Agenda (see text box). Thus, they put in place policies and incentives to attract domestic and foreign investors. Transnational land-based investments from within and outside of the Region particularly targeted Cambodia and Lao PDR, with Vietnam playing an important role as a regional investor, and China strongly dominating the landscape of investors from outside of the Region (www.landmatrix.org).

However, already in the early stages of this commercialisation process, an increasing number of reports pointed to the **negative impacts of some large-scale commercial land investments**, including environmental degradation, worsening poverty and inequality, rising landlessness, and social unrest. These reports prompted some governments in the Region to issue **moratoriums** on new concessions. For example, in 2007, the government of Lao PDR issued a moratorium on new mining concessions and on some tree plantations. In 2012, a second moratorium was issued, known as the Prime Minister's Order No. 13, to suspend approval of new concessions for mineral exploration, eucalyptus and rubber plantations.^[2] Similarly, a moratorium on Economic Land Concessions (ELCs) was issued in Cambodia in 2012.

Despite these moratoriums and a growing body of evidence on the negative social and environmental impacts of some developments within the agrarian transition, the idea is still widespread that the promotion of large-scale agricultural commercialisation is a silver bullet solution for developing the Region economically, protecting forests through intensification and, more generally, achieving the SDGs.

The Scope of this Policy Brief

Agricultural commercialisation, the recognition of customary tenure, and the environmental sustainability of food systems are three central concerns for smallholder farmers. As smallholder farmers account for the largest national constituency in each Mekong country, securing equitable outcomes along these aspects constitute high-level objectives of the agrarian transition.

This brief investigates to what extent these objectives have been met during the agrarian transition in the Mekong and **explores alternative solutions** that could contribute to realigning the agrarian transition within a

WHAT IS THE UN AGENDA 2030?

The 2030 Agenda* was adopted by the United Nations General Assembly through Resolution 70/1 on 25 September 2015. Today, Agenda 2030 constitutes the dominant framework articulating global consensus on what sustainable development initiatives should aim to achieve. It is comprised of **17 Sustainable Development Goals (SDG)**, each of which is divided into sustainable development targets. In total, there are **169 targets**, which are tracked globally and nationally through 232 indicators. The SDGs and their targets constitute a comprehensive, common lexicon for both development and policy.

* www.un.org/sustainabledevelopment



more holistic understanding of sustainable development. It gives an overview of the progress made, linking these objectives to targets of Agenda 2030 and the SDGs, that are themselves also closely linked to national development goals relating to the agrarian transition: SDG 1 (no poverty), SDGs 5 and 10 (gender-equity), and SDG 15 (life on land). The sustainability and equity of outcomes under the agrarian transition strongly depend on context. Aggregated national **statistics tend to hide complex and differentiated realities**, failing to capture the ways in which the costs and benefits of the agrarian transition accrue to different parts of society, **generating both winners and losers**.

The agrarian transition and the 2030 Agenda

As a complex transformation of agricultural landscapes and food systems, the various processes that characterise the agrarian transition have **significant bearing on the governance and the use of land**. At the same time, the way in which land is used significantly determines whether and how the SDGs are achieved. Land is an immovable and non-multipliable resource at the intersection of **diverse – and sometimes conflicting – interests and claims** concerning society's need for sustainable development. Thus, implementing the 2030 Agenda could exacerbate competition between these different claims.^{[3], [4]}

The claims brought forward over the last two decades by public and private actors in support of large-scale agricultural commodification have overshadowed those of stakeholders who attempt to support alternative development priorities in policy and planning. So far, these major power imbalances have hindered the advent of a real 'competition' or negotiation.

However, if the governance of the agrarian transition continues to aim for only a narrow set of sustainable development targets (e.g. economic growth) at the expense of others (e.g. reduced inequality, environmental integrity, and responsible production and consumption), it will eventually exacerbate trade-offs and give rise to conflict. Alternatively, holistic governance that integrates the prioritisation and **negotiation of trade-offs among competing targets** and that aims to **tap synergies** among co-beneficial targets in an equitable way, could harness the agrarian transition as an engine for achieving the SDGs.

