LARGE-SCALE LAND ACQUISITIONS IN SOUTHEAST ASIA

Rural transformations between global agendas and people’ right to food

Executive Summary

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June 2014
Introduction

A new wave of transnational large-scale land acquisitions (LSLAs) in developing countries has erupted since the mid-2000s. Scholars, civil society and international organizations have developed huge interest for the phenomenon, with high controversy between some who see in this phenomenon the opportunity for long-awaited investments into ‘poor’ countries agricultural sector, and others who associate LSLAs to dispossession, human-rights violations and increasing poverty for local populations. Despite a growing body of research and knowledge on the topic, various gaps exist, among others: the missing link between the evidence emerging from numerous and often anecdotal case studies on the one hand and the studies and observations performed at macro level on the other hand; the insufficiency of empirical material analysing how land deals are implemented on the ground and their mid-term consequences on livelihoods; and the absence of a human rights perspective to analyse the phenomenon and its impact on local populations.

This report presents the findings of a two-years long research project funded by the Swiss Network for International Studies (SNIS). The research focusing on Cambodia and Laos was structured around three core questions: What are the development contexts and processes among various actors and institutions across different administrative scales that are determining the negotiation and implementation of LSLAs? What are the impacts of land deals on local populations in terms of livelihood system, vulnerability and resilience, and what are their capacities to adapt to land deal-related agrarian transformation? What role do human rights law and monitoring and judicial mechanisms play (and what role could they play) in mitigating the tensions related to land investments and protecting the human rights of local populations?

The report is structured accordingly. The first chapter describes and analyses recurrent linkages between LSLAs implementation processes and different contexts of agrarian transitions. The second chapter analyses the implementation of land acquisitions and the consequent transformation of rural livelihoods in the mid-term. The third chapter identifies human rights violations associated with LSLAs and evaluates the role that human rights law and monitoring and judicial mechanism play (or could play) in mitigating the tensions related to LSLAs and protecting the human rights of local populations in Cambodia and Laos.

1. Marginal land or marginal people? Linking processes of large-scale land acquisitions to contexts of agrarian transition

This chapter aims at describing and understanding recurrent linkages between LSLAs implementation processes and different contexts of agrarian transitions. More precisely we focus on (i) analysing in what agrarian contexts LSLAs occur and if such contexts relate to specific types of LSLAs (crops, investors, etc.); (ii) studying the decision-making and implementation of LSLAs involving different actors across multiple scales and analysing if and how the specific contexts of agrarian transition influence these processes. Finally we (iii) discuss recurrent linkages between the processes-based insights from LSLAs and the place-based attributes of contexts in which LSLAs occur in order to assess how our results can be generalised and out-scaled.

This research is embedded in a comparative analysis between Laos and Cambodia. We intend to capture the common but yet different agrarian transitions they manifest within a rapidly changing regional context of Southeast Asia. Societies are transforming at high pace and agriculture is moving from rural subsistence oriented agriculture towards more urbanized societies and industrialized and market-based forms of land use. Large-scale land acquisitions by domestic but also international investors represent one of the driving forces of such change. While we commonly recognize at the
global level the food-, fuel, and financial crisis in 2008/2009 as a trigger of the international rush for land, the start of this phenomenon in Southeast Asia relates to the economic reforms and national growth strategies and subsequent social and political integration. It may hence be considered largely as a regional phenomenon that gained importance around the year 2000.

**The geography of large-scale land acquisitions in Laos and Cambodia**

In both countries comprehensive databases of LSLAs were established drawing on different existing data sets, cleaning and cross-checking data and completing missing information. Key attributes of LSLAs were collected with regard to the investor (origin, joint ventures, investment, etc.) as well as with regard to the investment itself (time, place, size, crops, status of implementation, etc.). Based on the geo-references of the LSLAs and using spatial datasets at national levels, the agrarian context of LSLAs was investigated using GIS software. The following attributes were covered by the analysis: poverty incidence, accessibility to populated centres, ethno-linguistic minorities, land cover, forest changes and topographical features. Both countries have experienced a more than 50-fold multiplication of LSLAs since the year 2000. By 2012, 5% and 25% of the territory of Laos and Cambodia were covered with LSLAs respectively.

