

## CASE STUDY

Cambodia, Indonesia, Philippines

# 16

## Expanding the Dialogue on Large-Scale Land Acquisition and its Alternatives

This case study highlights the process used by the Asian Farmers Association (AFA) to better involve grassroots organisations from three Asian countries in national, regional and international dialogues on large-scale land acquisitions (LSLAs). The project was implemented in Cambodia, Indonesia, and the Philippines between 2011 and 2018. AFA works to improve and facilitate the involvement of Farmers' Organisations (FOs) in multi-stakeholder dialogues on agricultural land investments. Through their work, AFA capacitates FOs to engage with governments and land investors, and to better articulate their rights and interest in national, regional and international dialogue spaces. As a result, participating Farmers' Organisations have facilitated and influenced the rescission of unfavourable economic land concessions.

### PRINCIPAL ORGANISATIONS INVOLVED

Asian Farmers' Association for Sustainable Rural Development (AFA - Philippines)  
API (Aliansi Petani Indonesia - Indonesia)  
FNN (Farmer and Nature Net - Cambodia)  
PAKISAMA (Philippines)  
ANGOC (Asian NGO Coalition for Agrarian Reform and Rural Development - Philippines)

### LOCATION

Cambodia, Indonesia, Philippines

### TIMELINE

2010 – present

### TARGET AUDIENCE

Civil society organisations, policy makers, government ministries

### KEYWORDS

Advocacy, governance, policies and laws, land rights, grassroots organisations, social movements

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## GOOD PRACTICES

Towards making land governance more people-centred

This case study is part of the ILC's Database of Good Practices, an initiative that documents and systematises ILC members and partners' experience in promoting **people-centred land governance**, as defined in the Antigua Declaration of the ILC Assembly of Members. Further information at [www.landcoalition.org/what-we-do](http://www.landcoalition.org/what-we-do)

This case study supports people-centred land governance as it contributes to:

- Commitment 1** Secure tenure rights
- Commitment 6** Locally managed ecosystems
- Commitment 7** Inclusive decision-making
- Commitment 9** Effective actions against land grabbing

# Case description

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## Background issues

Large-scale land acquisitions (LSLAs) and investments are rapidly increasing around the world, including in Asia. Land grabbing is at the top of contemporary global governance agendas such as the G8 and G20 summits. Due to the pace and scale of LSLAs, important questions around land rights, food security, and development have been raised (Margulis et al., 2013; White et al., 2012). In 2010, the World Bank reported that the top two countries for land grabbing in East Asia and the Pacific region were Indonesia and the Philippines (AFA, 2012; Deiniger, 2010). In Indonesia, 3.6 million of its 50 million hectare agricultural land has been subjected to LSLAs. There are 1,753 cases of land conflict, covering 10,892,203 hectares in 2,834 villages, and affecting 1,189,482 households across Indonesia. In the Philippines, 3.1 million hectares out of its 14.1 million hectares of agricultural land have been identified as grabbed land (AFA, 2012). In Cambodia, there are 61 large-scale land concessions, covering an area of 958,000 hectares. This estimate does not include smaller and undocumented land acquisitions (Borras and Franco, 2011).

The growing interest in land in the global south is manifold; it is a result of global transformations and changing demographics, consumer demands and expectations, tourism, conservation, and extractive industries. In Southeast Asia, the increasing land deals are mainly due to the rising global interest in biofuels. Land grabbing is known for its association with dispossession, violence, and social exclusion. Farmers are being displaced by these investments on agricultural lands by governments, foreign companies, and local elites. Their agricultural lands are being transformed into export processing zones, industries, or commercial plantations for bio-fuel and export crops. Even with rising discontent, peasants often lack the capacity to influence policies and negotiate with policymakers.

In Cambodia, the Philippines and Indonesia there are numerous examples of rampant LSLAs taking place against the knowledge and consent of farmers.

