



Land rights as an engine of growth? An analysis of Cambodian land grabs in the context of development theory



Lisa-Marie Rudi^a, Hossein Azadi^{b,*}, Frank Witlox^b, Philippe Lebaillly^c

^a LL.M'13, Berkeley Law, University of California, United States

^b Department of Geography, Ghent University, Belgium

^c Economics and Rural Development, Gembloux Agro-Bio Tech, University of Liège, Belgium

ARTICLE INFO

Article history:

Received 7 August 2013

Received in revised form

11 December 2013

Accepted 26 December 2013

Keywords:

Land rights

Land governance

Evictions

Institutional arrangements

Corruption

Cambodia

ABSTRACT

Forceful evictions have become a serious problem in Cambodia with an increasing number of families being deprived of their land, homes and livelihoods without compensation. This article analyses Cambodian land rights in the context of economic development theory. It assesses whether increasing economic inequalities, stemming from forceful evictions, can be categorized as an impediment to Cambodian economic growth. The Cambodian case illustrates that a lack of good governance due to corruption leads to the unequal distribution of land which, in turn, causes inequitable economic development. The paper concludes that Cambodia is trapped in a vicious cycle of inequality, which is upheld by elites who benefit from evictions and land concessions while evictees become trapped in poverty. Given that the population is growing angrier, the article warns of potential for a violent revolution that could have disastrous consequences for the Cambodian kingdom, a country that recently emerged from years of civil conflicts and is still in the process of rebuilding its social fabric.

© 2013 Elsevier Ltd. All rights reserved.

Introduction

“Land grabs”¹ have made the headlines in recent years in Cambodia. Pictures of screaming families being torn from their homes in the middle of the night are old news for the population of the “Kingdom of Wonders”. Stories of evicted families living in inadequate relocation sites that resemble slums without sewage and sufficient shelter seem to be never-ending (e.g., see: Phnom Penh Post 12.03.2012, Radio Australia, UN Dispatch). Even though the Cambodian government denies that the concessions of land are granted in conflict with Cambodian law, many NGOs claim that national land laws and the fundamental human rights of Cambodians are being infringed in the course of evictions (Land and Housing Rights Work Group, 2009; LICADHO, 2009). According to local human rights organizations, while a land entitlement system and land rights exist in theory, laws are not sufficiently enforced in practice and the court system is abused to eliminate activists and evictees who speak up (Land and Housing Rights Work Group, 2009; LICADHO, 2009). In 2005, the UN Special Rapporteur on

Housing Rights, Miloon Kothari found ‘a frenzy now across the country by the rich and powerful in Cambodia to acquire land’ (LICADHO, 2009, p. 3; BBC, 2005). David Pred, the country director of the NGO Bridges Across Borders went even further in stating ‘Excluding Burma, Cambodia has the most abusive record of forced evictions in the region’ (Asia Sintel, 2008). Additionally, the Cambodian government made global headlines through a fallout with the World Bank over eviction of ten thousand residents from the Boeung Kak Lake settlement, a former large lake in the centre of Phnom Penh, which was completely filled in with sand by a firm called Shukaku Inc for the purpose of building residential and commercial buildings (BBC, News 14.08.2011, The Guardian, 29.03.2011). Shukaku Inc. is owned by Lao Meng Khin, a senator for the ruling Cambodian People’s Party (CPP), and a Chinese group called Erdos Hongjun Investment Corporation (The Economist, 27.06.2012). The World Bank had supported a land-titling programme for Boeng Kak Lake residents, but the government completely disregarded the titles when it granted the concession (World Bank Inspection Panel, 2011). Not only do reoccurring headlines in the media indicate that the situation is worsening, but national as well as international human rights groups claim that there has been a rampant increase in evictions (Land and Housing Working group Cambodia, 2009; OHCHR, 2007).

The right to own property in industrial countries is often seen not only as a fundamental human right but also as an essential institution, which lies at the very core of a functioning society. Once someone has acquired a piece of land, other members of society

* Corresponding author. Tel.: +32 09 264 46 95; fax: +32 09 264 49 85.

E-mail address: hossein.azadi@ugent.be (H. Azadi).

¹ The word “land grab” is often associated with a neo-colonial apprehension of land in developing countries by rich nations in the wake of rising food prices and a race to secure land for agricultural purposes (Robertson and Pinstrup-Andersen, 2010).

(including government officials) are excluded from its use – a principle that is seldom questioned. The inviolability and reliability of property rights are often taken for granted. However, in other parts of the world such as Cambodia, property rights in general and land rights in particular are often not protected by a reliable legal structure, as will be laid out in the following sections. Evictions are a real threat to many families and have increasingly become so in recent years.

Land concessions and connected evictions are often justified by the argument that the commercial use of land will generate larger returns than subsistence farming and create more employment opportunities (Supreme National Economic Council, 2007). The underlying assumption of the Cambodian government is that Cambodia, as a post-conflict society in need of investment influx, should prioritize economic development over human rights. The perspective that “grabbed” lands may be used to attract capital into the country is appealing to many. This paper will investigate whether industrial or agricultural development projects realized through the infamous concessions contribute to Cambodia’s socio-economic development. It will be argued that, ultimately, this question is connected to the debate of growth versus distribution development strategies (Bourguignon, 2004) a debate which focuses on the question of whether equitable distribution of wealth is an essential component of sustainable development. Hence, this paper aims to investigate the relationship between inequality, evidenced by land grabs, and economic growth. After an analysis of generally relevant literature on the question of growth vs. distribution strategies, the relationship between land rights and economic growth in Cambodia will be scrutinized. Thus, the focus of this analysis is not on the evictions as human rights violations as such but on the effects they have on the Cambodian development process. The paper therefore aims to answer the following questions: What are the implications of the increasing number of Cambodian evictions for the country’s development? Would stronger land rights lead to higher socio-economic development?