A first important geographical pattern concerns investments in the forestry sector and specifically for rubber that represent the single most important type of LSLAs in both countries. For these deals, mostly Vietnamese and Chinese investors play a predominant role in comparison to other countries-based and domestic investors. In most cases they establish large concession plots that are found in land areas categorized as ‘forests’. In Cambodia this category actually corresponds to forests, which include partly upland farming systems, whereas in Laos the so-called ‘un-stocked forests’ represent fallow land in shifting cultivation areas. In both countries these deals manifest the highest poverty incidence of all LSLA-affected areas and infringe upon subsistence and semi-subsistence agrarian contexts with elements of commercial agriculture.

Second we observe a pattern of LSLAs from the agricultural sector where domestic investors as well as other nationalities play an important role. These deals are normally smaller in size, located in slightly better accessibility to centres and in Laos represent areas with lower poverty incidence. They interfere more often with pre-existing agriculture in cropping mosaics and hence an agricultural context characterized by semi-subsistence, commercial agriculture and off-farm activities.

**Decision making and implementation of large-scale land acquisitions**

Research was carried out in 7 provinces in Laos, and in 2 provinces in Cambodia focusing on altogether 33 LSLAs. Using qualitative as well as quantitative methods, information was collected from various stakeholders at different administrative levels including 60 affected villages.

Both countries have in common that the global but mainly regional context of political and economic integration plays a key role (ASEAN, AEC, WTO, Vietnam-Laos-Cambodia Development Triangle). With the economic and political opening of borders and the establishment of infrastructure, the huge differential among national economies translate into cross-boundary investments, trade flows, exchange of information and workforce. At a national level, these processes are reflected through a multitude of new policies and strategies, along with self-set and highly ambitious development and economic growth targets. They are providing the ground to promote foreign direct investment (FDI) in the tree-plantation, agricultural and extractive sector. As governments lack (or argue that they lack) the means to valorise natural resources, governments pursue a strategy of ‘turning land into capital’, i.e. attracting foreign investments through favourable conditions (taxes, concession rates, etc.).
Land granting and land allocation processes are very complex and follow many different pathways influenced by important key factors such as: the national political context, the origin of the investor, the political backup a company receives, the type of crop chosen and the corresponding land needs, etc. Among the many different processes observed we revealed the following three major patterns:

- Powerful investors – mainly from China and Vietnam - interested in tree plantations (rubber) are being granted and allocated very large plots of land through a top-down process that happens comparatively quick and smooth. They have important political backing across all administrative levels drawing on narratives such as the joint war history or having diplomatic ties to the highest political levels.
- Whereas Cambodia has centralised its power structure in 2008, Laos still allows provincial authorities to grant land concessions. These processes involve largely Chinese rubber companies and remain often very opaque. When it comes to the actual land allocation the investors lack political backing and have difficulties to find land. Such processes increasingly lead to the failure of the concession.
- As land without strong existing claims becomes scarcer, investors develop new strategies. On the one hand they may take over existing but failed concessions or they negotiate land access directly with local actors and only then apply for the granting of a concession.

**Synthesis and conclusion: marginal land or marginal people?**

The synthesis of the research seeks to identify recurrent linkages between contexts of agrarian change and LSLAs implementation processes in Laos and Cambodia as a basis for generalisation of research results and evidence for future policies. For this purpose we identified joint key factors from the context- as well as from the LSLAs process analysis in terms of influence on land allocation. They were attributed to three related sectors ‘land governance’, ‘land-based investments’, and ‘agrarian context’. Based on our gained understanding we then described three idealized types of recurrent linkages among key factors, each manifesting its specific spatial signature.

a) The most common type of interaction between LSLAs implementation and agrarian context is where the primacy of economic investments determines and shapes land governance procedures. These in turn don’t take into account but rather influence the agrarian context to meet the needs of LSLAs. This comprises the definition of what is ‘available land’, i.e. areas where mostly marginal people with weak land titles live on subsistence- or semi-subistence agriculture, i.e. near forest with high timber value or on shifting cultivation that should be abolished. We labelled this type ‘marginal people’ type of interaction.