### **Cambodia**

In the village of La Peang in Kampong Chhnang Province, Central Cambodia, families had been living peacefully and farming their land. In 1996, KDC International Company began acquiring village land for development. Initially, the villagers did not want to sell, but under increasing pressure from KDC, they began to sell small portions of their land. Eventually, KDC owned a lot of land in the village and began to prohibit the villagers from inhabiting or farming the entirety of their land. They received small compensation, even though they had never agreed or given written consent to sell their land. With consent from the government, KDC acquired large amounts of land from the villagers. As a result of land loss, the villagers lodged a class action law suit against KDC.

With no land to survive on, many landless villagers are forced to cross the border into Thailand and become illegal labourers to earn a living. Landlessness has resulted in the dismantling and scattering of the community.

### **The Philippines**

The Islands of Caluya, in the Province of Antique, Philippines, are a group of six islands that are the country's largest seaweed producers. The Philippines accounts for about 70% of the world's total seaweed production. One of the islands in Caluya, Semirara, is home to the largest coal mining company in South East Asia, Semirara Coal Mining Company. While coal mining dominates the economy of Semirara, the main livelihood activity on the other islands is seaweed cultivation carried out by smallholder farmers. The farmers' livelihoods are being threatened by large-scale tourism and expansion of coal mining pursued by local elites and supported by the local government. The affected communities are not being consulted and their lack of knowledge of their legal rights is being taken advantage of to displace them. As a result of pressure to increase investment in tourism, homes are being demolished and people forcibly removed from their land, resulting in inter-community fights for access to and ownership of seaweed farms.

### **Indonesia**

In Senyerang, Jambi Province, Indonesia, communities had been cultivating betel nut and coconut on their land since the late 1920s. In 1990, the Governor of Jambi issued a decree, selling the land for hybrid coconut and cocoa plantations. PT WKS, a subsidiary of Sinar Mas Group, one of the largest conglomerates in Indonesia, took over 7,234 hectares of land in 2001, claiming that they were granted the concession. Within the same year, the district government of Tanjung Jabung Barat issued regulations changing the status of the land from "Other Use to Forest Production" to "Industrial Plantation Forest". The change in status of land and land seizure disrupted the life of the villagers who had been growing various agricultural products such as coffee, banana, coconut, cassava, and other food crops. The company also used the police force and paramilitary to evict the community off the land.

## Solution

It was apparent that local and indigenous peoples' organisations lacked capacity to articulate their view on land grabbing. To remedy this, representatives of three regional farmers' organizations represented farmers on an international forum in June 2010. The regional FOs were: COPROFAM from Latin America, ROPPA from West Africa and AFA from Asia.

In Asia, AFA continued to work with their members to:

- Take stock of agricultural land investments, and their potential or realized impact on small-scale farmers in Indonesia, Philippines and Cambodia;
- Increase awareness about large-scale land acquisitions by inter-governmental agencies and private businesses, and their proposed initiatives;
- Develop policy and program proposals on large-scale agricultural land investments which were articulated in national, regional and international processes; and
- Provide a space for dialogue between and among key stakeholders (government, businesses, NGOs, FOs, academia/research institutes).

AFA and its partners increased engagement of primary stakeholders, particularly producer organizations, in debates on land-related investments. They also involved other stakeholders in the debates, resulting in better articulation of challenges faced by all relevant stakeholders. As such, the full dynamics of large scale land investments came to the forefront and were addressed in an all-inclusive manner.

## Activities

The activities were carried out by AFA from May 2011 to August 2012. The project was implemented according to the following phases:

### Start-up and preliminary research: May - July 2011

AFA Secretariat conducted project orientation meetings with key leaders and staff of Aliansi Petani Indonesia (API), Farmer and Nature Net (FNN) from Cambodia and PAKISAMA from Philippines. Each of these three member organizations committed to conducting Focus Group Discussions (FGDs), national consultations, delivering three case studies and a paper highlighting land rights issues in their countries. Partnership agreements and terms of reference were drawn up and signed between AFA and each member organization. AFA also hired a regional researcher whose primary task was to guide the members in their research activities and write a consolidated research report. The regional researcher prepared templates for the case studies and the national papers.