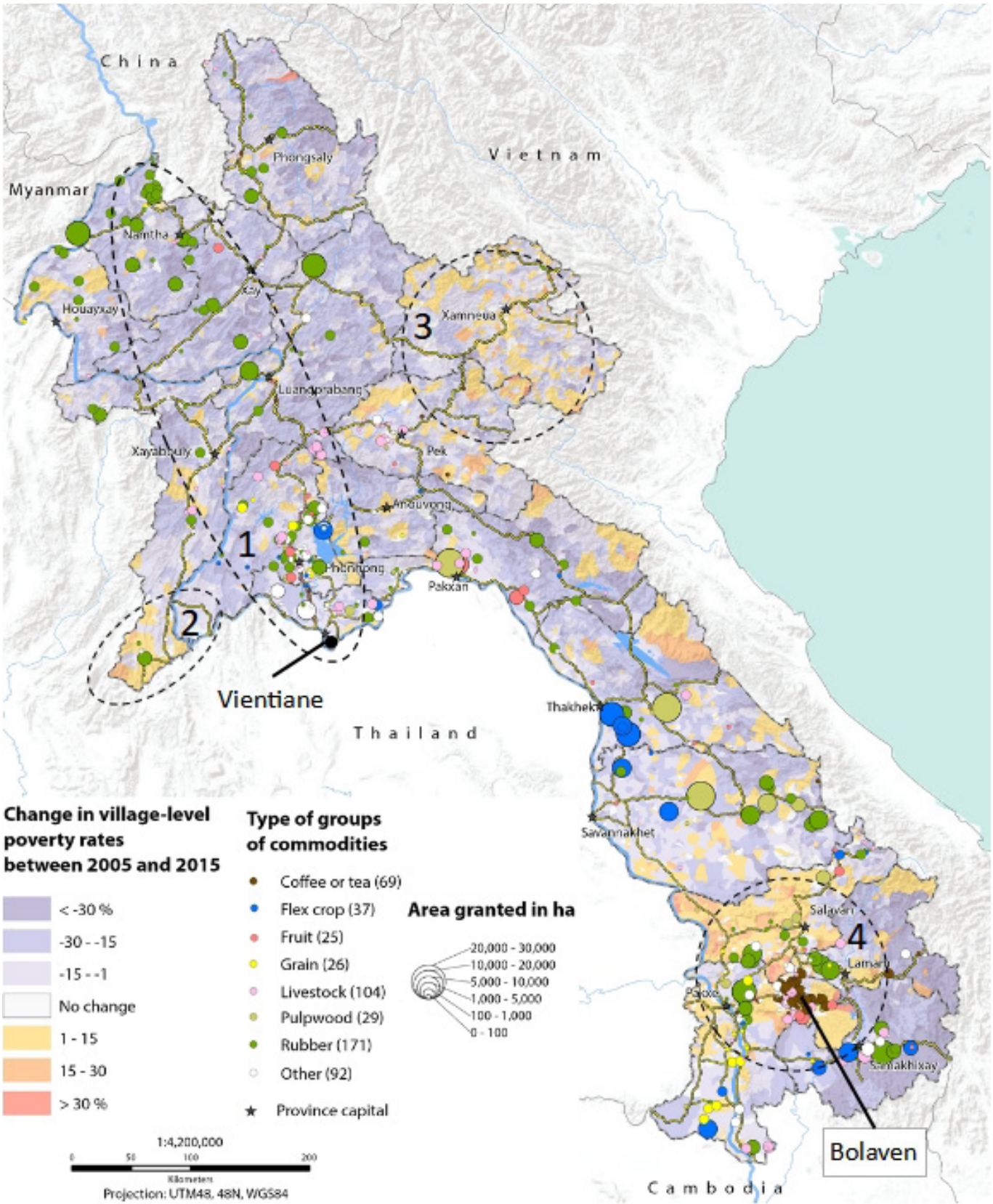
Focus on three sustainable development concerns

With the above in mind, this brief explores the trends and distance-to-target for sustainable development concerns that are particularly relevant in the context of the agrarian transition in the Mekong Region. The brief focuses on three topics that have emerged as critical concerns from a consultative process involving inputs from more than 100 thematic experts and policy-makers from around the Region:^[1]

- **Poverty reduction** (SDG 1), highlighted by national governments as an important objective and, sometimes, a natural outcome of agricultural commercialisation
- **Gender equality** (SDG 5) within the broader scope of a reduction in multi-dimensional inequalities, which is closely linked with, and dependent on, access to and control over land, and
- **Environmental integrity** (SDG 15), particularly the protection and sustainable use of forests and the significant impact of commodity-driven deforestation and forest degradation.