b) The second type of interaction developed in parallel to the first and is characterized as a standstill where a top-down allocation of land is not accepted anymore. Strong land claims within the agrarian context cannot be overruled as the support of provincial or district authorities is too weak. This leads to the marginalisation of land investments through lengthy allocation processes and eventually leads to the failure of concessions and the withdrawal of investors. We labelled this type ‘marginal investments’ type of interaction.

c) Finally, we identified a third type of interaction that only emerges in Laos and partly in Cambodia involving domestic investors. In this type agrarian contexts seem to inform land governance, and land governance should ultimately regulate land-based investments. Following the difficulties to find suitable land and lacking the authoritarian political backup, some companies approach villagers in order to negotiate access to land and only then request governmental endorsement and support. This type of interaction that seems to direct capital to land that stakeholder jointly define as ‘available’ was labelled ‘marginal land’ type of interaction.
The chapter concludes by outlining the remaining research activities. They consist firstly of further describing the spatial signatures of these three types of interactions. Second, we shall then perform extrapolations across Laos and Cambodia in order to assess the reach and validity of our findings and to derive evidence for policy and decision-making.

2. Large-scale land acquisitions and livelihoods transformation

Until the acceleration of large-scale land deals, local populations were mostly smallholders who relied primarily on family farming. Their ability to use land and other natural resources has since then been profoundly transformed. The analysis in this section therefore relates to the debate on the opportunities and threats associated with LSLAs.

The research aimed at (1) going beyond simple depictions of land loss based on figures of thousands hectares of land being granted to companies as on paper; (2) going beyond the assessment of immediate impact of land deals, i.e. to analyse how households respond to the new constraints and opportunities, and adapt their productive activities in the medium-term; (3) highlighting the uneven transformations of livelihood systems and the process of differentiation among households. To reach this aim, field-site research was carried out in a series of in-depth village-case studies in Luang Prabang and Champasak in Laos, and Ratanakiri and Kampong Thom in Cambodia. Data collection was carried out mostly through semi-structured interviews with population and local authority representatives, and participant observation in the selected villages. The analysis builds on the sustainable livelihoods framework and draws on the concept of livelihood trajectories. Our findings are significant for the mid-term (up to 5-7 years) transformation of rural livelihoods in the context of LSLAs at the district-level.

Vulnerability context

The areas and populations targeted for LSLAs in Cambodia and Laos are often portrayed as backward, poor and lagging behind in terms of agricultural development and modernisation for reasons of continued engagement in traditional shifting cultivation practices and lack of access to markets and government services. Our case studies reveal a more complex reality: an agrarian transition including the development of cash crops in replacement of subsistence oriented production was already taking place prior to the acceleration of LSLAs. This process was fostered by public policies including restrictions on traditional farming and forest resources collection, resettlements and displacements, as well as through de-legitimization of customary land tenure. Thus, public policies had shaped new contexts whereby local populations’ access to farming land and other natural areas (forest, rivers) was restricted or at least contested already prior to the arrival of concessions.

The politics of dispossession

The magnitude of losses of livelihood assets varies greatly among the study sites. This reflects among other things the size of the land acquisitions and the overall land availability, the proximity of the land concessions to areas used by populations, and the pace at which companies started to use the land they acquired. The loss of livelihood assets also relates to the type of investors with whom populations could eventually negotiate. Dispossession cannot be assessed in reference to contracts or other figures on paper. We found cases where land and related-assets’ loss was larger than the reported areas as well as cases where the loss was smaller. In general we distinguish between extreme, severe and partial dispossession. Dispossession was extreme when populations lost all the land they were using, often as they were displaced, with the consequent loss of perennial plants and houses. In such cases, populations had to rebuild livelihoods completely, including building houses, no land to farm for a while and then extra-effort and cost to make land plots productive. Moreover, populations received no or very low compensation for their loss. In contrast, severe dispossession did not entail eviction but
acquisitions did not leave enough land to satisfy households’ basic needs. Dispossession was particularly severe for swidden agriculture land and with respect to the consequences of land loss on other activities (cattle) and natural resources (water). Severity relates to the type of investors, their rapidness in turning land grants into plantations that left local populations no opportunity to continue farming their land, and the fear of local populations vis-à-vis investors whom they did not dare to resist. Partial dispossession refers to situations in which villages were left with enough land so that households could continue to satisfy their basic needs from farming. This in turn related to the location of the large-size landholdings, to the slower development of plantations leaving part of the land to populations for a while and gave them the opportunity to anticipate and respond to the changes – through clearing land to compensate – or/and to negotiate land acquisitions with new holders.