### Mapping and Focus Group Discussions: August - October 2011

Each participating AFA member selected three cases on agri-land investment issues that their communities were facing, totaling nine case studies. Subsequently, the participating members held FGDs for each of the case studies, with 15 farmer participants per case. The members conducted interviews, focus group discussions, and national consultations for primary data collection and desk-reviews for secondary

information. An average of five interviews with men and women FO leaders, government officials, and other stakeholders; three FGDs; and one national consultation with an average of 20 participants were held in each country. In Cambodia participatory rural appraisal (PRA) and community mapping were used for community planning and identification of the communities' development priorities.

The chosen cases were:

#### **API/Indonesia**

- 1) Hybrid coconut and cocoa plantations in Senyerang, Jambi Province, involving 1,600 households;
- 2) The Trans Java Highway Project in Jombang Regency, East Java;
- 3) A palm oil plantation in Sarapat Village, Kalimantan Province.

#### **FNN/Cambodia**

- 1) An agricultural plantation by KDC, at La Peang, Ta Ches, Kampong Chhnang, covering 522 hectares, and affecting 108 families;
- 2) An agricultural company in Trapang Phlang and Taken Communes, Koh Sla Region, Kampot Province, covering 9,800 hectares, and affecting 2,000 families; and
- 3) A shoe factory in Bati District, Takeo Province, covering 50 hectares in 4 villages.

#### **PAKISAMA/Philippines**

- 1) Tourism development in Imba Village, Caluya Municipality, Antique Province, covering 44 hectares, and affecting 300 households;
- 2) A biofuel project in Tudela Municipality, Misamis Occidental Province, covering 36,000-45,000 hectares, and affecting 4,000 households; and
- 3) The Aurora Pacific Economic Zone and Free Port (APECO project) in Casiguran, Aurora Province, covering 13,000 hectares, affecting 6,169 farmers and 726 families from an indigenous community.

#### *National Consultation: September - November 2011*

During national consultations, the results of the FGDs conducted in each country were discussed. Furthermore, the implementing members held analyses of national laws regulating land rights and orientations on FAO's Voluntary Guidelines on the Responsible Governance of Tenure and the Principles for Responsible Agricultural Investment (VGGTs). National consultations created an opportunity for farmers and their organisations to brainstorm about the way forward. The presence of government officials further strengthened stakeholder-dialogue about large scale land investments.

#### *Regional Consultation: June 2011 (ANGOC)/ November 2011 (AFA)*

The Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) held a regional consultation in June 2011 in Bangkok and invited AFA and API, its member in Indonesia. This regional consultation was an opportunity for AFA and API to learn more about the effects of large scale land investments, strengthen their NGO network, and discuss implementation plans.

In November 2011, AFA, with the support of Agritierra, a partner organization, undertook a regional consultation process in Siem Reap and compiled a report entitled "*Hot Issues Confronting Asian Farmers: Land, Unstable Food Prices, Financing for Adaptation to Climate Change*". They presented the initial findings of the FGDs and national consultations. Other AFA members from Thailand, Nepal, Bangladesh, Japan, South Korea and Taiwan also shared their struggles and initiatives on land rights issues. As such, the data collected from the regional consultation became a key source and reference point in the finalisation of AFA's issue paper on large-scale land investments.

#### Issue Paper: February - September 2012

AFA published an issue paper in March 2012. One thousand copies were printed, with 500 disseminated in international conferences, including FAO's Asia Pacific Regional Conference (APRC) (March 2012); the Global Conference on Women in Agriculture (March 2012); and Rio+20 (June 2012).

The participating organisations translated the issue paper into local languages for distribution in communities and local publications.

#### National Papers: December 2011- May 2012

AFA members in the three countries, with inputs from AFA Secretariat, wrote national papers analyzing land laws and their implications for the land rights of farmers. The drafts were edited and finalized by the regional researcher.

#### Regional/Consolidated Paper: March - May 2012

A consolidated research paper was finalized in April 2012, based on the national papers submitted by AFA members and the regional consultation. The final draft was completed in May 2012.