¹ The exact naming of SDGs 1, 5 and 15 can be found at www.un.org/sustainabledevelopment.

Figure 1: Poverty changes from 2005 to 2015 and location of land-based investments in Lao PDR



Crucially, this brief seeks to disaggregate these three sustainable development issues to show the social and geographic differentiation of progress. It aims to identify who is left behind in national accounting of development achievements.

Based on an assessment of these three development concerns at various scales, this **brief proposes a set of potential transformation pathways in land systems that are shown to be more equitable and inclusive.**

Poverty reduction

Background

Countries in the Mekong Region are on track to reach SDG targets 1.1 (eradicate extreme poverty) and 1.2 (reduce by half multi- dimensional poverty).

In the past two decades, rural poverty reduction policies relied heavily on market integration and commodity production for regional and global markets through smallholder commercialisation and investment by domestic and foreign investors. The government of Lao PDR banked on market-oriented production to secure higher income for smallholders, and on large-scale investments to improve wage employment, infrastructure, and market access. [5]

To what extent did these policies contribute towards improving the poverty situation and what were their unintended impacts? To answer this question, it is necessary to observe poverty patterns at the sub-national and local scales not accounted for under aggregate, national accounting.

The case of Lao PDR is illustrative. Analysis of comprehensive data on village poverty in Lao PDR and a national survey on land-based investments (see Figure 1) show that land-based investments are found both in areas where poverty decreased from 2005 to 2015, and in areas where it increased. Thus, land-based investments do not automatically lead to a reduction in poverty. Context plays a major role in determining poverty outcomes.

Agrarian transition and various poverty outcomes

The agrarian transition contributed to **poverty reduction** in places where smallholders had started to diversify their livelihoods before the wave of agricultural commercialisation. This allowed them to be less dependent on land and to have better

entrepreneurial skills. Area 1 in Figure 1, between the capital Vientiane and the Chinese border in the north, is a good example of such development.

In other areas, the agrarian transition resulted in an **increase in poverty** for various reasons. We highlight two of them:

(1) **The debt trap:** In areas 2 and 3 of Figure 1, many farmers moved from subsistence to intensive commercial farming several decades ago. In the process, soil quality deteriorated and farmers had to start using synthetic inputs to secure high yields. Some took up expensive loans for that purpose and slid into debt and poverty.

(2) **Land dispossession:** The south of Lao PDR (Area 4 in Figure 1) experienced a boom in agricultural investments. For local communities, this often resulted in land dispossession and a loss of access to natural resources. On the Bolaven Plateau (in the centre of Area 4 in Figure 1), which was particularly targeted for coffee and fruit production, poverty decreased in accessible areas around Paksong town, where local communities have more diverse livelihood strategies, but increased in remote areas.

Conclusions

Poverty reduction figures aggregated at national and regional scales hide complex sub-national and local realities, wherein there are **both winners and losers, distributed in a predictable pattern.** Agricultural commercialisation can benefit peasants who have the capacity to take advantage of opportunities because, for example, they have access to land, labour and capital. However, it tends to increase the poverty of those affected by land dispossession and loss of access to natural resources. [6] Moreover, an increase in monetary income does not necessarily result in a reduction in multi-dimensional poverty, particularly food insecurity. The income gained by rural communities through employment in commercial plantations was sometimes nullified when their dependency on food markets increased due to a loss of access to land and natural resources. This indicates that **secure land tenure, sufficient capital and labour should be prioritised as necessary preconditions** in areas slated for investments. Social development programmes, food securitisation, robust tenure recognition and equitable access to finance should be prioritised. Land-based investments should be avoided in areas where these preconditions are not met.

Gender equality

Background

Progress toward gender equality in the Mekong Region is difficult to assess, owing to the **scarcity of meaningful data and information**.^[7] For example, data on agriculture and food security are not sex-disaggregated and there is a lack of indicators on engagement in wage labour, education, access to credit, and participation in market transactions and networks, all critical to understanding women's power and status.