Besides foreign and national companies, who were granted large areas of land through concession regimes, numerous actors have been engaged in the land acquisitions including not only companies but also military unit, government officers, in-migrants, etc. Overall, the role of district and communal governments was found to significantly aggravate dispossession, as they mediated between populations and investors and thus facilitated land deals. Indeed, local governments most often persuaded populations to accept land deals, dissuaded them to complain and even threatened them. We found cases where local authorities themselves sold land or permitted land clearing by outsiders. In some cases, local populations contributed to their own dispossession as, in the case of Cambodia, they also sold land in parallel to and as a consequence of LSLAs.

A more dynamic but competitive and risky environment

The acceleration of LSLAs and the rubber boom have greatly changed the economic environment in which local populations have to reorganize or adapt their livelihoods. Urban-rural interconnectedness has strengthened, trade has developed, retail shops have opened within villages, people travels more frequently outside their home-village. Although new opportunities have arisen, they are not systematically synonym to improvements for the bulk of the peasants. Markets do develop, but few people know how to operate on those markets. Rural livelihoods are indeed increasingly under the control of external actors who have engaged into the most profitable economic activities and markets.

LSLAs and associated land transactions have not only dispossessed local populations; they have also created insecurity on the land that is left to them and uncertainty of being further dispossessed. Although they express satisfaction with change and new lifestyles, local populations also express a lack of confidence in their capacity to engage into the markets, as they realize the gap between them and the new actors they have to deal with, in a context where they do not receive support from government.

Responses to large-scale land acquisitions

In the short-term, notwithstanding land and other productive assets loss, land acquisitions and the growing presence of outsiders offered local populations the opportunity to sell their workforce, most importantly work to clear the acquired areas. Immediate strategies included also selling land in the case of Cambodia and logging. Responses were driven by both opportunities and fear, as illustrated by the case of land sales, which also reflect the fear of losing the land thus making a quick sale an attempt to make a deal that was ‘better than nothing’. Responses vary significantly depending on the magnitude and severity of dispossession. In cases of partial dispossession, populations also responded by clearing land plots in an attempt to fix their possession or right to use it, or with the objective that they would have better chances to get compensation by companies, or to prevent further acquisitions of land.
Over a couple of years, the substantial loss of farming land and restriction on natural resources collection combined to the increasing need for cash led populations to transform their farming system towards (1) a more intense use of land plots, as shifting cultivation was further hampered; (2) an increase of rapid-return cash-crops such as cassava; (3) a reduction of cattle; (4) and for some an effort to invest into rubber. As households could rely less and less on farming activities of their own, and because petty-activity opportunities remain limited in comparison to increasing needs, the search for salaried work has become the core strategy for the bulk of the populations, at the place of residence and increasingly outside.

**Social differentiation**

For analysing the uneven consequences of LSLAs-driven agrarian change over the period of 5-7 years, we draw a typology of livelihoods transformation. The typology reflects (1) how households were affected by and could respond to the politics of dispossession, (2) the main transformation of their economic activities and (3) how/if they have managed or not to engage into the rubber-boom. This typology synthesises the transformations found in the various case studies in the two countries. Beyond the specificities found in the various studied cases, five main types of transformed livelihoods can be distinguished.