#### Video on Land Rights: April - August 2012

AFA members recorded video footage during the FGDs and national consultations. AFA hired video editors to produce short (1-2 minutes) video summaries of each of the local cases in Cambodia and the Philippines, and a 12-minute video production highlighting the local cases and the perspectives of the farmers.

## Importance of the case for people-centred land governance

This case is an important example of people-centred land governance. Through this case, AFA members were able to:

- Increase community awareness of their land and natural resource rights;
- Empower local communities to participate in discussions and negotiations at national, regional and international levels; and
- Collaborate and share knowledge with other stakeholders.

The inclusive and multi-stakeholder nature of this collaboration is essential for sustainability of initiatives that protect farmers from the negative effects of large-scale land investments. All stakeholders are represented, and their interests are fully

articulated and considered. As such, national, regional and international policy responses can be tailored to address all interests.

# Changes

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## Baseline

Before the implementation of this project, the involvement of peasants and FOs in national and global discussions related to land investment was low. There was limited space for civil society to participate in land governance. Moreover, peasants and landless people knew very little about their rights to land and natural resources, and there was a lack of collaboration and knowledge-sharing among stakeholders within each country and the Asian region more broadly.

## Achievements

As a result of AFA's activities, primary stakeholders and producer organizations in Asia are more involved in debates on land-related investments. In national, regional and international arenas, there are more policy dialogues on agricultural land investments; better articulation of policy positions, and better representation of FOs and local farming communities.

Furthermore, the work of AFA has a positive impact on all AFA members (12 organizations across 10 countries). The network is stronger and members have increased their knowledge about the challenges and work of every member of the network. This has strengthened solidarity and has given the members a platform to develop national and regional strategies, and has strengthened inclusive decision making.

The trainings on FAO's VGGT have strengthened the capacity of AFA members to engage with national governments on their duties and responsibilities towards small scale farmers. As a result, AFA members are better able to support local farmers in securing their land rights. In Cambodia, FNN used the VGGT training session to conduct legal orientation and to develop a national strategy. As a result, the trained members are able to represent the interests of small-scale farmers at community and district levels.

AFA's issue paper titled "*Land Grabs or Large-Scale Land Investments? Protecting Farmers' Rights to Land*" has contributed to regional and international discourse on large scale land investments. The paper was presented at the following international conferences:

- FAO consultation meeting on the implementation of the VGGT, held in Bangkok in January 2012;
- Panel session of the World Economic Forum on East Asia: Shaping the Region's Future Through Connectivity, titled "*Planting Seeds for a Sustainable Future*", held in Bangkok on 31 May 2012;

- Rio+20 Sustainability Dialogues, where AFA was invited to speak on Food and Nutrition Security.

## Evidence

Issue paper entitled “Land Grabs or Large-Scale Land Investments? Protecting Farmers’ Rights to Land”- <http://asianfarmers.org/land-grabs-or-large-scale-land-investments-protecting-farmers-rights-to-land/>

# Lessons learned

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## Lessons for civil society

Secure land tenure lies at the core of people centred land governance. Without land tenure security, small-scale farmers may suffer displacement and eviction at the hands of large-scale land investors.

As a starting point, community organisation and partnership with other actors in the field are essential. Partnerships form solid bases for better coordinated efforts. All involved CSOs and NGOs must develop an integrated plan for evaluating agricultural investments in their communities. This ensures benefits for farmers and suitable land investors.

Scattered small-scale farmers are vulnerable to pressure from large-scale investors and are likely to enter into disadvantageous contracts. To alleviate this risk, farmers must be part of a network of CSO, FOs and NGOs working to protect small-scale farmers in the wake of LSLAs. A network of land rights organisations signals to potential investors that farmers have the capacity to negotiate mutually beneficial land deals.

## Lessons for policy makers

Policymakers must create an enabling environment for multi-stakeholder participation in the design, implementation and evaluation of large-scale land deals. This strengthens the voices of local farmers in the use of their land and natural resources and ensures mutually beneficial land investments.

The government has obligations to protect the land rights of local farmers. As such, government must be given a platform to partner with local farmers and CSOs in order to assist in negotiations with investors.

## Challenges

It was difficult to organise an event bringing together the AFA Secretariat and members from various countries. As a result, AFA held separate project orientation sessions with all participating members.