Most importantly, there is a dearth of information on SDG target 5.a (*women's equal rights to ownership and control over land and natural resources*), which is a key indicator of gender equality in relation to the agrarian transition. Evidence that is available points to a **mostly negative impact from land concessions on gender equality**, while smallholder commercialisation has had mixed impacts.^[8] Interestingly, impacts were negative even in cases where the overall outcomes for poverty were positive. Below, we shed light on some of the underlying causes and mechanisms leading to these negative outcomes.

Results

Ownership and control over land: The promotion of joint land titles has been widespread in the Mekong, but application has been slow. For example, a survey across nine provinces in Vietnam found a low rate of joint ownership, suggesting that social norms still favour male ownership.^[9] In Lao PDR, joint titling or titles specifying ownership for women is not addressed in the 2019 Land Law. There is a lack of gender disaggregated data on land ownership, with the few available figures in some countries being 20 years old, making it impossible to measure change.

Furthermore, even when women do own land, this **does not always equal control over land** nor control over decisions related to land use. Given men's greater political power and mobility, mediation of disputes over land also tends to favour men over women. The process of mapping and registering land can put women, particularly those without financial and political resources, at risk of eviction when occupancy is opposed by powerful interests. Titling campaigns have also been linked to the enclosure of collective land, with further implications for women's access to communal resources.

Within this context of unequal ownership and control over land, **agricultural commercialisation, particularly land concessions, tends to reinforce disparities**. Growing rural land scarcity resulting from commercialisation is also transforming customary inheritance patterns in communities that previously practised communal land management. The loss of access to commons, and the shift from a shared economy to a cash economy within smallholder farming communities, frequently leads to advantages for men who have greater access to wage work and more control over income to purchase land and make management decisions.

Inequality in labour: The time women and men spend on unpaid work is highly unequal in all of the Mekong countries, with (particularly rural) women continuing to assume the bulk of unpaid family care and domestic tasks. Because of this, women are often regarded as secondary farm labour despite their substantial contributions, which penalises them in the context of agricultural commercialisation (lower wages, fewer employment opportunities, less decision-making power, etc.). Thus, there is a risk that the agrarian transition entrenches pre-existing gender inequalities, as illustrated by **the wage gap, which is highest in the agricultural sector**: on average, women earn 75% of the average male wage in the Mekong Region.

Power and responsibility: In many agrarian governance structures, women hold few, or no, leadership positions and have minimal participation, while many laws are gender blind and so do not address gender aspects in the makeup of local or village level institutions. While women are often in the frontlines of protests against land concessions, formal governance structures remain male-dominated. Furthermore, women's affairs ministries and mass organisations often lack financial resources and power to enact political change. **Meaningful participation of women in the law and policy-making processes** is needed to address the gendered impacts of agricultural commercialisation and to formulate policies that enable women to benefit from the agrarian transition^[10].

Conclusions

While there is little available data, what does exist indicates an **overall negative trend for gender inequality in the Region**. Gender inequities that arise through, or are intensified by, commercialisation occur at multiple scales. Actions to address inequity also need to occur at multiple scales – from farm practices, land control and labour arrangements, to understanding and shifting gendered power in households, companies, and State

structures. The inclusion of women in land governance must go beyond mere quotas or the numerical participation in process, toward transformative change that positions women alongside men in decision-making.

Transformation of forest landscapes

Background

Between 2000 and 2019, the Mekong Region lost 17 million hectares of forest, equivalent to 9% of the total land area. **Deforestation is significant across the Mekong Region**, yet in some countries it has reached tremendous proportions: in Cambodia, 30% of primary forest was lost between 2001 and 2020 (authors' own computations based on ^[11]).

Deforestation resulted in a significant loss of ecosystem services and biodiversity, the fragmentation and degradation of habitats, and a spectacular reduction in resources that are critical to forest-dependent people. It also increased the likelihood of land degradation through soil erosion and the loss of soil organic carbon.

The immediate driver of deforestation is the expansion in agricultural production. Forest clearance gives way to agriculture to meet land demands and the appetite of agribusiness actors who invest in commodity production.

However, one must zoom into smaller areas and combine different layers of information to unravel the intersecting dynamics between the agrarian transition and the loss of forest cover. Such analysis shows that different actors and processes are at stake in the relationship between agricultural commercialisation and deforestation.