A first group – rubber-boom beneficiaries - has managed to develop rubber plantations of their own on areas ranging from 2 to 10 ha. This group pertains to communal and village elite; it also includes some in-migrants. These households managed to avoid being dispossessed, or could, given their status and power, easily compensate by getting access to other land. A second group - rubber-related family enterprises - has thrived on the rubber boom and the induced local development. It includes shop-owners, traders, and households providing services such as transport, restaurant, reparation, brokers, workers’ recruitment, and money lending. These households are mostly outsiders to the places where they have settled their business. Some of them have invested in rubber at the time when land was still affordable, and they nowadays hold plantations similar in size to those of the first group. For the third group, farming activities have remained at the core of livelihoods; farming-based livelihoods include an increasing share of land dedicated to cash crops, cassava and fruit trees, and little rubber (1-2 ha). Households in this group engage in rubber through either contract farming or through their own investments. For those who engaged into rubber of their own, the process has been slow or came later than for the two previous groups, as these households did not hold the start-up capital. We cannot predict if these households will manage to turn their investment into profitable cropping system, as trees are not productive yet. So far, they do not have to work for others, or only occasionally. For the fourth group’s – part-time farmers - livelihood transformation is marked by an increasing share of salaried work, or petty commodity production for a few, in total income. This group did not have the capacity to engage into rubber, and those among the few who tried were unsuccessful. The best some of this group have achieved is accessing semi-skilled and more regular salary jobs. The prospects for this group depend much on the competition from in-migrant workers and the social networks that may facilitate their migration. A last group consists of rural workers for whom farming is practiced in case of nothing else to do. Salaried work has become the pillar of their livelihoods. Engagement into rubber was never an option. This situation relates to the severity of land dispossession, such as the case of displaced populations or households who have sold too much of their land at an early stage. Selling labour has become more rational than farming land, although regular jobs are rare. As job opportunities are not enough at home, out-migration of one or several household members increase. Those who are not capable of migrating are left with no choice but the ‘desperate’ sales of their remaining land assets.
Conclusion

LSLAs under concession regime have been accompanied and sometime preceded by other land acquisitions of all sizes and by various types of external actors. Medium- and small-scale acquisitions represent substantial areas of land that are not taken into account by database and can be assessed only through on-site research. Field study further shows that dispossession cannot be assessed in reference to the contracts or other documents that land grabbing studies usually refer to. Local populations had no or little say on large- and medium-scale acquisitions, but in some cases they also participated to the politics of (their) dispossession. Though, selling land has rather been a necessity than an opportunity for the bulk of the populations.

Prior to the acceleration of LSLAs, a soft agrarian transition was already taking place under the influence of public policies that fragilized local livelihoods and paved the way for LSLAs. The acceleration of land acquisitions from the mid-2000s has forced a rapid and radical transition from livelihoods relying primarily on family farming to livelihood systems in which off-farm job is increasingly crucial. Though, job creation from large-size landholdings do not compensate for the loss of resources local populations derived from farming land. The socio-economic environment in which people have to reorganize their livelihoods is certainly more dynamic in terms of economic growth, diversification and urban-rural linkages, but the new opportunities do not benefit the bulk of the population.

The process and magnitude of dispossession and their mid-term consequences on livelihoods vary significantly among the studied cases as well as among the various groups of populations. A tiny village elite connected to new landholders has managed to engage into rubber on their own, whereas the bulk of local populations have witnessed a decline of return from farming, which leave them with no other choice than getting out of agriculture.

In all study cases, the dynamics of land acquisitions has not come to an end; cash crop booms continue to attract various types of actors in the studied areas. As new production units do not provide enough jobs to compensate for the decline of household economy, out-migration is increasing. For the bulk of populations, livelihoods are less and less sustainable if 'local'.

3. LSLAs and human rights

To evaluate the role that human rights law and monitoring and judicial mechanism play (or could play) in mitigating the tensions related to large-scale land acquisitions (LSLAs) and protecting the human rights of local populations in Cambodia and Laos, including their right to food, we defined three research steps to be pursued: (1) to present a legal analysis of international instruments applicable to LSLAs and their transposition in domestic law in Cambodia and Laos; (2) to identify human rights violations associated with LSLAs in the two countries; and (3) to identify and analyse the work of monitoring and judicial mechanisms with competence to address these human rights violations.