## Follow-up

In 2014, AFA became the regional focal point (RFP) for the Land Matrix Initiative in Asia. The Land Matrix Initiative is a global network with a database for monitoring LSLAs. The main work of AFA as the RFP is to coordinate data collection, facilitate regional networking, conduct research and manage communication of all Land Matrix activities in Asia. To further the reach of the Land Matrix in the region, the Environment and Development Center (JASIL- Mongolia) has become the sub-regional data unit for Central Asia.

AFA has successfully established the regional data unit which covers six countries (Philippines, Cambodia, Indonesia, Thailand, Nepal and Bangladesh). The regional team, including volunteer data contributors, were all oriented and trained on the work of the Land Matrix and their approach to LSLAs. The country data coordinators and data volunteers identified LSLAs in their countries and assisted in the validation of all existing data in the Land Matrix's database.

AFA has further promoted the LSLA case studies of its members in Land Matrix initiatives in Asia. The case studies have been designed into posters and have been presented at different forums and events, including:

- The 2014 ILC Asia Land Forum on held in Gujarat, India;
- The 2015 ILC Global Land Forum and AOM held in Dakar, Senegal;
- ILC Asia Regional Assembly and Knowledge Exchange held between 5 and 8 October 2015 in Chiang Mai, Thailand;
- The Regional Sharing Session on Farmers in Forested Landscapes and VGGT held between 2 and 5 August 2015 in Yangon, Myanmar;
- The 2015 and 2016 Mekong Regional Land Governance Workshops held in Vientiane, Laos; and
- At a Plenary on Just, Inclusive and Sustainable Development held on 14 May 2015.

AFA has continued to support engagements and campaigns of participating member organisations (PAKISAMA in the Philippines; FFN in Cambodia and API in Indonesia). The national campaigns are yielding results as seen through the moratorium on approval of Economic Land concessions (ELCs) in Cambodia. A government official participating in the 2017 MRLG Regional Workshop on Responsible Agricultural Investments acknowledged the contributions of the different campaigns and papers on ELCs in Cambodia and their contribution to the Government's decision to rescind the ELCs. Furthermore, the Caluya (Philippines) case was presented at the World Bank Poverty Conference in March 2018.

AFA continues to support local farmers, oftentimes, against elite and influential members of society. AFA continues to sensitise farmers about their land rights; and capacitate them on negotiation, network-building and knowledge sharing. AFA also supports members of their network to publicise their work on regional and international platforms.

# Supporting material

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## References and further reading (Heading 5)

AFA (Asian Farmers' Association) (2012) *'Land grabs or large scale land investments? Protecting farmers' rights to land.'* AFA issue paper Vol.4 (1).

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## Photos, videos

A 12 minute video production on farmers' voices on agri-land investments features the cases in Cambodia and Philippines

<http://www.youtube.com/playlist?list=PLB3DF0CA760DC8DA0&feature=plcp>

## Contacts

### AFA (Asian Farmers Association)

Rm 206, Partnership Center, 59C, Salvador Street, Loyola Heights, Quezon City 1108,  
Philippines

Tel.: +632 436-4640

Email: [afa@asianfarmers.org](mailto:afa@asianfarmers.org)

Web: [www.asianfarmers.org](http://www.asianfarmers.org)



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**ILC** is a global alliance of civil society and intergovernmental organisations working together to put people at the centre of land governance. The shared goal of ILC's 207 members is to realise land governance for and with people at country level, responding to the needs and protecting the rights of women, men and communities who live on and from the land.

Authors: Carmina Flores-Obanil (AFA), Amira Kheir (ILC Secretariat) and Wan Ki Meanna Yeung (Sheffield University)

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## INTERNATIONAL LAND COALITION SECRETARIAT

c/o IFAD, Via Paolo di Dono 44 , 00142 - Rome, Italy tel. +39 06 5459 2445 fax +39 06 5459 3445  
[info@landcoalition.org](mailto:info@landcoalition.org) | [www.landcoalition.org](http://www.landcoalition.org)