Large-scale commodity-driven deforestation

In Cambodia, large-scale concessions have been granted by State entities to domestic and international companies for agro-industrial development.^[12] This policy was a powerful incentive for regional investors to acquire large areas of land. While this land was deemed vacant by the government, it nevertheless **included significant areas already used by smallholders** for rotational or permanent agriculture or as a source of non-timber forest products. The conflicts resulting from these overlapping land claims compelled the government to issue a moratorium on new concessions in 2012. Since then, although the rate of deforestation inside concessions has declined, they have in the past been its key drivers (Figure 3).

Migration-driven commodity-driven deforestation

Deforestation is also driven by migration. Land scarcity in the densely populated lowlands drove farming households to migrate to upland areas in search of new agricultural landholdings, in order to make a living ^[13]. The **increase in boom crops has played an important role** in incentivising these migrations. The reduction of land area available to farmers in areas where concessions have been granted, combined with the expropriation of land from smallholder farmers, has driven the latter to migrate and clear forestland for commercial or subsistence agriculture, creating new areas of available land but with less secure land tenure (Figure 3).

Conclusions

The lack of secured access to land, resulting either from dispossession in concession areas or from market-based land concentration in lowland and uplands regions, has played a key role in forest loss. Therefore, **land tenure security of smallholder farmers should be a central component of any strategy aiming to curb deforestation**. More generally, there is a need to rethink the position of smallholder farmers and their role in the national economy, for national security, and in the protection of the environment.



Sustainability pathways

Overarching findings

The illustrations above lead to two main conclusions:

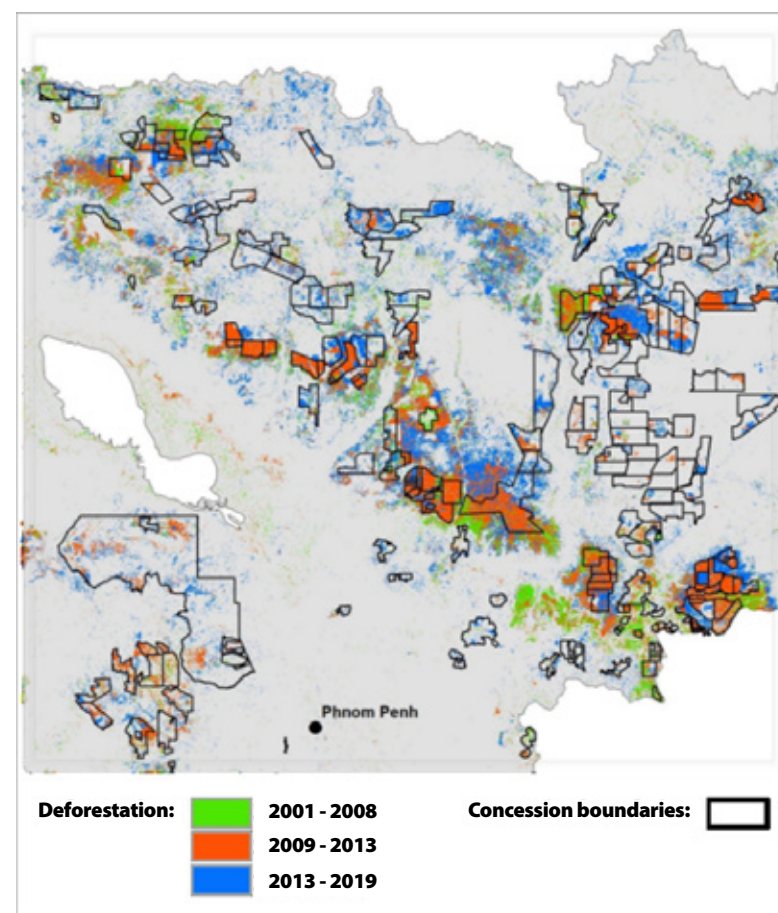
1. **Reshuffled negotiating power:** The nature of the agrarian transition and of its impacts in the Mekong Region have been **enabled and accelerated by the choices of social and economic actors** in the public and private sectors. In the race for development, governments have **tilted the scales in favour of corporate and agribusiness actors at the expense of smallholder farmers**. As such, the agrarian transition is an expression of a reshuffle in the power of different actors to negotiate over sustainable development priorities in the region.
2. **Context matters:** Any blanket statements about the impacts of the agrarian transition and its many open-ended processes convey an incomplete and segmented picture of reality. As illustrated in this brief, agricultural commercialisation processes have an impact on poverty, gender, and forests in complex ways. These reflect local environments, livelihoods, and political and economic configurations specific to a village, locale, or country. Yet, they also transcend the particular into more generalised trends that we identify as the agrarian transition.