Findings and an analysis

Cambodia and Laos have ratified the most important human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD). They are both reluctant to ratify Optional Protocols allowing for individual complaints in case of violations, with the exception of Cambodia who ratified the Optional Protocol to the CEDAW. This entails that women victims of discrimination in the enjoyment of human rights in Cambodia may directly submit complaints, or ‘communications’ before the United Nations
(UN) Committee on the Elimination of Discrimination against Women. Weak ratification of the most relevant International Labour Organization (ILO) conventions characterizes Cambodia and Laos, as well as the investor countries China and Vietnam.

A number of soft-law instruments have been developed in recent years to reaffirm the need to protect human rights, including the right to food, in the context of LSLAs. These instruments include the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (Tenure Guidelines) adopted by the UN Committee on World Food Security in May 2012, and a set of human rights principles applicable to large-scale land acquisitions and leases submitted to the Human Rights Council by the UN Special Rapporteur on the right to food, Olivier De Schutter, in March 2010. These instruments put emphasis on the human rights principles of participation, accountability, non-discrimination, transparency, human dignity, empowerment and the rule of law (PANTHER). These international treaties and soft-law instruments provide a solid basis for evaluating the human rights impacts of LSLAs in Cambodia and Laos. They are used by NGOs in both countries to denounce the negative impacts of LSLAs. And they have been used by the UN Special Rapporteur on the human rights situation in Cambodia, Surya Subedi, in his detailed analysis of LSLAs presented in 2012. However, our research has not disclosed a particular use of these international treaties and soft-law instruments by State authorities or private actors involved in LSLAs.

National laws are generally good in Cambodia and Laos, but they are poorly implemented. As stated by Surya Subedi in his report on LSLAs in Cambodia, “[t]he granting and management of economic and other land concessions in Cambodia suffer from a lack of transparency and adherence to existing laws. Much of the legal framework on these matters is relatively well developed on paper, but the challenge is with its implementation in practice”. The situation is similar in Laos.

Our research in Cambodia and Laos and analysis of the work of UN monitoring bodies show that several human rights are violated in the context of LSLAs in Cambodia and Laos. We have found that the rights that are most frequently violated in LSLA settings are the right to food, the rights of indigenous peoples to dispose of their lands and natural resources, the rights to housing and not to be forcibly evicted, and the right to water. In turn, violations of these rights tend to trigger a wider pool of infringements such as lack of access to education, healthcare, and violations of cultural rights. We also found that procedural rights, such as the rights to participation, consultation, prior free and informed consent, and access to effective remedies, including adequate relocation and compensation, are also threatened in the context of LSLAs.

An interesting finding of our research in Ratanakiri Province (Cambodia), based on a survey of 241 households affected by LSLAs (all indigenous), is that 100% of those who received compensation for the loss of land had knowledge about the special protection of land rights afforded to indigenous people in domestic law. Our survey also shows that 39% of those who lost their land and had knowledge about special protection of land rights for indigenous people received a compensation, while those who lost their land but had no knowledge about this special protection had no chance at all to be compensated. This means that in this particular case, people had no chance to receive compensation for the loss of their land if they were not aware of their rights, and 39% chances to receive compensation if they knew their rights. This confirms a conclusion reached by Amnesty international about the usefulness of legal education to fight for just compensation in Cambodia.

At the national level, we found that administrative mechanisms to respond to human rights violations are poor in Cambodia and almost non-existent in Laos, and what does emerge with great clarity is that individuals affected by LSLAs encounter many hurdles in accessing justice in both countries. In this context, holding States accountable for human rights violations stemming from LSLAs is a cause for
concern, and international mechanisms offer an avenue for seeking accountability. Against this backdrop, international human rights mechanisms have demonstrated a willingness to address human rights implications of LSLAs, with different human rights actors addressing different angles of the phenomenon. The UN treaty bodies – in particular the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, and the Committee on the Rights of the Child – have tackled the intersection between LSLAs and human rights, and issued recommendations to both Cambodia and Laos. A typology of human rights violations can be extracted from these recommendations: (1) The actual or potential human rights violations associated with internal displacement and evictions that occur as a consequence to LSLAs, which often threatens livelihood opportunities. (2) The way in which LSLAs may violate the right to livelihoods of indigenous peoples and populations that are vulnerable to discrimination and face conditions of marginalization or disadvantage. (3) The fact that land policy reforms financed and promoted through development assistance can be seen by the treaty bodies to entail human rights violations, i.e. when they focus on individual property rights instead of collective or communal land titles.