To answer the above questions, firstly, a summary of Cambodia’s socio-economic development context is provided. A brief historical account and an outline of the land rights situation subsequently aim to provide a comprehensive background for the following core discussion. Next, an investigation of the role and the importance of land rights in development theory provide the necessary theoretical framework for the analysis. Finally, the Cambodian “land grab” and its implications for development theory are analyzed, followed by a conclusion in which issues for further research and recommendations for actions are formulated.

Cambodia’s socio-economic development and land rights situation

On April 17, 1975, the Khmer Rouge, a Neo-Maoist rebel-group, invaded Cambodia’s capital Phnom Penh and evacuated the whole city. This day marked the beginning of a reign of terror, which lasted more than three years. The Khmer Rouge wanted to transform Cambodia into a rural, classless society. Thus, they abolished money, free markets, educational facilities, private property, religious practices, and any manifestation of traditional culture (Cambodia Tribunal Monitor, 2009). The legal and institutional framework previously set up by the French colonial administration was completely destroyed as private ownership was rejected by the new regime (Engvall and Kokko, 2007). Intellectuals and dissidents were executed as the Khmer Rouge saw them as obstacles to a simple, agrarian lifestyle. Estimates vary, but at least 1.5 million Cambodians died from execution, hardship, or starvation during the regime (Cambodia Tribunal Monitor, 2009). In 1979, a Vietnamese invasion drove the Khmer Rouge into the countryside. A

10-year Vietnamese occupation that entailed the re-establishment of collective ownership of land and 13 years of civil war followed (Cambodia Tribunal Monitor, 2009). Finally, the UN-sponsored elections in 1993 and the establishment of the United Nations Transitional Authority in Cambodia (UNCTAD) helped to restore some political stability. The remaining elements of the Khmer Rouge finally surrendered in early 1999 (World Factbook, 2012).

Despite being a conflict-struck and traumatized nation, Cambodia has seen considerable economic growth in recent years. Exports have risen, infrastructure has improved and poverty has decreased (Asian Development Bank Cambodia, Factsheet December, 2011). From 2004 to 2007, the economy grew about 10% per year, driven largely by an expansion in the garment, and tourism sectors (World Factbook, 2012). However, the annual economic growth decreased after 2007 to approximately 6% as the global financial crisis weakened demand for many Cambodian commodities, and construction declined due to a shortage of credit. Moreover, Cambodia faces a unique challenge of a demographic imbalance with more than 50% of the population being less than 25 years old, and lacking in education and productive skills (World Factbook, 2012). Unfortunately, the economic growth of recent years does not benefit all segments of the population as inequality is gradually increasing. According to the World Food Atlas (2006), the Gini coefficient has risen from 0.35 in 1993/1994 to 0.42 in 2004 (World Food Atlas, 2006). Additionally, there is an increased concentration of underdevelopment in the countryside. More than 90% of Cambodia’s poor live in rural areas (World Bank, 2006). Approximately 80% of the labour force is involved in the agricultural sector whereas about 60% is engaged in subsistence farming. Growth has been largely driven by the garment, tourism and construction sectors, located in the urban areas, while agricultural growth has been rather modest (World Food Security Atlas, 2006). One can, thus, speak of an urban growth bias since Cambodia’s economic growth has been largely an urban phenomenon with the primary drivers of growth having only few linkages with the majority of the population who still live in rural areas and depend on subsistence farming and agriculture (World Food Security Atlas, 2006).

Besides its economic problems, Cambodia is also known for its poor human rights record. Press freedom, freedom of expression and the rule of law are not in line with international standards (Human Rights Watch, 2012). In addition, according to Transparency International (2012), its corruption index lies at 2.1 out of 10, ranking 164 out of 183 countries. Corruption can be the source of many problems evident in Cambodia such as a weak court system, increasing inequality, abuse of power and lack of public participation.

Land rights in Cambodia

In order to understand the situation of land rights in Cambodia, one must take into account its unique history. Land rights (and human rights for that matter) are by no means long-established institutions. Even though an institutional framework was in place during colonial times, under the Khmer Rouge regime, property rights were non-existent. The effect that the Khmer Rouge regime has had on the land rights system and still has today should not be underestimated. Some former senior Khmer Rouge officials are now members of provincial governments responsible for land policy management, including continued responsibility for land allocation (Pilgrim et al., 2012). After the end of the Khmer Rouge regime, some 200,000 people who had followed the Khmer Rouge to the northwest were expelled or fled to refugee camps across the border in Thailand or went to camps and villages along the Cambodian side of the border to areas under Khmer Rouge administration. These people often returned to face landlessness or to dispossession at

Download English Version:

<https://daneshyari.com/en/article/6548841>

Download Persian Version:

<https://daneshyari.com/article/6548841>

[Daneshyari.com](https://daneshyari.com)