Implications

Considering the above conclusions, it will be important for policy-makers at national and sub-national levels to provide a **legislative framework that enables all development claims and priorities to be represented at the negotiation table**. For agrarian transition to be just, there needs to be a fair process for negotiation.

Particularly, addressing co-benefits and trade-offs among development claims in the context of the agrarian transition will require strategy development and planning across policy sectors, departments, scientific disciplines, and decision-making scales. It will also require innovative solutions that help to foster co-benefits among synergetic targets and negotiate trade-offs among competing claims on land, with equity and justice as guiding values. This will involve, among other things, **creating space for under-represented groups in development decisions**, while

Figure 3: Deforestation in central Cambodia. The map shows a peak of deforestation inside concessions between 2009 and the enforcement of the moratorium in 2012-2013 (depicted in orange). But deforestation outside of the concessions has been significant throughout the period. Sources: Hansen/UMD/Google/USGS/NASA [9]. Agro-Industrial concessions as of 2012: www.licadho-cambodia.org/land_concessions.



strengthening their capacities for meaningful negotiation. It will also involve more **robust consultation processes in legislative development**. Improving meaningful data, disaggregated to the sub-national scale, will also clarify hotspots of development and change, informing more equitable decision-making.

Three pathways towards sustainability

Based on these overarching considerations, we propose three generic pathways to guide the agrarian transition towards a more inclusive and sustainability future.

Equitable commodity production: Commodity production needs to be geared towards greater equity, particularly regarding access to the means of production and the sharing of benefits. This can be achieved through **subsidies supporting vulnerable groups, as well as collective platforms** (e.g. cooperatives) that help to reverse the negative impacts of land-based investments. Regulations can be strengthened with the aim of **promoting responsible agricultural investments**. Finally, it is important to understand the diverse and competing interests vested in agricultural commercialisation processes. This includes a move away from monetary to multidimensional, gendered wellbeing outcomes, especially in terms of access to land and livelihood resources.

Land tenure security: Access to, and control over, land and other natural resources needs to be guaranteed through the **recognition of customary tenure and formalisation of smallholder rights within statutory systems**, particularly for communities that depend on primary resources for their livelihoods.

The advantage of customary tenure systems is that they are flexible and responsive to changing relationships between people and the environment. Thus, recognition needs to be responsive to different contexts, which means taking a variety of approaches. These should aim to give communities more decision-making power and control to shape their tenure arrangements and strengthen their local institutions to regulate the use and management of their lands according to collectively agreed goals and priorities. Their **rights need to be backed by laws and accountability mechanisms** to ensure legal rights are upheld, including processes for addressing grievances and resolving conflicts.

Environmentally positive agricultural landscapes: Considering widespread and severe environmental degradation in the Mekong Region, there is an urgent need to replace uniform monoculture landscapes (that aim for a small set of ecosystem services) with environmentally positive agricultural landscapes. This means **reconciling production with livelihood resilience and environmental integrity and diversity**. A fundamental requirement for the successful design of such landscapes is to shift from disciplinary perspectives (e.g. aiming only for agricultural production, or exclusively focusing on employment creation) towards integrated approaches. Ultimately, the complexity of interrelations between various development targets means that the focus should be placed on **creating sustainable food and livelihood systems instead of trying to maximise sectoral goals**.



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The Series: This brief is part of a series of four on the agrarian transition in the Mekong region. It highlights issues that emerged as critical concerns in a consultation involving inputs from more than 100 experts from the region.

Brief 1 'Pathways towards sustainable land systems'

Brief 2 'Agricultural commercialisation: Balancing efficiency, equity, and justice'

Brief 3 'Recognition of customary tenure in the forest landscapes of the Mekong'

Brief 4 'Creating agricultural landscapes with positive environmental outcomes'

The Mekong Region Land Governance Project (MRLG) aims to improve the land tenure security of smallholder farmers in the Mekong Region and has been operating in Cambodia, Laos, Myanmar and Viet Nam since April 2014. MRLG is an initiative of the Government of Switzerland, through the Swiss Agency for Development and Cooperation (SDC), with co-financing from the Government of Germany and the Government of Luxembourg.

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