The UN special rapporteurs of the Human Rights Council have also engaged vis-à-vis human rights and LSLAs with both country mandates and thematic mandates. The best country mandate example is the 2012 report by the special rapporteur on the human rights situation in Cambodia, Surya Subedi, focusing on LSLAs and their impact on human rights in this country. Among many recommendations, the special rapporteur called on Cambodia to assess the impact of concessions on livelihood and income-generating opportunities of affected families through a set of concrete actions. Relevant government bodies and business enterprises were urged to comply with legal requirements for public consultations. Standards of free, prior and informed consent must be rigorously applied when consulting with all indigenous peoples. The best thematic mandate example is the presentation by the special rapporteur on the right to food of a set of human rights principles applicable to large-scale land acquisitions and leases, to the Human Rights Council in March 2010.

If NGOs have often been at the origin of concrete recommendations addressed by UN monitoring mechanisms to the governments of Cambodia and Laos, we have found that the possibility to send communications to UN treaty bodies and special rapporteurs in case of human rights violations associated with LSLAs in Cambodia and Laos has not been properly explored. Such communications could be sent to many special rapporteurs of the Human Rights Council, including those on the rights to food, water, housing, education, water and sanitation, health, the rights of indigenous peoples, and extreme poverty and human rights, and to the Committee on the Elimination of Discrimination Against Women in case of violations of women’s rights in Cambodia.

**Conclusion**

The results obtained correspond to those expected for the three research steps that we identified: (1) the legal analysis of international instruments applicable to LSLAs and their transposition in domestic law; (2) the identification of human rights violations associated with LSLAs in the two countries; and (3) the identification and analyse of the work of monitoring and judicial mechanisms with competence to address these human rights violations. They also correspond to our common understanding of human rights. For example, the finding of our research in Ratanakiri confirms that human rights are interdependent and interrelated: when people are educated and informed about their rights, they have more chances to obtain remedies for human rights violations, in this case a compensation for the loss of their land.
In contexts where access to remedies at the national level are non-existent, scarce, or ineffective, international human rights mechanisms offer one of the few tools that exist to hold states accountable for human rights violations associated with LSLAs.

The growing engagement of international human rights actors must therefore be capitalized so that: (1) Victims of human rights violations arising out of LSLAs are empowered. They become aware of their rights and of international avenues to seek redress and make use of these avenues. (2) States, as well as companies, acquire a stronger understanding of their obligations under international human rights law and the ways in which violations can be prevented. (3) NGOs gain better knowledge of which international mechanisms can be used and in what way, and what are potential entry points for bringing claims with respect to LSLA-related human rights violations.

A more widespread use of these international mechanisms could also contribute to a greater awareness-raising, which may help pave the way towards mainstreaming human rights in the socio-economic and food security analyses of LSLAs. This could also contribute to a more wide-ranging acknowledgment of a compulsory – as opposed to optional or voluntary – legal reality for states and companies acquiring land and states agreeing to such transactions. It will reinforce the recognition that states have legal obligations to protect human rights in the context of LSLAs.

Questions that merit further exploration include the conditions explaining why some households loosing their land obtain compensation, while others do not; the quality and variety of compensation obtained in the context of LSLAs; and the efficiency of local and national administrative remedies, such as the cadastral commission in Cambodia and the hotline in Laos, in protecting the rights of the most vulnerable. It would also be important to analyse the links between democracy, development, and respect for human rights, to understand how human rights law and monitoring and judicial mechanisms could play a more positive and efficient role in mitigating the tensions related to LSLAs and protecting human rights of the local population.

