

Economic Land Concessions and the Law in Cambodia

Written by Keally McBride

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KEALLY MCBRIDE, JUN 18 2013

Cambodia is well known in the NGO world for land mine removal, which is proceeding apace. What is less known, is that just as land mine removal is working to give back the land to the Cambodian people, economic land concessions are taking it away. I just spent two weeks in Cambodia and there is a consensus that the most pressing issue in the country is land rights. Cambodia is not alone in this regard, and anyone interested in security, human rights, and climate change should be spending more time thinking about land. In Cambodia, unlike in many other parts of the world that are seeing economic land concessions, the law is very clear and the title rights that are on the books would meet with international standards. But while economic land concessions are legal, there is also a shroud of secrecy around them, and there is no way to state how much of Cambodia has now been leased, even the Open Development Cambodia website is unable to provide accurate figures.

In contrast, in Sierra Leone, there are very convoluted title rights, a direct legacy from the British Empire who wanted to preserve tribal control over areas, because they did not think that they could convincingly assert enough authority to back extensive territorial claims on the part of the Empire. Presumably to transfer title, all the past, current and future members of the tribe would have to be consulted. Analyses of the land grab that is currently happening in Africa, including Sierra Leone, point to the unclear title provisions.

But the same thing is happening in both Cambodia and Sierra Leone despite the legal differences. In both cases, the state is facilitating economic land concessions, which provide 99-year leases for foreign corporations to use the land, by building upon it, logging it, or farming it. Local populations are removed and the natural resources that used to sustain them are then transferred outside of the country. Hunger is increasing in both countries, as is the size of the refugee population.

The Oakland Institute is an organization that is monitoring land deals, hoping that more transparency will somehow improve the situation. But unless there is international pressure on the issue, it is difficult to see how transparency alone will help. In Cambodia, land rights are the primary cause of protests that occur almost daily. Given how authoritarian the government is, and how risky it is to come out against any government policy, the fact that people are showing up in the streets is a sign of exactly how desperate they are. Protests are also on the rise in Sierra Leone.

Terra Global Capital is promoting a solution of formal recognition of group title as a way of guaranteeing that populations will be able to remain in their homes and benefit from their own resources. This has been somewhat successful in Cambodia, even though this is similar to the system that has left groups in Sierra Leone vulnerable. On the border of Cambodia and Vietnam, the government has been giving economic land concessions for Vietnamese developers to build casinos. Prime Minister Hun Sen has announced that this is the best way to protect the boundary of the country against Vietnamese encroachment, and hence the residents must leave in the name of national interest. A funny idea, that taking away the land from Cambodians and leasing it to Vietnamese corporations is the best way to protect Cambodian sovereignty and territory!

Watch for this process to unfold in Myanmar next.

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