**Conclusion**

Focusing initially on large-scale land acquisitions, our research revealed that comparatively medium- and small-size ones, which represent substantial areas of land, have accompanied the largest land deals. All must be taken into account to appreciate the magnitude of land loss for the populations who previously derived their livelihoods from those spaces and resources. Similarly, the starting point of our project was the wave of large-scale land acquisitions that occurred from the mid-2000s; field research has shown that earlier public policies had prepared for the radical transformation of land tenure and land use whereby customary tenure and shifting cultivation were fought by governments and paved the way for the great acceleration from the mid-2000s.

We identified three major patterns in the processes leading to LSLAs in Cambodia and Laos, in which national, provincial and local authorities play different roles. We also identified three types of recurrent linkages among key factors, each manifesting its specific spatial signature: the ‘marginal people’, ‘marginal investments’, and ‘marginal land’ types of interaction. LSLAs in Laos and Cambodia are far from an ideal world: the current dominant type of interaction between LSLA processes and agrarian context we could observe is clearly the type we labelled ‘marginal people’, whereby the primacy of economic development strategies and close linkages between investors and political elites determine top-down land granting processes, which ignore the specificity of agrarian contexts or even adapt them to their needs, with ‘available land’ being constructed through land laws and policies weakening the traditional tenure.
We then identified various degrees of dispossession affecting local populations in relation to LSLAs, and classified them as ‘extreme’, ‘severe’ and ‘partial’. We also identified five types of livelihoods transformation reflecting how households were affected by and could respond to the politics of dispossession, the main transformation of their economic activities and, how/if they have managed or not to engage into the rubber-boom. In the current transition from family farming-based livelihoods to economic activities system in which off-farm job has become crucial, large-size landholdings do not create enough job for native populations to compensate for the loss of resources they derived from farming their land. New opportunities linked to the development of large-scale landholdings, cash crops and stronger urban-rural interconnectedness are undeniable, but they benefit just a few.

Finally, we identified three types of human rights violations taking place in the context of LSLAs: human rights violations associated with forced displacement and evictions; violations of indigenous peoples rights, including their right to an adequate standard of living; and human rights violations associated with land policy reforms financed and promoted through development assistance, such as those focusing on individual property rights instead of collective or communal land titles. The most frequently human rights violated in LSLA settings are the right to food, the rights of indigenous peoples to dispose of their lands and natural resources, the rights to housing and not to be forcibly evicted, and the right to water. In turn, violations of these rights tend to trigger a wider pool of infringements such as lack of access to education, healthcare, and violations of cultural rights. We also found that procedural rights, such as the rights to participation, consultation, prior free and informed consent, and access to effective remedies, including adequate relocation and compensation, are also threatened in the context of LSLAs. National laws are generally good in Cambodia and Laos, but they are poorly implemented. Administrative mechanisms to respond to human rights violations are poor in Cambodia and almost non-existent in Laos, and individuals affected by LSLAs encounter many hurdles in accessing justice in both countries. In this context, holding States accountable for human rights violations stemming from LSLAs is a cause for concern, and international mechanisms offer an avenue for seeking accountability.

The challenges of future research include the need to integrate the typologies and analyze how they interact. It will also be important to perform extrapolations across Laos and Cambodia in order to assess the reach and validity of our findings and to derive evidence for policy and decision-making. Among the research opportunities ahead, one is to follow-up the current transformation of livelihoods, in particular to see if household rubber plantation will be profitable, if more households will manage to invest into rubber, and if the mass of part-time farmers and rural workers will be able to further resilience or will be forced to definite withdrawal from farming and distress migration. It will also be important to deepen the analysis of the links between democracy, development, and respect for human rights in both countries, to better understand how human rights can play a more efficient role in mitigating the tensions related to LSLAs and protecting human rights of local populations. Last, we would like to draw the attention to the need for research with regard to more sustainable land investments, innovative farming practices and the implementation of voluntary guidelines and binding laws and treaties at a time where new forms of rural poverty are emerging in Laos and Cambodia.